



**Washington State
Board of Hearing and Speech
Meeting Minutes**

May 4, 2012

Board Members Present

Tom Putaansuu, Chair; Sheryl Arends; Lynn Bishop; Rudy Gahler, MD; Di Irons, Public Member; James Deal, Public Member; Gail Rothwell; Cary Larson

Staff Present

Bob Nicoloff, Executive Director
Janette Benham, Program Manager
Sandie Pearson, Program Representative
Megan Brown, Disciplinary Case Manager
Judy Young, Staff Attorney
Jason Howell, Assistant Attorney General (AAG)

Members Absent

Jody Magnusson, Vice Chair
Wes Brosman, Public Member

Others Present

Melissa Johnson
Dave Moore

On May 4, 2012, the Board of Hearing and Speech met in Tumwater, WA at the Department of Health, Town Center Two, 111 Israel Road SE, Room 158, Tumwater, WA. In accordance with the Open Public Meetings Act, the meeting agenda was e-mailed to the Hearing and Speech listserv.

OPEN SESSION – 9:00 a.m.

- 1. CALL TO ORDER – Tom Putaansuu, Chair** **9:10 a.m.**
Board members, staff, and guests introduced themselves.
 - 1.1 Approval of the agenda**
The agenda was amended to add Item 8.2, an email request for board approval to supervise an interim permit holder. The agenda was approved as amended.
 - 1.2 Approval of the February 4, 2012 conference call meeting minutes**
The February 4, 2012 conference call meeting minutes were corrected to list board member Lynn Bishop as present. The meeting minutes were approved with the correction.
- 2. EXECUTIVE DIRECTOR REPORT – Bob Nicoloff, Executive Director**
 - 2.1 Current Budget Report**

Mr. Nicoloff provided an updated report on the Hearing and Speech program budget through March 2012. He reported that the program's budget has a healthy reserve and that the service units were currently under spent.

2.2 Performance Measures

Mr. Nicoloff provided updated reports on performance measures. The reports presented included:

- Credentials issued within 14 calendar days
- Revenue and budget
- Revenue and expenditures
- Percentage of open investigations beyond 170 days
- Percentage of investigations completed within 170 days
- Percentage of open cases in case disposition beyond 140 days
- Percentage of cases in case disposition completed within 140 days
- Percentage of complaints in intake/assessment completed within 21 days

The board discussed performance measure charts. Tom Putaansuu requested more detail regarding open investigations and completed investigations. The reports seem to contradict each other. Mr. Nicoloff will look into this and provide more detail at the next meeting. Performance measures will continue to be monitored and an update will be provided at the next meeting.

2.3 Legislative Update

2.3.1 SHB 2261, Charitable Donations, Eye Glasses, and Hearing Instruments

Under this bill a charitable organization donating previously owned eye glasses and hearing instruments may not be liable for civil damages. The bill provides immunity only to charitable organizations, not the licensed professional. Licensed professionals are still required to work according to their respective scopes of practice. Affected licensed professionals include physicians; osteopathic physicians; optometrists; opticians; audiologists; and hearing instrument fitter/dispensers.

2.3.2 ESHB 2366, Suicide Assessment, Treatment, and Management

This bill requires certain health professionals to complete training and education in suicide assessment, treatment, and management. Beginning January 1, 2014 affected professionals need to complete six hours of suicide assessment, treatment, and management continuing education every six years. Occupational Therapists, Occupational Therapy Assistants, and all counseling professions except hypnotherapists are affected. Rule making will be conducted with all affected professions.

In addition, the department in collaboration with boards and commissions must conduct a study to include the following:

- Review available research and literature regarding the completion of training and suicide rates
- Assess which licensed health professionals are best suited to positively influence the mental health behavior of an individual with suicidal ideas;
- Evaluate the impact of the training on veterans with thoughts of suicide; and

- Review suicide prevention curriculum of health profession programs at state educational institutions.

The findings of the study must be reported to the legislature by December 15, 2013.

2.3.3 ESSB 5969, Military Spouses – Occupational Licensing

This bill requires regulating authorities, such as the Department of Health, to expedite the issuance of professional credentials to spouses of military personnel. The spouses must have a credential in another state and have re-located to WA due to a military transfer. Rule making will be conducted.

