



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

Board Meeting Minutes of Wednesday, March 11, 2010

The Regular Business Meeting was called to order under a quorum at 9:30 A.M. by Chairperson, Valenta Ward-Gravely, Au.D., held at Hilton Hotel, Easton C Room, 3900 Chagrin Drive, Columbus, OH 43219.

Members present:

Valenta Ward-Gravely, Au.D., Audiology Board Member and Chairperson
Helene Levenfus, Au.D., Audiology Board Member and Vice Chairperson
Loretta Embry, M.A., Speech-Language Pathology Board Member
J. Paul Good, Public Member
Jane Kukula, Au.D., Audiology Board Member (Excused absence)
Patricia Leppla, M.A., Speech-Language Pathology Board Member (Ms. Leppla's arrival noted in Minutes)
Malcolm Porter, Public Member (Mr. Porter's arrival noted in Minutes)
Amy Thorpe, M.Ed., Speech-Language Pathology Board Member

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

The Chairperson called upon Mr. Thornton to review the purpose of the Open Forum for public and professional organizations and Board's role during this segment of the board meeting.

OPEN FORUM FOR PUBLIC AND PROFESSIONAL ORGANIZATIONS

Renee Halfhill, President and CEO of Blue Sky Therapy Management addressed the Board. She also submitted a letter, which will be addressed by the Board under the Correspondence portion of the agenda.

Dr. Margaret Roberts, a former board member and former Chair, addressed the Board and thanked the board members for their hard work, dedication, and manner in which the Board is executing its responsibilities and duties. The Chairperson granted Dr. Roberts'

request to address the Board in Open Forum after the Rules Hearing concluded at 1:56 p.m.

AGENDA

The agenda for the March 11, 2010 regular board meeting was presented and reviewed.

Motion #1

Loretta Embry moved to accept the agenda as submitted. Amy Thorpe seconded the motion. The motion passed unanimously.

MINUTES

The minutes of the January 21, 2010 board meeting were reviewed.

Motion #2

Ms. Thorpe moved to accept the minutes of the January 21, 2010, Board meeting as presented. Ms. Embry seconded the motion. The motion passed unanimously.

CHAIRPERSON'S COMMENTS

Dr. Ward-Gravely

- Congratulated Mr. Thornton on his one-year anniversary as the Executive Director.
- Noted that Mr. Thornton met every challenge this past year with professionalism and integrity.
- Commended him for bringing the Board into compliance with the federal reporting mandates under the Health Integrity Practitioner Data Bank before March 1, 2010.

ASSISTANT ATTORNEY GENERAL'S REPORT

Assistant Attorney General Melissa L. Wilburn, Esq., indicated there were no significant legal updates to report to the board since the last meeting.

Dr. Ward-Gravely called for a break at 9:50 a.m. to allow Mr. Thornton to introduce Michelle Cunningham, Licensing Administrator, to the OMNIE SLP Advisory Group, whose meeting took place at 10:00 a.m. in another location.

EXECUTIVE SESSION – Imminent Court/Board Disciplinary Action

Motion #3

Mr. J. Paul Good moved to enter Executive Session to confer with the Attorney General's Representative on matters of pending imminent court action pursuant to Section

121.22(G)(3), of the Ohio Revised Code. Ms. Thorpe seconded the motion, which passed by roll call vote as follows:

Dr. Levenfus: yes; Ms. Embry: yes; Mr. Good: yes; Ms. Thorpe: yes; Dr. Ward-Gravelly: yes.

The motion carried.

The Board went into Executive Session at 10:12 A.M. The Board invited the staff to remain in attendance.

The Board returned to Public Session at 11:03 A.M.

Ms. Patricia Leppla's arrival is noted for the Minutes.

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 attended, which included a new board member orientation with Amy Thorpe on March 2, 2010, and with Kelly O'Reilly, Legislative Counsel to the Ohio Speech and Hearing Governmental Affairs Coalition on March 4, 2010.
- University presentation on February 17, 2010, with second year SLP graduate students at Ohio University, along with Michelle Cunningham.
- Board's request for a Formal Opinion from the Ohio Attorney General's Office on the use of the term "Audioprosthologist" is still pending. Assistant Attorney General Wilburn stated that public release of the Formal Opinion is imminent.
- On March 10, 2010, the Board received the final Audit Management Letter from the State Auditor's Office. The Board's response will be on file and maintained at the board office and available upon request.
- Board's Annual Report for fiscal years 2008 and 2009 was filed with the Governor's Office on February 2, 2010.
- Board newsletter for the First Quarter will be issued by first week of April 2010.
- Budget – as of March 10, 2010, the Board's available balance through June 30, 2010 is \$199,514.11.
- Board members are required to file their Ethics Disclosure Statement directly with the Ohio Ethics Commission by April 15, 2010. The Board mailed a copy of the 2009 travel expense reports to all current and former board members. In the future, the travel expense reports for the preceding year will be mailed to board members by January 31.
- Personnel – the Executive Director hired a temporary worker to assist with board operations.
- HIPDB - In early February, the Board was notified by the U.S. Department of Health and Human Services that new changes were due to occur on March 1, 2010 to the Health Integrity Practitioner Data Bank. Boards and Commissions were directed to ensure that their reporting of adverse actions were current. Upon researching this issue, the Board discovered that there were gaps in its reporting of adverse actions. Pursuant to federal law, the Board is required to report all adverse actions from

