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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: 10:30 A.M.

March 25, 2022

1 State Board of Examiners in Speech-Language
2 Pathology and Audiology
3 March 25, 2022
4

5 BOARD MEMBERS:
6

7 Amy S. Goldman, MS, CCC-SLP, Chair
8 Arion Claggett, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Sarah E. Delano, M.Ed., CCC-A, Vice Chair
11 Lisa Butler, M.A., CCC-SLP
12 Andrew A. McCall, M.D., FACS - Absent
13 Patrick M. Murphy, Au.D., M.Ed., CCC-A, FAAA
14

15
16 BUREAU/DEPARTMENT OF STATE PERSONNEL:
17

18 Judith Pachter Schulder, Esquire, Board Counsel
19 Paul J. Jarabeck, Esquire, Senior Board Prosecution
20 Liaison
21 J. Karl Geschwindt, Esquire, Board Prosecutor
22 Timothy J. Henderson, Esquire, Board Prosecutor
23 Gregory Liero, Esquire, Board Prosecutor
24 Sarah E. McNeill, Board Administrator
25 Marc Farrell, Deputy Policy Director, Department of
26 State
27 Michelle Witmer, Bureau of Finance and Operations,
28 Department of State
29 Danie Bendensky, Director, Intergovernmental Affairs,
30 Department of State
31

32 ALSO PRESENT:
33

34 Erin Buckwalter, SLP, MS-CCC, Vice President,
35 Governmental Relations, Pennsylvania Speech-
36 Language-Hearing Association
37 Jen Smeltz, Republican Executive Director, Senate
38 Consumer Protection & Professional Licensure
39 Committee
40 Ted Mowatt, CAE, Vice President, Wanner Associates,
41 on behalf of the Pennsylvania Academy of Audiology
42 David Buono, Deputy Insurance Commissioner, Office of
43 Market Regulation, Pennsylvania Insurance Department
44 Sandy Ykema, Esquire, J.D., Senior Health Insurance
45 Counsel, Pennsylvania Insurance Department
46 Katie Merritt, LSW, Director of Policy and Planning,
47 Pennsylvania Insurance Department
48 Amber Garbinski
49

1 ***

2 State Board of Examiners in Speech-Language

3 Pathology and Audiology

4 March 25, 2022

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 10:00 a.m. the Board entered into Executive Session
8 with Judith Pachter Schulder, Esquire, Board Counsel,
9 for deliberation purposes regarding the two consent
10 agreements on the agenda. The Board returned to open
11 session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Examiners in Speech-Language Pathology and
15 Audiology was held on Friday, March 25, 2022. Amy S.
16 Goldman, MS, CCC-SLP, Chair, called the meeting to
17 order at 10:30 a.m.

18 ***

19 Introduction of Board Members/Attendees

20 [Sarah E. McNeill, Board Administrator, provided an
21 introduction of Board members and attendees.]

22 ***

23 [Judith Pachter Schulder, Esquire, Board Counsel,
24 introduced herself as Board Counsel for now because
25 Nicole VanOrder had been reassigned.]

1 Ms. Pachter Schulder noted the meeting was being
2 recorded, and those who continued to participate were
3 giving their consent to be recorded.

4 Ms. Pachter Schulder, Esquire, Board Counsel,
5 also noted the Board met in Executive Session under
6 Section 708(a)(5) of the Sunshine Act prior to the
7 start of the meeting for deliberation purposes
8 regarding the two consent agreements on the agenda.]

9

10 Adoption of Agenda

11 CHAIR GOLDMAN:

12 I need a motion to adopt the agenda.

13 DR. MURPHY:

14 I move to adopt the agenda.

15 CHAIR GOLDMAN:

16 Is there a second?

17 MS. DELANO:

18 Second.

19 CHAIR GOLDMAN:

20 Any discussion? All in favor of
21 adopting the agenda, say aye. The
22 agenda is adopted.

23 [The motion carried unanimously.]

24

25 Approval of minutes of the September 3, 2021 meeting

1 CHAIR GOLDMAN:

2 Did anybody have additions or
3 corrections to the September 3 minutes?

4 Let's have a motion to accept the
5 September 3 minutes as submitted.

6 Is there a motion?

7 MS. DELANO:

8 I make a motion to accept the minutes
9 for September 3.

10 CHAIR GOLDMAN:

11 Is there a second?

12 DR. MURPHY:

13 I second.

14 CHAIR GOLDMAN:

15 All in favor of accepting the minutes
16 from the September 3 meeting, say aye.
17 Any abstentions? The minutes for
18 September 3 are approved.

