



**Ohio Board of Speech-Language Pathology & Audiology
77 South High Street, 16th Floor
Columbus, OH 43215**

Board Meeting Minutes of Thursday, January 19, 2012

The Regular Business Meeting was called to order at 9:30 A.M. by Chairperson, Helene Levenfus, Au.D., held at Vern Riffe Center for Government, 77 South High St., 31st Floor-Board Room, Columbus, OH 43215.

Board Members Present:

Helene Levenfus, Au.D., Audiology Board Member and Chairperson
Amy Thorpe, M.Ed., Speech-Language Pathology Board Member and Vice Chairperson
Loretta Embry, M.A., Speech-Language Pathology Board Member
Patricia Leppla, M.A., Speech-Language Pathology Board Member
Karen Mitchell, Au.D., Audiology Board Member
Malcolm Porter, Public Member
Elizabeth Tracy, Public Member

Also Present:

Gregg B. Thornton, Executive Director
Darlene Young, Administrative Assistant
Connie J. Stansberry, Investigator
Melissa L. Wilburn, Assistant Attorney General

OPEN FORUM FOR PUBLIC AND PROFESSIONAL ORGANIZATIONS

There were no comments.

AGENDA

The agenda for the January 19, 2012, regular board meeting was presented and reviewed. The following amendments were made: the Board will enter into executive session after approval of the minutes.

Motion #1

Ms. Embry moved to accept the agenda as amended. Dr. Mitchell seconded the motion. The motion passed unanimously.

MINUTES

The minutes of the December 2, 2011 board meeting were reviewed.

Motion #2

Ms. Thorpe moved to accept the minutes of the December 2, 2011 board meeting. Ms. Leppla seconded the motion. The motion passed unanimously.

EXECUTIVE SESSION

Motion #3

Ms. Tracy moved to enter Executive Session for the purpose of considering the appointment, employment, dismissal, promotion, demotion or compensation of a public employee pursuant to Section 121.22(G)(1) of the Ohio Revised Code. Dr. Mitchell seconded the motion, which passed by roll call vote as follows:

Dr. Levenfus: yes; Ms. Embry: yes; Ms. Leppla: yes; Dr. Mitchell: yes; Mr. Porter: yes; Ms. Thorpe: yes; Ms. Tracy: yes.

The Board went into Executive Session at 9:40 a.m.

The Board returned to Public Session at 9:55 a.m.

CHAIRPERSON'S COMMENTS

Dr. Levenfus extended a warm welcome to everyone in attendance at the meeting. She thanked the board members and staff for their input during the strategic planning meeting yesterday.

EXECUTIVE DIRECTOR'S REPORT

Mr. Thornton submitted a written report of significant activities occurring since the last Board meeting. He provided updates regarding:

- Significant meetings, presentations, and events;
- The Board's year-to-date revenue and expenditures for FY2012. Mr. Thornton stated that he will be submitting revenue projections to the Office of Budget and Management next week. He will have an update on the increase of the license renewal fee at the March board meeting;
- The number of license verification letters issued since the last meeting;
- Significant legislation;
- Personnel matters;
- That the winter quarter eNewsletter will be distributed in early February;
- The progress of the Internet Sales Workgroup regarding the sale of hearing aids via the Internet;
- The status of the Medicaid Billing issue for conditional license holders;
- The status of the audit being conducted by the State Auditor's Office.

ETHICS TRAINING

Pursuant to Governor Kasich's Executive Order 2011-03K the board members and staff held an ethics training session, facilitated by Mr. Thornton and Assistant Attorney General Wilburn.

ASSISTANT ATTORNEY GENERAL'S REPORT**EXECUTIVE SESSION****Motion #4**

Dr. Mitchell moved to enter Executive Session for the purpose of discussing issues with the Attorney General's Representative on matters of pending or imminent court action pursuant to R.C. §121.22.(G)(3), and which requires that such matters be kept confidential under R.C. §149.43.(A)(2). Ms. Embry seconded the motion, which passed by roll call vote as follows: Dr. Levenfus: yes; Ms. Embry: yes; Ms. Leppla: yes; Dr. Mitchell: yes; Mr. Porter: yes; Ms. Thorpe: yes; Ms. Tracy: yes.

