



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

**Board Meeting Minutes of Friday, December 2, 2011**

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., 31<sup>st</sup> Floor- Board Room, Columbus, OH 43215.

**Board Members Present:**

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

**Board Members Absent:**

Malcolm Porter, Public Member

**Also Present:**

Gregg B. Thornton, Executive Director  
Michelle Cunningham, Licensing Administrator  
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 from the public or professional organizations.

**AGENDA**

The agenda for the December 2, 2011, regular board meeting was presented and reviewed.

**Motion #1**

Ms. Thorpe moved to accept the agenda as submitted. Dr. Mitchell seconded the motion. The motion passed unanimously.

**MINUTES**

The minutes of the October 12, 2011 board meeting were reviewed.

**Motion #2**

Dr. Mitchell moved to accept the minutes of the October 12, 2011 board meeting. Ms. Leppla seconded the motion. The motion passed unanimously.

**CHAIRPERSON'S COMMENTS**

Dr. Levenfus welcomed everyone in attendance at the board meeting. She noted Mr. Porter's absence due to a scheduling conflict. The Board is looking forward to Mr. Porter facilitating the strategic planning meeting in January. As a gesture of public awareness for breast cancer, Dr. Levenfus requested that the Board join her in recognizing Ms. Embry, as she announced this was her fourth year anniversary being cancer free. Dr. Levenfus thanked Mr. Thornton for his continued leadership as the Board's Executive Director.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Thornton submitted an updated 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;
- The number of license verification letters issued since the last meeting;
- Significant legislation impacting the Board;
- Personnel matters;
- Reported that the winter quarter eNewsletter will be distributed in late December;
- The audiology board member appointment from the Governor's Office is still pending;
- The National Conference of State Boards of Examiners in Speech-Language Pathology and Audiology (NCSB) annual conference in Las Vegas, NV from October 14-15, 2011. Mr. Thornton and Ms. Embry provided a written report demonstrating how the Board benefitted from their attendance at the conference;
- The Board's Chat Room presentation at the Ohio School Speech Pathology Educational Audiology Coalition (OSSPEAC) annual conference on October 24, 2011. Mr. Thornton, Ms. Embry and Ms. Leppla shared a written summary of the issues and comments that were raised during two chat room sessions;

## **INVESTIGATIONS**

### **A. Executive Session**

#### **Motion #3**

Ms. Leppla 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: absent; Ms. Thorpe: yes; Ms. Tracy: yes

*The Board went into Executive Session at 10:11 A.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 10:23 A.M.*

### **B. Board Actions**

#### **2012-08**

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 25 days of the 72 days her license was expired. She obtained licensure in May of 2011. At the October 12, 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 offence, and for violating Ohio Revised Code (ORC) Section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Suspend for 72 days, staying half, commencing on designated days off.*
- *Complete 5 hours of continuing education in the area of ethics and 5 hours in the area of documentation and record keeping.*
- *Submit proof of these 10 hours 60 days from the date the Board approves the Consent Agreement.*
- *Audit for continuing education hours for the next 2 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 #4**

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2012-08. Ms. Leppla seconded the motion. The motion passed uncontested. Dr. Levenfus abstained.

#### **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.

**Accordingly the IRG recommends the following:**

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 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.

**Motion #5**

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

**2012-12**

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. The Respondent complied with the continuing education portion of the audit; however, practiced for 47 days of the 73 days her license was expired. She obtained licensure in June of 1991. At the October 12, 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 offence, and for violating ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Suspend for 73 days, staying half, commencing on designated days off.*
- *Complete 5 hours of continuing education 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 2 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 2012-12. Ms. Leppla seconded the motion. The motion passed uncontested. Dr. Levenfus 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. The Respondent 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.

**Accordingly the IRG recommends the following:**

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.

**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.

**2012-15**

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. The Respondent complied with the continuing education portion of the audit; however, practiced for 30 days of the 80 days her license was expired. She obtained licensure in April of 1987. At the October 12, 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 offence, and for violating ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Suspend for 80 days, staying half, commencing on designated days off.*
- *Complete 5 hours of continuing education 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 2 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. Leppla moved to accept the Investigative Review Group's recommendation in case 2012-15. Ms. Thorpe seconded the motion. The motion passed uncontested. Dr. Levenfus abstained.

