December 2, 2022

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State Board of Examiners in Speech-Language Pathology and Audiology December 2, 2022

BOARD MEMBERS:

Amy S. Goldman, MS, CCC-SLP, Chair Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs Sarah E. Delano, M.Ed., CCC-A, Vice Chair Lisa A. Butler, M.A., CCC-SLP, Secretary

Andrew A. McCall, M.D., FACS

Patrick M. Murphy, Au.D., M.Ed., CCC-A, FAAA

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel Dana M. Wucinski, Esquire, Board Counsel Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution

22 Prosecution 23 Division 24 Timothy J.

Timothy J. Henderson, Esquire, Board Prosecution Liaison

Paul J. Jarabeck, Esquire, Senior Board Prosecutor Amber Lee Czerniakowski, Board Prosecutor

Sarah E. McNeill, Board Administrator

Shakeena Chappelle, Board Administrator

Marc Farrell, Deputy Policy Director, Department of State

Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

Amanda Richards, Fiscal Chief, Bureau of Finance and Operations, Department of State

Jennifer Gage, Revenue Agent, Department of State Tamie Laudenslager, Fiscal Specialist, Bureau of Finance and Operations, Department of State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President/Lobbyist, Wanner Associates, on behalf of the Pennsylvania Academy of Audiology

Jonette B. Owen, Au.D., Assistant Dean for the Practice and Assessment of Audiologic Medicine at Salus University

Mindy K. Brudereck, Au.D., Owner, Berks Hearing Professionals

State Board of Examiners in Speech-Language Pathology and Audiology December 2, 2022

ALSO PRESENT: (cont.)

Jennifer Smeltz, Republican Executive Director, Senate

Consumer Protection & Professional Licensure Committee

Angie Armbrust, Senior Associate, McNees-Winter Group LLC, representing the Pennsylvania Speech-Language-Hearing Association

Louise Keegan, Associate Professor of Speech-Language Pathology, Associate Dean of Rehabilitation Sciences, Moravian University

Lori A. Behe

* * *

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2 State Board of Examiners in Speech-Language

3 Pathology and Audiology

returned to open session at 10:30 a.m.]

December 2, 2022

* * *

6 [Pursuant to Section 708(a)(1) and 708(a)(5) of the
7 Sunshine Act, at 9:30 a.m. the Board entered into
8 Executive Session with Dana M. Wucinski, Esquire,
9 Board Counsel, for the purpose of conducting quasi10 judicial deliberations on the matters on the agenda
11 and to receive advice of Board Counsel. The Board

13

The regularly scheduled meeting of the State

Board of Examiners in Speech-Language Pathology and

Audiology was held on Friday, December 2, 2022. Amy

S. Goldman, MS, CCC-SLP, Chair, called the meeting to order at 10:31 a.m.

19 ***

20 Introduction of Board Members/Attendees

21 | [Sarah E. McNeill, Board Administrator, provided an

22 | introduction of Board members and attendees.]

23 **

24 Approval of minutes of the September 2, 2022 meeting

25 CHAIR GOLDMAN:

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5
                  The first order of business is the
1
2
                  approval of the minutes from September
3
                  2.
 4
                       Do I have a motion to approve?
5
   MS. DELANO:
6
                  I make a motion to approve.
7
   DR. MURPHY:
8
                  Second.
9
   CHAIR GOLDMAN:
10
                  Any discussion? Let's vote. Sarah,
11
                  please lead us.
12
13
                  Goldman, aye; Claggett, abstain;
14
                  Delano, aye; Butler, abstain; McCall,
15
                  abstain; Murphy, aye.
16
   [The motion carried. Arion Claggett, Lisa Butler,
17
   and Andrew McCall abstained from voting on the
18
   motion.]
                              * * *
19
20
   Report of Prosecutorial Division
21
   [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
22
   presented the Consent Agreement for Case No. 22-68-
23
   013480.]
24
   CHAIR GOLDMAN:
25
                  Do I have a motion to approve Case No.
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6 22-68-013480? 1 2 MS. DELANO: 3 I make a motion to approve. CHAIR GOLDMAN: 4 5 Is there a second? 6 DR. MURPHY: 7 I second that. 8 CHAIR GOLDMAN: 9 Is there any further discussion? 10 Seeing none. Sarah McNeill, please lead us through a roll call vote in 11 this matter. 12 13 14 Goldman, aye; Claggett, aye; Delano, 15 aye; Butler, recuse; McCall, aye; 16 Murphy, aye. [The motion carried. Lisa Butler recused herself 17 18 from deliberations and voting on the motion.] * * * 19 20 [Timothy J. Henderson, Esquire, Board Prosecution 21 Liaison, presented the Consent Agreements for Case 22 No. 22-68-016899.] 23 CHAIR GOLDMAN: 24 I need a motion to approve the Consent 25 Agreement at Case No. 22-68-016899?