The Board went into Executive Session at 11:15 a.m. and invited Board staff to remain in attendance.

The Board returned to Public Session at 12:00 p.m.

The Board recessed for lunch at 12:05 p.m. and returned to Public Session at 1:30 p.m.

BOARD BUSINESS

- A. United Healthcare: Online Hearing Tests and Sale of Hearing Aids/Hearing Devices via the Internet

Mr. Thornton reported the Board posted to its website an important notice to Ohio consumers with hearing loss, including those who are receiving or intending to receive hearing aids. In the public notice, the Board stressed the importance for seeing an audiologist if Ohio consumers have concerns about hearing loss. An audiologist will take a case history, visually inspect, examine, and diagnose for hearing impairments, conduct hearing tests, recommend a hearing aid, or determine if consumers should be seen by a medical specialist.

The notice continues with the Board noting the increasing availability of options for purchasing hearing aids. These include using online hearing tests and purchasing hearing aids online. While consumers may be tempted to buy a hearing aid using the internet, or take an online hearing test using a computer, it is not in their best health interest. In Ohio, only qualified health professionals, such as a licensed audiologist, can test hearing and recommend and fit a hearing instrument.

The full text of this consumer notice can be viewed at: <http://slpaud.ohio.gov/pdfs/Letter-Consumer.pdf>

The Board will continue to monitor this issue and consider other appropriate action after conferring with its Assistant Attorney General.

INVESTIGATIONS

A. Executive Session

Motion #5

Ms. Thorpe moved to enter Executive Session for the purpose of discussing proposed disciplinary action against licensees, involving pending or imminent court action under R.C. §121.22.(G)(3), and which requires that such matters be kept confidential under R.C. §149.43.(A)(2). Ms. Embry seconded the motion, which passed by roll call vote as follows: Dr. Levenfus: yes; Ms. Embry: yes; Ms. Leppla: yes; Dr. Mitchell: yes; Mr. Porter: yes; Ms. Thorpe: yes; Ms. Tracy: yes.

The Board went into Executive Session at 1:34 p.m. and invited the Board staff to remain in attendance, along with Assistant Attorney General Melissa L. Wilburn, Esq.

The Board returned to Public Session at 1:40 p.m.

B. Board Actions

2012-09

This case involves a speech-language pathologist who was issued a 2010 Continuing Education Audit Notice for renewing late for the 2011-2012 licensure period. She complied with the continuing education portion of the audit; however, practiced for 24 days of the 38 days her license was expired. The Respondent obtained licensure in June of 2009. At the December 2, 2011 board meeting, the Board accepted the Investigative Review Group's (IRG) recommendation to offer a Consent Agreement with the following terms and conditions: *Due to this being the Respondent's first offense, and for violating Ohio Revised Code (ORC) section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Suspend for 38 days, staying half, commencing on designated days off.*
- *Complete 5 continuing education hours in the area of ethics and 5 hours in the area of documentation and record keeping.*
- *Submit proof of the 10 hours 60 days from the date the Board approves the Consent Agreement.*
- *Audit for continuing education hours for the next two renewal cycles.*

The Respondent agreed to the above-terms and signed the Consent Agreement. Accordingly the IRG recommends the Board accept the Consent Agreement and close the case.

Motion #6

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2012-09. Ms. Leppla seconded the motion. The motion passed uncontested. Dr. Levenfus abstained. Dr. Mitchell abstained.

2012-13

This case involves a speech-language pathologist who was issued a 2010 Continuing Education Audit Notice for renewing late for the 2011-2012 licensure period. She complied with the continuing education portion of the audit; however, practiced for 48 days of the 72 days her license was expired. She resigned from her employer in August of 2011 and currently resides in another state. The Respondent obtained Ohio licensure in July of 2004. At the December 2, 2011 board meeting, the Board accepted the IRG's recommendation to offer a Consent Agreement with the following terms and conditions:

Due to this being the Respondent's first offense, and for violating ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:

- *Suspend for 72 days, staying half, commencing on consecutive days based on the Respondent residing in another state.*
- *Complete 5 continuing education hours in the area of ethics and 5 hours in the area of documentation and record keeping.*
- *Submit proof of the 10 hours 60 days from the date the Board approves the Consent Agreement.*
- *Audit for continuing education hours for the next two renewal cycles.*

The Respondent agreed to the above-terms and signed the Consent Agreement. Accordingly the IRG recommends the Board accept the Consent Agreement and close the case.

