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

BOARD MEMBERS:

Amy S. Goldman, MS, CCC-SLP, Chairperson
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Sarah E. Delano, M.Ed., CCC-A, Vice Chairperson
Patrick M. Murphy, Au.D., M.Ed., CCC-A, FAAA
Nancy J. Stimson, Public Member

BUREAU PERSONNEL:

Judith Pachter Schulder, Esquire, Board Counsel Christopher K. McNally, Esquire, Board Prosecution Liaison

Paul J. Jarabeck, Esquire, Board Prosecutor Sandra E. Matter, Board Administrator Marc Farrell, Deputy Policy Director, Department of

Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division

ALSO PRESENT:

James Shafer, Au.D., Vice President of Government Affairs, Pennsylvania Academy of Audiology Anne Gilbertson, MS, CCC-SLP, Vice President of Governmental Affairs, Pennsylvania Speech-Language-Hearing Association

Ted Mowatt, Vice President/Lobbyist, Wanner Associates representing the Pennsylvania Academy of Audiology Angie Armbrust, Senior Associate, McNees-Winter Group LLC

* * * 1 2 State Board of Examiners in Speech-Language 3 Pathology and Audiology December 6, 2019 4 * * * 5 6 The regularly scheduled meeting of the State 7 Board of Examiners in Speech-Language Pathology and Audiology was held on Friday, December 6, 2019. Amy S. Goldman, MS, CCC-SLP, Chairperson, called the 10 meeting to order at 9:32 a.m. * * * 11 12 [Chairperson Goldman welcomed Dr. Patrick Murphy to the Board. 13 14 Dr. Murphy provided a brief summary of his 15 professional background.] 16

17 Introduction of Board Members, Staff, and Audience 18 [Chairperson Goldman requested the introduction of 19 those in attendance.]

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21 Report of Prosecutorial Division - No Report

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23 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy

24 Chief Counsel, Prosecution Division Presentation

25 [Carolyn A. DeLaurentis, Esquire, Deputy Chief

- 1 | Counsel, Prosecution Division, introduced herself and
- 2 provided a brief summary of her professional
- 3 background. Ms. DeLaurentis commended senior
- 4 prosecutors and attorneys on their hard work.
- 5 Ms. DeLaurentis provided disciplinary information
- 6 for the Board for FY 2018-2019, noting that 24 cases
- 7 | were opened with 20 open cases as of July 1, 2019.
- 8 Ms. DeLaurentis noted 11 warning letters, 2
- 9 suspensions, 1 reprimand, 1 voluntary surrender, and 2
- 10 revocations were issued in the last fiscal year.
- 11 Ms. DeLaurentis stated for the Bureau of
- 12 Professional and Occupational Affairs in general, for
- 13 FY 2018-2019 there were 69 immediate temporary
- 14 | suspensions issued. She noted that there were 11,359
- 15 open cases as of July 1, 2019, with 14,030 cases new
- 16 cases having been filed and 13,270 closed. The number
- 17 of new cases increase from 12,604 the prior year.
- 18 Ms. DeLaurentis outlined the Office of General
- 19 Counsel's Mediation Program, which is available to
- 20 Respondents at no cost to the Respondents or the
- 21 | Board. The written consent agreement will note the
- 22 | matter settled as a result of mediation.
- Ms. DeLaurentis addressed the Pennsylvania
- 24 | Justice Network (JNET) system is a criminal justice
- 25 databank for Pennsylvania arrests and convictions.

She commented that the department licenses over 1
million licensees and now has the ability to receive
alerts on all licensees for pending and resolved
charges. She noted that for many Boards the increase
in cases is due to the automation in the Pennsylvania
Licensing System (PALS) and JNET.

Ms. DeLaurentis noted complaints can be received through PALS at pals.pa.gov, self-reports, newspaper articles, and industry reports. She explained the complaint process, where cases are reviewed for determination as to a violation of the act. Matters to be investigated are sent to the Bureau of Enforcement and Investigation.

