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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: 9:39 A.M.

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

March 9, 2018

1                   State Board of Examiners in Speech-Language  
2                                   Pathology and Audiology  
3                                   March 9, 2018  
4  
5

6 BOARD MEMBERS:  
7

8 Jonette B. Owen, Aud.D., Chairperson  
9 Molly B. Smith, Commissioner Liaison, Designee of  
10 the Commissioner of Professional and Occupational  
11 Affairs  
12 Louis R. Sieminski, Ph.D., Vice Chairman - Absent  
13 Ann C. Roman, MS, CCC-SLP, Secretary  
14 Amy S. Goldman, MS, CCC  
15 Karen A. Rizzo, M.D. - Absent  
16 Trudy Van Kirk Mosey, Public Member  
17  
18

19 BUREAU PERSONNEL:  
20

21 Judith Pachter Schulder, Esquire, Board Counsel  
22 Adam L. Morris, Esquire, Board Prosecutor  
23 Sandra E. Matter, Board Administrator  
24  
25 Kimberly Adams, Chief of Division of Fiscal  
26 Management, Bureau of Finance and Operations  
27 Julie Snader, Finance and Operations Manager, Division  
28 of Fiscal Management, Bureau of Finance and  
29 Operations  
30  
31

32 ALSO PRESENT:  
33

34 Ted Mowatt, Senior Associate, Wanner Associates,  
35 representing the Pennsylvania Academy of Audiology  
36 (PAA)  
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1 State Board of Examiners in Speech-Language

2 Pathology and Audiology

3 March 9, 2018

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5 The regularly scheduled meeting of the State  
6 Board of Examiners in Speech-Language Pathology and  
7 Audiology was held on Friday, March 9, 2018. Jonette  
8 B. Owen, Aud.D., Chairperson, called the meeting to  
9 order at 9:39 a.m. Roll call was taken.

10 \*\*\*

11 Appointment - Budget

12 [Julie Snader, Finance and Operations Manager,  
13 Division of Fiscal Management, Bureau of Finance and  
14 Operations, introduced herself and Kimberly Adams,  
15 Chief of Division of Fiscal Management.

16 Ms. Snader provided information on the Board's  
17 licensee population, which was at 8,839 for Fiscal  
18 Year 2017-2018.

19 Ms. Snader attributed 93 percent of the Board's  
20 revenue to renewals and applications. She referred to  
21 the biennial totals for Fiscal Years 2015-2016 and  
22 2016-2017. Ms. Snader noted that the last fee  
23 increase was approved in November of 2015 and will  
24 become effective in July 2018.

25 Ms. Goldman questioned whether geographical

1 studies were available regarding new applicants and  
2 the cause of the increase. Ms. Matter stated PALS had  
3 scripted standard questions and suggested the  
4 Commissioner's office add questions to the renewal  
5 applications to obtain additional information.

6 Ms. Snader reviewed cost categories and expenses  
7 for Fiscal Year 2015-2016 and Fiscal Year 2016-2017,  
8 and the budgeted amount for Fiscal Year 2017-2018.  
9 She explained expenses are incurred from direct  
10 charges, timekeeping charges, and licensee-based  
11 charges.

12 Ms. Snader discussed the anticipated balance at  
13 the end of Fiscal Year 2017-2018. She concluded that  
14 the Board will stay within budget as in previous  
15 years.]

16 \*\*\*

17 Report of Prosecutorial Division

18 [Adam L. Morris, Esquire, Board Prosecutor, addressed  
19 the Board at 9:54 a.m. for the purpose of presenting  
20 the Consent Agreement for File No. 17-68-12231.

21 Ms. Roman recused herself from the matter.]

22 \*\*\*

23 FYI - Case Status Report

24 [Judith Pachter Schulder, Esquire, Board Counsel,  
25 noted the December 2017 Case Status Report is provided

1 by the Office of Prosecution. She also noted a Motion  
2 to Enter Default and Deem Facts Admitted filed in  
3 Kristi Lee Pennypacker, File Nos. 12-68-11109 and 14-  
4 68-06865, for deliberation in Executive Session.]

5

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6 Approval of Minutes of the December 8, 2017 meeting

7 CHAIRPERSON OWEN:

8

If we can look at the December 8 minutes

9

and if anyone has any correction to

10

them?

11

[The Board discussed corrections to the minutes and

12

tabled approval of the minutes.]