Motion #7

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2012-13. Ms. Thorpe seconded the motion. The motion passed uncontested. Dr. Levenfus abstained. Dr. Mitchell abstained.

2012-34

This case involves a speech-language pathologist who submitted her Supervised Professional Experience Report (Report) and Supervision Contacts Log (Log) late by 70 days after completing her supervised professional experience. She said poor organization on her behalf prevented her from submitting her paperwork on time. She obtained speech-language pathology licensure in October of 2011. At the December 2, 2011 board meeting, the Board accepted the IRG's recommendation to offer a Consent Agreement with the following terms and conditions:

Due to this being the Respondent's first offense, and for violating Ohio Administrative Code (OAC) section 4753-3-07(G)(1)(a), offer a Consent Agreement based on the following terms and conditions:

- *Complete 10 continuing education hours in the area of documentation and record keeping due 90 days from the date the Board approves the Consent Agreement.*

The Respondent agreed to the above-terms and signed the Consent Agreement. Accordingly the IRG recommends the Board accept the Consent Agreement and close the case.

Motion #8

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2012-34. Ms. Leppla seconded the motion. The motion passed uncontested. Dr. Levenfus abstained. Dr. Mitchell abstained.

2012-66

This case involves a speech-language pathologist who was issued a 2010 Continuing Education Audit Notice for renewing late for the 2011-2012 licensure period. She complied with the continuing education portion of the audit; however, practiced with an expired license, for 7 of the 39 days her license was expired (3 full days and 4 half days). She obtained speech-language pathology licensure in June of 1994. At the December 2, 2011 board meeting, the Board accepted the IRG's recommendation to offer a Consent Agreement with the following terms and conditions:

Due to this being the Respondent's first offense, and for violating ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:

- *Suspend for 39 days, staying half, commencing on designated days off.*
- *Complete 5 continuing education hours in the area of ethics and 5 hours in the area of documentation and record keeping.*
- *Submit proof of the 10 hours 60 days from the date the Board approves the Consent Agreement.*
- *Audit for continuing education hours for the next two renewal cycles.*

The Respondent agreed to the above-terms and signed the Consent Agreement. Accordingly the IRG recommends the Board accept the Consent Agreement and close the case.

Motion #9

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2012-66. Ms. Thorpe seconded the motion. The motion passed uncontested. Dr. Levenfus abstained. Dr. Mitchell abstained.

2012-95

This case involves a conditional speech-language pathologist that was seeking employment when she applied for her conditional license. Her Supervised Professional Experience Plan (Plan) was received at the Board office 114 days after the deadline date of obtaining employment. The Respondent claimed to have faxed and mailed the Plan within the required 30 days, of employment; however she did not have a fax or certified mail receipt to prove this. She also claimed that a staff member e-mailed her asking that she re-fax part of the Plan. She did not have proof of the e-mail as well.

This issue was brought to the Board's attention when she contacted the Board informing that she had changed employment, and supervisors, and wanted to know the requirements for submitting documentation. It was then determined that the Board did not know she was working because they had not received the initial Plan. She was instructed to submit a Plan, along with a Report and Log, which were both received as well as her new Plan for her new employer/supervisor. Her current Plan approved end date is 3/4/2012. Her conditional license will expire on 12/15/2012.

Accordingly the IRG recommends the following:

Due to this being the Respondent's first offense, and for not submitting a Plan within 30 days of employment, submitting the Plan late and for failure to practice according to the Plan, a violation of OAC section 4753-3-07(E)(4)(b)(c)(e), offer a Consent Agreement based on the following terms and conditions:

- Extend the current experience/Plan approved end date by the same number of days the initial Plan was late (114 days).
- Complete 10 education in training hours, in the area of documentation, due 90 days from the date the Board approves the Consent Agreement.
- Complete 10 more education in training hours, in the area of documentation, due 30 days before the conclusion of the new experience/Plan approved end date.
- Once full licensure is obtained, audit for continuing education hours for the 2nd and 3rd renewal cycles.

