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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 VIA TELECONFERENCE**

TIME: 9:07 A.M.

September 4, 2020

1 State Board of Examiners in Speech-Language
2 Pathology and Audiology
3 September 4, 2020
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6 BOARD MEMBERS:
7

8 Amy S. Goldman, MS, CCC-SLP, Chair - Absent
9 Theodore Stauffer, Executive Assistant, Bureau of
10 Professional and Occupational Affairs
11 K. Kalonji Johnson, Commissioner, Bureau of
12 Professional and Occupational Affairs
13 Sarah E. Delano, M.Ed., CCC-A, Vice Chair
14 Lisa A. Butler, M.A., CCC-SLP
15 Andrew McCall, M.D.
16 Patrick M. Murphy, Au.D., M.Ed., CCC-A, FAAA
17 Nancy J. Stimson, Public Member
18
19

20 BUREAU PERSONNEL:
21

22 Nicole L. VanOrder, Esquire, Board Counsel
23 Christopher K. McNally, Esquire, Board Prosecution
24 Liaison
25 Paul J. Jarabeck, Esquire, Board Prosecutor
26 Sandra E. Matter, Board Administrator
27 Carole Clarke Smith, Senior Counsel
28 Andrew LaFratte, Policy Office, PA Department of State
29 Marc Farrell, Deputy Policy Director, PA Department of
30 State
31

32 ALSO PRESENT:
33

34 Anne Gilbertson, MS, CCC-SLP, Vice President of
35 Governmental Affairs, Pennsylvania Speech-
36 Language-Hearing Association
37 Ted Mowatt, Vice President/Lobbyist, Wanner
38 Associates, representing the Pennsylvania Academy
39 of Audiology
40 Angie Armbrust, Senior Associate, McNeese-Winter
41 Group LLC, representing the Pennsylvania Speech
42 Language Hearing Association
43 Jennifer Smeltz, Executive Director, Consumer
44 Protection and Professional Licensure Committee
45
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1 State Board of Examiners in Speech-Language
2 Pathology and Audiology
3 September 4, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Examiners in Speech-Language Pathology and
7 Audiology was held on Friday, September 4, 2020.
8 Sarah E. Delano, M.Ed., CCC-A, Vice Chair, called the
9 meeting to order at 9:07 a.m.

10 K. Kalonji Johnson, Commissioner, Bureau of
11 Professional and Occupational Affairs, was not present
12 at the commencement of the meeting.

13 ***

14 [Nicole VanOrder, Esquire, noted the meeting was being
15 recorded and participation in the meeting would be
16 considered consent to that recording.]

17 ***

18 Introduction of Board Members

19 [Vice Chair Delano welcomed the Board's newest
20 members, Lisa Butler and Andrew McCall.]

21 Andrew McCall, M.D. introduced himself as a
22 practicing neuro-otologist at the University of
23 Pittsburgh Medical Center. Lisa Butler, M.A., CCC-
24 SLP, introduced herself as Speech-Language
25 Pathologist, currently working in a school setting.]

1 ***

2 [There was an introduction of Board members, staff and
3 members of the public in attendance.]

4 ***

5 Approval of Minutes of the June 5, 2020 meeting

6 VICE CHAIR DELANO:

7 I would like to make a motion to approve
8 the Minutes from the June 5, 2020
9 meeting.

10 MR. MURPHY:

11 I second.

12
13 A roll call vote was taken as follows:
14 Delano, aye; Stimson, aye; Butler,
15 abstain; McCall, abstain; Murphy, aye;
16 and Stauffer, aye.

17 [The motion carried. Dr. McCall and Ms. Butler
18 abstained from voting on the motion.]

19 ***

20 Report of Prosecutorial Division

21 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
22 had no Consent Agreements to present.]

23 ***

24 Report of Deputy Chief Counsel

25 Regulations

1 [Cynthia K. Montgomery, Esquire, Deputy Chief Counsel,
2 referred to 16A-6805 Child Abuse Reporting
3 Requirements - Proposed Rulemaking for further
4 discussion. She directed members to the Preamble and
5 Annex in the Child Abuse Regulatory Requirements for
6 further discussion. She explained that Annex A was
7 the text of the regulation, proposed deletions of the
8 Board were bracketed, and new language was underlined.
9 She provided an update with regard to definitions,
10 additions and deletions to the regulation as follows:

11 Section 45.12 was being updated to include the
12 requirement that speech-language pathologists and
13 audiologists complete at least three hours of approved
14 training in child abuse recognition and reporting.

15 Section 45.13 was being updated to include the
16 requirement that licensees complete at least two hours
17 of approved continuing education in child abuse
18 recognition and reporting.