13

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14 Report of Board Counsel

15 Regulations

16

[Judith Pachter Schulder, Esquire, Board Counsel,

17

referenced the request from James Shafer, AuD, on

18

behalf of the Pennsylvania Academy of Audiology

19

(PAA) to add delegation language to the Board's

20

regulation similar to the State Board of Medicine

21

regulation. She provided Section 17 of the Medical

22

Practice Act (MPA) regarding the delegation of duties

23

section for discussion.

24

Ms. Pachter Schulder explained the Board relies

25

upon Section 5(8) of the Speech-Language Pathologists

1 and Audiologists Licensure Act as authority to write  
2 regulations governing persons functioning under the  
3 direction of audiologists or speech-language  
4 pathologists. She stated the language in Section 5(8)  
5 of the Act is not as inclusive as the MPA delegation  
6 section.

7 Ms. Pachter Schulder discussed the differences  
8 between indirect supervision and direct supervision  
9 and its impact on whether the Act must be amended.  
10 She explained indirect supervision would also require  
11 additional delegation provisions in the law.

12 Chairperson Owen referred to the American Academy  
13 of Audiology (AAA), the American Speech-Language-  
14 Hearing Association (ASHA), and the Academy of Doctors  
15 of Audiology's (ADA) positions on the training of  
16 audiology assistants. She specifically referred to a  
17 state-by-state reference table from ASHA.

18 Ms. Pachter Schulder compared Section 45.307,  
19 limitations, where an assistant may not engage in  
20 activities reserved by the act to the licensees of the  
21 Board, with Section 45.305, the functions and duties  
22 of assistants for discussion. There was further  
23 discussion regarding the language in the regulations  
24 referencing limitations and the activities of  
25 licensees, particularly fittings and assessments.

1 Ted Mowatt, Senior Associate, Wanner Associates,  
2 representing PAA, noted PAA's recognition of the  
3 authority of assistants within the limits of the  
4 regulations and the law. He discussed amending the  
5 regulations to provide an amplification of the  
6 authority and duties of assistants due to insurance  
7 reimbursement issues and coding. Ms. Pachter Schulder  
8 explained the regulatory process and the various legal  
9 reviews by the Independent Regulatory Review  
10 Commission, the Office of Attorney General, and the  
11 Office of General Counsel. She further discussed the  
12 authority to delegate duties to unlicensed persons  
13 under the regulations.

14 Ms. Pachter Schulder referred to Section 45.305,  
15 relating to the practice of audiology or speech-  
16 language pathology, in comparison to the definitions  
17 of practice of audiology and practice of speech-  
18 language pathology in the law.

19 The Board discussed Section 45.401, noting that  
20 assistants deliver audiology services under the  
21 guidance of an audiologist. Mr. Mowatt noted that the  
22 supervision and liability remain with the licensee.  
23 He also suggested considering the optometry model,  
24 rather than the medical. Ms. Pachter Schulder noted  
25 that Section 45.102(c)(1) of the Code of Ethics

1 contained in the regulations.

2       Concerning the insurance reimbursement and coding  
3 issues, Ms. Pachter Schulder noted that the Board does  
4 not have a role. The Board suggested that PAA speak  
5 with insurance companies about the proper coding for  
6 audiologists as limited by the nonmedical diagnosis  
7 language in the regulations. There was discussion  
8 referencing similar language for nurses, occupational  
9 therapists, and physical therapists.

10       Ms. Pachter Schulder explained the steps involved  
11 in a legislative initiative.

12       Ms. Pachter Schulder referred to Section 45.301  
13 regarding assistants' minimum education. She noted  
14 that Dr. Shafer had previously indicated that the  
15 original intent of the provision was to ensure that  
16 all properly trained assistants could participate in  
17 patient care under the guidance of a licensed  
18 audiologist; however, this provision only allows  
19 assistants to participate in tasks outlined in the  
20 listed duties.

21               The Board agreed to discuss continuing  
22 education, both in ethics and supervision, at a future  
23 meeting.

24       Chairperson Owen referred to a statement from  
25 ASHA that prior to the use of an assistant, the



1 licensee must obtain evidence of one of the following,  
2 referring to Section 45.304, completion of 30 semester  
3 hours or the equivalent of an accredited institution  
4 of higher education in the area of speech-language and  
5 hearing before receiving a certificate from the  
6 Council for Clinical Certification of ASHA.