Ms. DeLaurentis commented that paralegals work to obtain documentation to prove criminal convictions and then prosecution reviews the case. Upon the determination that charges should be filed, the Board's action might get triggered, and if it is determined not to be a violation, a warning letter or compliance letter may be sent.

Ms. DeLaurentis noted cases come before the Board when charges are filed and either there is a resolution through a consent agreement or an Adjudication and order following a hearing. Both require Board approval.

Ms. Pachter Schulder stated the Board has no authority over cases that are not within the Board's scope of practice and cannot give advisory opinions.

Chairperson Goldman questioned whether pals.pa.gov was an anonymous reporting of complaints.

Ms. DeLaurentis explained that individuals who choose to remain anonymous may do so but the complainant will not be notified of the final action.

Ms. Pachter Schulder explained further that complaints are not public documents as they are just allegations and do not qualify for disclosure under the Right-to-Know Laws.

Chairperson Goldman mentioned the importance of the public and licensees being knowledgeable about the complaint process. She noted having a session accepted at the Pennsylvania Speech-Language-Hearing Association, where part of the presentation may be regarding complaints.

Ms. DeLaurentis encourages attorneys from all of the Boards to conduct outreach to the professional associations with the hope of discipline decreasing over the next couple of years.]

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24 Report of Board Counsel

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25 [Judith Pachter Schulder, Esquire, Board Counsel,

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1 directed Board members to the minutes as a refresher
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2 for a discussion regarding Act 41 draft regulations

3 and consideration for sending the draft to

the latter two Board members are recused.

4 stakeholders.

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Ms. Pachter Schulder noted that during Executive
Session the Board would review one proposed
Adjudication and Order and deliberate on another. In

Ms. Pachter Schulder reiterated the recusal guidelines and reviewed when recusals are mandatory or discretionary. Mandatory recusal is required when a Board member has a financial interest or involvement in the matter. .

Ms. Pachter Schulder also noted one application for a license to practice speech-language pathology for deliberation during Executive Session as well.]

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18 Report of Acting Commissioner

19 [K. Kalonji Johnson, Acting Commissioner, Bureau of

20 Professional and Occupational Affairs, noted customer

21 phone service improvements with the ability to leave a

22 voicemail and an after-hours functionality for

23 applicants, licensees, and members of the general

24 public. He also noted expanding the self-help

25 functionality in the first quarter of 2020.

Acting Commissioner Johnson thanked and commended Ms. Matter and Ms. Pachter Schulder for their work throughout the year. He also thanked the Board for continuing to do great work.

Acting Commissioner addressed the transition to Capitol Police in order to make security procedures and policies more consistent with the Capitol Complex. He mentioned the new public lobby hours are 8:30 a.m. to 4:00 p.m. This will not affect Board members desiring to enter early, but a badge will be needed or an employee to provide access.

Acting Commissioner addressed the retooling of the website with the navigator, which is a more user-friendly interface for PALS. He noted the plan to have the speech-language pathology and audiology page available in the second quarter of 2020, which will provide better guidance and instructions regarding the application process.

Acting Commissioner Johnson noted improvements by breaking down the application process into three phases with the hope of eliminating confusion on the front end that results in people calling and asking questions that could have been answered earlier with a little more education.]

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- 1 Report of Board Chairperson
- 2 [Amy S. Goldman, MS, CCC-SLP, Chairperson, addressed
- 3 the poster session by the National Council of State
- 4 | Boards regarding deregulation of professional
- 5 | licensure.]
- ***
- 7 | [K. Kalonji Johnson, Acting Commissioner, Bureau of
- 8 Professional and Occupational Affairs, exited the
- 9 meeting at 10:14 a.m.]
- 10 ***
- 11 [Chairperson Goldman addressed her attendance at the
- 12 National Council of State Boards of Examiners Meeting.
- 13 She also mentioned the 2020 conference October 23-24,
- 14 2020, in Santa Fe, NM, with a preconference on October
- 15 22, 2020, for new member orientation.
- 16 Chairperson Goldman noted that much of the agenda
- 17 | was on the national compact.
- 18 Chairperson Goldman addressed the Pennsylvania
- 19 | Speech-Language-Hearing Association (PSHA) Meeting,
- 20 where the Board is scheduled from 4:15 p.m. to 5:15
- 21 p.m. on Thursday, April 2, 2020, at the Sheraton
- 22 | Pittsburgh Hotel at Station Square.
- 23 Chairperson Goldman asked if a representative
- 24 from the prosecutorial division could be present to
- 25 | review the complaint process. She mentioned all

