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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF

**STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY**

TIME: 10:32 A.M.

March 5, 2021

1 State Board of Examiners in Speech-Language
2 Pathology and Audiology
3 March 5, 2021
4
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6 BOARD MEMBERS:
7

8 Amy S. Goldman, MS, CCC-SLP, Chair
9 K. Kalonji Johnson, Commissioner, Bureau of
10 Professional and Occupational Affairs
11 Sarah E. Delano, M.Ed., CCC-A, Vice Chair - Absent
12 Nancy J. Stimson, Secretary, Public Member
13 Lisa Butler, MS, CCC-SLP, QOM
14 Andrew A. McCall, M.D., FACS
15 Patrick M. Murphy, Au.D., M.Ed., CCC-A, FAAA
16
17

18 BUREAU PERSONNEL:
19

20 Nicole L. VanOrder, Esquire, Board Counsel
21 Christopher K. McNally, Esquire, Board Prosecution
22 Liaison
23 Paul J. Jarabeck, Esquire, Board Prosecutor
24 Carolyn A. DeLaurentis, Deputy Chief Counsel,
25 Prosecution Division
26 Sandra E. Matter, Board Administrator
27 Theodore Stauffer, Executive Secretary, Bureau of
28 Professional and Occupational Affairs
29 Andrew LaFratte, MPA, Policy Fellow, Department of
30 State
31
32

33 ALSO PRESENT:
34

35 Angie Armbrust, Senior Associate, McNees-Winter
36 Group LLC, on behalf of Pennsylvania
37 Speech-Language-Hearing Association
38 Anne Gilbertson, MS, CCC-SLP, Regional Rehab Manager
39 for HCR-Manor Care, Pennsylvania Speech-Language-
40 Hearing Association Member
41 Jen Smeltz, Republican Executive Director, Senate
42 Consumer Protection & Professional Licensure
43 Committee
44 Jerry J. Livingston, Democratic Executive Director,
45 Senate Consumer Protection & Professional Licensure
46 Committee
47 Kim Singleton, SLP
48 James Shafer, Au.D., Vice President of Government
49 Affairs, Pennsylvania Academy of Audiology
50

1 ***

2 State Board of Examiners in Speech-Language

3 Pathology and Audiology

4 March 5, 2021

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 9:00 a.m. the Board entered into Executive Session
8 with Nicole L. VanOrder, Esquire, Board Counsel, to
9 have attorney-client consultations and for the purpose
10 of conducting quasi-judicial deliberations on matters
11 that are pending before the Board. The Board returned
12 to open session at 10:30 a.m.]

13 ***

14 [Theodore Stauffer, Executive Secretary, Bureau of
15 Professional and Occupational Affairs, noted the
16 meeting was being recorded, and those who remained on
17 the line were giving their consent to be recorded.]

18 ***

19 The regularly scheduled meeting of the State
20 Board of Examiners in Speech-Language Pathology and
21 Audiology was held on Friday, March 5, 2021. Amy S.
22 Goldman, MS, CCC-SLP, Chair, called the meeting to
23 order at 10:32 a.m.

24 ***

25 Introduction of Audience

1 [Amy S. Goldman, MS, CCC-SLP, Chair, requested
2 introductions from those in attendance.]

3 ***

4 Approval of minutes of the December 4, 2020 meeting

5 CHAIR GOLDMAN:

6 The first order of business is the
7 minutes from the December meeting.

8 [The Board discussed corrections to the minutes.]

9 CHAIR GOLDMAN:

10 Do we have approval of the minutes as
11 corrected?

12 DR. MURPHY:

13 I move to approve.

14 CHAIR GOLDMAN:

15 Is there a second?

16 DR. MCCALL:

17 I second.

18 CHAIR GOLDMAN:

19 All in favor of approving as corrected?

20

21 Nancy Stimson, aye; Lisa Butler, aye;

22 Pat Murphy, aye; Andy McCall, aye;

23 Commissioner Johnson, aye; Amy Goldman,
24 aye.

25 [The motion carried unanimously.]

1 ***

2 Report of Prosecutorial Division - No Report

3 ***

4 Report of Board Counsel

5 [Nicole L. VanOrder, Esquire, Board Counsel, noted the
6 Board met in Executive Session prior to the public
7 meeting to discuss item No. 2 on the agenda.]

