

**BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY (ASLP)
MEETING MINUTES
MAY 24, 2012**

TIME AND PLACE: The Board of Audiology and Speech-Language Pathology (Board) meeting was called to order at 10:00 a.m. on Thursday, May 24, 2012, at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Henrico, Virginia.

PRESIDING OFFICER: A. Tucker Gleason, Ph.D., CCC-A

MEMBERS PRESENT: Lillian Beasley Beahm, Au.D., CCC-A
George T. Hashisaki, M.D.
Wanda L. Pritekel, MA, CCC-SLP
Harold Sayles, Ph.D.
Ronald Spencer, R.N.
Laura Purcell Verdun, MA, CCC-SLP

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: Arne W. Owens, Chief Deputy Director
Elaine Yeatts, Sr. Policy Analyst
Charis Mitchell, Assistant Attorney General, Board Counsel
Leslie L. Knachel, Executive Director
Carol Stamey, Operations Manager
Tamara Farmer, Administrative Assistant
Elizabeth Carter, Board of Health Professions, Executive Director

OTHERS PRESENT: David Bailey, Speech Hearing Association of Virginia (SHAV)
Ralston King, Virginia Society of Otolaryngology (VSO)
Susan Ward, Virginia Hospital and Healthcare Association (VHHA)
Scott Rankins, SHAV

QUORUM: With seven members of the board present, a quorum was established.

ORDERING OF AGENDA: Dr. Gleason requested that the order of the agenda be revised to include Guidance Document 30-8 under the topic of Discussion Items. Dr. Beahm moved to add Guidance Document 30-8 to the agenda. The motion was seconded and carried.

Dr. Sayles moved to accept the revised agenda. The motion was seconded and carried.

PUBLIC COMMENT: Mr. Bailey, representing SHAV, provided comment regarding the proposed Fiberoptic Endoscopic Evaluation of Swallowing (FEES) regulations. Specifically, he encouraged the Board to not withdraw the regulations, but to resubmit them to the Secretary's Office for approval.

APPROVAL OF MINUTES: Ms. Verdun moved to approve the minutes of the November 3,

2011, full board meeting as presented. The motion was seconded and carried.

DIRECTOR'S REPORT:

Mr. Owens reported that he and Dr. Reynolds-Cane were participating in a concurrent meeting of the Advisory Council on the Virginia Healthcare Reform Initiative and that there would be no director's report.

LEGISLATIVE/REGULATORY UPDATE:

2013 Legislative Package

Ms. Yeatts presented an overview of the need for proposed revisions to the Code of Virginia (Code) related to the officers of the Board and provisional licensure of speech-language pathologists.

Ms. Verdun moved that the proposed changes to the Code be included in the agency's 2013 legislative package. The motion was seconded and carried.

Draft Regulations

Ms. Yeatts provided an update on the status of the Board's periodic review of its regulations. She stated the regulations are currently at the Secretary's Office awaiting approval.

Reconsideration of FEES Regulations

Ms. Yeatts reported that the Secretary's Office had requested that the Board withdraw its proposed FEES regulations stating that they were burdensome to the profession. When asked if there were other options, she informed the Board that it could 1) withdraw the proposed regulations; 2) submit for reconsideration with explanation; or 3) draft a guidance document.

The Board discussed the matter with participation from members of the public and it was the consensus that the proposed FEES regulations should be resubmitted. The Board expressed that the regulations were needed to address a lack of rural care and an increase in the scrutiny of medical procedures by the Center for Medicaid and Medicare Services. In addition, the Board felt strongly that the proposed regulations did not pose a burden to the industry.

Mr. Spencer moved to request that the Secretary's Office reconsider its request for withdrawal of the FEES regulations and provide additional rationale for the proposed rule. The motion was seconded and carried.

DISCUSSION ITEMS:

Workforce Survey Report

Dr. Carter reported that the Workforce Data Survey Development Committee for the Board had met and developed the content of its survey. She further provided a synopsis of the information to be collected and advised that the survey was slated for inclusion in the upcoming on-line licensure renewal notices. Dr. Carter also reported that the Virginia Department of Education would be participating in the survey with their endorsees.

Guidance Documents

Requirements to Hold Licensure in Virginia

Ms. Knachel presented a revised draft of Guidance Document 30-8 for the Board's consideration. She informed the Board that the revisions included several grammatical corrections and additional language regarding practicing in schools.