19 [The motion carried. Acting Commissioner Claggett
20 abstained from voting on the motion.]

21 ***

22 Approval of minutes of the December 3, 2021 meeting

23 CHAIR GOLDMAN:

24 I did find some errors in the December 3
25 minutes.

1 [The Board discussed corrections to the minutes.]

2 CHAIR GOLDMAN:

3 Anybody else have any additions or
4 corrections?

5 I need a motion to accept the
6 minutes of December 3 as corrected?

7 MS. BUTLER:

8 I motion.

9 CHAIR GOLDMAN:

10 Is there a second?

11 MS. DELANO:

12 I second.

13 CHAIR GOLDMAN:

14 All in favor of accepting those minutes
15 as corrected, say aye. Opposed?
16 Abstentions? The minutes from December
17 3 as corrected are accepted.

18 [The motion carried. Acting Commissioner Claggett
19 abstained from voting on the motion.]

20 ***

21 Report of Prosecutorial Division

22 MS. PACHTER SCHULDER:

23 During Executive Session, the Board
24 reviewed both of the Consent Agreements.
25 In that first Consent Agreement at Case

1 No. 20-68-009377, Ms. Butler is recused
2 from participation.

3 Is there a motion to approve the
4 Consent Agreement at Case No. 20-68-
5 009377 with that recusal?

6 CHAIR GOLDMAN:

7 Anyone feel like so moving?

8 MS. DELANO:

9 I make a motion.

10 CHAIR GOLDMAN:

11 Is there a second?

12 DR. MURPHY:

13 I'll second.

14 CHAIR GOLDMAN:

15 All in favor of accepting the Consent
16 Agreement in that case, say aye.

17 Opposed? Abstentions?

18 [The motion carried. Lisa Butler recused herself from
19 deliberations and voting on the motion. The
20 Respondent's name is Lindsey Anne Hajnik.]

21 ***

22 MS. PACHTER SCHULDER:

23 Is there a motion to approve the Consent
24 Agreement at Case No. 17-68-03174, for
25 which there are no recusals?

1 MS. PACHTER SCHULDER:

2 Any so moved?

3 ACTING COMMISSIONER CLAGGETT:

4 So moved.

5 CHAIR GOLDMAN:

6 Is there a second?

7 MS. DELANO:

8 I second.

9 CHAIR GOLDMAN:

10 All in favor of accepting the Agreement,
11 say aye. Opposed? Abstentions?

12 [The motion carried unanimously. The Respondent's
13 name is Megan Christine Gearhart.]

14 ***

15 Report of Board Counsel

16 [Judith Pachter Schulder, Esquire, Board Counsel,
17 addressed the Sunshine Act and reported on amendments
18 since the last presentation with the goal of making
19 Board action more public. She stated the purpose of
20 the Sunshine Act is to make sure the public has an
21 opportunity to see Board decisions. She addressed
22 deliberation, public notice, voting, and minutes.

23 Ms. Pachter Schulder noted that the exceptions to
24 the open meeting requirement are conferences, defined
25 as training sessions or seminars for the sole purpose

1 of providing information to members to matters
2 directly related to their official responsibilities,
3 and deliberations which are held during Executive
4 Session. She explained the three reasons applicable
5 to the licensing Boards that can be discussed in
6 Executive Session. She discussed challenges on an
7 action taken at a meeting and penalties. She noted
8 all Board meetings must be done in open session and
9 any matters discussed during Executive Session cannot
10 be discussed outside of the Board meeting.

11 Ms. Pachter Schulder addressed Recusal
12 Guidelines. She noted mandatory recusals include
13 having a prosecutorial role in a matter or direct
14 financial interest in the matter, strongly suggested
15 recusals would include a personal affection for
16 someone directly involved in a case or having
17 knowledge from outside of the case, and discretionary
18 recusals include not being able to be impartial. She
19 mentioned anyone who is uncertain should ask whether
20 to recuse themselves. She also discussed the
21 difference between an abstention and a recusal.

22 Ms. Pachter Schulder stated House Bill 642 of
23 2021 regarding telemedicine is still in the House
24 Insurance Committee and had not moved. She discussed
25 the importance of having a license in the state where

1 an individual works and the state where the person is
2 receiving care.