1996 to present. The Board only had reports entered in the data bank from 2004-2005. The Executive Director also received a media inquiry about whether the Board's reporting was current. The Board identified and uploaded all reports to the data bank by February 26, 2010.

- 2010 Licensure Renewal – the Executive Director and Licensing Administrator are meeting on a weekly basis to plan for the 2010 licensure renewal period. All licenses will expire on December 31, 2010. Renewal notices will be issued to all active licensees in July 2010.

Mr. Porter's arrival is noted for the Minutes.

LICENSURE APPROVAL – Dr. Levenfus

A. License Review

Speech-Language Pathology

Motion #4

Dr. Helene Levenfus moved to ratify the Speech-Language Pathology licenses granted by the Executive Director on February 1, 2010, February 16, 2010 and March 1, 2010. Ms. Embry seconded the motion. The motion passed unanimously.

February 1, 2010

Kimberly	Hovey	SP.9576
Ellen	Cohen	SP.9577
Lori	Barganier	SP.9578
Kelly	Aswad	SP.9579

February 16, 2010

Kristine	Schreiber	SP.3850
Katharine	Hill	SP.9580
Amy	Heise	SP.9581
Theodora	Rousos	SP.9582
Stacy	Middendorf	SP.9583
Jenna	Emore	SP.9584

March 1, 2010

Kristen	Hnottavange	SP. 8167
Kaitlyn	Galish	SP. 9585
Linnea	Hahler	SP. 9586
Bridget	Allen	SP. 9587
Claire	Conron	SP. 9588
Adam	Schlagheck	SP. 9589
Emily	Ferjencik	SP. 9590
Ashley	Shaver	SP. 9591
Sarah	Green	SP. 9592
Amber	Wroblewski	SP. 9593

Audiology

There were no audiology licensure applications approved for the time period January 22, 2010 – March 1, 2010.

Conditional Speech-Language Pathology
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Motion #5

Dr. Levenfus moved to ratify the Conditional Speech-Language Pathology licenses granted by the Executive Director on February 1, 2010 and February 16, 2010. Ms. Leppla seconded the motion. The motion passed unanimously.

February 1, 2010

Bridget	Coulter	COND.2008209	Second
Farzan	Irani	COND.2009044	Second
Amy	Isco	COND.2010178	
Gail	Morrison	COND.2010179	
Carrie	Balzer	COND.2010180	
Kaitlyn	Stratton	COND.2010181	

February 16, 2010

Elizabeth	Avramovich	COND.2010182
Teressa	Battaglia	COND.2010183

March 1, 2010

None approved this period.

B. Aide Applications

Speech-Language Pathology Aides
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None

Audiology Aides

None

C. Applications

Licensure Applications

Summary of Application Review Number SP.03112010-1

- This is an application for full licensure as an SLP by an individual never before licensed in Ohio and currently unlicensed in any state. This applicant is not certified by ASHA.

Motion #6

Ms. Embry moved to table Application Review Number SP.03112010-1 for further clarification regarding documentation of continuing education hours. Dr. Levenfus seconded the motion. The motion passed unanimously.

Summary of Application Review Number COND.03112010-1

- This is an application for conditional licensure as an SLP by an individual educated outside of the country.

Motion #7

Ms. Embry moved to approve Application Review Number COND.03112010-1. Ms. Leppla seconded the motion. The motion passed unanimously.

Summary of Application Review Number COND.03112010-2

This is an application for conditional licensure as an SLP by an individual educated outside of the country.

Motion #8

Ms. Embry moved to approve Application Review Number COND.03112010-2. Ms. Thorpe seconded the motion. The motion passed unanimously.

Student Permit

There were no student permit applications approved for the time period January 22, 2010 – March 1, 2010.