8 MS. VANORDER:

9 I believe the Board would entertain a
10 motion granting the Motion to Deem Facts
11 Admitted in Case No. 20-68-009448,
12 Austin Kenneth White, SLP.

13 MS. STIMSON:

14 I'll make the motion.

15 COMMISSIONER JOHNSON:

16 Second.

17 MS. VANORDER:

18 I believe we need a roll call vote.

19
20 Nancy Stimson, aye; Lisa Butler, aye;

21 Pat Murphy, aye; Andy McCall, aye;

22 Commissioner Johnson, aye; Amy Goldman,
23 aye.

24 MS. VANORDER:

25 Any objections or abstentions? Hearing

1 none.

2 [The motion carried unanimously.]

3 ***

4 MS. VANORDER:

5 I believe there is a second motion in
6 regard to the same Case No. 20-68-
7 009448, Austin Kenneth White, SLP
8 directing Board counsel to prepare an
9 Adjudication and Order consistent with
10 Executive Session discussion.

11 MS. BUTLER:

12 So moved.

13 CHAIR GOLDMAN:

14 Do I hear a second?

15 DR. MURPHY:

16 Second.

17 CHAIR GOLDMAN:

18 Do we need a roll call on this?

19 MS. VANORDER:

20 We do.

21

22 Nancy Stimson, aye; Lisa Butler, aye;
23 Pat Murphy, aye; Andy McCall, aye;
24 Commissioner Johnson, aye; Amy Goldman,
25 aye.

1 MS. VANORDER:

2 No objections or abstentions?

3 [The motion carried unanimously.]

4 ***

5 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
6 Chief Counsel, Prosecution Division Presentation

7 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
8 Counsel, Prosecution Division, provided highlights of
9 the prosecution division's work during the past year.
10 She commended staff for all of their hard work to make
11 telework successful. She noted all decisions were
12 made thoughtfully and with the safety of all in mind.

13 Ms. DeLaurentis stated the Board prosecutors made
14 every effort to monitor the restrictions, waivers,
15 policies, and new procedures specific to the practice
16 in each profession regarding challenges imposed on
17 licensees by the COVID-19 pandemic.

18 Ms. DeLaurentis noted the Pennsylvania Licensing
19 System (PALS) to be a lifeline. She stated the Bureau
20 of Enforcement and Investigation (BEI) worked closely
21 with prosecution to continue investigations and figure
22 out the best methods during statewide shutdowns and
23 stay-at-home orders. She also noted the Professional
24 Compliance Office continued opening cases and
25 processing files, and legal assistants have been

1 working a hybrid schedule to ensure mailings and
2 filings are completed.

3 Ms. DeLaurentis commented that the Board, Board
4 staff, and counsel have adapted to virtual Board
5 meetings and prosecution would continue to work with
6 all to ensure efficient and effective presentation and
7 resolution of cases. She mentioned 2020 was a year
8 filled with challenges, but the prosecution division
9 led by the incredible senior staff rose to the
10 challenge and would continue to do so in 2021.

11 Ms. DeLaurentis informed the Board that 30 cases
12 were opened in 2020 and 32 in 2019 with 23 cases
13 closed in 2020 for the Board of Examiners in Speech-
14 Language Pathology and Audiology. She noted 31 open
15 cases as of January 1, 2021. She thanked Timothy
16 Smith for his assistance providing information for
17 2020.

18 Ms. DeLaurentis addressed enforcement actions
19 with 5 cases that resulted in discipline in 2020 for
20 the Board of Examiners in Speech-Language Pathology
21 and Audiology. She reported 4 warning letters in 2020
22 and 11 in 2019, 2 fines, 1 Act 48 citation fine, 2
23 suspensions, 1 automatic suspension, 2 revocations or
24 voluntary surrenders, and 2 probation cases.

25 Ms. DeLaurentis discussed 2020 overall

1 prosecution as a whole. She noted 44 immediate
2 temporary suspensions in 2020 and 67 in 2019. She
3 mentioned 0 of the 1,223 opened COVID-19 cases are for
4 the Board of Examiners in Speech-Language Pathology
5 and Audiology. She reported the total number of open
6 cases as of January 1, 2021, was 12,250 and the total
7 number of cases opened overall in 2020 was 13,394,
8 which is down from 2019 at 16,295. She noted 13,274
9 cases were closed in 2020.