3 Chair Goldman requested additional information
4 regarding the pandemic-related waiver for face-to-face
5 supervision that expires on March 31 because it would
6 affect practitioners where face-to-face supervision is
7 required.

8 Marc Farrell, Deputy Policy Director, Department
9 of State, explained that there is a bill to extend
10 waivers beyond March 31 that is picking up in terms of
11 activity. He mentioned Governor Wolf's power to
12 extend the waivers was curtailed by a constitutional
13 amendment and is in the hands of the legislature as
14 far as extending which ones.

15 Jen Smeltz, Republican Executive Director, Senate
16 Consumer Protection & Professional Licensure
17 Committee, commented that there is a waiver extension
18 in the works and Senate Bill 896 of 2021, now Act 100,
19 requiring all boards address virtual supervision.

20 Ms. Pachter Schulder offered to provide Act 100
21 information to the Board.

22 Ms. Pachter Schulder addressed the Audiology &
23 Speech-Language Pathology Interstate Compact (ASLP-
24 IC). She noted the legislature passed several
25 compacts but they have not gone into effect because

1 the language requiring the Federal Bureau of
2 Investigation (FBI) background check has not gone into
3 effect. She explained that the Pennsylvania State
4 Police have been having conversations with the FBI
5 regarding background checks. She mentioned the Board
6 of Nursing and Board of Medicine were informed that
7 the FBI did not find the language in their compacts
8 sufficient.

9 Ms. Pachter Schulder stated the Board has not
10 received that letter officially from the FBI. She
11 noted another amendment to the statute may be
12 required, along with addressing technological issues.
13 She also mentioned regulations may be necessary to
14 effectuate the compact because there is likely a
15 compact license that is different than a regular
16 license and may involve a conversion of license and a
17 fee.

18 Chair Goldman commented that 17 states joined the
19 ASLP Interstate Compact. She noted they had their
20 first meeting of the commission in January and have a
21 lot of details to work out before implementation,
22 including hiring an executive director and finding a
23 contractor to develop the database. She asked whether
24 the Board could make a statement on the record in
25 support of the concept.

1 Ms. Pachter Schulder explained that the
2 Department of State speaks for all of the boards, but
3 the Board can vote to inform the legislative office of
4 their support of a compact for speech-language
5 pathology and audiology.

6 Mr. Farrell commented that the Board of Physical
7 Therapy Compact is the other compact in similar limbo
8 and is actively being worked on by the legislature,
9 policy office, and Pennsylvania State Police (PSP).]

10 CHAIR GOLDMAN:

11 On the table, as per Judith's
12 suggestion, is an opportunity if someone
13 would want to make a motion to inform
14 the legislation office of this Board's
15 support of the process of the Audiology
16 and Speech-Language Pathology Interstate
17 Compact?

18 Anybody interested, willing in
19 making such a motion?

20 DR. MURPHY:

21 I'll make that motion.

22 CHAIR GOLDMAN:

23 Is there a second?

24 MS. DELANO:

25 I second.

1 CHAIR GOLDMAN:

2 Is there any further discussion? All in
3 favor of the motion, say aye. Any
4 opposed? Any abstentions?

5 [The motion carried unanimously.]

6 ***

7 Report of Board Counsel

8 [Judith Pachter Schulder, Esquire, Board Counsel,
9 referred to the Regulatory Status Report. She noted
10 being in the process of making the requested changes
11 to the licensure by endorsement piece for Act 41 that
12 the Board approved in proposed form.

13 Ms. Pachter Schulder noted comments are being
14 incorporated into the child abuse regulations and then
15 the Board would be voting on the final version.]

16 ***

17 Appointment - Pennsylvania Insurance Department - No
18 Surprises Act

19 [Katie Merritt, LSW, Director of Policy and Planning,
20 Pennsylvania Insurance Department (PID), informed
21 everyone that the No Surprises Act went into effect on
22 January 1, 2022, to ensure consumers are not
23 overcharged in certain situations. She noted Governor
24 Wolf charged the Pennsylvania Insurance Department
25 with implementing the No Surprises Act and acting as

1 the primary coordinator among state agencies.

2 David Buono, Deputy Insurance Commissioner,
3 Office of Market Regulation, Pennsylvania Insurance
4 Department, informed the Board that material presented
5 was prepared by the Commonwealth of Pennsylvania
6 Insurance Department based on the law, regulations,
7 and guidance as of December 1, 2021.

