



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

Board Meeting Minutes of Thursday, January 31, 2013

The Regular Business Meeting was called to order at 9:00 a.m. by Chairperson, Amy Thorpe Wiley, M.Ed., CCC-SLP, held at Vern Riffe Center for Government, 77 South High St., 31st Floor- Board Room, Columbus, OH 43215.

Board Members – Roll Call:

Amy Thorpe Wiley, M.Ed., Speech-Language Pathology Board Member and Chairperson
Karen K. Mitchell, Au.D., Audiology Board Members and Vice Chairperson
Tammy H. Brown, M.A., CCC-A, ABA, FAA, Audiology Board Member
Loretta T. Embry, M.A., Speech-Language Pathology Board Member
Helene Levenfus, Au.D., Audiology Board Member
Malcolm J. Porter, Public Member
Elizabeth L. Tracy, Public Member

Also Present:

Gregg B. Thornton, Executive Director
Darlene D. Young, Executive Office Administrator
Brandy R. Thomas, Administrative Professional
Connie J. Stansberry, Investigator
Melissa L. Wilburn, Senior Assistant Attorney General
Cheryl R. Hawkinson, Senior Assistant Attorney General

CALL TO ORDER

The meeting was called to order at: 9:00 a.m.

OPEN FORUM FOR PUBLIC AND PROFESSIONAL ORGANIZATIONS

There were no comments from the public or professional organizations.

AGENDA

The agenda for the January 31, 2013, regular board meeting was presented and reviewed.

Motion #1

Ms. Tracy moved to accept the agenda as submitted. Ms. Embry seconded the motion. The motion passed unanimously.

MINUTES

The minutes of the December 4, 2012 board meeting were reviewed.

Motion #2

Ms. Embry moved to accept the minutes of the December 4, 2012 board meeting as submitted. Dr. Mitchell seconded the motion. The motion passed unanimously.

CHAIRPERSON'S COMMENTS

Ms. Thorpe Wiley stated that she was very excited and looking forward to serving as Board Chairperson during 2013. She thanked Dr. Levenfus for her hard work and leadership during the past two years while serving as Chairperson. Ms. Thorpe Wiley also commended the entire staff for their hard work and dedication during the license renewal period.

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.

EXECUTIVE DIRECTOR'S REPORT

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

- Significant meeting, presentations, and events;
- Year-to-date revenue and expenditures for FY 2013 and updates regarding the Board's proposed budget for FY2014-2015;
- Number of license verification letters issued since the last meeting;
- Significant legislation;
- Licensure renewal campaign for the 2013-2014 practice biennium;
- eLicensing procurement;
- Board appointments;
- Sale of hearing aids via the Internet;
- CE Broker;
- Personnel matters;
- Board presentations at the Ohio Audiology Conference and Ohio Speech-Language Hearing Association Convention
- Annual Report for FY2012;

- Ethics Financial Disclosure Statements; and
- Winter eNewsletter

ASSISTANT ATTORNEY GENERAL'S REPORT

Ms. Wilburn introduced Ms. Cheryl R. Hawkinson as the board's new Assistant Attorney General. Ms. Hawkinson is a Senior Assistant Attorney General with significant legal experience representing regulatory boards and commissions. The Board thanked Ms. Wilburn for her exemplary legal representation since October 2008 and presented her with a plaque.

Ms. Wilburn reported that with the passage of an amendment to HB 247 requiring boards to summarily suspend the license of an individual who is convicted of a human trafficking offense, administrative rules will need to be adopted. The rules will specify the procedural due process steps the Board must follow if a license is summarily suspended.

Ms. Wilburn updated the Board regarding a public records request, and concluded her report with an overview regarding the role of the board during a 119 administrative hearing.

EXECUTIVE SESSION

Motion #3

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

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

The Board went into Executive Session at 11:20 a.m. and invited Assistant Attorneys General Wilburn and Hawkinson to remain in attendance.

The Board returned to Public Session at 11:31 a.m.

Motion #4

Ms. Embry moved to accept the Board Chairperson and Vice Chairperson's recommendation for the Executive Director to receive a 3-4 percent pay increase, as coordinated by the Ohio Department of Administrative Services –Central Service Agency. Ms. Tracy seconded the motion. The motion passed unanimously.

INVESTIGATIONS

A. Executive Session

Motion #5

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

The Board went into Executive Session at 11:36 a.m. and invited the Board staff to remain in attendance, along with Assistant Attorneys General Melissa L. Wilburn and Cheryl R. Hawkinson.