10 Ms. DeLaurentis noted most general COVID
11 complaints involved violations of the governor's
12 orders, secretary of health orders, Centers for
13 Disease Control and Prevention (CDC) guidelines, or
14 Board-specific information.

15 Chair Goldman questioned whether there were any
16 complaints regarding telepractice.

17 Ms. DeLaurentis offered to provide information
18 regarding case categories to Board counsel.

19 Paul J. Jarabeck, Esquire, Board Prosecutor,
20 pointed out that he has no recollection of seeing a
21 case like that but noted some cases have not gone
22 through the full process of investigation that may
23 involve telepractice.

24 Chair Goldman applauded licensees for continuing
25 their work in high-risk situations like those

1 providing communication services in both acute-care
2 situations as well as nursing homes and long-term care
3 facilities. She mentioned communication became a
4 challenge and many licensees helped in mitigating
5 those effects.

6 Ms. Butler noted that Pennsylvania schools had to
7 complete a revised Individualized Education Program
8 (IEP) after 6 weeks being in person stating the
9 progress they had in person and if they would need
10 compensatory services because they were not making
11 progress during that time and were not able to make it
12 up because of virtual. She commented that doing that
13 little bit extra was great to check that each kid was
14 going to be able to maintain their goals.

15 Chair Goldman noted being hopeful that many of
16 the lessons regarding telepractice would be reflected
17 in the draft bill as it goes through the process. She
18 mentioned reimbursement issues still needed to be
19 resolved.

20 Dr. Murphy requested more information regarding
21 how many cases were in speech pathology and how many
22 were in audiology.

23 Ms. DeLaurentis offered to provide information to
24 Board counsel regarding the five enforcement actions.]

25

1 Report of Board Counsel (Continued)

2 [Nicole L. VanOrder, Esquire, Board Counsel, addressed
3 Act 116 of 2020 regarding continuing education (CE)
4 carryover. She mentioned the Board has the option to
5 decide whether to have CE carryover from one biennial
6 period to the next. She stated the Board was given
7 the power to provide carryover of any continuing
8 education credits in excess of the number required for
9 the biennial period, emphasizing the carryover would
10 be valid for one biennial renewal term only. She
11 noted the service is provided to licensees to
12 encourage more continuing education.

13 Ms. VanOrder noted discussion regarding the
14 practicality of CE carryover on the administrative end
15 and the potential of third-party solutions. She
16 mentioned that two other boards decided to wait for
17 more information in terms of enforcement and other
18 options and costs to make a more informed decision,
19 which is also an option.

20 Chair Goldman believed the whole intent of
21 continuing education is to have a workforce with the
22 most current information regarding practice. She
23 stated carryover would allow individuals without the
24 most current information to receive credit for courses
25 possibly 4 years old. She questioned whether there

1 was leeway to grant CE carryover in extenuating
2 circumstances on a case-by-case basis.

3 Commissioner Johnson stated CE carryover would
4 provide better opportunities for the regulated
5 communities to maintain certain levels of competency
6 and to maintain a supplemental level of education. He
7 noted that an individual's ability to practice is
8 based on educational training and experience
9 requirements set by statute, and continuing education
10 is not a sole factor in determinacy of licensure.

11 Commissioner Johnson stated continuing education
12 requirements are a condition of renewal. He mentioned
13 that a lot of times continuing education is conflated
14 with more competency. He noted the purpose of the
15 legislation is to provide individuals the incentive to
16 go beyond the minimum levels of continuing education
17 that all of the boards set.

18 Commissioner Johnson explained that structuring
19 the carryover was up to the Board's discretion, and
20 the logistics allow the agency to provide oversight
21 for continuing education. He noted many boards have
22 issues auditing and verifying continuing education
23 credits due to limited resources, where Board
24 administrators and program staff are conducting the
25 audits, as well as processing applications and

1 providing customer service to licensees.

2 Commissioner Johnson informed the Board that the
3 bureau is working to put together one master document,
4 where boards would be able to review the current
5 continuing education requirements, level of auditing,
6 and the frequency with which those continuing
7 education credits are audited.