8 Mr. Buono addressed the No Surprises Act (NSA),
9 noting the disclosure requirement applies to all
10 health care providers, the provider directory
11 requirement applies to all healthcare providers
12 applicable only to providers in-network for major
13 medical insurance policies, and the Good Faith
14 Estimate requirement applies to all health care
15 providers.

16 Mr. Buono commented that health plans covering
17 any benefits for emergency services, including air
18 ambulance, under the No Surprises Act, requires
19 emergency services to be covered without any prior
20 authorization regardless of whether a provider or
21 facility is in-network.

22 Mr. Buono also commented that the No Surprises
23 Act requires patients be protected when they have
24 little or no control over who provides their care.

25 Mr. Buono stated ancillary providers, such as

1 labs or doctors, involved in a surgery that the
2 patient does not select may not balance bill. He
3 noted cost-sharing for ancillary providers is treated
4 as in-network. He commented that the No Surprises Act
5 protects people from unexpected bills for emergency
6 services, air ambulance services, and certain
7 nonemergency services related to a visit to a
8 facility. He mentioned that emergency ground
9 ambulance services are not included and has been
10 deferred to further study at the federal level.

11 Mr. Buono stated No Surprises Act billing
12 protection applies if coverage is through an employer,
13 state-based marketplace Pennie, or directly through an
14 individual market health insurance company. He
15 mentioned that the act does not apply to Medicare,
16 Medicaid, Indian Health Services, Veterans Affairs, or
17 TRICARE.

18 Mr. Buono addressed plans that do not have the
19 balance billing protection, including indemnity or
20 accepted benefit plan enrollees because it is not
21 individual market coverage and does not typically have
22 a network. He noted short-term limited duration plan
23 enrollees, health care sharing ministries, the Amish,
24 or uninsured are not individual market coverage.

25 Mr. Buono addressed uninsured individuals, noting

1 providers are required to provide a Good Faith
2 Estimate upon request or scheduling an item or
3 service. He stated uninsured and self-pay patients
4 must receive a Good Faith Estimate at least 72 hours
5 before services.

6 Mr. Buono also noted that a Good Faith Estimate
7 must be given at least 3 hours ahead of time if a
8 service is scheduled within 3 days. He noted the act
9 does require that a Good Faith Estimate be provided to
10 a patient's plan in advance of service but stated the
11 federal government and Pennsylvania is taking a non-
12 enforcement approach to this provision due to the
13 technological challenges affecting this provision.

14 Mr. Buono stated providers are encouraged to
15 coordinate with co-providers to present a single Good
16 Faith Estimate, but the Department of Health and Human
17 Services (HHS) is exercising enforcement discretion
18 and flexibility to allow for technological
19 coordination.

20 Mr. Buono provided a summary of providers who may
21 not balance bill. He stated providers and facilities
22 must have a business process to give provider
23 directory and network information to plans anytime
24 there is a material change. He commented that
25 providers and facilities may, by contract, impose on

1 plans the duty to keep the directory current in the
2 event of contract termination. He noted that the
3 provider or facility must reimburse the patient plus
4 interest if a provider or facility bills a patient
5 more than the in-network cost-sharing amount and the
6 patient pays the bill.

7 Mr. Buono addressed continuity of care, where a
8 contract with a plan terminates and the provider or
9 facility is no longer in-network and the patient is a
10 continuing care patient, the provider or facility must
11 accept payment, including cost-sharing calculated on
12 an in-network basis for the duration of the continuity
13 of care.

14 Mr. Buono stated providers with complaints about
15 a plan should contact the Pennsylvania Insurance
16 Department because they have a process to quickly
17 review the complaint. He mentioned HHS is also
18 establishing a complaint process with the
19 acknowledgement of the complaint possibly taking 60
20 days. He mentioned that providers with complaints
21 about a patient should first make sure the patient
22 understands the act and are encouraged to contact the
23 Pennsylvania Insurance Department.

24 Mr. Buono noted that patients who do understand
25 the act should be handled as before with the

1 understanding in the case of a surprise medical bill
2 that the provider may not collect more than the in-
3 network cost-sharing.

4 Sandy Ykema, Esquire, J.D., Senior Health
5 Insurance Counsel, Pennsylvania Insurance Department,
6 addressed disclosure requirements, noting a one-page
7 disclosure notice must be available to patients with
8 the requirements and prohibitions regarding balance
9 billing and must identify how a patient may contact
10 the appropriate state and federal agencies if the
11 patient believes the provider or facility has violated
12 the requirements of the law.