The Board returned to Public Session at 12:04 p.m.

B. Board Actions

2013-01

This case involves an Ohio Hearing Aid Dealer and Fitter (HADF) who owns a hearing aid business in Ohio. He disseminated a misleading written advertisement that read, "Call to schedule a complimentary hearing and speech evaluation." His website was also misleading. It advertised that the company offers hearing and speech evaluations. He does not employ a speech-language pathologist. At the August 14, 2012 board meeting, the Board accepted the Investigative Review Group (IRG) Committee's recommendation to issue a Cease and Desist letter based on the following:

- *Violation of Ohio Revised Code (ORC) sections 4753.01(A) and 4753.12(A), requesting that the Respondent correct the wording of his misleading printed advertisement, and website.*

The Respondent complied with the terms of the Cease and Desist letter. Accordingly, the IRG recommends the Board accept the Respondent's compliance and close the case.

Motion #6

Ms. Tracy moved to accept the Investigative Review Group's recommendation in case 2013-01. Ms. Embry seconded the motion. Dr. Mitchell abstained. The motion passed uncontested.

2013-17

This case involves an Ohio HADF who owns a hearing aid business in Ohio. He disseminated a misleading written advertisement that read, "Meet our Audiology Specialist John Doe." John Doe is not a licensed audiologist of this board. He is also not an Ohio HADF. The Respondent does not employ an audiologist. The advertising company admitted to inadvertently removing the Respondents request to advertise the words "Meet Factory Trained Specialist, John Doe" and instead replaced it with "Meet our audiology specialist, John Doe." The Respondent admitted to seeing the error and that he did not make time to correct it. He allowed the newspaper to print the ad as it was submitted by the advertising company. At the October 4, 2012 board meeting, the Board accepted the IRG's recommendation to issue a Cease and Desist letter based on the following:

- *Respondent's admission that he does not employ an audiologist and permitting the ad to be printed is a violation of ORC sections 4753.01(D) and 4753.02. Respondent*

shall correct the wording of his misleading printed advertisement, and any similar future advertisements, and not make such claims.

The Respondent complied with the terms of the Cease and Desist letter. Accordingly, the IRG recommends the Board accept the Respondent's compliance and close the case.

Motion #7

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2013-17. Ms. Brown seconded the motion. Dr. Mitchell abstained. The motion passed uncontested.

2013-19

This case involves a speech-language pathologist who submitted her Amended Plan for Supervised Professional Experience (Plan), Supervised Professional Experience Report (Report) and Supervision Contacts Log (Log) late by 201 days. She obtained speech-language pathology licensure in October of 2012. At the December 4, 2012 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 4753-3-07(G)(1) and (E)(4)(d)(e), offer her a Consent Agreement based on the following terms and conditions:

- *Complete 10 continuing education hours in the area of documentation and record keeping;*
- *Submit proof of the 10 hours 90 days from the date the Board approves the Consent Agreement;*
- *Audit for continuing education hours for her second and third 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 #8

Ms. Tracy moved to accept the Investigative Review Group's recommendation in case 2013-19. Ms. Embry seconded the motion. Dr. Mitchell abstained. The motion passed uncontested.

2013-26

This case involves a speech-language pathologist who allegedly disclosed confidential information of person(s) being served without written consent from the person(s) served or his/her legal guardian. At the December 4, 2012 board meeting, the Board accepted the IRG's recommendation to offer a Consent Agreement with Reprimand. However, due to new information obtained from the Respondent and her employer regarding the validity of the allegation and procedural due process issues, a Consent Agreement was not offered to the Respondent. Accordingly, the IRG recommends the Board close this case.

Motion #9

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2013-26. Ms. Tracy seconded the motion. Dr. Mitchell abstained. The motion passed uncontested.