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1
                       Is there a motion to approve?
2
   MS. DELANO:
3
                  I make a motion to approve.
   CHAIR GOLDMAN:
4
5
                  Is there a second?
6
   DR. MURPHY:
7
                  I second.
8
   CHAIR GOLDMAN:
9
                  Is there any further discussion?
10
                  Shakeena, could you lead us through the
                  roll call?
11
12
13
                  Goldman, aye; Claggett, aye; Delano,
14
                  aye; Butler, recuse; McCall, aye;
15
                  Murphy, aye.
16
   [The motion carried. Lisa Butler recused herself
17
   from deliberations and voting on the motion. The
18
   Respondent's name is Amy Lynn Horner.]
                              * * *
19
20
   Report of Board Counsel
21
   [Dana M. Wucinski, Esquire, Board Counsel, noted the
   Board met in Executive Session for the purpose of
22
23
   conducting quasi-judicial deliberations on the two
24
   consent agreements presented today and to receive the
25
   advice of counsel.
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Q

1 Ms. Wucinski also informed Board members that she 2 had nothing to report from Board Counsel.]

*

4 Report of Board Chair

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5 [Amy S. Goldman, MS, CCC-SLP, Chair, informed Board

6 members that the Pennsylvania Speech-Language-Hearing

7 Association Convention would be held April 13-15,

8 2023, in Valley Forge, PA, noting it to be an

9 opportunity for the Board to provide education and

10 dialogue with licensees. She stated the call for

11 papers closed in October but took the liberty of

12 submitting a placeholder based on the presentation

13 last year in Pittsburgh.

14 Chair Goldman mentioned Sarah Delano presented

15 with her last year but encouraged all Board members,

16 Board Counsel, and the Board administrator to attend.

17 Several people notified her that they wished to

18 attend.

