



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

**August 3, 2012**

**Board Members Present**

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

**Staff Present**

Bob Nicoloff, Executive Director  
Janette Benham, Program Manager  
Sandie Pearson, Program Representative  
Jason Howell, Assistant Attorney General (AAG)

**Members Absent**

Jody Magnusson, Chair

**Others Present**

Rick Giles  
Melissa Johnson  
Dave Moore

On August 3, 2012, the Board of Hearing and Speech met in Kent, WA at the Department of Health – Creekside Three at CenterPoint, 20435 72<sup>nd</sup> Ave S, Suite 200 Room 1, Kent, WA 98032. In accordance with the Open Public Meetings Act, the meeting agenda was emailed to the Hearing and Speech listserv.

**OPEN SESSION – 9:00 a.m.**

**1. CALL TO ORDER – Lynn Bishop, Vice-Chair 9:10 a.m.**

**1.1 Approval of the agenda**

The agenda was amended to defer Item 2.2, Performance Measures to the next meeting scheduled in November. The agenda was approved as amended.

**1.2 Introductions**

Board members, staff, and guests introduced themselves.

**1.3 Approval of the May 4, 2012 Meeting Minutes**

The May 4, 2012 meeting minutes were approved as presented.

**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 June of 2012. He reported that the program's AAG expenses were overspent. The report showed that other line items were currently underspent. The program's current overall reserve is approximately \$300,000.

**2.2 Performance Measures**

The board deferred this item until the next meeting scheduled for November 2, 2012.

**2.3 Update on IHS computer-based Fitter/Dispenser Examination**

Mr. Nicoloff shared a letter from the International Hearing Society (IHS) informing the board that they will be changing to a computer-based exam. The exam will be administered by Kryterion, who administers exams for various other Washington State healthcare practitioners. Several other states have agreed to conduct beta testing of the exam. Washington is not among the states conducting the beta test. It is hoped that licensure will be quicker once the computer based exam is in place.

**3. PROGRAM MANAGER REPORT – Janette Benham, Program Manager**

**3.1 Licensing Statistics**

Ms. Benham provided updated licensing statistics. The handout included licensing statistics for August 2011, May 2012, and August 2012. Statistics for August 2012 are as follows:

	<b>Fitter/Dispenser</b>	<b>Audiologist</b>	<b>SLP</b>	<b>SLPA</b>
Active Licenses	285	399	1830	205
Inactive License	46	34	29	0
Expired License	879	166	781	32
Revoked License	22	0	1	0
Suspended License	14	1	0	0

At a previous meeting Ms. Larson asked if there was a way to determine how SLPAs with expired credentials were initially licensed. Were they certified by grandfathering, by graduating from a four-year program, or by graduating from a two-year program? Ms. Benham reported that of the 32 SLPAs in expired status, five graduated from four-year program, seven from a two-year program, and twenty had been grandfathered in.

**3.2 Update on expired board member positions and board member recruitment**

Ms. Benham informed the board that she hasn't received any applications for the vacant audiologist position or for the MD Advisor position currently held by Dr. Gahler. Ms. Benham has received one application for the Public Member position currently held by Di Irons, who agreed to continue to serve until a replacement was found. Ms. Bishop, Vice-Chair, again extended the board's appreciation to Ms. Irons for serving on the board.

**3.3 Online Renewal Project Update**

Ms. Benham provided an update on the online renewal project. More professions are being added to the list of those that can renew online. Traditional renewals by mail

continue to be available to all credential holders. Ms. Benham will provide updates at future board meetings.

### **3.4 Update on Department of Health redesigned webpage**

Ms. Benham provided a glimpse at the department's redesigned web page that was launched on June 1, 2012. New to the site is information regarding military resources, which is located within each profession's web page.

## **4. LEADERSHIP FORUM UPDATE**

Lynn Bishop, Vice-Chair, provided information on the Leadership Forum she attended at the Department of Health on June 18, 2012. She reported that one of the items discussed was developing a set of bylaws for each of the boards/commissions. Bylaws help to direct and clarify a board or commission's actions and procedures. They serve as guidelines by which a board or commission functions. The department will be working on a sample set of bylaws that will be presented to all boards and commissions at a future date.