Ms. Verdun moved to adopt the proposed amendments to Guidance Document 30-8 to include an identified typographical error. The motion was seconded and carried.

Active Practice Definition

Ms. Knachel reported that the Board staff needed guidance on how to answer questions related to what activities are considered active practice. The definition of active practice is included in the proposed draft regulation currently undergoing the promulgation process. She stated the Board could consider amending Guidance Document 30-6 to include or expand what constitutes active practice.

Ms. Mitchell advised the Board that the Credentials Committee should review, on a case-by-case basis, licensure applications that involve questionable practice activities.

It was noted that the bylaws require two members to serve on the Credentials Committee and currently there are no serving members. Dr. Gleason asked for volunteers. Ms. Pritekel and Mr. Spencer volunteered to serve on the Credentials Committee.

Hearing and Speech Screenings

Ms. Knachel reported that the Board had received an email from an entity seeking guidelines on conducting adult hearing screenings. The Board requested that Ms. Knachel research the matter and report back to the Board for further consideration.

Physician Orders

Ms. Knachel reported that the Board office had received several inquiries regarding whether certain procedures required a physician's order. The Board discussed the issue and decided to take no action.

Aiding and Abetting Unlicensed Practice

Ms. Knachel informed the Board of the possible need to address aiding and abetting unlicensed activities through a guidance document or other educational means. Ms. Mitchell stated that aiding and abetting unlicensed activity is an unprofessional conduct violation. She provided guidance that the issue should be addressed through the disciplinary process on a case-by-case basis.

The Board indicated that cases should be docketed against employers and supervisors who allow unlicensed practice if they are licensees of the Board. Employers or supervisors who are not licensees of the Board should be reported to the Commonwealth's Attorney.

Cerumen Questions

Ms. Knachel reported that the Board had received inquiries regarding whether the removal of ear wax was within the scope of practice of an audiologist. The Board requested that staff conduct research of the matter for presentation at the next board meeting.

On-Line Hearing Aid Providers

Ms. Knachel noted the articles in the agenda packet regarding the marketing of on-line hearing aid tests and sale of hearing aids to consumers as a result of the hearing aid tests. The Board was informed that the marketing of on-line hearing aid tests had been removed based upon receipt of a letter from the Federal Drug Administration. No action was taken.

Delegation of Authority

Ms. Knachel provided a brief explanation that a delegation of authority granted by the Board is recorded in the minutes and that the Board has designated the bylaws as the organizational document to consolidate the delegated authorities. The following delegations of authority were approved by the Board:

The Board delegates authority to the executive director to negotiate a consent order with the chair of a Special Conference Committee or formal hearing.

Mr. Spencer moved to approve the above delegation of authority. The motion was seconded and carried.

The Board delegates authority to the executive director to issue confidential consent agreements and disciplinary action consistent with any board approved guidance document related to continuing education audits.

Dr. Sayles moved to approve the above delegation of authority. The motion was seconded and carried.

The Board delegates authority to the executive director to issue confidential consent agreements and disciplinary action consistent with any board approved guidance document related to practicing with a lapsed license.

Dr. Hashisaki moved to approve the above delegation of authority. The motion was seconded and carried.

The Board delegates authority to the executive director to close non-jurisdictional cases and fee disputes cases without review by a board member.

Dr. Sayles moved to approve the above delegation of authority. The motion was seconded and carried.

The Board delegates authority to the executive director to grant continuing education extensions for up to one year for good cause shown upon written request from the licensee prior to the renewal.

Ms. Verdun moved to approve the above delegation of authority. The motion was seconded and carried.

The Board delegates authority to the executive director to grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service or officially declared disasters.

Dr. Hashisaki moved to approve the above delegation of authority. The motion was seconded and carried.

Amendments to Bylaws

Ms. Knachel presented the proposed amendments to the bylaws which included incorporating the delegated authorities.

Dr. Sayles moved to accept the proposed amendments to the bylaws. The motion was seconded and carried.

Foreign Trained Applicants

Ms. Knachel presented information regarding licensure applications from foreign trained speech-language pathology (SLP) applicants seeking licensure by education. She noted that the regulations require an applicant to have a master's degree from a college or university accredited by the Council on Academic Accreditation (CAA) of the American Speech-Language-Hearing Association (ASHA) or equivalent accrediting body. Ms. Knachel stated that she had done preliminary research and found that CAA ASHA does not accredit foreign SLP programs. She asked for guidance on what is considered an acceptable "equivalent accrediting body."