13 Ms. Ykema stated the information has to be
14 publicly available from the provider and facility as
15 well as being posted. She mentioned the Pennsylvania
16 Insurance Department has a model notice and
17 information on their website, along with the federal
18 government website at www.cms.gov/nosurprises
19 containing NSA information.

20 Ms. Ykema addressed notice and consent, which
21 allows a provider to balance bill if they give notice
22 and receive written consent from the patient at least
23 3 days before the service, not later than 1 business
24 day after scheduling, or 3 business days in advance if
25 the service is scheduled 10 days in advance. She

1 noted it may not be used in an emergency situation.
2 She explained that the notice and consent has to be on
3 a separate form, signed, retained for 7 years, and a
4 copy given to the patient.

5 Ms. Ykema explained that the notice and consent
6 has to give notice that the provider does not
7 participate in the consumer's health insurance plan,
8 have a Good Faith Estimate amount that the provider
9 may charge for all of the services, explain that there
10 may need to be prior authorization or other approval,
11 and be clear that a person does not have to consent to
12 an out-of-network provider.

13 Ms. Ykema emphasized that a person has to be able
14 to get services from an available in-network provider,
15 but if there is no available in-network provider, then
16 notice and consent may not be used to allow the
17 provider to balance bill.

18 Ms. Ykema addressed payment, where the provider
19 will need to confirm the patient's coverage. She
20 explained that an out-of-network provider who
21 furnished a surprise medical service may collect cost-
22 sharing from the patient at the in-network level and
23 then the provider may bill the patient's plan directly
24 for all remaining charges.

25 Ms. Ykema noted a provider and plan may negotiate

1 if the provider is not satisfied with the amount
2 directly and then through a federally administered
3 Independent Dispute Resolution process. She mentioned
4 the process is currently subject to litigation and
5 more details will come as that proceeds.

6 Ms. Ykema addressed disputes with uninsured and
7 self-pay individuals, where the provider may bill the
8 patient. She stated the patient may access the
9 Patient-Provider Dispute Resolution process if there
10 is a difference in the Good Faith Estimate of at least
11 \$400. She noted that the patient must start the
12 process within 120 days and pay a small administrative
13 fee to start the process but will recoup that if the
14 patient prevails.

15 Ms. Ykema commented that the Pennsylvania
16 Insurance Department's goal is educating people about
17 the law but stated anyone who has complaints or
18 concerns could contact them and provided their website
19 address at www.insurance.pa.gov/nosurprises. She also
20 mentioned the Pennsylvania Insurance Department has
21 been tasked by Governor Wolf as the coordinating
22 agency coordinating enforcement among state agencies
23 to have oversight over insurers, providers, and
24 facilities.

25 Ms. Ykema noted the Pennsylvania Insurance

1 Department has oversight over insurance companies and
2 works collaboratively with other state agencies,
3 including the Department of State, Department of
4 Health, and Department of Drug and Alcohol Programs.

5 Ms. Ykema noted that the state law applies unless
6 it prevents the application of the federal law. She
7 mentioned the Pennsylvania Insurance Department has
8 laws to regulate insurance, professional conduct, and
9 licensure. She explained that state agencies that
10 receive a call related to balance billing and the No
11 Surprises Act can go to the Pennsylvania Insurance
12 Department's website for guidance.

13 Ms. Ykema stated complaints are assigned to a
14 consumer services representative after a complaint is
15 received for tracking to identify issues in
16 educational opportunities and enforcement needs. She
17 noted the consumer services representative works with
18 the patient, provider, or health plan and with other
19 state agencies and collaborate with the federal agency
20 if they cannot address the issue.

21 Ms. Ykema noted the Department of Health and
22 Human Services regulates insurance plans, providers,
23 and facilities; Department of Labor regulates self-
24 funded plans; and the Office of Personnel Management
25 regulates the Federal Employees Health Benefits (FEHB)

1 program. She stated Pennsylvania Insurance Department
2 is prepared to enter into collaborative enforcement
3 agreements with any of those agencies as needed to
4 address concerns.

5 Ms. Ykema encouraged everyone to visit the
6 Pennsylvania Insurance Department's website or call
7 the Bureau of Consumer Services for further
8 information.