Another topic presented at the Leadership Forum was setting rulemaking priorities after the governor-mandated moratorium is lifted. Ms. Bishop shared with the board that the department is working on identifying the priorities for rulemaking within each specific profession and will present these at a future meeting.

## **5. WASHINGTON HEALTH PROFESSIONAL SERVICES PROGRAM (WHPS) – John Furman, RN, Director**

Mr. Furman presented information to the board about the WHPS program. WHPS is a confidential program for chemically impaired health professionals. The program identifies, assesses, and provides substance abuse monitoring services to licensed professionals. Practitioners enter the program in various ways including as a result of, or in lieu of, discipline. Most contracts between WHPS and practitioners run for five years.

## **6. ASSISTANT ATTORNEY GENERAL REPORT – Jason Howell, AAG**

### **6.1 Update on internet sales of hearing instruments**

Mr. Howell provided information and copies of recent correspondence between Brooks Clemmons, AAG, Washington State Consumer Protection Division and hi Health Innovations. The correspondence is regarding hi Health Innovations marketing and selling hearing devices over the internet with no direct "face-to-face contact". An "at-home hearing test" is also being offered by hi Health Innovations. Mr. Clemmons' letter notifies hi Health Innovations that both acts are in violation of Washington's Consumer Protection Act (CPA) and Washington's Hearing and Speech Services Act (RCW 18.35). Mr. Clemmons' letter also informs hi Health Innovations requests that the actions are brought into compliance with Washington law immediately. A letter of response was sent to Mr. Clemmons from hi Health Innovations stating their position on the matter. Mr. Howell will continue to provide updates to the board at future meetings.

### **6.2 Any additional updates/information research**

Mr. Howell discussed an email received by program regarding the term “used” as it relates to hearing instruments as referenced in WAC 246-828-220. The rule requires licensees to identify whether a hearing instrument is “used”. The terms “new” or “used” are not defined in Hearing and Speech statute or rule. Mr. Howell said defining the terms in rule would be the ideal solution. The board discussed, moved, and voted to have the Rules Committee review and discuss the terms “used” and “new” to determine next steps.

## **7. SURETY BOND/SECURITY IN LIEU OF SURETY BOND – RCW 18.35.240 AND RCW 18.35.250**

The board discussed the requirements of RCW 18.35.240 and RCW 18.35.250 relating to verification of surety bonds/security in lieu of surety bonds when applicants apply for licensure or renew their licenses. Board members discussed whether it was reasonable to require a surety bond/security in lieu of surety bond at initial licensure. The surety bond requirement is listed on the Application Instruction Checklist applicants refer to when applying for licensure. The board agreed to keep the bond requirement as a requirement of licensure and that it is legally appropriate in order to protect the public. The board also discussed the requirement that licensees verify they have a surety bond when they renew their licenses. The board discussed the renewal card and identified that verification is a statutory requirement. The board determined that program staff should work with other offices to implement the transition of updating the renewal card to verify compliance, and to post FAQs on the Hearing and Speech webpage.

## **8. CORRESPONDENCE – SCOPE OF PRACTICE QUESTIONS**

**8.1** The board discussed a question from a practitioner whether SLPs can administer topical anesthetics (spray and/or viscous solutions) during an assessment of swallowing. At the May 4, 2012 meeting the board requested Mr. Howell, AAG, clarify and consult with the Board of Pharmacy to review applicable statutes. In addition, the board asked Ms. Benham to contact the practitioner who initially asked the question to indicate whether the inquiry involved over the counter or prescription topical anesthetics. Mr. Howell reported that there are Over the Counter (OTC) topical anesthetics that can be applied topically, which an SLP could apply. However, prescriptive topical anesthetics are considered legend drugs and can be dispensed by prescription only. RCW 69.41 lists practitioners who are authorized to administer legend drugs. SLPs are not listed in that statute, so and SLP cannot administer any drug that requires a prescription.