19 Acting Commissioner Claggett informed Board

20 members that only two people are normally sent to

21 conferences and recommended delaying voting until the

22 presentation from the Bureau of Finance and

23 Operations (BFO) regarding Board finances.

24 Chair Goldman referred to the National Council of

25 | State Boards of Examiners (NCSB) Conference and noted

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appreciation for Board attendance. She informed
1
2
   everyone that the agenda and handouts for the
3
   conference are available at ncsb.info. She announced
   the next National Council of State Boards of
 4
5
   Examiners (NCSB) Conference would be held in
   Charlotte, NC, October 5-7, 2023.
 6
7
        Chair Goldman provided updates regarding the
   American Speech-Language-Hearing Association (ASHA).
    She stated ASHA has an ethics continuing education
10
   requirement beginning with the 2023 cycle of renewals
11
   for the Certificate of Clinical Competence.
12
   noted there is also an ASHA requirement for
13
   continuing education in cultural competence.]
14
15
   Report of Board Chair - Request to Change March 3,
16
     2023 Board Meeting Date
17
   MS. WUCINSKI:
18
                  I believe the Board would entertain a
19
                  motion to change the March meeting date
20
                  to March 31.
21
   CHAIR GOLDMAN:
22
                  Do I have a motion?
23
   MS. DELANO:
24
                  I make a motion to change the date to
25
                  March 31.
```

10 CHAIR GOLDMAN: 1 2 Do I have a second? 3 MS. BUTLER: 4 I second. 5 CHAIR GOLDMAN: 6 Is there any discussion? 7 [The Board discussed the motion.] 8 Is there any other discussion? 9 Shakeena, roll call vote. 10 11 Goldman, aye; Claggett, aye; Delano, 12 aye; Butler, aye; McCall, aye; Murphy, 13 aye. 14 [The motion carried unanimously.] 15 16 Report of Acting Commissioner 17 [Arion R. Claggett, Acting Commissioner, Bureau of 18 Professional and Occupational Affairs, informed Board 19 members that the Pennsylvania Licensing System 20 (PALS), was down yesterday but is now up and running. 21 Chair Goldman commented that Pennsylvania was among the leaders of having renewals online according 22 23 to NCSB.1 24 25 Report from Other Board Members

[Lisa A. Butler, M.A., CCC-SLP, Secretary, addressed the National Council of State Boards of Examiners

Conference. She believed every state Board member should attend to be competitive and diverse and know what is happening with other states. She noted having mock trials and discussion about up-and-coming

issues.

Ms. Butler mentioned the importance of being there as a state board for the consumer and having everyone be able to understand the role of an audiologist and speech-language pathologist (SLP). She noted a lot of the board sites had what consumers need to know and an alert concerning the hearing aid issue right now regarding getting hearing aids into pharmacies and a warning to consumers.

Dr. Murphy noted over-the-counter hearing aid legislation was incorporated under the reauthorization for the Food and Drug Administration (FDA) in August 2017. He stated it took the federal government five years and many hearings. He explained that over-the-counter hearing aid legislation has four provisions in it, where it is a do-it-yourself program to pick up a pair of hearing aids rather than going to a professional and receive an evaluation.

Dr. Murphy stated it does not allow professional involvement from an audiologist or medical professional and prohibits any new state or local legislation governing this.

Dr. Murphy addressed other instances throughout his career, where companies had ready canal-type analog devices that lasted for about two years in the late 1980s or early 1990s and 2000s. He commented that this is the third round but that he has not seen people clamoring for the devices.

Dr. Murphy addressed the professional standpoint, where it is difficult for people to realize they can get the help they want by at least seeing a professional for evaluation. He mentioned that those who seek help after choosing the cheap way that does not work causes professionals to already be working on a negative because of past experience that has not been positive. He suggested continuing to monitor this because there is nothing they can do as a Board.

Ms. Delano addressed her attendance at a seminar given by an audiology colleague associated with the University of Pittsburgh Medical Center, as well as a pharmacist interested in the idea of over-the-counter hearing aids in his profession. She noted the importance of educating pharmacists about the over-

the-counter process because they are going to be asked questions by consumers. She commented that professionals are trying to be proactive given what has passed already and that it is about teaching pharmacists and collaboratively having relationships with audiologists across the state of Pennsylvania.