**2012-16**

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 23 days of the 37 days that her license was expired. She obtained licensure in December of 1992. At the October 12, 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 offence, and for violating ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Suspend for 37 days, staying half, commencing on designated days off.*
- *Complete 5 hours of continuing education 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 2 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 2012-16. Ms. Thorpe seconded the motion. The motion passed uncontested. Dr. Levenfus abstained.

**2012-27**

This case involves a speech-language pathologist whose license expired on 1/1/2005 yet she continued to practice, unlicensed, fulltime in a school district. She submitted a re-licensure application, on 8/26/2011, via the 40 continuing education hour option; even though she knew she had been practicing while her license was expired. At the October 12, 2011 board meeting, the Board accepted the IRG's recommendation to offer a Consent Agreement with the following terms and conditions:

*Due to practicing with an expired license for more than 6 ½ years (from 1/1/2005 to 8/26/2011), a violation of ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Immediately suspend the Respondent's license for 1 year once her re-licensure application has been approved and she has been granted re-licensure.*

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 #10**

Ms. Thorpe moved to accept the Investigative Review Group's recommendation in case 2012-27. Ms. Embry 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.

**Accordingly the IRG recommends the following:**

Due to this being the Respondent's first offense, and for violating 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.

**Motion #11**

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

**2012-39**

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 23 of the 37 days it was expired. She obtained licensure in December of 1990. At the October 12, 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 offence, and for violating ORC Section 4753.02, offer a Consent Agreement based on the following terms and conditions:*

- *Suspend for 37 days, staying half, commencing on designated days off.*
- *Complete 5 hours of continuing education 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 2 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 #12**

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2012-39. Ms. Leppla seconded the motion. The motion passed uncontested. Dr. Levenfus 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.

**Accordingly the IRG recommends the following:**

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.

**Motion #13**

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

**2012-94**

This case involves a speech-language pathologist who was issued a Consent Agreement, for previous case #2011-82, for submitting his Report and Log late by 90 days. The Consent Agreement was approved at the 6/22/2011 board meeting. Terms of the Consent Agreement were to submit proof that he completed 10 continuing education hours, in the area of documentation and record keeping, by 9/20/2011. The hours were not received by the deadline. He claimed that lack of finances prevented him from completing the hours. On 11/7/2011 he told the Board Investigator that he was going to ask his bank for an advance, pay and complete the hours, on-line, and have the hours to the board office by the next day. The hours were not received. He is not currently working or looking for work in Ohio. He resides in another state. He obtained Ohio licensure in February of 2011.

**Accordingly the IRG recommends the following:**

- Issue a Notice of Opportunity for Hearing (NOH) based on page 2, B., of his previous approved Consent Agreement which reads, "If the Respondent appears to have breached any terms of the conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings against him. Any action initiated by the Board based on an alleged violation of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119 of the Ohio Revised Code."

**Motion #14**

Ms. Embry moved to accept the Investigative Review Group's recommendation in case 2012-94. Ms. Thorpe seconded the motion. The motion passed uncontested. Dr. Levenfus abstained. Dr. Mitchell abstained.

**C. Investigative Report – Ms. Stansberry**

<b>OPENED</b>	Cases since the last Board Meeting 10/12/2011	34
<b>CLOSED</b>	Cases since the last board meeting 10/12/2011	44
<b>Referrals</b>	Of total open cases	11
	(# of Complaint Referrals)	(7)
	(# of ASHA, Other state license & conviction verification referrals)	(4)
<b>TOTAL Open</b>	After Closing Cases Today	26

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

Aide changed supervisors but no application filed	0
Ceu Audit issues	0
Conviction applications	1
Deceased (verified)	0
Denied Refund	0
Billing Issues/Falsified Records	2
Late Plan (or none)	1
Late Report and Log (or none)	3
Late Plan, Report and Log	0
Misleading Advertisement	5
Misrepresentation (Other)	0
No Plan on file	1
Other	3
Public Records Request	0
Re-licensure application ceu review	0
Renewal application issue (ceu's not completed by 12/31/2010)	0
Restoration application review ceu's	0
Supervision of an Aide termination, did not notify Board	0
Unlicensed Practice	0
Unlicensed Practice due to late renewal/ceu audit	3
Unprofessional/Unethical	4
Verification of ASHA and/or other state licensure	3

**2010 Continuing Education (CE) Audit**

The following have been audited for continuing education for the 2010 licensure period:

	<b>Audited</b>	<b>CE's Received</b>	<b>Reviewed/ Complied</b>
▪ 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 <sup>st</sup> Renewal	6	6	6

▪ AUD Board Members	3	3	3
▪ SLP Board Members	3	3	3
▪ Late Renewals after 3/8/11	<u>18</u>	<u>17</u>	<u>17</u>
	<b>439</b>	<b>438</b>	<b>436</b>

**To date, 99.77% of the 2010 Continuing Education Audits have been reviewed to completeness. 99.31% have complied.**

**Of the 99.31%:**

- 1 late renewal audit is pending. The licensee renewed late and has until mid-December to comply with the audit.
- 2 licensees, who were randomly audited, surrendered their license instead of complying with the audit request.