8 Dr. McCall requested additional information
9 regarding how carryover incentivizes licensees to
10 obtain additional continuing education, because he
11 views it as more of a shift of the time frame of
12 continuing education.

13 Commissioner Johnson explained that some people
14 build up a bank of credits in the event that life
15 happens or they have a period where they may not be
16 able to get to the courses or do them online. He
17 stated the legislature built in protection against
18 abuse of carryover, where some people would build up a
19 bank of 40 credits in one session and try to run those
20 40 credits successively over a number of sessions.

21 Mr. McNally addressed continuing legal education
22 requirements, where carryover was introduced within
23 the last 15 or 20 years. He currently had 2 or 3
24 years' worth of continuing education credits and
25 believed carryover actually encourages licensees to

1 obtain additional continuing education as it would
2 still be useful in some way.

3 Chair Goldman stated the American Speech-
4 Language-Hearing Association rewards excessive
5 continuing education not by allowing carryover but by
6 announcing these people have achieved a certain level
7 beyond required. She also mentioned their profession
8 has many opportunities for continuing education at no
9 charge.

10 Chair Goldman mentioned their statute provides
11 flexibility with approved continuing education credits
12 that would just require the application for acceptance
13 of those activities.

14 Ms. Butler expressed her concern with schools
15 receiving less money in the budget if CE carryover is
16 allowed. She stated speech-language pathologists need
17 to have required professional experiences (RPEs)
18 differentiated from a regular teacher to service
19 students in schools. She noted fighting for that over
20 the years and being allotted monies that have been
21 carried over from year to year.

22 Ms. Matter expressed concern regarding how the
23 process would work administratively when reviewing CE
24 carryover for the audits.

25 Ms. VanOrder noted that it sounded like the Board

1 was interested in gathering additional information
2 before making a final decision, and the CE carryover
3 discussion will come back before the Board again. She
4 stated the specifics as to the framework and structure
5 would be set forth in regulation.

6 Chair Goldman suggested no carryover unless there
7 were extenuating circumstances, where the licensee
8 would petition the Board.

9 James Shafer, Au.D., Vice President of
10 Governmental Affairs, Pennsylvania Academy of
11 Audiology, provided personal thoughts concerning the
12 carryover of continuing education. He noted looking
13 for advanced courses in his profession and receiving
14 CEs far in excess of the 20 hours needed in a 2-year
15 period.

16 Dr. Shafer believed many situations should be
17 rewarded beyond just a pat on the back from the
18 American Speech-Language-Hearing Association (ASHA),
19 the American Academy of Audiology (AAA), or the
20 Academy of Doctors of Audiology (ADA) and being able
21 to bank high-level courses as part of the continuing
22 education unit (CEU) process should be considered.

23 Dr. Shafer addressed the process of having extra
24 credits approved, where the request must be made in a
25 rapid fashion because CEs may be missed without

1 preapproval and suggested the process be streamlined
2 if that is the direction the Board is going to be
3 taking.

4 Dr. Shafer also commented from a Pennsylvania
5 Academy of Audiology (PAA) level, where all of the
6 points brought up would be discussed at their upcoming
7 Board meeting, and PAA will provide thoughts at the
8 next meeting.

9 Chair Goldman welcomed preliminary thoughts from
10 the associations as well as individuals, noting there
11 would be another opportunity for licensees and
12 associations to provide additional input after the
13 draft regulations.]

14 ***

15 Report of Board Chair

16 [Amy S. Goldman, MS, CCC-SLP, Chair, addressed her
17 assignment of reviewing applications for continuing
18 education courses and programs submitted to the Board,
19 particularly for speech pathology. She noted areas of
20 concern and requested the Board's direction and
21 guidance.

22 Chair Goldman explained that the changes would
23 not require regulatory change but rather technical
24 assistance to individuals completing the application.
25 She stated course objectives should be measureable and

1 observable. She noted the biggest concern was
2 confirming whether attendees understand and learn.
3 She suggested guidance would be options like using
4 action verbs.

5 Chair Goldman addressed journal clubs, where one
6 member of the group selects a journal and then
7 discusses the findings and the content of that journal
8 with colleagues. She suggested the journal club
9 should include the complete citation on the journal
10 article or book chapter they are discussing and that
11 journal article should not be from *Scientific American*
12 or *Psychology Today* but should be from peer-review
13 publications and no older than 5 years.

