



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

Board Meeting Minutes of Monday, January 31, 2011

The Regular Business Meeting was called to order at 8:30 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 – Roll Call:

Helene Levenfus, Au.D., Audiology Board Member and Chairperson
Loretta Embry, M.A., Speech-Language Pathology Board Member and Vice Chairperson
J. Paul Good, Public Member, Excused absence
Jane Kukula, Au.D., Audiology Board Member
Patricia Leppla, M.A., Speech-Language Pathology Board Member
Karen Mitchell, Au.D., Audiology Board Member
Malcolm Porter, Public Member
Amy Thorpe, M.Ed., Speech-Language Pathology Board Member, Excused absence

Also Present: Gregg B. Thornton, Executive Director
Michelle Cunningham, Licensing Administrator
Connie J. Stansberry, Investigator
Darlene D. Young, Administrative Assistant
Brandy Thomas, Administrative Assistant
Melissa L. Wilburn, Assistant Attorney General

OPEN FORUM FOR PUBLIC AND PROFESSIONAL ORGANIZATIONS

Bernadette Laughlin with the Ohio Department of Education (ODE) updated the Board on the status of the request for proposal ODE issued to address caseload ratios for speech-language pathologists and audiologists working in school settings. ODE received proposals from school districts and will spend this year assisting selected districts to develop plans to address the caseload issue. The focus will be to develop workload formulas in order to provide better services. Ms. Laughlin reported that ODE will spend this year evaluating the proposals and target next school year to implement finalized plans.

AGENDA

The agenda for the January 31, 2011, regular board meeting was presented and reviewed. The following amendments were made: Items 11E (Medicare Requirement of In-the-Room

Physician Supervision for Videostroboscopy and Nasopharyngoscopy), 11F (OAA Conference), and 11G (OSLHA Conference) were added to Board Business.

Motion #1

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

STRATEGIC PLANNING

The Board held a strategic planning session and identified strengths, weaknesses, opportunities, and initiatives for 2011 in the areas of licensure, investigations, administration, speech-language pathology, audiology, and the board as a whole. The strategic planning document will be submitted for approval at the next board meeting in March.

MINUTES

The minutes of the December 2, 2010 board meeting were reviewed.

Motion #2

Ms. Embry moved to accept the minutes of the December 2, 2010, Board meeting. Dr. Kukula seconded the motion. The motion passed unanimously.

CHAIRPERSON'S COMMENTS

Dr. Levenfus noted that the office has been very busy processing license renewal applications and continues to grow in efficiency. The Board extended its thoughts and well wishes to board member Mr. Good who is recuperating at home.

EXECUTIVE DIRECTOR'S REPORT

Mr. Thornton submitted a written report of significant activities occurring since the last Board meeting. The following is a summary. The complete written report may be obtained by contacting the board office.

- Reported on significant meetings, presentations, and events;
 - December 8, 2010 – Meeting with Brenda Bruce, Executive Director for the Hearing Aid Dealers and Fitters Licensure Board, Kelly O'Reilly, with the Ohio Speech and Hearing Governmental Affairs Coalition regarding the sale of hearing aids via the Internet.
 - December 9, 2010 – Presentation with Licensing Administrator Michelle Cunningham to the SLP Supervisory Network Group.
 - January 7, 2011 – Meeting with Alfred Pasini, Executive Director of the Youngstown Hearing and Speech Center; and visit with board member Paul Good.
 - January 13, 2011 – Sponsored Silence Event at Miami University.
- Reported on the Board's expenditures and revenue for FY2011;
- Reported on the Board's budget request for FY2012-2013;
- Updated the Board regarding the status of the licensure renewal campaign;