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.

## **CASE UPDATE**

### **2011-97**

This case involved a speech-language pathologist that practiced 492 days in a school district, over a period of 4.7 years, during the time her license had been expired. At the October 12, 2011 meeting, the Board voted to issue a Notice of Opportunity for Hearing (NOH). A NOH will not be issued based on the fact that the license is expired and the Respondent is retired. Assistant Attorney General Wilburn advised that the Board cannot take disciplinary action on an expired license. As a result, a warning letter was issued to the Respondent and an informative letter was issued to the school district superintendent and to Ohio Department of Education's Office of Educator Licensure and Office for Exceptional Children. E-License has been flagged should the Respondent apply for re-licensure.

## **BUSINESS FILINGS:**

### **2011 Business Filing**

- Business filing notice letters will be mailed in January, 2012
- Business filing responses are due by March 1, 2012
- Second notices will be issued in mid-March, 2012, to businesses that do not submit a filing by the initial deadline

### **2009 Business Filing**

- 1,448 notice letters were mailed
- 674 businesses responded
  - 590 were from the list of 1,488
  - 84 were from additional businesses
- 5,408 names were reported
  - 4,436 names were from the 590 businesses
  - 972 names were from the additional 84 businesses
- No issues and no unlicensed practice was found from the 2009 business filing
- All businesses received follow-up letters notifying them of their compliance or non compliance with the business filing
- The follow-up letters included additional information and resources for employers about the licensure requirements and scope of practice for speech-language pathologists and audiologists

## **LICENSURE APPROVAL – Ms. Embry**

### **A. License Review**

<b>Speech-Language Pathology</b>
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**Motion #15**

Ms. Embry moved to ratify the Speech-Language Pathology licenses granted by the Executive Director on October 17, 2011, November 1, 2011, November 15, 2011, and December 1, 2011. Ms. Thorpe seconded the motion. The motion passed unanimously.

**October 17, 2011**

Amanda	Reece	SP.10238
Kathleen	Baker	SP.10239
Katie	Anderson	SP.10240
Gida	Cotran	SP.10241
Kathryn	Cavanaugh	SP.10242
Kimberly	Weddendorf	SP.10243
Jennifer	Frimel	SP.10244
Christina	Sanford	SP.10245

**November 1, 2011**

Sharon	Cross	SP.5501 (Re-Licensure)
Maria	Gonzalez	SP.10246
Beth	Kennedy	SP.10247
Jennifer	Perkins	SP.10248
Cindy	Walter	SP.10249
George	Charpied	SP.10250
Kristina	Robertson	SP.10251
Ashley	Schuler	SP.10252
Tess	Sims	SP.10253
Karen	Crabb	SP.10254
Melissa	Majewski	SP.10255
Henry	Lee	SP.10256
Marycelia	See	SP.10257
Stephanie	Persanyi	SP.10258
Michelle	Chng	SP.10259
Julia	Pauley	SP.10260
Nicole	Valot	SP.10261

**November 15, 2011**

Sara	Hudas	SP.10262
Diana	Wachsberger	SP.10263
Sara	Button	SP.10264
Marissa	King	SP.10265
Dalit	Burgess	SP.10266

Pamela	Smock	SP.10267
Kali	Whiteside	SP.10268
Karla	Washington	SP.10269

**December 1, 2011**

Jenny	Goodman	SP.5005 (Re-Licensure)
Beth	Sullivan	SP.5936 (Re-Licensure)
Matthew	Clark	SP.10270
Lisa	Davis	SP.10271
Akiko	Smith	SP.10272
Chaya	Edelman	SP.10273
Arnold	Olszewski	SP.10274
Keiko	Ishikawa	SP.10275

**Audiology****Motion #16**

Ms. Embry moved to ratify the Audiology licenses granted by the Executive Director on October 17, 2011, November 1, 2011, November 15, 2011, and December 1, 2011. Ms. Leppla seconded the motion. The motion passed unanimously.