2.3.4 SB 6290, Military Spouses – Occupational Licensing

This bill allows the spouse or registered domestic partner of military personnel who are being deployed to place their credential in inactive status. Once the licensee returns to Washington, they will be returned to active status if they apply within six months of returning and pay the current renewal fee. Rule making will be conducted.

2.3.5 ESSB 5307, Medical Professions – Licensing – Military Experience

This bill affects how the department evaluates certain military training and/or experience toward meeting licensing requirements. This applies to the following professions:

- Cardiovascular invasive specialist (profession not yet in effect)
- Dental assistant
- Denturist
- Dispensing optician
- Emergency medical technician and first responder
- Expanded dental function auxiliary
- Health care assistant
- Nursing assistant-registered and certified
- Ocularist
- Osteopathic physician assistant
- Pharmacy technician
- Pharmacy assistant
- Physical therapist
- Physical therapist assistant
- Physician assistant
- Radiologic assistant
- Radiologic technologist
- Respiratory care therapist
- Surgical technologist
- X-ray technician

2.3.6 ESSB, Reflexology and Massage Therapy

This bill will require reflexologists to be certified under Massage Therapy. Rule making will be conducted.

2.3.7 ESSB 6237, Medical Assistants

This bill transitions health care assistants to four categories under the medical assistant profession. Rule making will be conducted.

3 PROGRAM MANAGER REPORT – Janette Benham, Program Manager

3.1 Licensing Statistics

Ms. Benham provided updated licensing statistics. The handout included licensing statistics for May 2011, February 2011, and May 2012.

3.2 Update on expired board member positions, board member recruitment, and board member appointments

Ms. Benham informed the board that recruitment notices have gone out for the MD Advisor position currently held by Dr. Gahler, the Public Member position currently held by Di Irons, and the vacant Audiologist position. Ms. Irons has agreed to continue to serve until a replacement has been appointed. Ms. Benham thanked Ms. Irons and presented her with a Certificate of Appreciation for serving on the board.

3.3 Online Renewal Project Update

Ms. Benham reported that as of April 16, 2012, six additional professions were available for online renewal. They include Hypnotherapist, Agency Affiliated Counselor, Dietitian, Nutritionist, Animal Massage Certification – Small Animal, and Animal Massage Certification – Large Animal. They join Naturopathic Physicians, Pharmacy Technicians, Surgical Technologists, and Social Worker Associate Independent Clinical.

A \$2.00 convenience fee will be charged in addition to the renewal amount. The purpose of the convenience fee is to help cover costs of making the online system available and credit card processing. Receipts do not reflect the convenience fee.

The implementation of online renewals is being done in multiple phases. Ms. Benham will continue to provide updates at future meetings as to the growing list of professions available for online renewal.

3.4 Update on Department of Health redesigned webpage

Ms. Benham reported that the department planned to unveil the new site on Monday, April 30th, 2012. The launch date was recently moved to June 1, 2012.

4. ELECTION OF CHAIR AND VICE CHAIR

Board members nominated and voted for chair and vice-chair positions effective August 1, 2012 through July 31, 2013. Per RCW 18.35.150(4):

The chair shall rotate annually among the hearing instrument fitter/dispensers, speech-language pathologists, audiologists, and public members serving on the board.

Because rotation of the professions is stated in the law, a hearing instrument fitter/dispenser is next in rotation for the chair position.

There was one nominee for chair, and one nominee for vice-chair. The nomination for 2012-2013 chair was Jody Magnusson, Fitter/Dispenser. The nomination for 2012-2013 vice-chair was Lynn Bishop, SLP. The board unanimously voted to elect Jody Magnusson to serve as chair, and Lynn Bishop, SLP, to serve as vice-chair, effective August 1, 2012 to July 31, 2013. Ms. Magnusson was not in attendance. In the event that Ms. Magnusson declines to serve as board chair, Sheryl Arends, Fitter/Dispenser will serve as board chair for 2012 – 2013.