Ms. Butler commented that it helps to meet at the national level because all of the states are working together on issues and the national law and would be something in 2023 that the state and national boards would be discussing.

Ms. Butler informed Board members that a lot of states require a jurisprudence exam when renewing their license. She noted a statement that read, "I sign and date to attesting to I have read and understand the practice act, where onus would be placed on licensees to understand the practice act, roles, and requirements." She suggested the Board look into that in the future.

Ms. Butler addressed continuing education, where a lot of states have enacted ethics as part of their continuing education, along with diversity and supervision, and asked Board members to look at the addition of 1 to 3 hours of ethics for 2023. She requested the issue be placed on the next agenda.

Ms. Butler noted 23 states are currently in the compact and asked whether there were any updates regarding Pennsylvania.

- Ms. Wucinski was not yet familiar with their

 Board compact but addressed issues with other boards

 regarding the compact. She noted there has been work

 back and forth concerning how to fix it and that it

 has been moving but is not resolved.
 - Ms. Butler addressed telepractice, noting
 Pennsylvania does not have laws and regulations in
 telepractice but other states do and is something to
 think about in 2023.
 - Ms. Wucinski commented that most boards do not have regulations that prohibit it or allow it and most regulations are silent. She noted the department posted telemedicine service FAQs on their website. She believed the same thing would apply to their Board and offered to send a link to Ms.

 McNeill.
- Ms. Butler thanked the Board for allowing her the opportunity to attend the National Council of State
 Boards of Examiners Conference.
 - Dr. Murphy commented that pharmacists are going to have to seek out the information and educate themselves on the hearing aid issue because it is

written in the law that audiologists are not supposed to be involved with this and something the consumer is going to inflict upon themselves. to go through a process of self-diagnosis, how many of your patients would say they have a problem and want to be able to do it without seeing an expert.

Acting Commissioner Claggett offered to place the items discussed on the webpage about the role of an audiologist and SLP.

Ms. Wucinski commented that the Board could create a document that has the comparison and a link the consumer could open on the website.

Ms. Butler requested further Board discussion concerning the addition of ethics to continuing education and cultural competence and adopting a consumer brochure combined for speech pathologists and audiologists at the next meeting.

Ms. Butler further discussed the practice act agreement and believed it would be helpful during an audit because someone would have read and signed that they understood everything when they obtained or renewed their license. She also mentioned that all of the other states had a quiz before anyone signed it.

Acting Commissioner Claggett informed Board

- 1 members that they would not be able to add that
- 2 because the only developments going into PALS at this
- 3 point would be something preventing people from
- 4 licensure but offered to send an email blast to all
- 5 of the applicants at any time.
- 6 Chair Goldman suggested constructing final
- 7 | wording for the email blast, along with generating a
- 8 few questions regarding the practice act and
- 9 encouraged Board members to have some draft language
- 10 prepared for the March meeting.]
- 11 ***
- 12 Report of Board Administrator
- 13 | [Amy S. Goldman, MS, CCC-SLP, Chair, welcomed
- 14 | Shakeena Chappelle and thanked Sarah McNeill.
- 15 Ms. Chappelle noted that she is looking forward
- 16 to working with Board members.]
- 17
- 18 | Miscellaneous Audiology Brochure Final Approval
- 19 [Amy S. Goldman, MS, CCC-SLP, Chair, noted
- 20 appreciation for the efforts of Dr. Murphy and Ms.
- 21 Delano in addressing the audiology brochure.
- 22 Dr. Murphy informed Board members that someone
- 23 changed the document since the September meeting and
- 24 did not agree with the changes or support the
- 25 document in the present form.

Ms. Wucinski explained that she made legal changes for the ease of the reader.

draft for consideration in March.

Chair Goldman recommended tabling approval of the audiology brochure till March and encouraged Dr. Murphy, Ms. Delano, and Ms. Wucinski prepare a new

Dr. McCall commented that there was nothing in the document about other medical providers. He stated it mentioned hearing aid dispensers, but there no mention of seeing a physician or medical diagnosis in the management of hearing and balance problems and should be considered.

Dr. McCall stated the second sentence of the document would be confusing to a consumer, where it reads, "audiologists earn an AuD doctorate in audiology or a master's or doctoral degree in audiology" and believed it should read, "audiologists earn a doctoral degree (AuD or PhD) or master's degree in audiology."

