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

FINAL MINUTES

MEETING OF:

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY

TIME: 9:36 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
BOARD ROOM C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

September 6, 2019
State Board of Examiners in Speech-Language Pathology and Audiology
September 6, 2019

BOARD MEMBERS:

Ann C. Roman, MS, CCC-SLP, Chairperson
K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
Louis R. Sieminski, Ph.D., Vice Chairman
Amy S. Goldman, MS, CCC-SLP, Secretary
Sarah E. Delano, M.Ed., CCC-A
Nancy J. Stimson, Public Member

BUREAU PERSONNEL:

Judith Pachter Schulder, Esquire, Board Counsel
Christopher K. McNally, Esquire, Board Prosecution Liaison
Andrew LaFratte, MPA, Department of State
Sandra E. Matter, Board Administrator

ALSO PRESENT:

Angie Armbrust, Senior Associate, McNees-Winter Group LLC, representing the Pennsylvania Speech-Language-Hearing Association
Ted Mowatt, Senior Associate, Wanner Associates, representing the Pennsylvania Academy of Audiology
State Board of Examiners in Speech-Language Pathology and Audiology

September 6, 2019

***

The regularly scheduled meeting of the State Board of Examiners in Speech-Language Pathology and Audiology was held on Friday, September 6, 2019. Ann C. Roman, MS, CCC-SLP, Chairperson, called the meeting to order at 9:36 a.m. K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs, was not present at the commencement of the meeting.

***

[Chairperson Roman requested the introduction of those in attendance.]

***

Approval of minutes of the June 7, 2019 meeting

CHAIRPERSON ROMAN:

Any changes to the draft minutes?

DR. SIEMINSKI:

I make a motion that we approve the minutes with changes.

CHAIRPERSON ROMAN:

I’ll second it. All in favor? Opposed?

Anybody abstaining?
[The motion carried. Ms. Stimson abstained from voting on the motion.]

***

Report of Prosecutorial Division - No Report

***

Report of Board Counsel

[Judith Pachter Schulder, Esquire, Board Counsel, reviewed the five requirements for licensure under Act 41 of 2019 and compared it with the general licensing requirements in the Speech-Language Pathologists and Audiologists Licensure Act. She noted that a Certificate of Clinical Competence (CCC) from the American Speech-Language-Hearing Association (ASHA) is currently the mechanism by which people receive a license be endorsement. Act 41 will not reduce the licensure process for applicants who hold the CCCs because of the requirement for proof of competence which is not required under the licensure act and regulations.

Ms. Pachter Schulder noted that except for states that do not require a doctorate degree for audiologist, it is believe that other states’ licensure requirements are substantially equivalent with those in this Commonwealth.]

***
[K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs, entered the meeting at 9:44 a.m.]

***

[Ms. Pachter Schulder stated the law requires competence demonstrated through two years of practice in the profession in which the applicant seeks licensure or continuing education. The Board discussed the advantages and disadvantages as well as the paperwork requirements of requiring experience to meet the competence requirement vs. requiring a set number of continuing education. The Board considered the current amount of continuing education required under 45.501 for biennial renewal of 20 hours and the restriction on practice management courses. The Board discussed receiving letters of good standing, educational material to see if the CE matches Board's standards, and course completion certificates. To document practice experience, the Board discussed obtaining letters from clients, contractors, or tax returns for verification.

Acting Commissioner Johnson explained that Act 41 was originally designed for military spouses and individuals not rooted in any one place for more than a period of 18 months. He noted his concern with the
two-year minimum active license requirement and creating an unintended consequence for transient individuals.

Dr. Sieminski noted that less than 1 percent of applicants for licensure by endorsement would not have their CCCs.

Dr. Sieminski explained based upon the ASHA website that only 35 percent of audiologists who are ASHA members do not have an AuD or a PhD but have their CCCs.

The Board discussed whether audiology applications should be reviewed by an audiologist Board member and speech-language pathologist applicants reviewed by a speech-language pathologist Board member. Ms. Pachter Schulder noted that she will be reviewing the education and suggested having one person review the application, but the application would come back to the whole Board if there are any questions. The Board agreed.

Ms. Pachter Schulder addressed the third and fourth prong of Act 41 involving criminal conviction or reciprocal discipline, emphasizing that Act 41 does not prohibit licensure where the applicant has reciprocal discipline or a criminal conviction. She explained the current process for applicants with
criminal convictions. She discussed the requirements for a Federal Bureau of Investigation (FBI) and state background checks.

