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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: 9:36 A.M.

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

September 6, 2019

1 State Board of Examiners in Speech-Language
2 Pathology and Audiology
3 September 6, 2019
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6 BOARD MEMBERS:
7

8 Ann C. Roman, MS, CCC-SLP, Chairperson
9 K. Kalonji Johnson, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs
11 Louis R. Sieminski, Ph.D., Vice Chairman
12 Amy S. Goldman, MS, CCC-SLP, Secretary
13 Sarah E. Delano, M.Ed., CCC-A
14 Nancy J. Stimson, Public Member
15
16

17 BUREAU PERSONNEL:
18

19 Judith Pachter Schulder, Esquire, Board Counsel
20 Christopher K. McNally, Esquire, Board Prosecution
21 Liaison
22 Andrew LaFratte, MPA, Department of State
23 Sandra E. Matter, Board Administrator
24
25

26 ALSO PRESENT:
27

28 Angie Armbrust, Senior Associate, McNeese-Winter
29 Group LLC, representing the Pennsylvania
30 Speech-Language-Hearing Association
31 Ted Mowatt, Senior Associate, Wanner Associates,
32 representing the Pennsylvania Academy of Audiology
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1 State Board of Examiners in Speech-Language
2 Pathology and Audiology
3 September 6, 2019

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 6, 2019. Ann
8 C. Roman, MS, CCC-SLP, Chairperson, called the meeting
9 to order at 9:36 a.m. K. Kalonji Johnson, Acting
10 Commissioner, Bureau of Professional and Occupational
11 Affairs, was not present at the commencement of the
12 meeting.

13 ***

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

16 ***

17 Approval of minutes of the June 7, 2019 meeting

18 CHAIRPERSON ROMAN:

19 Any changes to the draft minutes?

20 DR. SIEMINSKI:

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

23 CHAIRPERSON ROMAN:

24 I'll second it. All in favor? Opposed?

25 Anybody abstaining?

1 [The motion carried. Ms. Stimson abstained from
2 voting on the motion.]

3 ***

4 Report of Prosecutorial Division - No Report

5 ***

6 Report of Board Counsel

7 [Judith Pachter Schulder, Esquire, Board Counsel,
8 reviewed the five requirements for licensure under Act
9 41 of 2019 and compared it with the general licensing
10 requirements in the Speech-Language Pathologists and
11 Audiologists Licensure Act. She noted that a
12 Certificate of Clinical Competence (CCC) from the
13 American Speech-Language-Hearing Association (ASHA) is
14 currently the mechanism by which people receive a
15 license be endorsement. Act 41 will not reduce the
16 licensure process for applicants who hold the CCCs
17 because of the requirement for proof of competence
18 which is not required under the licensure act and
19 regulations.

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

25 ***

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

4

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

22 Acting Commissioner Johnson explained that Act 41
23 was originally designed for military spouses and
24 individuals not rooted in any one place for more than
25 a period of 18 months. He noted his concern with the

1 two-year minimum active license requirement and
2 creating an unintended consequence for transient
3 individuals.

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

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

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

20 Ms. Pachter Schulder addressed the third and
21 fourth prong of Act 41 involving criminal conviction
22 or reciprocal discipline, emphasizing that Act 41 does
23 not prohibit licensure where the applicant has
24 reciprocal discipline or a criminal conviction. She
25 explained the current process for applicants with

1 criminal convictions. She discussed the requirements
2 for a Federal Bureau of Investigation (FBI) and state
3 background checks.

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

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

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

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

24 Ms. Pachter Schulder stated the Board will form a
25 committee with only 1 SLP and 1 audiologist to review

1 applications.

2 Ms. Pachter Schulder directed the Board to
3 current § 45.23(a)(3) and distinguished the
4 provisional license issued under the Act and the
5 provisional license authorized by Act 41. The Board
6 discussed whether 90 days is long enough to satisfy
7 the competence requirements of Act 41. Ms. Stimson
8 suggested giving a 90-day provisional license but
9 requiring that licensees complete their competence in
10 60 days.

11 Ms. Goldman agreed the continuing education
12 should be completed within 60 days but felt 50 percent
13 of the CE hours should be completed before applying.
14 She noted the importance of balancing the intent of
15 Act 41 to let practitioners come to Pennsylvania and
16 with consumer protection laws because people are
17 actively practicing.