1 | members had received the information on utilizing the

- 2 | state government Adventure Travel (ADTRAV).]
- 3 ***
- 4 CHAIRPERSON GOLDMAN:
- I move that we approve the attendance of
- 6 the Board and staff to attend the PSHA
- Conference in Pittsburgh April 2.
- 8 MS. DELANO:
- 9 I second that.
- 10 CHAIRPERSON GOLDMAN:
- 11 All in favor?
- 12 [The motion carried unanimously.]
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- 14 Report of Board Administrator No Report
- 15 ***
- 16 | Correspondence
- 17 | [Amy S. Goldman, MS, CCC-SLP, Chairperson, referred to
- 18 | a letter from the University of Pittsburgh, Department
- 19 of Communication Science and Disorders faculty,
- 20 | concerning provisional licenses.
- 21 Ms. Matter noted the letter to be in reference to
- 22 | an applicant who had a provisional license but had not
- 23 completed her clinical fellowship year (CFY). At the
- 24 last meeting, the Board denied the request for an
- 25 extension. The University of Pittsburgh was sending

1 additional information and requested the Board review 2 the license a second time.

The matter would be discussed during Executive Session.

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Chairperson Goldman mentioned that American Speech-Language-Hearing Association (ASHA) issue censures to its members and questioned whether that was reported to the Board or the responsibility of the licensee to report to the Board.

Ms. Pachter Schulder explained that there was no reporting requirement that an ASHA discipline be reported by the licensee. She noted the Board could make a request to ASHA to be informed of a discipline against Pennsylvania licensees but cautioned against Board members individually finding out about the information as they would be required to recuse from the matter and would be precluded from discussing it with fellow members.

Mr. McNally commented that the statute would authorize the Board to discipline a licensee for any disciplinary actions taken by an authorized licensing body of another state or other jurisdiction. He thinks it was quite common for professional associations to have an internal disciplinary process for people who are dues-paying members of their

association. He noted it would be helpful and useful to have the information regarding what the individual is censured for because the Board would then be able to investigate that incident.

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Mr. McNally stated it would be helpful to know about those instances or cases. The Board still would not be able to rely upon the decision of ASHA as the basis for action and would have to independently prove and prosecute the underlying action that gave rise to the discipline.

Chairperson Goldman questioned who ASHA contacts regarding any of its disciplinary actions. Mr.

McNally mentioned putting himself or Ms. Matter on the mailing list if this is a newsletter or email and checking whether the individual is a licensee in this state.

Chairperson Goldman noted her concerns after reviewing journal club requests for continuing education (CE) credit based on reading old journals. She and Ms. Matter noted that in the past the Board denied awarding CEs for reading old journal articles.

Ms. Pachter Schulder referred to § 45.501 of the regulations which requires licensees to complete 20 hours of continuing education, each preceding biennial renewal period . She also referred to

§ 45.501(b) which permits up to 10 hours of approved continuing education credit per biennium may be granted on a case-by-case basis for services as a lecturer or speaker and for publication of an articles, books, or research relating to the practice of speech-language pathology and audiology.

Ms. Pachter Schulder noted a licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book, or research along with the fee and then the Board makes the determination of whether to grant that credit. She noted that credit would not be granted for participation in substantially the same program more than once during a single cycle.