2013-35

This case involves an individual who is not a licensed speech-language pathologist in this state or any state and is practicing in Ohio. She does not have an educational background in speech therapy or a degree in communication disorders. She created an internet based business. The title of the business uses words that clearly reflect speech and therapy. She sells books, flash cards, videos and other merchandise to Ohio consumers based on being a parent who home schooled her developmentally delayed child. She claims to have devised techniques by taking speech pathology classes and tests from home that worked towards helping her child to begin speaking by age three. She makes the following claims on her website and her Facebook business website, "I am now sharing my knowledge with other parents who want to help their children learn how to talk too. I am not a speech therapist and I am not providing speech therapy but you can use the tools I offer to engage your own child in speech. Since Speech and Language are 2 different things I named my system [*sic ABC system*] because my system teaches the foundation for both speech and language. [*ABC Company*] offers a form of assistive technology to help children with speech delays. Many children have no access to therapy because of the cost barrier. So, in a nutshell, [*ABC Company*] is an affordable option so a parent can help their child to speak small basic words at home. Our learning system costs less than the price of one speech therapy session with a traditional provider. Your membership helps support [*ABC Company*] in its continued effort to keep speech assistance and materials within the reach of children." Accordingly, the IRG recommends the Board issue and Cease and Desist letter for violation of ORC sections 4753.01(A)(B)(C), 4753.02, 4753.10(M), 4753.12(A) and 4753.99, requesting that the Respondent discontinue from the practice of speech-language pathology.

Motion #10

Ms. Brown moved to accept the Investigative Review Group's recommendation to issue a Cease and Desist letter in case 2013-35, contingent upon review by the speech-language pathology consultant Board member. Dr. Levenfus seconded the motion. Dr. Mitchell abstained. The motion passed uncontested.

C. Investigative Report – Ms. Stansberry

OPENED	Cases since the last Board Meeting 12/4/2012	14
CLOSED	Cases since the last board meeting 12/4/2012	9
Referrals	Of total open cases	8
TOTAL Open	After Closing Cases Today	19

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

Aide Supervision- Aide changed supervisors but no application filed	
Billing Fraud/Falsified Records	
CE Audit Issues or CE Requirement Not Met For Renewal	1
Denied Refund	
Discontinued Pursuit of Ohio Licensure (COND.) & did not notify the Board	
Fraudulent Records/Falsification (non-billing)	
Hearing Aid Refund Issue/Denied	

Hearing Test/Sale of Hearing Aids On-Line	1
Late Plan	
Late Plan, Report and Log	
Late Report and Log (or none)	
Misleading Ad (Printed and/or Internet)	2
Misrepresentation	2
Non Compliance with Consent Agreement	
No Plan and/or Report & Log on file by Conditional license holder	
Other	2
Services Not Rendered but Fee Obtained and/or Services Not Rendered but Documented Services Provided	
Substance use and/or abuse while providing professional services	1
Supervision of an Aide termination, did not notify Board	
Unethical	
Unlicensed Practice of Non-licensee	2
Unlicensed Practice (practiced under Expired status) Conditional or Full Licensure	1
Unlicensed Practice (practiced under Inactive status)	
Unprofessional	7

Other Enforcement Activities

1 Warning Letter was issued since the last board meeting for a late Plan, Report and/or Log.

2012 Licensure Renewal Follow Up

Of the licensees who have renewed to date for the 2013-2014 licensure period:

- 29 answered yes to the renewal application question of being disciplined in this state, by any state, by their employer and/or have been convicted of any offense, since their last renewal.
- 85 answered yes to this being their first renewal, when in fact it was not.

Ms. Stansberry contacted each licensee (of both groups above) to obtain appropriate information regarding their response on the renewal application. Licensees who inadvertently responded on their renewal application that this was their first renewal were required to submit a written statement confirming the completion of the continuing education (CE) requirements.

- 2 Warning Letters (WL) issued

WL's were issued to those who admitted on their 2013/2014 renewal application to completing zero or less than 20 CE clock hours during the 2011/2012 licensure period. These licensees completed additional hours in 2013 requesting the Board accept and consider the hours as applicable towards their 2011/2012 licensure period requirement. The IRG accepted the hours from 2013 and issued a WL which informs the licensees that they will automatically be audited for their 2013/2014 continuing education.

2012 Continuing Education CE Audit

The following groups have been audited for continuing education compliance for the 2011/2012 licensure period:

▪ Random AUD, 5%	41
▪ Random SLP, 5%	258
▪ Late Renewals 1/1/2013 – 1/17/2013	100
▪ Consent Agreements	24
▪ Warning Letters	23
(Issued to licensee's that did not comply with their 2010 CE Audit and/or admitted to having not completed the required hours during the 2009/2010 licensure period yet completed hours in 2011 requesting that the hours be applied towards their 2009/2010 licensure period requirement.)	
▪ Other	2
▪ AUD Board Members	3
▪ SLP Board Members	2

LICENSURE APPROVAL – Dr. Karen Mitchell

A. License Review

Speech-Language Pathology

Motion #11

Dr. Mitchell moved to ratify the Speech-Language Pathology licenses granted by the Executive Director on December 3, 2012, December 17, 2012, January 2, 2013, and January 15, 2013. Ms. Ms. Embry seconded the motion. The motion passed unanimously.