The Board determined that the applications from foreign-trained student should be assigned to the Credentials Committee for review. The Credentials Committee has the authority to approve or deny an application after a review of submitted documentation. Ms. Knachel explained that an applicant who is denied licensure

would be able to request an informal conference with the Board.

Telepractice and Licensure Portability Update

Dr. Gleason referred the Board to the telepractice information contained in the agenda packet. She noted that the regulations are silent with regards to the issue of telepractice. She mentioned that the Board had previously discussed that a Virginia license is required if treating a patient located in Virginia. Dr. Gleason expressed that telepractice will be an on-going issue for further discussion.

Licensure vs. Endorsement Outreach Efforts

Ms. Knachel apprised the Board that she made a licensing presentation December 8, 2011, at the Virginia Department of Education Lead Speech-Language Pathology Meeting. In addition, she is developing a videoconference presentation for students of Virginia audiology and SLP programs. She indicated that a similar presentation has been delivered for the Board of Veterinary Medicine which was well received. The presentation will be fully scripted and can be delivered by board members or board staffs. Ms. Knachel noted that videoconferencing is a convenient and cost effective method of conducting outreach.

Presentation for National Council of State Boards (NCSB)

Ms. Knachel reported that she would be providing a presentation on the Sanctioning Reference Points process at the annual meeting of the NCSB scheduled in Williamsburg on October 12, 2012. She indicated that NCSB asked for representatives from Virginia to help welcome the attendees. Ms. Verdun indicated a desire to attend the meeting and Dr. Sayles expressed interest in serving as a greeter.

Continuing Education (CE) Audit Report

Ms. Stamey presented the results of the CE audit.

March 2013 SHAV Meeting Participation

Ms. Knachel reported that the upcoming SHAV meeting is scheduled for March 20-23, 2013. The deadline for submission of presentation materials is early October. Ms. Knachel offered to prepare a presentation on the Sanctioning Reference Points process. The Board requested that Ms. Knachel submit the presentation to SHAV.

Calendar Considerations

The 2012 calendar was revised via the following motions:

Ms. Verdun moved to add a board meeting on October 25, 2012, to the 2012 calendar. The motion was seconded and carried.

Ms. Verdun moved to cancel the board meeting scheduled for July 12, 2012. The motion was seconded and carried.

Ms. Pritekel moved to cancel the board meeting scheduled for

December 6, 2012. The motion was seconded and carried.

The following proposed 2013 calendar was presented:

April 11, 2013 (Thursday)

July, 18, 2013 (Thursday)

October 17, 2013 (Thursday).

Ms. Verdun moved to adopt the 2013 calendar as presented. The motion was seconded and carried.

PRESIDENT'S REPORT:

Dr. Gleason informed the Board of the increasing demand for SLPs in the healthcare field. Dr. Gleason also commented that SLP and audiology jobs rank high on several national publications' lists of best jobs.

Dr. Gleason provided a synopsis of her attendance at a recent ASHA meeting on the impact of the Healthcare Reform Act.

With regard to future board challenges, Dr. Gleason noted the following issues:

- 1) Assisting licensees in maintaining CE compliance;
- 2) Instrumented SLP procedures; and
- 3) Telepractice.

Dr. Gleason expressed her thanks to the executive director and board staff for their diligence in assembling and distributing the meeting packet and marshaling the necessary resources to allow the Board to conduct its business with optimized efficiency.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Knachel reported that she had received an email notification from Ms. Verdun reporting that South Dakota just became the 49th state requiring SLP licensure.

Statistics

Ms. Knachel provided licensure and disciplinary case statistics.

Budget

Ms. Knachel reported that budget information specific to the Board had been included in the packet.

Newsletter

Ms. Knachel advised the Board that she will begin working on a draft newsletter for board member review.

NEW BUSINESS:

Dr. Gleason requested staff to inquire whether language regarding CE requirements could be added to the licensure renewal notifications.

Mr. Spencer expressed his appreciation of the board agenda being presented on a disk for electronic review.

ADJOURNMENT:

With the conclusion of board business, Dr. Beahm moved to

adjourn the full board meeting. The motion was seconded and carried. Dr. Gleason adjourned the meeting at 1:48 p.m.

A. Tucker Gleason, Ph.D., CCC-A
Chair

Leslie L. Knachel, M.P.H
Executive Director

Date

Date

Draft