Motion #10

Ms. Leppla moved to accept the Investigative Review Group's recommendation in case 2012-95. Ms. Embry seconded the motion. The motion passed uncontested. Dr. Levenfus abstained. Dr. Mitchell abstained.

C. Investigative Report – Ms. Stansberry

OPENED	Cases since the last Board Meeting 12/2/2011	3
CLOSED	Cases since the last board meeting 12/2/2011	16
Referrals	Of total open cases	6
TOTAL Open	After Closing Cases Today	14

Of the cases currently open (and after closing any cases today):

Aide changed supervisors but no application filed	0
CE Audit issues	0
Conviction applications	0
Deceased (verified)	0
Denied Refund	0
Billing Issues/Falsified Records	1
Hearing Test/Hearing Aids On-Line	1
Late Plan (or none)	1
Late Report and Log (or none)	2
Late Plan, Report and Log	0
Misleading Advertisement	2
Misrepresentation (Other)	2
No Plan on file	0
Other	1

Public Records Request	0
Re-licensure application CE review	0
Renewal application issue (CE not completed by 12/31/2010)	0
Restoration application review CE	0
Supervision of an Aide termination, did not notify Board	0
Unlicensed Practice	0
Unlicensed Practice due to late renewal/ceu audit	0
Unethical	1
Unprofessional	3

2010 Continuing Education (CE) Audit

The following have been audited for CE for the 2010 licensure period:

	Audited	CE's Received	Reviewed/ Complied
▪ Random AUD, 5%	39	39	38
▪ Random SLP, 5%	246	246	245
▪ Late Rnwls 1/1/11 – 3/8/11 (112)	106	106	106
▪ Consents (17)	15	15	15
▪ Reprimand	1	1	1
▪ Other	2	2	2
▪ Yes to 1 st Renewal	6	6	6
▪ AUD Board Members	3	3	3
▪ SLP Board Members	3	3	3
▪ Late Renewals after 3/8/11	<u>20</u>	<u>17</u>	<u>17</u>
	441	439	436

To date, 99.5% of the 2010 Continuing Education Audits have been reviewed to completeness. 99.3% have complied of those received.

Of the 99.3%:

- 2 late renewal audits are pending. The individuals renewed very late and have until the end of January to comply with the audit.
- 2 random audit licensees surrendered their license vs. comply with the audit.

Of the 112 Late Renewals, 5 were newly licensed and did not have to obtain any CE clock hours and 1 became re-licensed on 2/8/11; therefore the audit completion percentage is based on a total of 106 audits for late renewal applications versus 112.

Of the 17 audits that occurred as a result of a Board Consent Agreement, 2 were newly licensed and did not have to obtain any CE clock hours; therefore the audit completion percentage is based on 15 audits versus 17.

To date, the number of audits that resulted in opening a case: 32

- Number of Warning Letters (WL) issued : 24
 - Summary of 24 WL:
 - 1 random audit surrendered their license and had completed less than 20 CE clock hours during the 2010 licensure period
 - 1 random audit surrendered their license and had completed zero hours during the 2010 licensure period
 - 1 random audit completed zero CE clock hours during the 2010 licensure period
 - 8 random audits completed less than 20 hours during the 2010 licensure period
 - 3 late renewal audits completed zero CE hours during the 2010 licensure period
 - 10 late renewal audits completed less than 20 hours during the 2010 licensure period

Warning Letters were issued to those that completed zero or less than 20 CE clock hours during the 2010 licensure period; however, these licensees completed additional hours in 2011 requesting the Board to accept and consider the hours as applicable towards the 2010 audit. These individuals will be audited for their CE clock hours after the next renewal period.