5. BOARD MEETING DATES FOR 2013

The board set the following meeting dates and locations for 2013:

Meeting Date	Meeting Location
February 1, 2013	Conference Call
May 3, 2013	Tumwater or Kent
August 2, 2013	Kent
November 1, 2013	Tumwater

Updated meeting information can be found on the Hearing and Speech webpage.

6. CASE PRESENTATION

Judy Young, staff attorney presented the following cases:

6.1 Order on Termination of Probation – M2008 – 117114 – The board unanimously approved this order.

6.2 Order on Termination of Probation – M2008 – 117305 – The board unanimously approved this order with May 20, 2013 release date.

7. INTERPRETIVE STATEMENT

Ms. Benham presented the draft version of an Interpretive Statement regarding tracheal suctioning. The board reviewed and unanimously approved the Interpretive Statement as presented.

8. CORRESPONDENCE – SCOPE OF PRACTICE QUESTIONS

8.1 The board discussed a question from a practitioner regarding whether SLPs can administer topical anesthetics (spray and/or viscous solutions) during an assessment of swallowing. Ms. Benham presented members with the Board of Pharmacy’s Prescribing Authority document which identifies which professions can and can’t prescribe and/or administer prescription drugs in WA State. None of the professions that the Board of Hearing and Speech regulates are listed in the Board of Pharmacy’s Prescribing Authority document. Mr. Howell, AAG, suggested this be clarified and will consult with the Board of Pharmacy and review applicable statutes. In addition, the board asked Ms. Benham to contact the practitioner who initially asked the question to clarify if the inquiry was regarding over the counter or prescription topical anesthetics. The board deferred further discussion until the next meeting when Mr. Howell, AAG, and Ms. Benham will report their findings.

- 8.2** The board reviewed, discussed, and approved a request from an SLP to supervise an interim permit holder.

9. ASSISTANT ATTORNEY GENERAL REPORT – Jason Howell, AAG

9.1 Update on internet sales of hearing instruments

Jason Howell, AAG, provided an update on the internet sale of hearing instruments. He reminded the board of the Federal Trade Commission (FTC) rulings that North Carolina's Dental Board could not restrict teeth-whitening products being sold by non-dentists because board members are market competitors. Currently, the appellate process is continuing and the case is currently with the Fourth Court of Appeals. In addition, Mr. Howell provided members a copy of a letter to the FTC from the U.S. Congress stating its dissatisfaction with the FTC ruling. The board will continue to receive regular updates from Mr. Howell regarding this issue.

9.2 Update on surety bond/security in lieu of a surety bond requirement

Audiologists and fitter/dispensers have been renewing their licenses without always verifying compliance with a surety bond or security in lieu of a surety bond. Mr. Howell discussed the requirement that all audiologists and fitter/dispensers have a surety bond or security in lieu of a surety bond. The surety bond requirement is outlined in RCW 18.35.240. There is no legal support for an exemption of the surety bond/security requirement based on practice setting, unemployment liability insurance, or other insurance or legal remedies covering or indemnifying the licensee. The only possible exception would be for audiologists who do not fit and dispense hearing instruments, but would need to be done through rule making. There are currently no rules exempting audiologists who do not fit and dispense. RCW 18.35.250 (1) allows for consideration of an action against the bond regardless of "other legal remedies" including liability coverage or other indemnification.

The board discussed drafting an Interpretive Statement/Policy requiring that all audiologists and fitter/dispensers verify compliance with RCW 18.35.240. The board chose not to draft an Interpretive Statement. They chose instead to have staff and Mr. Howell draft a letter to the Department of Health Customer Service Office requesting that all audiologists and fitter/dispensers verify compliance with RCW 18.35.240 upon renewing their licenses.

9.3 Additional updates/information/research

Mr. Howell had no additional updates or information at this time.

10. COMMITTEE WORK

10.1 Rules Committee

Members: Jody Magnusson; Gail Rothwell; Wes Brosman; Cary Larson; Rudy Gahler, MD

- The committee will review information provided by Jason Howell, AAG, regarding the recession process and refunds for services. The committee will

make a recommendation to the board whether to publish an interpretive policy statement or respond to the inquiring licensee.