7 Ms. Pachter Schulder stated that the regulation  
8 is similar, stating an accredited institution of  
9 higher education in the area of speech-language and  
10 hearing as outlined in the requirements as specified  
11 for a Certificate of Clinical Competence from the  
12 Council on Professional Standards in Speech-Language  
13 Pathology and Audiology of the American Speech-  
14 Language-Hearing Association. The Board discussed  
15 prior amendments to the regulations.

16 Mr. Mowatt suggested sending a letter to  
17 Dr. Shafer summarizing Board's discussion of his  
18 letter and thanking him for his comments.

19 Ms. Pachter Schulder commented on the differences  
20 between the requirements of each profession and what  
21 the professional associations and federations believe  
22 to be appropriate versus the extent of statutory  
23 authority. She explained the Board is bound by the  
24 "no medical diagnosis and treatment" unless the  
25 statute change.

1 Ms. Pachter Schulder referred to the Speech-  
2 Language Pathologists and Audiologists Licensure Act  
3 Section 6(a) License, except as provided in Subsection  
4 (b), no person may practice as an audiologist or  
5 speech-language pathologist unless he holds a current  
6 unsuspended, unrevoked license issued by the Board.  
7 She also noted exemptions.

8 Ms. Pachter Schulder also referred to Section 3  
9 and Section 5(8) regarding the Board delegation.  
10 She noted Section 45.305 together with Section 45.307.

11 The model bill for state licensure of  
12 audiologists, speech-language pathologists, and  
13 audiology and speech-language pathology assistants  
14 from ASHA was also discussed.

15 Mr. Mowatt suggested a substantial change can be  
16 made to Section 45.304 and Section 45.305 to reflect  
17 the current use of assistants. Ms. Pachter Schulder  
18 explained that while the Act recognizes ASHA and AAA,  
19 the Board is still bound by the scope of practice in  
20 the Act and other relevant licensure laws and cannot  
21 ignore those laws by incorporating the scope of  
22 practices of the organizations.

23 The Board agreed that no further amendment to the  
24 Assistant provisions was necessary.]

25

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1 Report of Commissioner - No Report

2 \*\*\*

3 Report of Board Administrator

4 [Sandra Matter, Board Administrator, stated the only  
5 application currently available in the Pennsylvania  
6 Licensing System (PALS) is for provisional licenses.  
7 She stated the remaining applications are scheduled  
8 for the next deployment.

9 Ms. Matter suggested registering on PALS before  
10 renewals start.]

11 \*\*\*

12 CHAIRPERSON OWEN:

13 We need to ratify Ms. Goldman attending  
14 the PSHA Conference on March 22. I need  
15 a motion.

16 MS. MOSEY:

17 I so move.

18 MS. ROMAN:

19 I second.

20 CHAIRPERSON OWEN:

21 All in favor? Any opposed? Anybody  
22 abstain?

23 [The motion carried unanimously.]

24 \*\*\*

25 CHAIRPERSON OWEN:

1 I need a motion for the authorization of  
2 members to attend the PAA Conference in  
3 October.

4 MS. ROMAN:

5 I so move.

6 MS. MOSEY:

7 I'll second the motion.

8 CHAIRPERSON OWEN:

9 Anybody opposed? Abstentions?

10 [The motion carried unanimously.]

11 \*\*\*

12 CHAIRPERSON OWEN:

13 I need a motion that the Board  
14 authorizes travel to the National  
15 Council of State Boards Conference  
16 October 4-6 in suburban Washington,  
17 DC/Tysons Corner, VA.

18 MS. GOLDMAN:

19 I so move.

20 MS. ROMAN:

21 I second the motion.

22 CHAIRPERSON OWEN:

23 All in favor?

24 [The motion carried unanimously.]

25 \*\*\*

1 [It was suggested two newer Board members attend  
2 conferences.]

3 \*\*\*

4 Board Meeting Dates

5 [The Board's 2019 meeting dates are March 15, June 7,  
6 September 6 and December 6.]

7 \*\*\*

8 Election of Officers

9 MS. VAN KIRK MOSEY:

10 I move that we nominate Ann Roman to be  
11 the Chairman of the Board, that we move  
12 to have Dr. Sieminski as the Vice Chair,  
13 and Amy Goldman as the Secretary.