Ms. Pachter Schulder also referred to § 45.505 regarding approval of continuing education programs, where the Board would have to identify the number of clock hours to be awarded. She noted one option would be to deny credit for reading an article from 2002. Alternatively, she recommended tabling the request and asking the applicant to justify why a 2002 article would be relevant to today's practice.

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   Approval of minutes of the September 6, 2019 meeting
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   MS. PACHTER SCHULDER:
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                  Can we take a couple of moments to go
                  over the minutes for Act 41 purposes?
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   [The Board discussed corrections to the minutes.]
   MS. PACHTER SCHULDER:
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                  Can we have a motion to adopt the
                  minutes with minor corrections?
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   MS. DELANO:
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                  I make a motion to approve the minutes
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                  from September 6, 2019.
   MS. STIMSON:
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                  Second.
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   CHAIRPERSON GOLDMAN:
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                  All in favor of accepting the minutes as
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                  amended? Abstaining?
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   [The motion carried. Dr. Murphy abstained from voting
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   on the motion.
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                              * * *
   Report of Board Counsel - (Continued)
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   [Judith Pachter Schulder, Esquire, Board Counsel,
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   referred to a draft of an annex for Act 41.
24
   provided an overview from the discussion at the
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   previous meeting, including the current provisional
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license scheme under the Act that allows applicants to obtain their clinical experience and still be licensed with a provisional license and the effect on speech-language pathologists.

Ms. Pachter Schulder mentioned that this Board may not use Act 41 as much as other Boards as the Board currently endorses licenses for persons who hold ASHA Certificates of Clinical Competence (CCC).

The Board discussed the impact under Act 41where an audiologist has a master's degree, and how the law was changed to require a doctorate degree. Ms.

Pachter Schulder explained that licensees who have master's degrees are not required to cease practicing in Pennsylvania, but for applicants from other states who are seeking licensure in Pennsylvania, under Act 41, when comparing the laws to determine substantial equivalence, if the other state's law only has a master's and does not require a doctorate, the educational standards would not be substantially equivalent. She stated those individuals who have their CCCs will take the pathway under the Act.

Ms. Pachter Schulder reviewed the requirements of Act 41: the applicant must hold a license in a state or jurisdiction that is substantially equivalent, the license must be current in that state, the applicant

cannot have a disqualifying reciprocal discipline or criminal conviction and the applicant must demonstrate competency.

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Ms. Pachter Schulder mentioned the Board's determination at the last meeting that there were two ways to demonstrate competence. In the first, the applicant would be required to document 20 hours of post-licensure continuing education from an approved provider. The Board's thinking was that 20 hours of post-licensure should indicate that the applicant was licensed for one renewal period. The Board agreed that 10 hours would have to be completed by the time the individual applies for licensure.

The second demonstration of competence would be for the applicant to document 2,520 hours of active engagement in the profession within two years preceding the application.

Ms. Pachter Schulder addressed the part of Act 41 regarding a provisional endorsement license, where individuals may need to make up some of the requirements. She noted the Board's decision at the prior meeting to grant a provisional license where the applicant has complete 10 of the continuing education hours. The Board determined that it would grant a provisional license for 90 days, but the individual

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would need to obtain the additional 10 hours within 60
days thereby permitting 30 days to convert the
provisional license to an unrestricted license.

Ms. Pachter Schulder directed the Boards
attention to the draft Annex and reminded the Board
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6 that Act 41 regulations were being placed seperately
7 from the Board's current regulations to avoid

confusion as the Board currently has the ability to issue a provisional license.]

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11 [Amy S. Goldman, MS, CCC-SLP, Chairperson, exited the 12 meeting at 10:50 a.m.]

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[Ms. Pachter Schulder noted the first step in the regulatory process would be to adopt the draft and send it to stakeholders for comment.]

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18 [Amy S. Goldman, MS, CCC-SLP, Chairperson, re-entered the meeting at 10:52 a.m.]