10.2 Education/Exam Committee

Members: Di Irons; Lynn Bishop; Sheryl Arends; Cary Larson

- The committee will review the curriculum from Brigham Young University's Communication Disorders program to determine whether it meets the requirements for speech-language pathology assistant (SLPA) approval.

10.3 Disciplinary Committee

Members: Jim Deal; Sheryl Arends; Gail Rothwell; Lynn Bishop; Tom Putaansuu

- The committee will meet in closed session to review any new cases.

10.4 Public Relations Committee

Members: Di Irons; Jody Magnusson; Tom Putaansuu; Jim Deal; Rudy Gahler, MD

- The committee will review any lists and labels requests that have been received by staff.
 - Request from U.S. Navy

11. COMMITTEE REPORTS

Rules Committee – The rules committee reviewed and discussed information provided by Mr. Howell, AAG, regarding the rescission process and refunds for services. The committee recommended that an Interpretive Statement be drafted. After discussion, the board moved, seconded, and approved the committee's recommendation. A draft Interpretive Statement regarding the rescission process and refunds for services will be reviewed at the next meeting.

Education/Exam Committee – Committee members reviewed and discussed the curriculum from Brigham Young University's (BYU) Communication Disorders program to determine if it meets requirements for SLPA certification. The committee reported that per WAC 246-828-617 (2) the program's bachelor of science curriculum lacked the required 100 hours of supervised clinical experience. The committee recommended approval of BYU's Communication Disorders program with the addition of the required 100 hours of supervised patient/client/student work experience. The 100 hours of supervised work experience can be verified as part of the application packet. A motion was made, seconded, and the board voted in favor of approving the BYU Communication Disorder program with the additional 100 hours clinical experience.

Disciplinary Committee – The disciplinary committee did not meet in closed session.

Public Relations Committee – The committee reviewed and discussed a request for lists and labels from the U. S. Navy Recruiting Office. The committee recommended that the lists and labels request from the U.S. Navy be tabled until the next meeting. They requested staff and Mr. Howell, AAG, research whether the request was a public disclosure request or a lists and labels request.

12. COMMITTEE ASSIGNMENTS

12.1 Board members discussed committee assignments. They assigned members to committees for the August 1, 2012 – July 31, 2013 period. Committee assignments are as follows:

Rules Committee

Jody Magnusson
Gail Rothwell
Wes Brosman
Cary Larson
Rudy Gahler, MD

Education/Exam Committee

Lynn Bishop
Sheryl Arends
Cary Larson
Di Irons

Disciplinary Committee

Jim Deal
Sheryl Arends
Gail Rothwell
Lynn Bishop
Tom Putaansuu

Public Relations Committee

Di Irons
Jody Magnusson
Tom Putaansuu
Jim Deal
Rudy Gahler, MD

12.2 Board members deferred designating a chair for each committee to the next meeting.

13. AGENDA ITEMS FOR FUTURE MEETINGS – The board discussed adding the following items to future meeting agendas:

- Designate a committee chair for each committee
- Update regarding lists and label request from the U.S. Navy
- Draft Interpretive Statement regarding the rescission process and refunds for services
- Update on new agency website
- Performance measures – case dispositions

14. PUBLIC COMMENT PERIOD

Dave Moore stated he was pleased that performance measures were presented. He would like to see more information regarding discipline. Mr. Moore thought practitioners would find the information very educational. Mr. Nicoloff responded that he would send more information by email.

15. ADDITIONAL ITEMS

Sheryl Arends shared that the WA Hearing Society Meeting is July 13 – 14, 2012 in Leavenworth, WA. Ms. Arends will be presenting at the meeting.

Tom Putaansuu expressed his appreciation to his fellow members and staff for the opportunity to serve as board chair for the past year.

16. CONSENT AGENDA

16.1 A copy of the April 2012 issue of “The Sentinel News for DOH Employees” was provided in the board member packets for review.

CLOSED SESSION – The board did not meet in closed session.

17. APPLICATION REVIEWS

There were no applications to review at this time

18. ADJOURNMENT – 1:38 p.m.

Prepared By: Janette Benham, Program Manager

Date

Approved By: Tom Putaansuu, Chair

Date