Licensing Summary

Speech-Language Pathologist	5924
Audiologist	931
Conditional SLP	303
Permit Holders	48
SLP-Aide	18

AUD-Aide
TOTAL

70
7294

Licensure Issues

Ms. Cunningham reported that she is reviewing all licensure forms to determine if any updates or revisions are needed. She also reported that steps are already underway for the planning of the licensure renewal in 2010.

EXECUTIVE SESSION - Personnel Matters

Motion #9

Ms. Leppla 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: yes; Ms. Leppla: yes; Mr. Porter: yes; Ms. Thorpe: yes; Dr. Ward-Gravelly: yes.

The motion carried.

The Board went into Executive Session at 12:08 P.M. The Board invited Mr. Thornton and Assistant Attorney General Wilburn to remain in attendance.

The Board returned to Public Session at 12:25 P.M.

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

FORMAL RULES HEARING pursuant to Chapter 119 Ohio Revised Code.

At 1:30 P.M. the Board conducted a Public Hearing on Proposed Amendments to Rules 4753-3-04, 4753-3-07, and 4753-3-10 for 2010.

The following rules are proposed for amendment to clarify and establish requirements:

4753-3-04

Proposed changes to OAC section 4753-3-04 to be more consistent with Ohio Revised Code section 4753.06

4753-3-07

Proposed changes to OAC section 4753-3-07 to be more consistent with Ohio Revised Code section 4753.071

Proposed changes to OAC section 4753-3-07 (G)(1) and (G)(3)(a) specifying the time period in which the supervised professional experience report and supervised contacts log is due.

4753-3-10

Proposed breakdown of OAC section 4753-3-10(E)(2) for exempt practice and renewal procedures.

The Rules Hearing concluded at 1:56 P.M.

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

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; Mr. Good: yes; Ms. Leppla: yes; Mr. Porter: yes; Ms. Thorpe: yes; Dr. Ward-Gravely: yes.

The Board went into Executive Session at 2:15 p.m. 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 2:24 P.M.

B. Board Actions

2005-06, 2007-01, 2008-15 These cases involve an audiology aide who is the owner of a company that provides Manual Audiometric Tests (MAT). The Respondent advertises the ability to perform twenty-five MAT's per hour and that *all* audiologists use MAT. At the October 16, 2009 board meeting, the Board approved to issue a Cease & Desist to remove the claim of 25 MAT per hour and that *all* audiologists use MAT. The company complied with the Cease and Desist and submitted a response in writing.

Accordingly, the Investigative Review Group (IRG) recommends closing these cases.

Motion #11

Ms. Leppla moved to accept the Investigative Review Group's recommendation in cases 2005-06, 2007-01, and 2008-15. Ms. Thorpe seconded the motion. Dr. Ward-Gravely abstained. Dr. Levenfus abstained. Ms. Embry abstained. The motion passed uncontested.

2010-11

This case involves unlicensed practice by a conditional speech-language pathologist for not submitting their Supervised Professional Experience Plan (Plan) in a timely manner by 508 days. The conditional license was issued on 7/15/2008 and expires on 7/13/2011. The Plan listed 8/18/2008 as the start date and 11/26/2010 as the ending date. The Respondent holds a certificate with the Ohio Department of Education (ODE). It expires 6/30/2013. **Accordingly the**

IRG recommends the following in case 2010-11:

Due to this being the Respondent's first offense:

1. Issue a Consent Agreement based on the following terms and conditions:
 - a. Start the Plan over.
 - b. Complete 10 hours of education in training in the area of documentation and submit to the Board office 90 days from the date the Consent Agreement is approved by the Board.
 - c. Complete 10 more hours of education in training in the area of documentation and submit to the Board office 30 days prior to the *conclusion* of the Consent Agreement.
 - d. Once fully licensed, automatically audit for continuing education for the next 2 renewal cycles.
2. Issue a Warning Letter to the supervisor of their responsibilities/to be mindful in assuring the conditional license holders' paperwork arrives on time.
3. Send a statement to ODE that the Respondent is completing his/her 2nd Conditional and that he/she is not currently fully licensed.

Motion #12

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2010-11. Ms. Leppla seconded the motion. Dr. Ward-Gravely abstained. Dr. Levenfus abstained. Ms. Embry abstained. The motion passed uncontested.

2010-12

This case involves unlicensed practice by a speech language pathologist whose previous conditional license expired on 11/15/2009 and he/she continued to practice for 58 days. Also his/her Supervised Professional Experience Report (Report) and Supervision Contacts Log (Log) were not submitted in a timely manner by 264 days.