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The Board discussed where there was a minimum amount of hours for documented active hours of engagement in order for a provisional license to be granted with the remainder being made up prior to the issuance of an unrestricted license. The Board determined that 250

hours would be acceptable for the issuance of a provisional license Ms. Pachter Schulder discussed limitations on the provisional license, where an individual cannot receive more than one unless it is granted. She stated the fee for licensure by endorsement would be the current initial licensure fee. ***

[K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs, reentered the meeting at 11:03 a.m.]

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audiologists.

[Chairperson Goldman mentioned the National Council of State Boards of Examiners (NCSB) packet that Ms.

Matter will be sending out summarizes all of the CE requirements for all of the states, noting that Alaska, Hawaii, and Colorado do not require CEs for

Ms. Pachter Schulder stated continuing education would not be something the Board would look at for substantial equivalence and would be looking at education, experience, and exam. She questioned whether the Board desired to review the draft further or send it out to stakeholders to get their comments while the Board continues its review.]

* * *

MS. PACHTER SCHULDER: 1 2 Does someone want to make a motion to 3 send this Licensure by Endorsement under Act 41 Annex to stakeholders to provide 4 5 input? 6 MR. JOHNSON: 7 So moved. 8 CHAIRPERSON GOLDMAN: 9 Second. All those in favor of the 10 motion? Opposed? Abstentions? 11 [The motion carried unanimously.] * * * 12 13 [Judith Pachter Schulder, Esquire, Board Counsel, 14 noted the Board did not need to hold elections as the 15 prior vote extended the offices through the end of 16 2020.1 * * * 17 Public Session 18 19 [Anne Gilbertson, MS, CCC-SLP, Vice President of 20 Governmental Affairs, Pennsylvania Speech-Language-21 Hearing Association, stated PSHA was awarded an ASHA

22 grant focusing on student advocacy. She noted a plan

23 for a better hearing and speech month, which would be

24 in May, with the help of Ms. Armbrust. She mentioned

25 May 12, 2020, is set as the date of planned student

advocacy day.

legislators.

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Ms. Gilbertson noted Representative Markosek from Monroeville and Representative Hohenstein from Philadelphia were invited to participate, collaborating with the Pennsylvania Academy of Audiology (PAA), and the attendance of students from colleges throughout the Commonwealth for training involved regarding how to reach out to their

Ms. Gilbertson welcomed anyone from the Board who desired to participate and bring trinkets or books with regulations.

Ms. Pachter Schulder advised the Board cannot advocate, but could provide regulation booklets.]

15 **

[James Shafer, Au.D., Pennsylvania Academy of Audiology, referred to Chairperson Goldman's comments regarding ASHA and censure. He noted the importance of national groups, which are all voluntary groups that supply significant guidance in the practice on a day-to-day basis. He mentioned that the associations are voluntary groups that provides certification, not licensure. He commented that he believes that it would be a slippery slope to look at censure as a potential path to prosecution.]

* * *

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 11:17 a.m. the Board entered into Executive Session with Judith Pachter Schulder, Esquire, for the purpose of conducting quasi-judicial deliberations on matters that are pending before the Board. The Board returned to open session at 12:43 p.m.]

9 MOTIONS

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MS. PACHTER SCHULDER:

During executive session, the Board engaged in quasi-judicial deliberations under Section 708(a)(5) of the Sunshine Act regarding the matters we are about to make motions about. Board members who recuse themselves from participation will be identified by way of the motion.

With regard to the matter of Christine Elizabeth Selinsky, File No. 14-68-08957, the Board had already given authorization to issue an adjudication and order so no additional motion needs to be made, but the Board will be writing its adjudication and order.