9 Ms. Butler expressed concern regarding ambulance
10 fees not being included in an emergency situation and
11 asked whether the Pennsylvania Insurance Department is
12 still looking at that type of situation.

13 Ms. Ykema stated it is mentioned in the context
14 of an advisory committee that accepted applications in
15 January and are supposed to be meeting relatively
16 quickly for a recommendation on how they should be
17 addressed but has not been resolved yet. She
18 encouraged anyone with questions to reach out to the
19 Pennsylvania Insurance Department for help with
20 negotiations along those lines.

21 Chair Goldman thanked the Pennsylvania Insurance
22 Department for their presentation.]

23 ***

24 Appointment - Bureau of Finance and Operations Annual
25 Budget Presentation

1 [Michelle Witmer, Bureau of Finance and Operations,
2 Department of State, informed the Board that the
3 Bureau of Finance and Operations (BFO) looks at the
4 licensee population on a biennial basis from a revenue
5 standpoint. She reported continued growth in licensee
6 population when comparing FY16-FY17 to FY18-19 with an
7 increase of 475 licensees and an increase when
8 comparing FY18-19 to FY20-FY21 of 786 licensees. She
9 noted a total of 10,094 licensees as of the report
10 date with an additional 23 licensees this morning for
11 a total of 10,117.

12 Ms. Witmer addressed revenue for renewal and
13 nonrenewal years, noting the revenue total.

14 Ms. Witmer reported on the expenses in FY19-20,
15 FY20-21, and the figure as of March 17, 2022, as well
16 as a recent increase. She stated BFO projected out
17 for the remainder of the fiscal year, noting the
18 budget. She stated expenses are currently projected
19 to exceed revenue with the anticipated balance in
20 FY24-FY25.

21 Ms. Witmer mentioned reaching out to Board
22 counsel, prosecution, and the Bureau of Enforcement
23 and Investigation (BEI), and noted that counsel is
24 working on Act 41 regulations and there are new
25 prosecutions stemming from the audit. She also

1 reported a doubling of cases for the Board since 2019.

2 She noted BFO would return in the fall after the
3 renewal period ends to review expenses.

4 Ms. Witmer reported Board member expenses for
5 FY19-20, FY20-FY21, and the current expenses. She
6 reported a budget of \$15,000, noting whatever money is
7 not used goes back to the Board for their use.

8 Ms. Butler asked whether money has been allocated
9 for conference registration, travel, and education for
10 Board members like it was before COVID.

11 Ms. Witmer stated BFO did not adjust the budgeted
12 amount and kept it at \$7,500 allotted for travel and
13 \$1,600 for conference registration.]

14 ***

15 Report of Board Chair

16 [Amy S. Goldman, MS, CCC-SLP, Chair, noted the
17 National Council of State Boards of Examiners (NCSB)
18 Conference is in Santa Fe, NM, October 13-15. She
19 mentioned the main conference theme will be on
20 diversity, equity, and inclusion.]

21 CHAIR GOLDMAN:

22 We need a motion to approve travel for
23 travel and registration for two Board
24 members.

25 Do I have a motion?

1 MS. BUTLER:

2 I motion.

3 CHAIR GOLDMAN:

4 Is there a second to the motion for
5 registration and travel for two Board
6 members to the NCSB Conference?

7 MS. DELANO:

8 I second.

9 CHAIR GOLDMAN:

10 Is there any discussion? All in favor
11 of the motion, say aye. Opposed?
12 Abstentions?

13 [The motion carried unanimously.]

14 ***

15 Report of Board Chair

16 [Amy S. Goldman, MS, CCC-SLP, Chair, addressed
17 continuing education, noting some individuals have
18 been audited, and there has been an issue concerning
19 certain courses as to whether or not they constitute
20 practice building, which are prohibited from allowing
21 continuing education (CE) according to their license.
22 She requested additional information regarding which
23 courses are considered practice building.

24 Ms. Pachter Schulder asked whether an audit was
25 done and whether orders to show cause had been issued

1 for the Board to have the discussion by way of a
2 resolution during the consent agreement or the final
3 adjudication and order.

4 Chair Goldman noted being asked by their CE
5 reviewer and administrator to weigh in on a particular
6 instance where a licensee had submitted additional
7 information and there were questions from the office.

8 Ms. Pachter Schulder stated Chair Goldman would
9 have to recuse if she provided information and it
10 became a case, and any information a Board member
11 would give would be their individual opinions, not
12 necessarily an opinion of the Board.