19 Section 45.401 was being updated to incorporate
20 definitions either added to or amended in the Child
21 Protective Services Law. Ms. Montgomery explained the
22 biggest change is the definition of child abuse which
23 was completely revamped in the Child Protective
24 Services Law.

25 She noted the definition of perpetrator was

1 amended and the definition of program, activity or
2 services was added. The serious physical neglect
3 definition was added to the Child Protective Services
4 Law, as well as the definition of sexual abuse or
5 exploitation had been amended quite substantially.

6 Ms. Montgomery explained Section 45.402, the
7 Board's current section on the mandated reporting
8 requirements, had been amended to consider licensees
9 of the Board as mandated reporters under the Child
10 Protective Services Law and sets forth the
11 circumstances of the duty to report, which were
12 clarified by Ms. Montgomery.

13 Section 45.404 provides for suspected death as a
14 result of child abuse with the addition of language to
15 include, report to a medical examiner.

16 Ms. Montgomery noted changes to Section 45.405,
17 the immunity from liability section.

18 Section 45.406 is the confidentiality provision,
19 that any rule of client confidentiality was basically
20 trumped by the duty to report child abuse.

21 Section 45.407, the noncompliance section,
22 related to disciplinary actions should a licensee fail
23 to comply with reporting requirements.

24 Section 45.408 reflects the new mandated training
25 requirement, that individuals applying for licensure

1 must submit proof of three hours of training in child
2 abuse recognition, and licenses seeking renewal must
3 complete two hours of approved training.

4 Section 45.409 relates to child abuse recognition
5 reporting course approval process, which is reviewed
6 by the Department of Human Services and the Bureau.

7 Section 45.501 includes the two hours of
8 continuing education in child abuse recognition
9 reporting.

10 Section 45.502 clarifies that there is no
11 exemption for the two hours of mandatory training in
12 child abuse recognition reporting.

13 Section 45.503 concerns the reactivation of
14 expired and lapsed licenses.

15 Ms. Montgomery referred to the Preamble, the
16 explanatory document, for further discussion.

17 She noted that if the Board approved the
18 regulation as drafted, it would be sent on through the
19 regulatory review process and would be published in
20 the Pennsylvania Bulletin for public comment. Board
21 members had questions for Ms. Montgomery.

22 Ms. Montgomery provided an overview of the
23 regulatory process for the benefit of the Board
24 members and also offered to present a Power Point
25 presentation on the regulatory process at a future

1 meeting.

2 Ms. Montgomery explained that the regulatory
3 process would include drafting the regulation, a vote
4 by the Board to promulgate it as proposed rulemaking,
5 a review process by the Office of General Counsel,
6 approval by the Governor's Office of Policy and
7 Planning, the Budget Office, the Office of Attorney
8 General. Once approved, the regulation would be
9 delivered for review to the House Professional
10 Licensure Committee and Senate Consumer Protection and
11 Professional Licensure Committees, and the Independent
12 Regulatory Review Commission (IRRC), and then
13 published in the Pennsylvania Bulletin, allowed 30
14 days for public comment, and then comments from those
15 committees and IRRC.

16 She explained the regulation is then brought back
17 to the Board for review of comments and discussion
18 regarding the need for changes. Once the Board moves
19 forward with final rulemaking, the package goes back
20 through the same review process. IRRC has a public
21 meeting on the regulation, and if approved, the
22 package goes back to Office of Attorney General for
23 final review and publication in the Pennsylvania
24 Bulletin as a final regulation.]

25 MS. MONTGOMERY:

1 If there are no there questions, I would
2 be asking for a motion to approve the
3 Proposed Rulemaking to go forward through
4 the regulatory review process and be
5 published for public comment.

6 MS. STIMSON:

7 I make a motion.

8 MR. STAUFFER:

9 I'll second.

10

11 A roll call vote was taken as follows:
12 Delano, aye; Stimson, aye; Stauffer, aye;
13 Butler, aye; McCall, aye; and Murphy, aye.

14 [The motion carried unanimously.]

15

16 [K. Kalonji Johnson, Commissioner, Bureau of
17 Professional and Occupational Affairs, entered the
18 meeting at 9:55 a.m.]

19

20 Report of Board Counsel

21 Act 53 of 2020

22 [Nicole VanOrder, Esquire, Board Counsel, discussed
23 Act 53. She explained this law amended CHRIA, the
24 Criminal History Record Information Act and provides
25 more transparency and structure around what

1 individuals, who are seeking a license, can expect in
2 regard to the treatment of prior criminal history.

3 Ms. VanOrder indicated this also requires that
4 the Bureau produce a best practices guide and list of
5 criminal offenses directly related to the profession.
6 She noted, after the list has gone through the
7 appropriate review process, the list would be
8 presented to the Board for input.