Ms. Pachter Schulder directed the Board to the provisional license provision, noting that Act 41 would permit the issuance of a provisional license for a specific amount of time in order for an individual to meet the competency requirements.

Dr. Sieminski mentioned that ASHA allows 90 days for individuals to complete CEUs to maintain their CCCs if found in violation. He recommended that the provisional license be issued for 90-day enabling applicants to meet the outstanding requirements during that time.

Ms. Pachter Schulder noted that individuals who are not actively practicing could go either the CCCs route or Act 41 through the CE route. She noted those actively practicing could take the CE under Act 41 or the CCCs route under the Act.

The Board determined that competence could either be completion of 20 hours post-licensure under the requirements of § 45.501 or 2 years of documented practice totaling 2,520 hours.

Ms. Pachter Schulder stated the Board will form a committee with only 1 SLP and 1 audiologist to review
Ms. Pachter Schulder directed the Board to current § 45.23(a)(3) and distinguished the provisional license issued under the Act and the provisional license authorized by Act 41. The Board discussed whether 90 days is long enough to satisfy the competence requirements of Act 41. Ms. Stimson suggested giving a 90-day provisional license but requiring that licensees complete their competence in 60 days.

Ms. Goldman agreed the continuing education should be completed within 60 days but felt 50 percent of the CE hours should be completed before applying.

She noted the importance of balancing the intent of Act 41 to let practitioners come to Pennsylvania and with consumer protection laws because people are actively practicing.

The Board agreed that 10 hours of CE must be completed in order to be issued a provisional license and that the licensee would have 60 days to complete the remaining hours.

Ms. Delano stated 10 hours shows prospective employees for Pennsylvania that the profession is taken seriously.

Acting Commissioner Johnson mentioned the 3 hours
of mandatory child abuse recognition and training required to obtain a license.
Ms. Pachter Schulder explained that like the requirement for a criminal background check and letters of good standing, applicants would have to obtain their child abuse education before being granted a provisional license.

Ms. Goldman believed that Act 41 will also benefit people who want to telepractice in Pennsylvania. The Board discussed that telepractice is covered under the Act because it is treated like any other modality and that neither the Act nor the regulations address in-office practice vs. telepractice.

Ms. Pachter Schulder summarized the Board’s discussion regarding standards to use between now and the time the regulation is completed for implementation of Act 41. She noted the majority of the states are substantially equivalent, except in the area where only a master’s degree would be required for audiologists. She stated applicants who has their CCCs would not be applying under Act 41 and would be applying under the regular licensure act. She noted for those who do not have their CCCs and only hold a master’s degree, the laws would not be substantially
equivalent and they would not fit in Act 41.

Ms. Pachter Schulder noted that where the laws are substantially equivalent and a person has either 20 hours of post-licensure continuing education, that is documented to meet the standards of § 45.501 or they have two years of practice which totals 2,520 hours over a 24-month period, they would be considered to have met the competency piece and will be issued a license under Act 41 so long as the applicant does not have a criminal conviction or disciplinary action or an inactive license in the other state.

Ms. Pachter Schulder noting that for applicants from states whose licensure requirements are substantially equivalent but only have completed 10 hours of post-licensure continuing education (to satisfy the competence component) and do not have a criminal conviction or reciprocal action, the application would be reviewed by either the speech-language pathologist or the audiologist based upon the kind of application. She stated a provisional license will be issued and the licensee will have 60 days to complete the education and the license will be good for 90 days. She will draft the regulation for the Board's adoption at the next meeting.

Ms. Pachter Schulder directed the Board to House
Bill 811 and Senate Bill 637, commonly referred to as second-chance legislation. The philosophy behind the legislation is that not every conviction should bar a person from having a license. She pointed out that under the language of the Bills, convictions cannot be considered if they do not directly relate to the trade, occupation, or profession for which the license is sought.

Mr. McNally referred to the statutory language in the Criminal History Record Information Act § 9124 and § 9125, noting that conviction is not defined. He noted the importance of analyzing whether a conviction is substantially related to a profession and being able to articulate its relevance, being able to diminish the importance of a conviction, considering age and circumstances, and what the individual has done to rehabilitate themselves.

Acting Commissioner Johnson commented that the intent of this legislation is essentially to force the bureau and Boards to articulate the standards by which they make their decisions and to move toward creating policies that essentially memorialize their decision. Acting Commissioner Johnson commented that he does not believe the framers of the statues considered the discriminatory effects of criminal history
policies at the time that they were envisioning the law. He noted decades of data that reflect there are discriminatory effects that are being redressed.