Dr. McCall referred to the section regarding how someone would find an audiologist, noting that the Early Hearing Detection and Intervention (EHDI) PALS link is not a hyperlink right now but the rest of them were.

Dr. McCall stated there are direct links to the

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PALS website but not specific subsections links for
1
2
   consumers to find out about licensure status of their
3
   provider or to file a complaint online. He mentioned
4
   visiting PALS website this morning, noting there are
5
   hyperlinks to those specific sections if they wanted
 6
   to include those to make it more specific.
7
        Acting Commissioner Claggett commented that all
   of the Board members should review the document and
8
9
   make edits so it could be sent to legal counsel for
10
   review.l
11
12
   Miscellaneous - Election of Officers
13
   CHAIR GOLDMAN:
14
                  I would like to nominate Sarah Delano
15
                  for Chair.
   MS. BUTLER:
16
17
                  I second.
18
   CHAIR GOLDMAN:
19
                  Do you accept?
20
   MS. Delano:
21
                  I would love to accept. I just can't
22
                  take this responsibility on this year.
23
                   I am so honored to be considered for
24
                  Chair and feel badly about this, but my
25
                  responsibilities for my current
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19 1 employment, I just don't think I can 2 take this on this year. 3 CHAIR GOLDMAN: 4 Patrick, would you be willing and able 5 to serve as Chair. This is just tradition that we like to alternate 6 7 Chairs from the disciplines. 8 DR. MURPHY: 9 Sure, I would love to. I appreciate 10 the vote of confidence on that. 11 CHAIR GOLDMAN: 12 I formally nominate Patrick Murphy to 13 serve as Chair. 14 Is there a second? 15 MS. DELANO: 16 I second. 17 CHAIR GOLDMAN: 18 Shakeena, roll call vote. 19 20 Goldman, aye; Claggett, aye; Delano, 21 aye; Butler, aye; McCall, aye; Murphy, 22 aye. 23 [The motion carried unanimously.] 24 25 CHAIR GOLDMAN:

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20
                  I would like to nominate Lisa Butler
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2
                   for Vice Chair.
3
                       Is there a second?
   MS. DELANO:
4
5
                  I second.
   CHAIR GOLDMAN:
6
7
                  Would you accept that nomination?
8
   MS. BUTLER:
9
                  I would love it and definitely accept
10
                  it. Thank you.
11
   CHAIR GOLDMAN:
12
                  Shakeena, roll call.
13
14
                  Goldman, aye; Claggett, aye; Delano,
15
                  aye; Butler, aye; McCall, aye; Murphy,
16
                  aye.
17
   [The motion carried unanimously.]
                               * * *
18
   CHAIR GOLDMAN:
19
20
                  We also have a secretary position.
                                                         Any
21
                  nominations for secretary?
22
   DR. MURPHY:
23
                  I nominate Sarah Delano.
24
   CHAIR GOLDMAN:
25
                  Is there a second of the nomination for
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1 Sarah?

2 MS. BUTLER:

I second.

4 CHAIR GOLDMAN:

5 Roll call.

6

Goldman, aye; Claggett, aye; Delano,

aye; Butler, aye; McCall, aye; Murphy,

aye.

10 [The motion carried unanimously.]

11

12 | Appointment - Bureau of Finance and Operations

13 | Annual Budget Presentation

14 | [Amanda Richards, Chief of Fiscal Management, Bureau

15 of Finance and Operations, Department of State,

16 referred to licensee population over the past seven

17 | years, noting the Board had a decrease of 253

18 | licensees from last year to this year but noted an

19 increase this morning of 23 licensees totaling 9,864

20 licensees.

21 Ms. Richards referred to the Board's four-year

22 history broken down by license class, which is

23 audiology and speech-language pathology. She

24 commented that even though the Board had a decrease

25 from last year to this year that BFO looks at it on a

2.2

renewal period. She noted the Board had an increase of 327 licensees from when they last renewed in July 2020 to July 2022.

Chair Goldman asked whether BFO distinguished
between provisional and regular licenses when
providing the statistics. She explained that a
provisional license is a class of licensees
introduced several years ago for those who have
completed all of their academic and examination
requirements and in their year of supervised
practice.

Ms. McNeill commented that provisional licenses would not be included because they are a standard renewal and manually done by the administrator.

Dr. Murphy asked whether there was a breakdown of licensees for speech and audiology.

Ms. Richards noted 8,811 speech-language pathologists and 1,053 audiologists.