- Individuals who did not renew their license by January 1, 2011, are in an 'Expired' status and will be notified of this status in February.
- Continuing education audit letters will be sent to selected licensees in February.
- Updated the Board regarding the status of the business filing letter;
 - In February a letter will be sent to all employers who filed a business filing form with the Board in 2010, acknowledging their compliance and informing them about the next filing deadline in 2012. The letter will also include other information employers should be aware of related to the licensure requirements under Chapter 4753. Mr. Thornton shared a draft of the letter with the Board.
- Updated the Board on significant legislation;
- Updated the Board on the issue of board consolidation;
- Reported on the implementation of R.C. section 1347.15;
 - All staff completed training governing access to confidential personal information.
- Reported on Executive Orders adopted by Governor Kasich;
 - 2011-01 – Establishing the Common Sense Initiative
 - 2011-02 – Creating the Governor's Office of Health Transformation
 - 2011-03 – Establishing an Ethics Policy and Requiring Ethics Training
 - 2011-04 – Establishing State Government Workplace Domestic Violence Policy
 - 2011-05 – Establishing Anti-Discrimination Policy in State Government Employment
- Updated the Board on personnel matters;
 - Brandy Thomas' temporary assignment has been extended through June 30, 2011. She is assisting with the scanning project and other administrative duties in the office. Administrative Assistant Darlene Young has successfully completed her mid-probationary period. Her probationary term will end in March. She is being acclimated to her duties and will be receiving appropriate training. Licensing Administrator Michelle Cunningham will be receiving an exemplary annual performance evaluation. Her one-year anniversary was in December. During 2011, the Executive Director will continue to focus on improving and streamlining work flow for all positions, updating all policies and procedures, and developing plans to ensure consistency, continuity, and accountability.
- Updated the Board on the status of the Board member appointments confirmed by the Ohio Senate on December 21, 2010;
- Updated the Board regarding the status of the caseload ratio RFP announced by the Ohio Department of Education – Office for Exceptional Children;
- Reported that the Winter eNewsletter is being drafted and due for release in early March; the Board requested that the newsletter be issued by late February to facilitate planned announcements by various committees meeting at the March board meeting;
- Reminded the Board about the April 15, 2011 deadline for filing their ethics disclosure statement with the Ohio Ethics Commission. Administrative Assistant, Darlene Young, provided board members with their travel expense report for 2010.
- Reported on recent articles of media interest related to the professions, including a movie review of the King's Speech, Medicaid funding, and speech therapy Rep. Gabrielle Giffords will be receiving during the next phase of her recovery.

The Licensure Report was moved up on the agenda.

LICENSURE APPROVAL – Ms. Embry

A. License Review

Speech-Language Pathology

Motion #3

Ms. Embry moved to ratify the Speech-Language Pathology licenses granted by the Executive Director on December 15, 2010, January 3, 2011 and January 18, 2011. Ms. Leppla seconded the motion. The motion passed unanimously.

December 15, 2010

Peggy	Zimmerman	SP.4208 (Re-licensure)
Laura	Schindler	SP.9880
Elizabeth	Avramovich	SP.9881

January 3, 2011

Kaitlin	Moran	SP.9882
Sarah	Snyder	SP.9883
Kaitlyn	Stratton	SP.9884
Michelle	Wright	SP.9885
Andrea	Boerger	SP.9886
Margaret	Grendell	SP.9887
Kaitlin	Condo	SP.9888
Heather	Davey	SP.9889

January 18, 2011

Katherine	Dockus	SP.9890
Catherine	Bonifas	SP.9891
Amy	Isco	SP.9892
Heidi	Miller	SP.9893
Molly	McDermott	SP.9894
Jaime	Jaffee	SP.9895
Beth	Hanley	SP.9896

Audiology

Motion #4

Ms. Embry moved to ratify the Audiology licenses granted by the Executive Director on December 15, 2010, January 3, 2011 and January 18, 2011. Dr. Kukula seconded the motion. The motion passed unanimously.

December 15, 2010

None

January 3, 2011

Saul

Streib

A.01764

January 18, 2011

None

Conditional Speech-Language Pathology**Motion #5**

Ms. Embry moved to ratify the Conditional Speech-Language Pathology licenses granted by the Executive Director on December 15, 2010, January 3, 2011 and January 18, 2011. Dr. Kukula seconded the motion. The motion passed unanimously.

December 15, 2010

Richelle

Tanner

COND.2011168

January 3, 2011

Christina

Liverani

COND.2011169

Jenniffer

Ruggles

COND.2011170

Lisa

Zitko

COND.2011171

Allison

Gerstacker

COND.2011172

Laura

Gritzan

COND.2011173

Tayler

Lewis

COND.2011174

Maggie

Schafer

COND.2011175

Jennifer

Shouse

COND.2011176

Laura

Martini

COND.2011177

Caitlin

Barney

COND.2011178

Jennifer

Frimel

COND.2011179

January 18, 2011

Megan

Jewell

COND.2011180

Kimberly

Weddendorf

COND.2011181

Marycelia

See

COND.2011182

Licensing Summary

Speech-Language Pathologist

5765

Audiologist

897

Inactive

134 (AUD 26 / SLP108)