**October 17, 2011**

None

**November 1, 2011**

None

**November 15, 2011**

Emil	Frymark	A.01797
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**December 1, 2011**

None

**Conditional Speech-Language Pathology****Motion #17**

Ms. Embry moved to ratify the Conditional Speech-Language Pathology licenses granted by the Executive Director on October 17, 2011, November 1, 2011, November 15, 2011, and December 1, 2011. Ms. Thorpe seconded the motion. The motion passed unanimously.

**October 17, 2011**

Kathryn	Wood	COND.2012172
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**November 1, 2011**

Alexis	Lape	COND.2012173
James	Kunselman	COND.2012174

**November 15, 2011**

Jean	Monateri	COND.2010193 (2nd COND)
Jessica	Thornton	COND.2010224 (2nd COND)
Lois	Powell	COND.2012176
Chaya	Thav	COND.2012177

**December 1, 2011**

None

**LICENSING SUMMARY**

Speech-Language Pathologist	6191	
Audiologist	937	
Inactives	132	AUD 25 / SLP 107
Conditional SLP	326	
Permit Holders	47	
SLP-Aide	10	
AUD-Aide	63	
<b>TOTAL</b>	<b>7706</b>	

**B. Applications for Review****Audiology Aides****Summary of Application Review Number Aide AUD 12022011-1:**

This is an initial application for licensure. The employer is a provider of mobile audiometric testing services. The supervising audiologist currently supervises 5 Ohio licensed audiology aides; no pending aide applications.

**Motion #18**

Dr. Mitchell moved to approve the application for Audiology Aide, number **Aide AUD 12022011-1**. Ms. Thorpe seconded the motion. The motion passed unanimously.

**Summary of Application Review Number AideAUD 12022011-2:**

This is an initial application for licensure. The supervising audiologist currently supervises 1 Ohio licensed audiology aide and has 1 other pending audiology aide application.

**Motion #19**

Dr. Mitchell moved to approve the application for Audiology Aide, number **Aide AUD 12022011-2**. Ms. Thorpe seconded the motion. The motion passed unanimously.

**Summary of Application Review Number AideAUD 12022011-3:**

This is an initial application for licensure. The supervising audiologist currently supervises 1 Ohio licensed audiology aide and has 1 other pending audiology aide application.

**Motion #20**

Dr. Mitchell moved to approve the application for Audiology Aide, number **Aide AUD 12022011-3**. Ms. Thorpe seconded the motion. The motion passed unanimously.

**Summary of Application Review Number AideAUD 12022011-4:**

This is an initial application for licensure as an audiology aide. The supervising audiologist currently supervises 1 Ohio licensed audiology aide; no pending aide applications.

**Motion #21**

Dr. Mitchell moved to approve the application for Audiology Aide, number **Aide AUD 12022011-4**, pending confirmation that SREM (Simulated Real Ear Measurements) on hearing aids is part of the check-in process and that the supervising audiologist will review the SREM settings, program, and fit the aid to the patient. Ms. Leppla seconded the motion. The motion passed unanimously.

**Summary of Application Review Number AideAUD 12022011-5:**

This is an initial application for licensure as an audiology aide. The employer is a provider of mobile audiometric testing services. The supervising audiologist currently supervises 3 Ohio licensed audiology aide; no pending aide applications.

**Motion #22**

Dr. Mitchell moved to approve the application for Audiology Aide, number **Aide AUD 12022011-5**. Ms. Thorpe seconded the motion. The motion passed unanimously.

<b>Licensure Applications</b>
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There are no additional complete applications that are pending for blind review.

<b>Special Cases</b>
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**IRG Case Number: 2012-27**

An application for relicensure as an SLP was received on 8/26/2011 along with documentation of completion of 40 CE hours within the 2 years prior to application receipt. The applicant's Ohio SLP license was initially issued on 9/1/1976 and expired 12/31/2004. The submitted application indicated current full time practice as an SLP for a school district dating from 1979. The case was referred to the Board Investigator on 8/30/2011 for unlicensed practice. This application has remained pending since that date and the

credential status currently reflects disciplinary action pending. Per the terms of the Consent Agreement presented to the Board today, licensure is to be granted followed by an immediate one year suspension to commence December 2, 2011 through December 2, 2012.