Accordingly the IRG recommends the following in case 2010-12:

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

1. Suspend for 58 days staying half (29 days), commencing on weekends and holidays.
2. In addition to the regular required 20 hours of continuing education the Respondent is to complete 10 hours of continuing education in the area of documentation and record keeping and 5 hours of continuing education in the area of ethics. The 15 hours must be submitted to the Board office 90 days from the date the Board approves the Consent Agreement.

Motion #12

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2010-12. Ms. Leppla seconded the motion. Dr. Ward-Gravely abstained. Ms. Embry abstained. The motion passed uncontested.

2010-13

This case involves unlicensed practice by a conditional speech-language pathologist whose conditional license expired on 12/12/2009 and he/she continued to practice for 5 days. Also his/her Plan was received in an untimely manner by 447 days.

Accordingly the IRG recommends the following in case 2010-13:

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

1. Start the Conditional Plan over.

2. Complete 10 hours of education in training in the area of documentation and submit to the Board office 90 days from the date the Consent Agreement is approved by the Board.
3. Complete 10 more hours of education in training in the area of documentation and submit to the Board office 30 days prior to the conclusion of the Consent Agreement.
4. Once fully licensed, automatically audit for continuing education for the next 2 renewal cycles.
5. Issue a Warning Letter to the supervisor of their responsibilities/to be mindful in assuring the conditional license holders' paperwork arrives on time.

Motion #13

Ms. Leppla moved to accept the Investigative Review Group's recommendation in case 2010-13. Ms. Thorpe seconded the motion. Dr. Ward-Gravely abstained. Dr. Levenfus abstained. Ms. Embry abstained. The motion passed uncontested.

2010-14

This case involves a speech-language pathologist who practiced unlicensed for 354 days due to failure to renew in a timely manner by 12/31/2008. Three renewal notices were mailed to the address on file which was up to date.

Accordingly the IRG recommends the following in case 2010-14:

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

1. Suspend 354 days staying half (177 days), commencing over a 2 year period on weekends and holidays for not renewing in a timely manner by 12/31/2008 and for unlicensed practice.
2. Send copy of Consent Agreement to licensee's employer.
3. Audit for continuing education for the next two renewal cycles.

Motion #14

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2010-14. Ms. Leppla seconded the motion. Dr. Ward-Gravely abstained. Ms. Embry abstained. The motion passed uncontested.

2010-15

This case involves unlicensed practice by a conditional speech language pathologist for not submitting their Plan in a timely manner by 163 days. The Respondent is obtaining their Supervised Professional Experience in Michigan. The supervisor is licensed in Michigan and has their ASHA CCC's. The conditional license was issued on 5/15/2009 and expires on 11/15/2010. The plan listed a start date of 6/29/2009 and an ending date of 3/29/2010. The Plan was received at the Board office on 1/8/2010.

Accordingly the IRG recommends the following in case 2010-15:

1. Due to this being the Respondent's first offense, Issue a Consent Agreement based on the following terms and conditions:
 - a. Amend the Plan with a new start date of 12/8/2009, which is 30 days prior to when the Plan was received.

Motion #15

Ms. Leppla moved to accept the Investigative Review Group's recommendation in case 2010-15. Ms. Thorpe seconded the motion. Dr. Ward-Gravely abstained. Ms. Embry abstained. The motion passed uncontested.

2010-16

This case involves a speech-language pathologist that failed to renew in a timely manner by December 31, 2008. The Respondent renewed 53 days late but did not practice during that time. The Respondent was issued a 2008 Continuing Education Audit for Late Renewal and did not comply. Continuing education was not obtained during 2007 and 2008 due to not practicing. The Respondent has not practiced since 2007 and does not plan to renew.

Accordingly the IRG recommends the following in case 2010-16:

1. Issue a Notice of Opportunity for Hearing for:
 - a. Failure to comply with the initial Continuing Education Audit and the second notice.
 - b. Failure to complete the Employment Verification Form.
 - c. Falsifying the 2009-2010 renewal application by attesting "Yes" to having completed the required 20 hours of continuing education for renewal.

Motion #16

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2010-16. Ms. Leppla seconded the motion. Dr. Ward-Gravely abstained. Ms. Embry abstained. The motion passed uncontested.