Conditional SLP

354

Permit Holders	41
SLP-Aide	9
AUD-Aide	57
TOTAL	7256

Renewals

Not Renewing:

Aides	2 (audiology)
AUD	6
SLP	31
TOTAL	39

Failed to Renew:

Aides	28 (audiology 18 / slp aides 10)
AUD	48
SLP	292
TOTAL	368

B. Applications for Review

Audiology Aides

The Review Committee presented Audiology Aide application identified as **Aide AUD 120210-1** for discussion.

Dr. Kukula moved to remove from the table Motion #12 (Aide AUD 120210-1) which was tabled at the December 2, 2010 meeting, pending further clarification of duties. The motion to remove from the table was not seconded; therefore, Motion #12 was lost.

The Board reviewed the clarification of duties submitted by the applicant and after further discussion took the following action.

Motion #6

Ms. Embry moved to approve the application for audiology aide, number **Aide AUD 120210-1** contingent upon the applicant agreeing to follow the duties of screening as prescribed by Ohio Administrative Code section 4753-6-01 and removal of programming of hearing aids from the Plan. Ms. Leppla seconded the motion. The motion passed 4 to 2.

The Review Committee presented Audiology Aide application identified as **Aide AUD 01312011-1** for discussion. Dr. Kukula noted additional clarification on training and duties was needed related to the software being used, to ensure the aide is not programming hearing aids or cochlear implants.

Motion #7

Dr. Kukula moved to propose to deny the application for audiology, number **Aide AUD 01312011-1**. Ms. Embry seconded the motion.

Motion #8

Dr. Mitchell moved to table Motion #7 proposing to deny the application for audiology, number **Aide AUD 01312011-1** for further clarification of duties and bring back for consideration at the March board meeting. Ms. Embry seconded the motion. The motion passed unanimously.

Licensure Applications

Motion #9

Ms. Embry moved to approve the application for conditional SLP, number **COND 01312011-1**. Dr. Kukula seconded the motion. The motion passed unanimously.

Special Case

There are no special cases requiring Board review.

The Board recessed for lunch at 12:45 P.M. and returned to Public Session at 1:08 P.M.

The Board moved agenda item 12 (Committee Reports) up for discussion.

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

Ms. Embry reported that the Rules Committee will meet, immediately following the March board meeting on March 17, 2011, at the Hilton at Easton in the Columbus Board Room. The committee presented a list of initiatives for 2011. Ms. Embry anticipates scheduling two rules hearings in 2011.

B. Professional Competency Committee – Dr. Jane Kukula

Dr. Kukula reported that the Professional Competency Committee met on January 30, 2011. The next meeting will be on March 16, 2011, at the Hilton at Easton in the Columbus Board Room at 7:30 p.m. The committee is currently discussing issues related to assuring professional competency among the professions. The committee expects to submit final recommendations to the full Board before the October board meeting.

C. Ad Hoc Committee on Equivalent Qualifications for SLP Licensure – Ms. Amy Thorpe

Mr. Thornton reported that the Ad Hoc Committee on Equivalent Qualifications for SLP Licensure intends to meet in 2011 as soon as the committee can consult with Assistant Attorney General Wilburn.

INVESTIGATIONS**A. Executive Session****Motion #10**

Ms. Embry 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. Leppla seconded the motion, which passed by roll call vote as follows: Dr. Levenfus: yes; Ms. Embry: yes; Mr. Good: Absent; Dr. Kukula: yes; Ms. Leppla: yes; Dr. Mitchell: yes; Mr. Porter: yes; Ms. Thorpe: Absent.

The Board went into Executive Session at 1:24 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 1:30 P.M.