9 Ms. VanOrder stated the Act codifies the existing
10 Act 48 law.

11 She explained Section One of the bill amends
12 certain segments of Section 9124 of the Criminal
13 History Information Act.
14 Section 3102 refers to a list of definitions. Section
15 3103 outlines the investigatory subpoena powers.
16 Section 3112 has provisions allowing for restricted
17 licensure specifically for barbers and cosmetologists.
18 Section 3113 generates a list of criminal offenses for
19 which Ms. VanOrder offered further explanation. A
20 list of crimes pertaining to this Board was reviewed
21 by Counsel and Board prosecutors and will be presented
22 at the next Board meeting.

23 Section 3116 concerns the best practices guide
24 that would summarize the content of several portions
25 of the regulation.

1 Commissioner Johnson inquired if requirements for
2 licensure would be changed. Ms. VanOrder explained
3 the requirements for licensure would not change, but
4 the regulation would provide clarity for individuals
5 about how criminal history would affect their ability
6 to be licensed. Board members had questions.
7 Commissioner Johnson encouraged feedback from members.

8

9 Sunshine Act and Recusal Guidelines

10 [Ms. VanOrder explained the Sunshine Act says that all
11 discussions regarding matters, such as regulations,
12 must be conducted in a public session appropriately
13 noticed, so that individuals who would like to join
14 the conversation may do so. She noted that it also
15 means that Board members cannot discuss these matters
16 together outside of the board meeting. There are
17 criminal penalties for violating that rule.

18 Ms. VanOrder explained recusal guidelines are
19 settings for some basic parameters for when a Board
20 member would not be able to make an unbiased
21 determination based on personal interest, financial
22 interest or personal dealings with an individual who
23 comes before the Board on a matter.]

24

25 Other

1 Election of Officers

2 [Counsel suggested holding off on election of officers
3 until the December meeting when Chair Goldman is
4 available.]

5 MS. VANORDER:

6 Would there be a motion to postpone
7 election of officers until the December
8 meeting?

9 MS. STIMSON:

10 I make that motion.

11 VICE CHAIR DELANO:

12 I second that motion.

13 MS. VANORDER:

14 All in favor say aye? Opposed?
15 Abstentions?

16 [The motion carried unanimously.]

17 ***

18 [Ms. VanOrder asked Lisa Butler to be a member of the
19 Probable Cause Screening Committee. She was happy to
20 accept the position.]

21 VICE CHAIR DELANO:

22 I make a motion for Lisa Butler to be part
23 of the Probable Cause Committee.

24 MR. MURPHY:

25 I second that motion.

1 MS. VANORDER:

2 All those in favor say aye? Opposed?

3 Abstentions?

4 [The motion carried unanimously. Ms. VanOrder
5 explained the responsibilities of the Probable Cause
6 Screening Committee.]

7 ***

8 Report of Board Chairperson - No Report

9 ***

10 Report of Commissioner

11 [K. Kalonji Johnson, Commissioner, Bureau of
12 Professional and Occupational Affairs, had no formal
13 report but encouraged all to stay healthy. He noted,
14 for the time being, the virtual platform would
15 continue to be utilized and thanked the Board members,
16 Counsel, the Board Administrator for continuing this
17 process now and going forward.]

18 ***

19 Report of Other Board Members - No Report

20 ***

21 Report of Board Administrator

22 [Sandra E. Matter, Board Administrator, referred Board
23 members to the 2020-2021 Board meeting dates for
24 review.]

25 ***

1 Review of Applications - None

2 ***

3 Correspondence - None

4 ***

5 Appointments - None

6 ***

7 Miscellaneous

8 [Commissioner Johnson reviewed the travel portal,
9 which may be utilized if a Board member was interested
10 in attending a meeting or conference.]

11 ***

12 Adjournment

13 VICE CHAIR DELANO:

14 I'd like to make a motion for
15 adjournment.

16 MS. STIMSON:

17 I'll second that.

18 MS. VANORDER:

19 All in favor say aye? Opposed?

20 Abstentions?

21 [The motion carried unanimously.]

22 ***

23 [There being no further business, the State Board of
24 Examiners in Speech-Language Pathology and Audiology
25 Meeting adjourned at 10:51 p.m.]

CERTIFICATE

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

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15 Derek Richmond,

16 Minute Clerk

17 Sargent's Court Reporting
18 Service, Inc.

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

September 4, 2020

TIME	AGENDA
9:07	Official Call to Order
9:10	Introduction of Board Members, Staff and Public
9:15	Approval of Minutes
9:19	Report of Deputy Chief Counsel
9:52	Report of Board Counsel
10:33	Other
10:39	Report of Commissioner
10:44	Report of Board Administrator
10:47	Miscellaneous
10:51	Adjournment