- Of the 24 WL:
 - Nine licensees who were randomly audited completed less than 20 CE clock hours by 12/31/2010 however attested “Yes” on their 2011-2012 renewal application that they would complete the hours by then. They renewed on these dates:

8/31/10	12/15/10
9/27/10	12/16/10
11/29/10	12/21/10
12/13/10	12/30/10
12/14/10	

- Two licensees who were randomly audited completed zero CE clock hours by 12/31/2010 however attested “Yes” on their 2011-2012 renewal application that they would complete the hours by then. They renewed on these dates:

10/8/10	12/27/10
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- Ten licensees who were audited for late renewal completed less than 20 CE clock hours by 12/31/2010 however attested “Yes” on their 2011-2012 renewal application that they had completed the hours by then. They renewed on these dates:

1/1/11	1/24/11
1/1/11	1/31/11
1/4/11	4/7/11

1/18/11	5/11/11
1/20/11	7/27/11

- Three licensees who were audited for late renewal completed zero CE clock hours by 12/31/2010 however attested “Yes” on their 2011-2012 renewal application that they had completed the hours by then. They renewed on these dates:

1/10/11	3/18/11
1/11/11	

- Number of Consent Agreements (CA) issued: 8
 - Summary of 8 CA:
 - 7 licensees were audited because they renewed late. The CA was issued due to the licensee’s admission to practicing under an expired license.
 - 1 licensee was audited due to a late renewal of their license. Although the licensee did not practice under an expired license, the licensee admitted to attesting on their renewal application that all 20 CE clock hours were completed by 12/31/2010, even though zero hours were completed by then.

2011 BUSINESS FILING:

Staff met early in January 2012 for a ‘Business Filing Kick Off Meeting.’ There was discussion on how the list is generated, removing duplicate businesses from the list and the particular information that state printing will need to generate the letters. A ‘Question and Answer’ document was also created to help staff answer possible questions they might receive once businesses start to receive their letters.

The deadline for businesses that employ speech-language pathologists, speech-language pathology aides, audiologists, audiology aides and/or conditional license holders is March 1, 2012. The 2011 Business Filing Form will also be available on the Board website once state printing mails the letters.

TRANSCRIPTS NOT RECEIVED 90 DAYS AFTER LICENSURE

42 transcripts had not been received within 90 days of licensure. The due dates ranged from 11/13/2011 through 12/14/2011. After submitting letters to the licensees informing them of this, and providing them an additional 2 weeks to have their transcripts submitted to the Board office, directly from their university, all transcripts were received.

Of the 42, 4 licensees were issued a 2nd letter, via certified mail, informing them that if their transcripts were not received 2 weeks from the date of the 2nd letter, they would be referred to IRG for violation of OAC sections 4753-3-04(G)(4) and 4753-9-01(B)(1)(c)(ii) which state:

The applicant is solely responsible for authorizing the college or university to send an official transcript to the Board within 90 days of licensure or when it is available.

Licensees shall maintain a professional relationship with the Board and shall cooperate with all lawful requests of the Board within 30 calendar days.

LICENSURE APPROVAL – Ms. Thorpe

A. License Review

Speech-Language Pathology

Motion #11

Ms. Thorpe moved to ratify the Speech-Language Pathology licenses granted by the Executive Director on December 15, 2011, January 3, 2012, and January 17, 2012. Ms. Embry seconded the motion. The motion passed unanimously.

December 15, 2011

Jean	Monateri	SP. 10276
Megan	Jewell	SP. 10277
Taylor	Lewis	SP. 10278
Leann	Arevalo	SP. 10279
Michelle	Urkowitz	SP. 10280
Susan	Johns	SP. 10281
Angela	Brown	SP. 10282

January 3, 2012

Laura	Goodall	SP. 10283
Laura	Gritzan	SP. 10284
Nicole	Bowers	SP. 10285
Layla	Vise	SP. 10286
Angela	Lilley	SP. 10287
Jessica	Durkovich	SP. 10288
Gila	Cohen-Shaw	SP. 10289
Marisha	Speights	SP. 10290

January 17, 2012

Brittany	Walsh	SP. 10291
Marsha	Racop	SP. 9046 (Relicensure)

Audiology

Motion #12

Ms. Thorpe moved to ratify the Audiology licenses granted by the Executive Director December 15, 2011, January 3, 2012, and January 17, 2012. Ms. Leppla seconded the motion. The motion passed unanimously.