B. Board Actions

2011-22

This case involves a speech-language pathologist who submitted their Supervised Professional Experience Report (Report) and Supervision Contacts Log (Log) late by 113 days. The Respondent's Supervised Professional Experience Plan (Plan) approved end date was 5/24/2010. The Report and Log were not received at the Board office until 10/14/2010 which reflected that the Supervised Professional Experience (experience) went beyond 5/24/2010. The Report and Log indicated that the experience ended on 9/30/2010. The Respondent obtained full licensure on 11/15/2010. At the December 2, 2010 board meeting, the Board accepted the Investigative Review Group's (IRG) recommendation to offer a Consent Agreement with the following terms:

- *Due to this being the Respondents first offense, offer a Consent Agreement based on the following terms and conditions:*
 - *Complete 10 hours of continuing education units (CEUs) in the area of documentation and record keeping, due 90 days from the approval of 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 #11

Dr. Kukula moved to accept the Investigative Review Group's recommendation in case 2011-22. Ms. Leppla seconded the motion. Dr. Levenfus abstained. The motion passed uncontested.

2011-29

This case involves a speech-language pathologist who submitted their Report and Log late by 80 days. The Respondent's Plan approved end date was 7/9/2010. The experience did end on 7/9/2010 however the Report and Log were not received at the Board office until 10/27/2010. The Respondent obtained speech-language pathology licensure on 11/1/2010.

Accordingly the IRG recommends the following:

- Due to this being the Respondent's first offense, offer a Consent Agreement based on the following terms and conditions:

- Complete 5 hours of CEUs in the area of documentation and record keeping, due 60 days from the approval of the Consent Agreement.

Motion #12

Dr. Mitchell moved to accept the Investigative Review Group's recommendation in case 2011-29. Ms. Embry seconded the motion. Dr. Levenfus abstained. The motion passed uncontested.

2011-46

This case involves a speech-language pathologist who submitted their Report and Log late by 292 days. The Respondent's Plan approved end date was 1/19/2010. The Respondent ended the experience and employment after just three months due to personal matters. The remaining hours were obtained elsewhere. The Report and Log, for partial experience, indicated that the experience ended on 1/18/2010; however, the Report and Log were not received at the Board office until 12/7/2010. The Respondent obtained speech-language pathology licensure on 1/18/2011.

Accordingly the IRG recommends the following:

- Due to this being the Respondent's first offense, offer a Consent Agreement based on the following terms and conditions:
 - Complete 10 hours of CEUs in the area of documentation and record keeping, due 90 days from the approval of the Consent Agreement.

Motion #13

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2011-46. Ms. Leppla seconded the motion. Dr. Levenfus abstained. The motion passed uncontested.

C. Investigative Report - Ms. Stansberry

OPENED	since the last Board Meeting 12/2/2010	15
CLOSED	since the last board meeting 12/2/2010	26
REFERRALS	of total open cases	14
Total OPEN		34

Of the cases currently open:

Aide changed supervisors but no application filed	3
Cease practice as an Aide	4
Denied Refund	1
Falsified Records/Unethical	3
Late Report and Log (or none)	6
Late Plan, Report and Log	1
Misleading Advertisement	6
Renewal application issue (ceu's not completed by 12/31/2010)	4
Unlicensed Practice	2
Unprofessional	4

Investigative Actions For License Renewal:

The number of licensee's that attested "Yes" on their 2011-2012 renewal application to the following questions:

1. Have you been disciplined in any state (including Ohio) or U.S. territory in which you currently hold or have ever held a license to practice speech-language pathology and audiology or another healthcare profession since your last renewal? **15**
2. Have you been denied a license to practice speech-language pathology and audiology or another healthcare profession by any state (including Ohio) or U.S. territory? **1**
3. Have you been convicted of, found guilty of, plead guilty to, or received treatment in lieu of conviction for a felony and/or any offense involving moral turpitude since your last renewal? **0**
4. Have you been adjudged by a court to be mentally incompetent since your last renewal? **0**
5. Is this your first renewal?
Licensees renewing their license for the very first time are not required to complete Continuing Education (CE) for this renewal period only. **57**

#5, why they answered "Yes":

- o The majority of them did not carefully review the question.
- o Several were recently re-licensed and they thought the question meant their first renewal since re-licensure.
- o One licensee thought the question was asking if it was their first *attempt* to renew for this renewal cycle.
- o A few were newly licensed in 2008 and did not remember renewing in 2008.

2008 Audits Resulting From Random Renewals

2008 Continuing Education:

Audiologist audited: 5% (36 licensees)	3 board members:	39
SLP audited: 5% (243 licensees)	3 board members:	<u>246</u>
TOTAL		285

282 complied

2 did not comply and became a case (Consent Agreements)

1 surrendered their license

2008 Audits Resulting From Late Renewals

2008 Continuing Education Audit:

Mixture of Aud and SLP:	86
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16 became cases:

9 complied with the audit but became cases for unlicensed practice.