December 3, 2012

SP-10677-	Jon Ray Welker	
SP-10678-	Nancy G. Fox	
SP-10679-	Melissa Nicole Kedward	
SP-10680-	Deborah Callaway Finley	
SP-10681-	Sarah C. Dennis	
SP-8574-	Jennifer Marie Dunn	relicensure
SP-8901-	Lisa A. Moore	restoration

December 17, 2012

SP-10682-	Hellas Panayotis Karayannacos	
SP-10683-	Kassie D. Burkholder	
SP-10684-	Jill Catherine McQuerry	
SP-6043-	Heather Ludwig	restoration

SP-6791- Michelle Bargo restoration

January 2, 2013

SP-10685- Melissa Marlow Skaggs
 SP-10686- Gwen Backhaus Kilic
 SP-10687- Brittany Nicole Pearson
 SP-10688- Leslie Dawn Kennedy
 SP-10689- Alexandra Lee Hubbard
 SP-10690- Kara G. Goche
 SP-10691- Rachel Veera Kapadia

January 15, 2013

SP-10692- Debbie L. Colson-McCarthy
 SP-10693- Kady Lauren Millard
 SP-10694- Denise Marie Lacy
 SP-10695- Kalliopi V. Kontoveros
 SP-10696- Megan L. Mier
 SP-10697- Kendra Alexis Turner
 SP-3450- Marjorie M. Bailey restoration

Audiology

Motion #12

Dr. Mitchell moved to ratify the Audiology licenses granted by the Executive Director on December 3, 2012, December 17, 2012, January 2, 2013, and January 15, 2013. Ms. Tracy seconded the motion. The motion passed unanimously.

December 3, 2012

A-01834- Julia E. Fitzer

December 17, 2012

A-01459- Paul Russell Gullo relicensure
 A-01835- Monica Lynn Shedd

January 2, 2013

A-01836-	Melissa Ann Wheaton	
A-00971	Kathleen S. Harvey	restoration

January 15, 2013

None

Conditional Speech-Language Pathology**Motion #13**

Dr. Mitchell moved to ratify the Conditional Speech-Language Pathology licenses granted by the Executive Director on December 3, 2012, December 17, 2012, January 2, 2013, and January 15, 2013. Ms. Embry seconded the motion. The motion passed unanimously.

December 3, 2012

COND-2013145-SP	Juliana Merle Massarelli
COND-2013146-SP	Richa Soumitra Deshmukh

December 17, 2012

COND-2013147-SP	Rachel Sue Strinka
COND-2013148-SP	Janice Christine Baran
COND-2013149-SP	Koreen E. Ward
COND-2013150-SP	Katie Ann Morfchak
COND-2013151-SP	Kristy Marie Moneysmith
COND-2013152-SP	Chaya T. Juravel
COND-2013153-SP	Danielle Marie Jeglie
COND-2013154-SP	Mackenzie Dawn Russell
COND-2013155-SP	Courtney Nicole Douglas

January 2, 2013

COND-2013156-SP	Anedra P. Robinson	
COND-2013157-SP	Courtney Elizabeth Palma	
COND-2013158-SP	Diana E. Buksdorf	
COND-2013159-SP	Paulette N. McLean	
COND-2013160-SP	Miriam Tova Lieber	
COND-2012010-SP	Karen Marie Tanveer	2nd COND

COND-2012033-SP	Melissa Dawn Massery	2nd COND
COND-2012113-SP	Lauren Tadlock	2nd COND

January 15, 2013

COND-2013161-SP	Danielle Marie Wright	
COND-2013162-SP	Marissa Renee Beaumont	
COND-2013163-SP	Jenna Marie Cross	
COND-2013164-SP	Alissa S. Rubin	
COND-2012043-SP	Jeannine Ann Brigger	2nd COND
COND-2012075-SP	Bethany Joy Kessel	2nd COND

Student Permits**Motion #14**

Dr. Mitchell moved to ratify the Student Permit license granted by the Executive Director on December 17, 2012. Ms. Embry seconded the motion. The motion passed unanimously.

December 17, 2012

PRMT-173-SP	Megan Michelle Goldfuss
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LICENSING SUMMARY

Speech-Language Pathologist	6126
Audiologist	915
Inactives AUD / SLP	25/148
Conditional SLP	330
Permit Holders	43
SLP-Aide	8
AUD-Aide	64
TOTAL	7,659

B. Applications for Review**Audiology Aides****Motion #15**

Dr. Levenfus moved to approve the initial application for Audiology Aide, number **Aide AUD 01312013-1**. Dr. Mitchell seconded the motion. The motion passed unanimously.