December 15, 2011

None

January 3, 2012

None

January 17, 2012

Susan

Logar

A.01349 (Restoration)

Conditional Speech-Language Pathology

Ms. Thorpe moved to ratify the Conditional Speech-Language Pathology licenses granted by the Executive Director on December 15, 2011, January 3, 2012, and January 17, 2012. Ms. Embry seconded the motion. The motion passed unanimously.

December 15, 2011

Jaclyn	McClymont	COND. 2012178
Elizabeth	Bennett	COND. 2012179
Kara	Smith	COND. 2012180
Morgan	Wilkins	COND. 2010270 (2 nd)

January 3, 2012

Christine	Luketic	COND. 2012181
Kendra	Turner	COND. 2012182
Sara	Robb	COND. 2012183
Alexandra	Hubbard	COND. 2012184
Kara	Goche	COND. 2012185
Megan	Mier	COND. 2012186
Kassie	Burkholder	COND. 2012187
Denise	Shedlock	COND. 2012188
Maria	Keenan	COND. 2012189
Mary	Elizabeth	COND. 2012190
Kathryn	Senft	COND. 2012191
Maggie	Weizer	COND. 2012192
Laura	White	COND. 2012193

January 17, 2012

Hannah	Agoston	COND. 2012194
Jolene	Newbrough	COND. 2012195
Allison	Jones	COND. 2012196
Rachel	Kapadia	COND. 2012197

Julie	Sekerak	COND. 2011053 (2 nd)
Meredith	Smith	COND. 2011051 (2 nd)

LICENSING SUMMARY

Speech-Language Pathologist	6210	
Audiologist	938	
Inactives	131	AUD 24 / SLP 107
Conditional SLP	334	
Permit Holders	46	
SLP-Aide	10	
AUD-Aide	67	
TOTAL	7736	

B. Applications for Review

Audiology Aides

None

Speech-Language Pathology Aides
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None

Licensure Applications

There are no additional complete applications that are pending for blind review.

Special Cases

None

COMMITTEE REPORTS**A. Rules Committee – Ms. Loretta Embry**

Ms. Embry reported that the Rules Committee met on January 18, 2012. The committee started reviewing public comment to the proposed changes to the continuing education requirements. During 2012, the committee intends to propose rules related to telepractice. The committee reviewed the existing rule for submitting a request for name change. The committee will be recommending later this year that the rule be amended to require licensees to submit a copy of appropriate legal documentation to demonstrate proof of the name change. The committee will be reviewing ten rules up for five-year rule review in 2012. The committee recommended that the rules for the student permit be filed as no-change rules.

Motion #13

Dr. Mitchell moved to accept the Rules Committee's report and recommendations that the student permit rules be filed as no-change rules. Ms. Thorpe seconded the motion. The motion passed unanimously.

B. Professional Competency Committee – Ms. Amy Thorpe

Ms. Thorpe reported that the Professional Competency Committee met on January 18, 2012 after a brief hiatus since last August. The committee will continue to review issues related to ensuring quality supervision during the professional experience year for speech-language pathology. Several initiatives discussed during the strategic planning meeting were referred to the committee for further action.

C. Policy and Procedures Committee – Mr. Malcolm Porter and Ms. Patricia Leppla

Ms. Leppla reported that the Policy and Procedures Committee held its first meeting on January 18, 2012. The committee continues to review and update the Board’s policies and procedures. Ms. Leppla reported that the committee has approximately twenty policies remaining and expects to complete its review by the June board meeting. The committee’s next project will be to review and update the Board’s records retention schedules.

CORRESPONDENCE

The Board reviewed correspondence relating to duties of a speech-language pathologist in a school setting. The Board determined that it had no jurisdiction to address the specific issues since they should be more appropriately addressed by the employer. Mr. Thornton will respond accordingly.

MEMBER CONCERNS

Dr. Levenfus polled the Board to determine the level of interest in having a one hour lunch recess at future board meetings. The Board was in agreement and will begin its afternoon business at 1:00 p.m.

ADJOURNMENT

The meeting was adjourned at 2:10 p.m.

Dr. Helene Levenfus, Chairperson

Ms. Amy Thorpe, Vice Chair

Date

Date

Gregg B. Thornton, Executive Director

Date