### **Motion #23**

Ms. Embry moved to approve the relicensure application for Case Number 2012-27, followed by an immediate one year suspension, pursuant to the terms of the Consent Agreement. Ms. Leppla seconded the motion. The motion passed unanimously. Dr. Levenfus abstained. Dr. Mitchell abstained.

### **Request to Consider Whether Volunteer Experience in a Paid Professional Work Setting May Be Applied Toward the Supervised Professional Experience (SPE) Completion Requirements**

A request was received from a conditional license holder, initially licensed 8/1/2011, who is working under a Board approved plan for completion of the SPE, on a part-time basis, as an employee of a county Educational Service Center. The conditional license holder is expected to have approximately 37 weeks of part-time SPE completed by the end of this school year (5/25/2012). The work setting for the proposed volunteer experience is the speech and hearing department of an acute care hospital. The length of the proposed experience is 16 – 17 hours (2 days) per week for 8 weeks.

### **Request to Waive Supervisor Qualifications Stipulated by OAC 4753-3-07(D)(1)(b) of 24 Months of Full Time Clinical Experience in the Past 60 Months**

(Request approved by the Review Committee on 11/4/2011 requires ratification by the Board.) The conditional license holder has filed a plan for full-time completion of the professional experience. The employer is a non-profit pediatric facility providing outpatient speech, physical and occupational therapy, audiological testing and psychology services. The supervisor is currently actively licensed by the Ohio Board and was initially licensed in June 1995. The supervisor has submitted a current resume and request to waive OAC 4753-3-07(D)(1)(b). The supervisor reports 16 years of current experience with a varied pediatric population and employment that has ranged from full-time to part-time over the past 16 years.

### **Motion #24**

Ms. Thorpe moved to ratify the Review Group's approval of 11/4/2011 to waive the supervisor qualifications stipulated by OAC 4753-3-07(D)(1)(b). Ms. Embry seconded the motion. The motion passed unanimously.

## **Licensure Issues/Updates**

As a result of rule changes effective 12/1/2011, the permit application packet has been updated and is in the process of being prepared for posting. Additionally, changes have been drafted to the SPE Plan form, Amended SPE form and to the FAQ detailing supervisory guidelines. Additionally, template letters have been updated related to the process of deeming an application as abandoned.

*The Board recessed at 11:15 a.m. and resumed at 11:30 a.m.*

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

### **Motion #25**

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. Thorpe 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: absent; Ms. Thorpe: yes; Ms. Tracy: yes

*The Board went into Executive Session at 11:30 A.M. and invited Board staff to remain in attendance.*

*The Board returned to Public Session at 11:35 A.M.*

Assistant Attorney General Wilburn reported that the company that was issued a Cease and Desist letter for Case No. 2011-87 complied with the Board's request. Accordingly, she recommended that the Board close the case in this matter.

### **Motion #26**

Ms. Embry moved to close Case No. 2011-87. Ms. Leppla seconded the motion. The motion passed unanimously. Dr. Levenfus abstained.

## **ETHICS TRAINING**

The Board received its annual ethics training.

*The Board recessed for lunch at 12:15 P.M. and returned to Public Session at 1:30 P.M.*

## **BOARD BUSINESS**

- A. Election of officers, board meeting dates, and committee assignments for 2012

Dr. Levenfus presided over the nomination and election of the Chair and Vice Chair positions for 2012.

The Board accepted nominations for the Chair position.

### **Motion #27**

Dr. Mitchell moved to nominate Dr. Levenfus to serve as Chairperson of the Board for 2012. Ms. Leppla seconded the motion. There were no other nominations submitted. The Board voted unanimously to accept the nomination of Dr. Levenfus as Chairperson of the Board for 2012.

The Board accepted nominations for the Vice Chair position.

### **Motion #28**

Dr. Levenfus moved to nominate Ms. Thorpe to serve as Vice Chairperson of the Board for 2012. Ms. Leppla seconded the motion. There were no other nominations submitted. The Board voted unanimously to accept the nomination of Ms. Thorpe as Vice Chairperson of the Board for 2012.