Ms. Pachter Schulder stated the Bills also give the Boards specific authority to opine in advance as to whether someone can get a license or not.]

***

Report of Other Board Members

[Amy S. Goldman, MS, CCC-SLP, Secretary, mentioned the Pennsylvania Speech-Language-Hearing Association (PSHA) Conference Call for Papers in Pittsburgh, April 1-4, 2020, noting that she would like to submit basically the same proposal as last year.

Ms. Goldman noted the National Council of State Boards of Examiners of Speech-Language Pathology and Audiology (NCSB) Conference state exchange PowerPoint to be completed.]

***

[The Board recessed from 11:43 a.m. until 11:50 a.m.]

***

Report of Acting Commissioner

[K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs, presented Chairperson Roman and Dr. Sieminski with a proclamation on behalf of Governor Wolf, Acting
Secretary Boockvar, the State Boards of Examiners of Speech-Language Pathology and Audiology, and the Commonwealth of Pennsylvania.

Acting Commissioner Johnson commended Chairperson Roman and Dr. Sieminski for their service.

***

Report of Other Board Members

[Amy S. Goldman, MS, CCC-SLP, Secretary, thanked the Board for authorization to attend the NCSB Conference in San Antonio, TX at the end of the month.

Ms. Goldman discussed answers to the state exchange portion of the NCSB Conference for the Board’s completion.

The Board discussed the proposed Compact and the Board’s role in the legislative process. Ms. Pachter Schulder advised that the Board does not have a legislative function in that it does not propose legislation, and that any comments on legislation goes through the department. She mentioned that there is a licensed compact for the Medical Board; however, that compact has not been implemented because there are issues with regard to obtaining and storing FBI background check. The legislation involving compacts for psychology, nursing, pharmacy, and physical therapy Boards are pending. A goal of the compact is
licensure portability.

Acting Commissioner Johnson stated, for many legislators, Act 41 was the answer to the compact question in not having to deal with individual compacts. The portability piece makes it easier for the Commonwealth to manage all of these different individuals.

The Board discussed that there are no new developments requiring continuing education in the areas of supervision or ethics.

The Board noted that the regulation of over-the-counter hearing aids is not within the Board’s statutory authority.

Ms. Goldman will report back after the NCSB Conference with some of the trends and issues coming up for speech and hearing Boards.]

***

Report of Board Administrator

[Sandra E. Matter, Board Administrator, noted the Pennsylvania Academy of Audiology (PAA) Conference, October 2-4 in Lancaster, PA.]

***

Review of Applications

[Request for an extension for a provisional license—Amanda Mahoney]
Ms. Matter explained that Ms. Mahoney received a provisional license to work as a clinical fellow, but the individual did not work for the first 18 months it was issued and is asking for an extension.

The Board discussed the impact of waiving the regulation generally or advising the requestor that the Board has granted an extension of the provisional license from that original July 2019 date for 18 months and that under the regulations it has to be accomplished within a certain period of time.]

***

MOTIONS

MS. PACHTER SCHULDER:

It would be a motion to deny the request of Amanda Mahoney of up to a four-year extension of her provisional license so that she can complete her PhD.

MS. GOLDMAN:

I make the motion per Judith’s excellent verbiage about denying this individual.

MS. PACHTER SCHULDER:

We got a second?

MS. DELANO:

Second.

CHAIRPERSON ROMAN:
Any discussion? Those in favor? Those opposed? Abstentions?

[The motion carried. Mr. Johnson abstained from voting on the motion.]

***

Miscellaneous

[Judith Pachter Schulder, Esquire, Board Counsel, noted correspondence from the American Hippotherapy Association for the Board’s information.]

***

Adjournment

CHAIRPERSON ROMAN:

Do I have a motion for us to adjourn?

DR. SIEMINSKI:

I make that motion.

MS. GOLDMAN:

Second.

CHAIRPERSON ROMAN:

Those in favor? Those against?

[The motion carried unanimously.]

***

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

***
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.

Derek Richmond,
Minute Clerk
Sargent’s Court Reporting
Service, Inc.
STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY
REFERENCE INDEX

September 6, 2019

TIME AGENDA

9:36 Official Call to Order
9:36 Introduction of Board and Staff Members
9:39 Approval of Minutes
9:40 Report of Board Counsel
11:42 Report of Other Board Members
11:43 Recess
11:50 Return to Open Session
11:50 Report of Acting Commissioner
11:55 Report of Other Board Members (cont.)
12:04 Report of Board Administrator
12:05 Review of Applications
12:09 Motions
12:14 Miscellaneous
12:16 Adjournment