Motion #16

Ms. Brown moved to approve the initial application for Audiology Aide, number **Aide AUD 01312013-2**. Dr. Mitchell seconded the motion. Dr. Levenfus abstained. The motion passed unanimously.

Motion #17

Dr. Levenfus moved to approve the initial application for Audiology Aide, number **Aide AUD 01312013-3**. Ms. Embry seconded the motion. The motion passed unanimously.

Speech-Language Pathology Aides
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None

Licensure Applications

None

Special Applications

None

C. Licensure Report

License Renewal Summary for the 2011-2012 Biennium License Renewal Period – September 1 through December 31, 2012

Total Renewal Notifications

- 967 – Audiologists
- 6,506 – Speech-Language Pathologists
- 44 – Duals (Audiology and Speech-Language Pathology)
- 71 – Audiology Aides
- 9 – Speech-Language Pathology Aides
- 23 – Inactive (Audiologists)
- 104 – Inactive (Speech-Language Pathologists)

Total Renewal Notifications: 7,724

Total Renewals Through 12/31/12

- Audiologists: 904 – 93%
- Speech-Language Pathologists: 5958 – 91%

Failed to Renew on 1/1/2013 - 619

- Audiologists: 63

Speech-Language Pathologists: 548
Aides: 8

New Inactive Status Applicants

Audiologists: 12
Speech-Language Pathologists: 86

Inactive Status Renewals

Audiologists: 14
Speech-Language Pathologists: 61

Total Inactive Status as of 1/29/13: 173

Audiologists: 25
Speech-Language Pathologists: 148

COMMITTEE REPORTS

A. Rules Committee – Ms. Loretta Embry

Ms. Embry reported that the Rules Committee met on January 30, 2013. She reported that the proposed amendments to the continuing education rule (4753-4-01) will be final filed with the Joint Committee on Agency Rule Review (JCARR) on February 7, 2013, and become effective on February 17, 2013. The proposed rule on telepractice was filed with the Office of Common Sense Initiative on January 28, 2013. The committee anticipates holding a formal rules hearing at the May 14 board meeting. There are no rules scheduled for five year review in 2013. The committee will be working on proposed rules addressing hearing test procedures, ethics, and others as necessary.

Motion #18

Dr. Mitchell moved to accept the Rules Committee minutes as submitted. Ms. Tracy seconded the motion. The motion passed unanimously.

B. Professional Competency Committee – Dr. Helene Levenfus

Dr. Levenfus reported that the Professional Competency Committee met on January 30, 2013. She stated that the committee reviewed correspondence regarding restrictions on caseload size for early intervention, issues related to speech assistants, and hearing test procedures. The committee also has several issues to review during 2013, which were discussed at the strategic planning meeting.

Motion #19

Dr. Mitchell moved to accept the Professional Competency Committee minutes as submitted. Ms. Embry seconded the motion. The motion passed unanimously.

C. Policy and Procedure Committee – Mr. Malcolm Porter

Mr. Porter reported that the Policy and Procedure Committee met on January 30, 2013. He stated that the committee approved record retention policies. The committee also recommends approval of policies related to telecommuting, workplace domestic violence, and self-disclosure of a criminal conviction, arrest, and/or charge for staff and board members.

Motion #20

Mr. Porter moved to accept the Policy and Procedure Committee minutes as submitted. Ms. Embry seconded the motion. The motion passed unanimously.

BOARD BUSINESS**A. Request For Approval**

The Board reviewed four requests for approval of continuing education experience, pursuant to Ohio Administrative Code section 4753-4-01(B)(5). The Board approved all requests under consent agenda.

Motion #21

Dr. Mitchell moved to approve the continuing education requests as a consent item. Ms. Embry seconded the motion. The motion passed unanimously.

CORRESPONDENCE

The Board reviewed correspondence from an individual who requested a waiver of the late fee due to extenuating circumstances. Upon the legal advice of the Assistant Attorney General, the Board does not have legal authority to waive the late fee.

MEMBER CONCERNS

There were no member concerns.

ADJOURNMENT

The meeting was adjourned at 12:43 p.m.

Ms. Amy Thorpe Wiley, Chairperson

Dr. Karen K. Mitchell, Vice Chairperson

Date

Date

Gregg B. Thornton, Executive Director

Date