14 MS. OWEN:

15 I second.

16 MS. VAN KIRK MOSEY:

17 All in favor? Any opposed?

18 [The motion carried unanimously.]

19 \*\*\*

20 FYI

21 [The Elder Financial Abuse information was noted for  
22 the Board's review.]

23 \*\*\*

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
25 11:29 a.m. the Board entered into Executive Session

1 with Judith Pachter Schulder, Esquire, Board Counsel,  
2 for the purpose of conducting quasi-judicial  
3 deliberations and to receive legal advice. The Board  
4 entered into public session at 11:42 a.m.]

5 \*\*\*

6 [Molly B. Smith, Commissioner Liaison, Designee of the  
7 Commissioner of Professional and Occupational Affairs,  
8 entered the meeting during Executive Session.]

9 \*\*\*

10 MOTIONS

11 MS. PACHTER SCHULDER:

12 During Executive Session, the Board  
13 engaged in quasi-judicial deliberations  
14 on the matters of the Consent Agreement  
15 and also the Motion to Enter Default and  
16 Deem Facts Admitted for Kristi Lee  
17 Pennypacker. Members will note their  
18 recusals at the time of the Motion.

19 Is there a motion to adopt the  
20 Consent Agreement for File No. 17-68-  
21 12231?

22 MS. GOLDMAN:

23 I so move.

24 MS. VAN KIRK MOSEY:

25 I'll second.

1 CHAIRPERSON OWEN:

2 All in favor? Opposed? Abstentions?

3 [Molly Smith abstained from voting on the motion. Ann  
4 C. Roman recused herself from deliberations and voting  
5 on the motion. The motion carried. The Respondent's  
6 name is Rachel M. Foose.]

7 \*\*\*

8 MS. PACHTER SCHULDER:

9 On the Motion to Enter Default and Deem  
10 Facts Admitted and issue an Adjudication  
11 and Order for Kristi Lee Pennypacker,  
12 File No. 12-68-11109 and File No. 14-68-  
13 06865, is there a motion to authorize  
14 Counsel to prepare an Adjudication and  
15 Order?

16 MS. GOLDMAN:

17 I so move.

18 MS. ROMAN:

19 I second.

20 CHAIRPERSON OWEN:

21 All in favor? Any opposed? Anyone  
22 abstain?

23 [The motion carried. Molly Smith abstained from  
24 voting on the motion.]

25 \*\*\*

1 [Molly B. Smith, Commissioner Liaison, Designee of the  
2 Commissioner of Professional and Occupational Affairs,  
3 presented Trudy Van Kirk Mosey and Jonette B. Owen  
4 with a proclamation from the Commissioner's office and  
5 gratitude from the Department of State Bureau of  
6 Professional and Occupational Affairs, State Board  
7 Examiners in Speech-Language Pathology and Audiology,  
8 and the Commonwealth of Pennsylvania for their  
9 contributions to the State Board Examiners in  
10 Speech-Language Pathology and Audiology and the  
11 citizens of the Commonwealth and to publically  
12 recognize them to the highest standards of ethics, the  
13 betterment of the speech-language pathology and  
14 audiology professions, and responsible act as a public  
15 servant.]

16 \*\*\*

17 CHAIRPERSON OWEN:

18 Do I have a motion to adjourn?

19 MS. GOLDMAN:

20 I so move that we adjourn the meeting.

21 MS. VAN KIRK MOSEY:

22 Second.

23 CHAIRPERSON OWEN:

24 All in favor? All opposed? Anyone  
25 abstain?



1 [The motion carried unanimously.]

2 \*\*\*

3 [There being no further business, the State Board of  
4 Examiners in Speech-Language Pathology and Audiology  
5 Meeting adjourned at 11:49 a.m.]

6 \*\*\*

7

8

9

CERTIFICATE

10

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

18

19

20



21

Seth R. Baier,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE  
PATHOLOGY AND AUDIOLOGY  
REFERENCE INDEX  
March 9, 2018

## TIME

## AGENDA

9:39	Official Call to Order/Roll Call
9:40	Appointment - Budget Review Presentation
9:54	Report of Prosecutorial Division
10:02	Approval of Minutes
10:09	Report of Board Counsel
11:17	Report of Board Administrator
11:28	For Your Information
11:29	Executive Session
11:42	Return to Open Session
11:42	Motions
11:49	Adjournment