Investigative Report - Ms. Stansberry

OPENED	Cases since the last Board Meeting 1/21/2010	6
CLOSED	Cases since the last Board Meeting 1/21/2010	5
Total OPEN	Number of Cases	17

BOARD BUSINESS

- A. Strategic Planning – Update
 1. Dr. Ward-Gravely requested the Strategic Planning Committee continue as an Ad-Hoc committee. The Strategic Planning Ad-Hoc committee will prepare a final report and recommendations for taking action on the agenda items on which the board is looking to move forward.
- B. Board Member Orientation – Update
 1. Mr. Thornton reported that the new board member orientation presentation is updated and will supplement the packet of information he has prepared for all newly appointed board members. He stated that the goal is to have new board member orientation prior to their first board meeting.
- C. Student Permits – Updates
 1. Mr. Thornton will follow up with the Ohio Department of Education regarding the Memorandum of Understanding and updated the board at the May meeting.
- D. Ohio Department of Education – Verification of Board licensure when issuing Pupil Service Certificate to a speech-language pathologist

1. Mr. Thornton is following up with the Ohio Department of Education regarding the process they follow to ensure that individuals applying for a Pupil Services Certificate in order to provide speech-language pathology and audiology services in the schools are, indeed, licensed by this Board as a speech-language pathologist or audiologist. The Board recently experienced a case in which an individual who was seeking licensure as a speech-language pathologist was already issued a Pupil Services Certificate. Mr. Thornton has been working with a representative at the ODE to understand what happened in this case and to ensure that appropriate procedures are in place to prevent this from recurring.
- E. Replacement of office copier
1. Mr. Thornton informed the Board that it was necessary to replace the office copier. He contacted State Printing and requested a Copy Cost Assessment. State Printing advised that the Board would realize significant long-term savings by enrolling in their Cost Per Copy Program.

Motion #17

Mr. Porter moved to authorize the Executive Director to replace the office copier as specified by State Printing. Ms. Thorpe seconded the motion. The motion passed uncontested.

- F. SLP case load in schools
1. Mr. Thornton reported that he was following up with the Ohio Department of Education regarding the status of a sub-committee formed to address case load ratios for speech-language pathologists employed in school settings.
- G. Legislative Breakfast – Wednesday, April 12, 2010 – Update
1. Mr. Thornton conferred with the Ohio Ethics Commission and confirmed that board members attending the Legislative Breakfast sponsored by the Ohio Speech and Hearing Governmental Affairs Coalition would be an appropriate board activity. Mr. Thornton also reviewed previous board minutes and noted that historically this event was approved as a board activity. Dr. Ward-Gravely, Dr. Levenfus, Ms Embry, Ms. Leppla, Ms. Thorpe, and Mr. Thornton will be attending this event on April 12, 2010.

COMMITTEE REPORT

A. Rules Committee

Ms. Embry reported that the Rules Committee met on March 10, 2010 to review and recommend proposed rule revisions for 2010. The Committee is reviewing proposed rules for web-based supervision. A proposed rule for web-based supervision is currently posted to the Board's website for public comment. The Committee also reviewed OAC 4753-3-06 – Examination Requirements under

the 5-year rule review and recommends that this rule be refilled with the Joint Committee on Agency Rule Review with no changes. The Committee reviewed language for inactive licensure and will proceed to adopt a rule as soon as an amendment is added to Revised Code Chapter 4753 granting the Board the authority to place licenses in inactive status. Ms. Embry also reported that at a future meeting the Committee will work to clarify rules for the use of otoscopes by AUD-Aides.

CORRESPONDENCE

A. Marcia Filmer – Caseload limits

1. The Board reviewed correspondence from Marcia Filmer regarding the ethical implications for a speech-language pathologist handling a high case load ratio in the school setting. The Board directed the Executive Director to respond that the Board cannot resolve ethical issues without a specific set of facts and that there are many factors that determine a speech-language pathologist's caseload, including an assessment of their work load.
2. Dr. Ward-Gravely appointed the following board members to serve on an ad-hoc committee for the purpose of moving the school case load issue forward with the Ohio Department of Education: Ms. Embry and Ms. Leppla.

B. Renee Halfhill – Supervised Professional Experience Plan

1. After reviewing correspondence from Renee Halfhill, the Board entertained the following motion.

Motion #18

Ms. Embry moved to authorize the Assistant Attorney General to amend the Consent Agreement between the Board and Ms. Danielle Lucido, SP.9574. Ms. Leppla seconded the motion. The motion passes uncontested.

MEMBER CONCERNS

Mr. Good expressed appreciation for the Board's support during his time on the board and everyone's well wishes when he experiences health issues. Dr. Ward-Gravely stated that Mr. Good's dedication to serving on the Board and attending board meetings is very much appreciated.

ADJOURNMENT

The meeting was adjourned at 3:30 P.M.

Dr. Valenta Ward-Gravely, Chairperson

Dr. Helene Levenfus, Vice Chair

Date

Date

Gregg B. Thornton, Executive Director

Date