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

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

25 Acting Commissioner Johnson mentioned the 3 hours

1 of mandatory child abuse recognition and training
2 required to obtain a license.

3 Ms. Pachter Schulder explained that like the
4 requirement for a criminal background check and
5 letters of good standing, applicants would have to
6 obtain their child abuse education before being
7 granted a provisional license.

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

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

1 equivalent and they would not fit in Act 41.

2 Ms. Pachter Schulder noted that where the laws
3 are substantially equivalent and a person has either
4 20 hours of post-licensure continuing education, that
5 is documented to meet the standards of § 45.501 or
6 they have two years of practice which totals 2,520
7 hours over a 24-month period, they would be considered
8 to have met the competency piece and will be
9 issued a license under Act 41 so long as the applicant
10 does not have a criminal conviction or disciplinary
11 action or an inactive license in the other state.

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

25 Ms. Pachter Schulder directed the Board to House

1 Bill 811 and Senate Bill 637, commonly referred to s
2 second-chance legislation. The philosophy behind the
3 legislation is that not every conviction should bar a
4 person from having a license. She pointed out that
5 under the language of the Bills, convictions cannot be
6 considered if they do not directly relate to the
7 trade, occupation, or profession for which the license
8 is sought.

9 Mr. McNally referred to the statutory language in
10 the Criminal History Record Information Act § 9124 and
11 § 9125, noting that conviction is not defined. He
12 noted the importance of analyzing whether a conviction
13 is substantially related to a profession and being
14 able to articulate its relevance, being able to
15 diminish the importance of a conviction, considering
16 age and circumstances, and what the individual has
17 done to rehabilitate themselves.

18 Acting Commissioner Johnson commented that the
19 intent of this legislation is essentially to force the
20 bureau and Boards to articulate the standards by which
21 they make their decisions and to move toward creating
22 policies that essentially memorialize their diction.

23 Acting Commissioner Johnson commented that he
24 does not believe the framers of the statues considered
25 the discriminatory effects of criminal history

1 policies at the time that they were envisioning the
2 law. He noted decades of data that reflect there are
3 discriminatory effects that are being redressed.

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

7 ***

8 Report of Other Board Members

9 [Amy S. Goldman, MS, CCC-SLP, Secretary, mentioned the
10 Pennsylvania Speech-Language-Hearing Association
11 (PSHA) Conference Call for Papers in Pittsburgh, April
12 1-4, 2020, noting that she would like to submit
13 basically the same proposal as last year.

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

18 ***

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

20 ***

21 Report of Acting Commissioner

22 [K. Kalonji Johnson, Acting Commissioner, Bureau of
23 Professional and Occupational Affairs, presented
24 Chairperson Roman and Dr. Sieminski with a
25 proclamation on behalf of Governor Wolf, Acting

1 Secretary Boockvar, the State Boards of Examiners of
2 Speech-Language Pathology and Audiology, and the
3 Commonwealth of Pennsylvania.

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

6 ***

7 Report of Other Board Members

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

11 Ms. Goldman discussed answers to the state
12 exchange portion of the NCSB Conference for the
13 Board's completion.

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

1 licensure portability.

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

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

11 The Board noted that the regulation of over-the-
12 counter hearing aids is not within the Board's
13 statutory authority.

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

17 ***

18 Report of Board Administrator

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

22 ***

23 Review of Applications

24 [Request for an extension for a provisional license-
25 Amanda Mahoney]

1 Ms. Matter explained that Ms. Mahoney received a
2 provisional license to work as a clinical fellow, but
3 the individual did not work for the first 18 months it
4 was issued and is asking for an extension.

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

11 ***

12 MOTIONS

13 MS. PACHTER SCHULDER:

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

18 MS. GOLDMAN:

19 I make the motion per Judith's excellent
20 verbiage about denying this individual.

21 MS. PACHTER SCHULDER:

22 We got a second?

23 MS. DELANO:

24 Second.

25 CHAIRPERSON ROMAN:

1 Any discussion? Those in favor? Those
2 opposed? Abstentions?

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

5 ***

6 Miscellaneous

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

10 ***

11 Adjournment

12 CHAIRPERSON ROMAN:

13 Do I have a motion for us to adjourn?

14 DR. SIEMINSKI:

15 I make that motion.

16 MS. GOLDMAN:

17 Second.

18 CHAIRPERSON ROMAN:

19 Those in favor? Those against?

20 [The motion carried unanimously.]

21 ***

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

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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.



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