7 became cases for non compliance with the audit.

Of the 16 cases:	12	Consent Agreements
	1	Deceased while case was open
	1	Notice of Opportunity for Hearing/Adjudication Order
	1	Non Actionable Violation
	1	Reprimand letter

2010 Audits

2010 Continuing Education Audit:

AUDs that will be audited:	44 (5% of 897)	3 board members	47
SLPs that will be audited:	288 (5% of 5,761)	3 board members	<u>291</u>
			338

All licensee's that renew late will be audited: 96

Others that will be audited:

Those that answered "Yes" to first renewal question: 57 (audit 10%) 6

Those who were issued a Consent Agreement; stipulation
is to be audited this cycle: 20

TOTAL 460

ASSISTANT ATTORNEY GENERAL'S REPORT

EXECUTIVE SESSION

Motion #14

Dr. Kukula 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). Mr. Porter seconded the motion, which passed by roll call vote as follows: Dr. Levenfus: yes; Ms. Embry: yes; Mr. Good: Absent; Dr. Kukula: yes; Ms. Leppla: yes; Dr. Mitchell: yes; Mr. Porter: yes; Ms. Thorpe: Absent.

The Board went into Executive Session at 1:35 P.M. and invited Board staff to remain in attendance.

The Board returned to Public Session at 2:30 P.M.

Motion #15

Mr. Porter moved that the Board seek a formal Attorney General's Opinion regarding potential Medicaid billing issues for conditional licensees. Ms. Embry seconded the motion. The motion passed unanimously.

BOARD BUSINESS

A. Ohio Department of Education Student Case Load Work Group – Update
Ms. Laughlin updated the Board on the status of the caseload ratio request for proposal during the open forum for public and professional organizations.

B. Medicaid Billing by Conditional Licensees – Ohio Department of Education Medicaid School Program – Update
Mr. Thornton will respond to the Ohio Department of Education's letter received on January 28, 2011, and inform Mr. Mark Smith that the Board will seek a formal opinion from the Ohio Attorney General's Office to clarify the status of the conditional license.

C. Sale of Hearing Aids via the Internet – Update
Mr. Thornton updated the Board regarding the issue of sale of hearing aids via the Internet. Mr. Thornton and Assistant Attorney General Wilburn met with the Executive Director of the Ohio Hearing Aid Dealers and Fitters Licensure Board (OHADFLB), along with the OHADFLB's Assistant Attorney General, Kelly O'Reilly, with the Ohio Speech and Hearing Governmental Affairs Coalition (GAC), and Carolyn Towner, with Towner Policy Group on December 8, 2010. The Board would like Mr. Thornton to continue meeting with the group. The next meeting will be on February 9, 2011.

D. Review of Public Comments to Proposed Rule for Use of Otoscope by Aides
This issue is being referred to the Professional Competency Committee. The Board will invite representatives from the Governmental Affairs Coalition and other individuals in the professions who are interested in this issue for a roundtable discussion at the next committee meeting on March 16, 2011.

CORRESPONDENCE

Mr. Thornton updated the Board on the process for responding to correspondence. He provided the Board with examples of correspondence recently received. Dr. Levenfus indicated that she reviewed all of the correspondences and responses prepared by the executive director since October 2010. The board chairperson and the executive director will continue to review correspondences and determine which should be presented to the full board for consideration before a response is prepared.

EXECUTIVE SESSION**Motion #16**

Dr. Kukula 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. Ms. Embry seconded the motion, which passed by roll call vote as follows:

Dr. Levenfus: yes; Ms. Embry: yes; Mr. Good: Absent; Dr. Kukula: yes; Ms. Leppla: yes; Dr. Mitchell: yes; Mr. Porter: yes; Ms. Thorpe: Absent.

The Board went into Executive Session at 3:00 P.M. and invited Mr. Thornton and Assistant Attorney General Wilburn to remain in attendance.

The Board returned to Public Session at 3:06 P.M.

MEMBER CONCERNS

There were no members concerns.

ADJOURNMENT

The meeting was adjourned at 3:10 P.M.

Dr. Helene Levenfus, Chairperson

Ms. Loretta Embry, Vice Chair

Date

Date

Gregg B. Thornton, Executive Director

Date