14 Chair Goldman noted approval of courses, where an
15 individual attends a conference and briefs colleagues
16 on the contents of the sessions. She suggested
17 requiring information about the original presenter and
18 when the conference or webinar took place. She
19 suggested information on how attendance is verified
20 with asynchronous or prerecorded online courses. She
21 believed those issues needed attention to ensure
22 quality continuing education.

23 Chair Goldman requested direction from the Board
24 for her and Ms. Matter to work together on suggested
25 revisions on the application and some technical

1 assistance guidance for the completion of the form.

2 Dr. McCall mentioned the importance of people
3 being specific in their applications but would
4 hesitate to give a specific time period and excluding
5 older articles. He noted being very involved in
6 resident education and running journal clubs in his
7 field. He stated, oftentimes, it is very helpful to
8 look at the historical context of what the new article
9 is concerning.

10

11 Chair Goldman clarified that the application
12 revisions are not regulatory but technical assistance
13 with the goal being better applications.]

14 CHAIR GOLDMAN:

15 Do I hear a motion directing the chair
16 to work together with the Board
17 administrator, Lisa Butler, and any
18 other Board members interested on
19 recommended revisions to the application
20 for clarity and technical assistance for
21 quality continuing education
22 applications?

23 MS. BUTLER:

24 So moved.

25 CHAIR GOLDMAN:

1 We need a second?

2 COMMISSIONER JOHNSON:

3 Second.

4 CHAIR GOLDMAN:

5 All in favor? Let's go through a roll
6 call.

7

8 Lisa Butler, yes; Nancy Stimson, aye;
9 Andy McCall, aye; Pat Murphy, aye.

10 [The motion carried unanimously.]

11 ***

12 Report of Commissioner - No Report

13 [K. Kalonji Johnson, Commissioner, Bureau of
14 Professional and Occupational Affairs, noted it was
15 good to see everybody looking safe and healthy in the
16 first meeting of the New Year.]

17 ***

18 Report of Other Board Members - No Report

19 ***

20 Report of Board Administrator - No Report

21 ***

22 [K. Kalonji Johnson, Commissioner, Bureau of
23 Professional and Occupational Affairs, thanked
24 stakeholders in attendance today. He stated the
25 Board's reach had grown expedientially through the use

1 of virtual conferencing and assured members and
2 stakeholders that the department would find a way to
3 bridge technology with the physical presence.

4 Commissioner Johnson thanked Ms. Matter, Mr.
5 Stauffer, and Ms. VanOrder for shepherding everyone
6 through the virtual process with grace.

7 Chair Goldman requested information concerning
8 Board vacancies.

9 Commissioner Johnson informed the Board that
10 there were no nominees for the public vacancy at the
11 present time, but the department continues to work
12 with the Governor's Office to field candidates. He
13 will apprise the Board of any changes.]

14 ***

15 Adjournment

16 CHAIR GOLDMAN:

17 Let's adjourn the meeting.

18 DR. MURPHY:

19 Motion to adjourn.

20 COMMISSIONER JOHNSON:

21 Second.

22 CHAIR GOLDMAN:

23 Thanks everyone.

24 [The motion carried unanimously.]

25 ***

1 [There being no further business, the State Board of
2 Examiners in Speech-Language Pathology and Audiology
3 Meeting adjourned at 11:47 a.m.]

4 ***

5
6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the State Board of Examiners in
10 Speech-Language Pathology and Audiology Meeting, was
11 reduced to writing by me or under my supervision, and
12 that the minutes accurately summarize the substance of
13 the State Board of Examiners in Speech-Language
14 Pathology and Audiology Meeting.

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18 Derek Richmond,

19 Minute Clerk

20 Sargent's Court Reporting
21 Service, Inc.

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STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY
REFERENCE INDEX

March 5, 2021

TIME

AGENDA

9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:35	Introduction of Audience
10:40	Approval of Minutes
10:41	Report of Board Counsel
10:44	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Presentation
10:59	Report of Board Counsel (Continued)
11:31	Report of Board Chairperson
11:47	Adjournment