In the matter of Joy D. Parr, File

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Sargent's Court Reporting Service, (814) 536-8908

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                  No. 18-68-005107 for which members Ms.
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2
                  Delano and Ms. Goldman are recused, is
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                  there a motion to authorize counsel to
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                  prepare an adjudication and order?
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   DR. MURPHY:
                  So moved.
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   MR. JOHNSON:
                  Second.
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                 MR. JOHNSON ASSUMED THE CHAIR
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   MR. JOHNSON:
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                  All in favor? Any opposed?
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   [The motion carried. Ms. Delano and Ms. Goldman
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   recused themselves from deliberations and voting on
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   the motion.1
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            CHAIRPERSON GOLDMAN RESUMED THE CHAIR
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   MS. PACHTER SCHULDER:
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                  Is there a motion to grant the
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                  Application for Licensure to Practice
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                  Speech-Language Pathology of Rachel Ann
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                  Yoder?
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   MR. JOHNSON:
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23 So moved. 1 2 MS. STIMSON: 3 Second. CHAIRPERSON GOLDMAN: 4 5 All those in favor? Opposed? 6 Abstained? [The motion carried unanimously.] 9 MS. PACHTER SCHULDER: 10 With regard to Amanda Mahoney, is there 11 a motion to advise Ms. Mahoney and the 12 University of Pittsburgh that the 1.3 Board's ability to waive its regulation is limited to the time frame and amount 14 15 of experience that she must get in order 16 to get a license, not to the length of a 17 provisional license which is contained 18 within the statute and, so therefore, 19 the Board cannot extend her provisional 20 license. 21 MR. JOHNSON: 22 So moved. 2.3 CHAIRPERSON GOLDMAN: 2.4 Second. All those in favor? Opposed? 25 Abstained?

1 [The motion carried unanimously.]

- 2 ***
- 3 Report of Acting Commissioner (Continued)
- 4 [K. Kalonji Johnson, Acting Commissioner, Bureau of
- 5 | Professional and Occupational Affairs, announced the
- 6 Bureau was in the preliminary discussions with the
- 7 Department of General Services on an initiative to
- 8 reinstitute wall certificates with an added feature
- 9 for public safety. He mentioned incorporating wall
- 10 certificates with modern technology, such as a
- 11 Response Code (QR) or barcode that would provide a
- 12 link to the license verification page.]
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- 14 | Adjournment
- 15 MS. JUDITH PACHTER SCHULDER:
- Motion to adjourn?
- 17 MS. GOLDMAN:
- 18 | Somebody want to move to adjourn?
- 19 MS. DELANO:
- I second that.
- 21 CHAIRPERSON GOLDMAN:
- 22 All in favor?
- 23 [The motion carried unanimously.]
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- 25 [There being no further business, the State Board of

25 1 Examiners in Speech-Language Pathology and Audiology 2 Meeting adjourned at 12:47 p.m.] 3 4 5 CERTIFICATE 6 I hereby certify that the foregoing summary minutes of the State Board of Examiners in Speech-Language Pathology and Audiology Meeting, was 10 reduced to writing by me or under my supervision, and 11 that the minutes accurately summarize the substance of 12 the State Board of Examiners in Speech-Language 13 Pathology and Audiology Meeting. 14 15 16 17 Derek Richmond, Minute Clerk 18 19 Sargent's Court Reporting 20 Service, Inc. 21 22 23 24 25

		26
1 2 3	STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY REFERENCE INDEX	
4 5 6 7 8	December 6, 2019	
	TIME AGENDA	
9	9:32 Official Call to Order	
11 12 13 14 15 16 17 18 19 21 22 23 24 25	9:33 Introduction of Board, Staff, and Audience Members	
	9:36 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Presentation	
	9:56 Report of Board Counsel	
	9:59 Report of Acting Commissioner	
	10:13 Report of Board Chairperson	
	10:40 Approval of Minutes	
26 27	10:41 Report of Board Counsel (Continued)	
28 29	11:10 Public Session	
30 31 32	11:17 Executive Session 12:43 Return to Open Session	
33	12:43 Motions	
34 35 36 37 38 40 41 42 44 45 46 47 48 49 50	12:46 Report of Acting Commissioner (Continued)	
	12:47 Adjournment	