13 Mr. Jarabeck thanked Christopher McNally, the
14 previous Board prosecution liaison, for all of his
15 years of service with the Department of State. He
16 noted Mr. McNally is retiring in April and will be
17 replaced by Tim Henderson. He mentioned that he and
18 Mr. Henderson are very aware of audits coming through
19 the office and are currently in the process of putting
20 forth what will happen in terms of prosecution of
21 those matters.

22 Mr. Jarabeck addressed the issues of the audit,
23 noting those matters have already come before them for
24 review. He stated the cases have come through the
25 Board's pipeline through the review process, submitted

1 to them at this time, and not far from being filed.

2 Mr. Jarabeck added that the Board has
3 historically, in terms of discipline, also handled
4 matters by citation, along with an order to show cause
5 resulting in a final adjudication and order as well as
6 consent agreements for continuing education, where the
7 Board comes back and provides its final say.

8 Chair Goldman expressed concern with continuing
9 education issues usually being about failure to
10 obtain, many times resulting from confusion with Act
11 48 Pennsylvania Department of Education credits versus
12 what is acceptable to the Board and suggested
13 providing a definition of practice building.

14 Ms. Pachter Schulder commented that the Board is
15 not permitted to provide an advisory opinion because
16 the boards do not have the statutory authority to do
17 that. Conversely, she referred the Board to Act 53,
18 which permits an applicant to ask for a preliminary
19 determination as to whether a crime would keep the
20 applicant from getting a license. Since the Board
21 cannot provide an advisory opinion it directs
22 inquirers to specific sections in the Act and
23 regulations. Ms. Pachter Schulder stated the way the
24 Board speaks is by way of regulation, consent
25 agreement, or adjudication and order.

1 Ms. Pachter Schulder suggested having an upper
2 level discussion about practice building or maybe even
3 a modification of the regulation. She noted speaking
4 of categories of classes may be more troublesome and
5 should be done with adjudications and orders.

6 Chair Goldman asked whether discussing
7 telepractice as a delivery model would be practice
8 building.

9 Ms. Pachter Schulder that there is a difference
10 between the mechanics of setting up telepractice, for
11 example, how to use the cameras and Skype, vs. the
12 actual services being provided during the appointment.

13 Chair Goldman stated billing, marketing, and
14 promoting services are clear, cut, and dry; but since
15 the pandemic, there has been a plethora of continuing
16 education courses that are specifically engaged in how
17 is one a good practitioner given the constraints of
18 the new method of service delivery.

19 Ms. Pachter Schulder noted that those would be
20 for an adjudication, to tease out which of those
21 sounded more like practice building and which of those
22 sounded more like therapy-related topics. She
23 mentioned those closer to a therapy-related topic are
24 not going to be considered practice building.

25 Dr. Murphy expressed concern with taking

1 additional credits on top of what is needed to
2 maintain certification is going to be interpreted on
3 the backend on the prosecutor's desk as practice
4 building.

5 Ms. Pachter Schulder mentioned the importance of
6 the certification bodies being aware that courses on
7 practice building are not accepted for credit in all
8 of the licensing statutes. She commented that a
9 licensee who took more CE than required by statute so
10 as to maintain his/her certification, the licensee
11 could submit the entire amount on audit if the
12 licensee desires.

13 Chair Goldman commented that an individual only
14 has to take the required courses during renewal but
15 must supply details when audited, so the licensee who
16 is called upon to provide the details can avoid
17 submitting any that might raise an eyebrow as long as
18 they have a pool to draw from.

19 Chair Goldman mentioned that she reminds
20 individuals that practice building will not bring
21 credits for the purposes of licensure in Pennsylvania.
22 She noted giving a presentation at Thiel College and
23 spending half the time saying this is Act 48, this is
24 the American Speech-Language-Hearing Association
25 (ASHA), this is the license, and this is the

1 predominant authority for practice in Pennsylvania
2 unless you are only in the school.

3 Ms. Pachter Schulder commented that some
4 providers place on the certificate or in the program
5 brochure that the program is unlikely to qualify for
6 credit and that the burden is on licensees. She also
7 mentioned another way to address the issue of practice
8 building is by regulation if there is so much
9 confusion.

10 Chair Goldman wanted to see what comes around
11 from the prosecutorial division but would keep the
12 regulation option in their back pocket.

13 Chair Goldman asked Acting Commissioner Claggett
14 for advice regarding two public member vacancies after
15 the resignation of Nancy Stimson.