Ms. Richards reported on the revenue for FY20 and FY21, noting the biennial total. She noted 94 percent of revenue comes from renewals and applications. She stated that revenue is received from other categories but is not consistent and cannot be used as a main source of revenue.

Ms. Richards stated that expenses hit the Board

2.3

through direct charges, timesheet-based charges, and license population charges. She noted BFO looks at administrative and legal costs as main categories to capture revenue. She reported expenses in FY20-21, FY21-22, and expenses as of November 17, 2022. She noted the Board's budgeted figure for this fiscal

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year.

Ms. Richards addressed revenue and expenses noting the projected balance at the end of FY22-23. She stated the Board was in great shape and did not require any type of increase.

Dr. McCall commented that legal costs were substantially higher than the year before and substantially higher than the budget amount for the upcoming fiscal year. He asked whether that was just an aberration or should the Board plan for higher legal costs going forward.

Paul J. Jarabeck, Esquire, Senior Board

Prosecutor, explained that the Board had a change in

prosecutors and that there is a stark difference in

charges per hour between Christopher McNally and

Timothy Henderson.

Mr. Jarabeck mentioned that Mr. McNally also had practice issues and issues concerning health and safety matters regarding contemplation of immediate

1 temporary suspension versus an order for evaluation.

He noted they have not had those cases lately or

3 have been able to be dealt with in a smoother matter.

Mr. Jarabeck did note for the record that Mr. 4

5 Henderson absolutely handled audit cases this year

quickly and brought many of those to a conclusion and 6

7 is why there is less of a projection on budget

8 because there is not that same level of difficulty or

9 long cases.

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10 Chair Goldman thanked BFO for their presentation.]

* * *

12 Report of Board Chair - Pennsylvania Speech-Language-

13 Hearing Association (PSHA) Convention

14 CHAIR GOLDMAN:

I would like a motion to support the following Board members and staff to attend the Pennsylvania Speech-Language-Hearing Association Conference in Valley Forge. That would be Amy Goldman, Dr. Murphy, Lisa Butler, Sarah Delano, and Shakeena, and Dana.

I think that was everybody who said they would be available and interested

24 and might entail travel. For those 25 Board members coming from a distance,

it would entail probably also a hotel 1 2 per diem. 3 I do not know how the state 4 employees deal with Saturday 5 obligations and whether there is a physical note on that. I don't know 6 7 who would want registration as well as travel. 8 9 [The Board discussed the motion.] 10 CHAIR GOLDMAN: 11 I need a motion to support the 12 registration and travel for Board 13 members, Board attorney, and Board 14 administrator to PSHA. 15 Anyone move that? MS. BUTLER: 16 17 I motion to move. 18 MS. DELANO: 19 Second. CHAIR GOLDMAN: 20 The motion is to authorize the travel 21 22

and registration expenditures. Lisa moved and Sarah seconded.

Is there any further discussion in that matter? Shakeena, do you want to

23

24

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26
                   do the roll call for us?
1
2
3
                  Goldman, aye; Claggett, aye; Delano,
 4
                   aye; Butler, aye; McCall, aye; Murphy,
5
                  aye.
   [The motion carried unanimously.]
6
7
                               * * *
8
   Adjournment
   CHAIR GOLDMAN:
10
                  Do I have a motion to adjourn?
11
   DR. MURPHY:
12
                   I move to adjourn.
13
   CHAIR GOLDMAN:
14
                  Is there a second?
15
   MS. BUTLER:
16
                   I second.
17
   CHAIR GOLDMAN:
18
                  All in favor?
19
   [The motion carried unanimously.]
                               * * *
20
21
   [There being no further business, the State Board of
22
   Examiners in Speech-Language Pathology and Audiology
23
   Meeting adjourned at 11:52 a.m.]
24
                               * * *
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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.

Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

28 STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE 1 2 PATHOLOGY AND AUDIOLOGY REFERENCE INDEX 4 5 6 December 2, 2022 7 AGENDA TIME 8 9 9:30 Executive Session 10 10:30 Return to Open Session 11 Official Call to Order 12 10:31 13 14 10:32 Introduction of Board Members/Attendees 15 16 10:32 Approval of Minutes 17 10:33 18 Report of Prosecutorial Division 19 20 10:40 Report of Board Counsel 21 22 Report of Board Chairperson 10:40 23 24 10:52 Report of Acting Commissioner 25 26 10:53 Report from Other Board Members 27 28 11:20 Miscellaneous 29 30 11:32 Appointment - Bureau of Finance and 31 Operations Annual Budget 32 Presentation 33 34 11:46 Report of Board Chairperson - (cont.) 35 36 11:52 Adjournment 37 38 39 40 41 42 43 44 45 46 47