The Board designated the following dates in 2012 for board meetings:

- Wednesday and Thursday, January 18-19
- Thursday, March 8
- Thursday, May 10
- Tuesday, June 19
- Tuesday, August 14
- Thursday, October 4
- Tuesday, December 4

Dr. Levenfus made the following Committee Assignments for 2012:

- Rules Committee: Ms. Embry, Chair, Ms. Tracy
- Policy and Procedure Committee: Mr. Porter, Chair, Ms. Leppla, and Dr. Mitchell
- Investigations (IRG) Committee: Dr. Mitchell and Ms. Leppla
- Professional Competency Committee: Ms. Thorpe, Chair, Ms. Leppla and Dr. Mitchell
- Review Committee (January – June 2012): Dr. Levenfus (AUD Applications), Ms. Embry (SLP Applications)
- Review Committee (July – December 2012): Dr. Mitchell (AUD Applications), Ms. Thorpe (SLP Applications)

#### **B. Attorney General Formal Opinion – Status of Conditional License**

The Board has shared the Attorney General's Formal opinion with the Ohio Department of Education – Medicaid School Program, and the Ohio Department of Job and Family Services. The Board was advised that they would be contacted as soon as the opinion is reviewed.

#### **C. Educational Testing Service – Passing Score for the New Audiology Exam**

The Educational Testing Service (ETS) notified the Board that the new score scale for the audiology praxis exam will be delayed until January 2013, to allow more time for licensure boards to implement rules. The Board informed ETS that it was prepared for the new changes. ETS agreed to send the Board a conversion for the new score scale. ETS also intends to change the praxis exam for speech-language pathology within the next couple of years.

#### **D. United Healthcare: Online Hearing Tests and Sale of Hearing Aids/Hearing Devices via the Internet**

The Board discussed the issue of hearing tests and hearing aids being offered to consumers via the internet by United Healthcare and hiHealth Innovations. The Board received input from a licensed audiologist who was in attendance. The Board determined that an advisory letter should be sent to all licensed audiologists and also posted to its

website to educate consumers about the risks associated with online hearing test and purchasing hearing aids via the internet without a prior face-to-face evaluation from a qualified health provider, such as an audiologist. The Board will continue to monitor this issue and consider other appropriate action.

#### E. Executive Director's Annual Performance Evaluation

Dr. Levenfus reported that the Board is in the process of finalizing the Executive Director's annual performance evaluation.

### **COMMITTEE REPORTS**

#### A. Rules Committee – Ms. Loretta Embry

Ms. Embry reported that the Rules Committee met immediately prior to the board meeting. The committee will review ten rules that are up for five year review. The committee will be accepting public comments on proposed changes to the continuing education requirements. The committee will also consider rules on telepractice in 2012.

#### B. Professional Competency Committee

The Professional Competency Committee will convene in January 2012.

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

The Policy and Procedures Committee received a third batch of policies for review. The committee has reviewed approximately half of the Board's policies.

### **CORRESPONDENCE**

The Board discussed the following correspondences:

#### A. SLP School Billing Issue – Medical Necessity

The Board re-visited an inquiry it considered at the October 12<sup>th</sup> board meeting. The issue related to whether SLPs practicing in a school setting can sign-off on Medicaid billing with a statement verifying therapy services upon a determination of a medical necessity. The Board contacted the Ohio Department of Education – Medicaid School Program (ODE-MSP) for clarification.

For purposes of Medicaid billing, a licensed speech-language pathologist (SLP) is a healthcare provider of the healing arts; therefore, speech therapy should be provided based on a determination of the ongoing medical necessity for services outlined in the student's Individualized Education Program (IEP). Ohio Revised Code section 4753.01(C) defines the scope of practice for an SLP. As such, it would be acceptable for the SLP to sign-off on Medicaid billing statements assuming the SLP has evaluated and made a determination that the student receiving services has a speech language disability. In addition, the medical necessity for speech therapy should be documented in the student's IEP. Assigning a disease classification code to a claim should not be considered as even remotely related to the process of making a medical diagnosis. The

statement contained on billing forms about a determination of medical necessity is for the purpose of billing Medicaid in accordance with ODE-MSP's requirements and should be based on the SLP's determination that the student received services due to a speech language disability.

**EXECUTIVE SESSION**

**Motion #29**

Ms. Thorpe 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: absent; Ms. Thorpe: yes; Ms. Tracy: yes

*The Board went into Executive Session at 2:37 p.m. and invited Mr. Thornton and Assistant Attorney General Wilburn to remain in attendance.*

*The Board returned to Public Session at 3:04 p.m.*

**MEMBER CONCERNS**

There were no member concerns presented.

**ADJOURNMENT**

The meeting was adjourned at 3:05 P.M.

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Dr. Helene Levenfus, Chairperson

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Ms. Amy Thorpe, Vice Chair

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Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gregg B. Thornton, Executive Director

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Date