16 Acting Commissioner Claggett offered to alert the
17 governor's office that the Board has two public member
18 vacancies.

19 Ms. Pachter Schulder addressed public member
20 requirements. She explained that no public member can
21 be affiliated in any manner with professions or
22 occupations providing health or corrective
23 communication services or products to communicatively
24 impaired persons, no member can be an officer or agent
25 of a statewide association representing professions or

1 occupations at the same time, and no family member who
2 is licensed by the Board can be appointed.

3 Chair Goldman asked whether the Board needed to
4 appoint a secretary.

5 Ms. Pachter Schulder said that a secretary would
6 run the meeting if the chair and vice chair were not
7 present at the meeting. She further explained that if
8 this were not a Secretary, the members at the meeting
9 would decide who would run the meeting or perhaps
10 there would not be a meeting if the chair and vice
11 chair were both absent and the Board did not have a
12 secretary.]

13 CHAIR GOLDMAN:

14 Could I have a nomination for secretary?
15 I'm the chair. Sarah is the vice chair.
16 Knowing that there are no official
17 duties except in the situation unlikely
18 that Judith mentioned, anybody want to
19 be secretary?

20 MS. BUTLER:

21 I would like to.

22 CHAIR GOLDMAN:

23 Okay. I guess you can nominate
24 yourself, Lisa.

25 MS. BUTLER:

1 I nominate myself.

2 CHAIR GOLDMAN:

3 Okay. Is there a second?

4 MS. DELANO:

5 Second.

6 CHAIR GOLDMAN:

7 Any other discussion? All in favor of
8 Lisa serving as secretary to the Board,
9 say aye. Opposed? Abstentions?

10 Congratulations, Lisa.

11 [The motion carried unanimously.]

12 ***

13 Report of Acting Commissioner

14 [Arion R. Claggett, Acting Commissioner, Bureau of
15 Professional and Occupational Affairs, informed
16 everyone that all Board meetings moving forward would
17 be offered in a hybrid format providing the option of
18 attending virtually or in person for Board members and
19 the public. He mentioned the platform is switching
20 from Cisco Webex to Microsoft Teams. He also noted he
21 and Ms. McNeill would be attending all Board meetings
22 in person.]

23 ***

24 Report of Board Administrator

25 [Sarah E. McNeill, Board Administrator, requested

1 approval of the proposed 2023 meeting dates on March
2 3, June 2, September 1, and December 8.]

3 CHAIR GOLDMAN:

4 Is there a motion to accept the 2023
5 meeting dates?

6 MS. DELANO:

7 I make a motion to approve.

8 CHAIR GOLDMAN:

9 Is there a second?

10 DR. MURPHY:

11 I second.

12 CHAIR GOLDMAN:

13 All in favor of accepting the dates for
14 2023? Opposed? Abstentions? The dates
15 for 2023 are approved.

16 [The motion carried unanimously.]

17 ***

18 Miscellaneous

19 [Examiners in Speech-Language Pathology and Audiology
20 Brochures under item 13 was postponed until the next
21 meeting due to Chair Goldman having an appointment.

22 Chair Goldman encouraged Board members to review
23 the brochures.]

24 ***

25 Adjournment

1 CHAIR GOLDMAN:

2 I need a motion to adjourn.

3 MS. DELANO:

4 I make a motion to adjourn today's
5 meeting.

6 CHAIR GOLDMAN:

7 Is there a second?

8 MS. BUTLER:

9 I second.

10 CHAIR GOLDMAN:

11 All in favor of adjournment, say aye.
12 Opposed? Abstentions? We are
13 adjourned.

14 [The motion carried unanimously.]

15 ***

16 [There being no further business, the State Board of
17 Examiners in Speech-Language Pathology and Audiology
18 Meeting adjourned at 12:27 p.m.]

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CERTIFICATE

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



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

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

March 25, 2022

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Introduction of Board Members/Attendees
10:32	Adoption of Agenda
10:33	Approval of Minutes
10:38	Report of Prosecutorial Division
10:41	Report of Board Counsel
11:09	Appointment - Pennsylvania Insurance Department Presentation
11:37	Appointment - Bureau of Finance and Operations Annual Budget Presentation
11:47	Report of Board Chairperson
12:21	Report of Acting Commissioner
12:22	Report of Board Administrator
12:24	Miscellaneous
12:27	Adjournment