## **9. COMMITTEE WORK**

### **9.1 Rules Committee**

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

- The committee will review a letter from ASHA regarding the revised scoring system for the Praxis Audiology Examination. The committee will make a recommendation to the full board whether or not to engage in rulemaking so rule

language is consistent with national exam scoring standards (WAC 246-828-020).

- The committee will review and revise draft language of the interpretive statement regarding the rescission process and refunds for services. The committee will make a recommendation to the full board whether or not to move forward with the interpretive statement.

## **9.2 Education/Exam Committee**

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

- The education committee is not scheduled to meet.

## **9.3 Disciplinary Committee**

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

- The disciplinary committee is not scheduled to meet.

## **9.4 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

## **9.5 SLPA Committee**

Members: Lynn Bishop; Cary Larson; Gail Rothwell; Melissa Johnson

- The committee will review the curriculum and discuss approval of the Bachelor of Science degree in Speech-language Sciences and Technology from Northern Arizona University.
- The committee will review and revise a letter for distribution notifying businesses and hospitals of the SLPA certification.

# **10. COMMITTEE REPORTS**

## **Rules Committee**

- The rules committee reviewed and discussed a letter from ASHA regarding the revised scoring for the Praxis Audiology Exam. The committee recommended approval of the revised scoring system and to begin the expedited rule making process in order to change the rule language to be consistent with the national exam scoring. This rule is not subject to the rules moratorium as it is administrative to meet a national requirement. After discussion, the board moved, seconded, and approved the committee's recommendation. Staff will initiate the expedited rule making process, and will provide an update at the next meeting.
- The committee reviewed, revised, and recommended moving forward with the revised draft language of the interpretive statement regarding the rescission process and refunds for services. Revised draft language added that the services are associated with fitting and dispensing hearing instruments, not with diagnostic audiological testing. After discussion, the board moved, seconded and approved the committee's recommendation. Staff will make revisions to the language.

- The committee discussed defining the terms “new” and “used” as it relates to hearing instruments. The committee recommended and the board approved drafting an interpretive statement that contains the board’s interpretation of the terms “new” and “used”. Draft language will be equivalent to the FDA’s interpretation. Staff will work with the AAG on draft language of the Interpretive Statement and will present it at the next board meeting.

**Education/Exam Committee** – The education/exam committee did not meet at this time.

**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 denied. The board moved, seconded, and approved to deny the list and labels request from the U.S. Navy Recruiting Office.

**SLPA Committee**

- The committee reviewed, discussed, and recommended approving the curriculum of the Bachelor of Science degree in Speech-language Sciences and Technology from Northern Arizona University. The board moved, seconded and voted to approve the curriculum of the Bachelor of Science degree in Speech-language Sciences and Technology from Northern Arizona University.
- The committee reviewed a letter notifying businesses and hospitals of the SLPA certification. The committee recommended and the board approved the letter for distribution. Cary Larson, SLPA, volunteered to present information regarding the SLPA certification to businesses or hospitals if any should request it.

**11. REVIEW AND ADOPTION OF INTERPRETIVE STATEMENT REGARDING SLPs PERFORMING TRACHEAL SUCTIONING** – The board reviewed the Interpretive Statement regarding SLPs performing tracheal suctioning. A motion was made, seconded, and the board approved to adopt the Interpretive Statement as presented.

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

- Bylaw examples
- Prioritizing rules
- Performance Measures
- Draft Interpretive Statement regarding the rescission process and refunds for services
- Draft Interpretive Statement regarding definitions of the terms “new” and “used” as they relate to hearing instruments
- Designate a committee chair for each committee

**13. PUBLIC COMMENT PERIOD** – Members of the public had no questions or comments to the board at this time.

**14. ADDITIONAL ITEMS**

Sheryl Arends initiated a discussion regarding the three day cancellation period outlined in WAC 246-828-290. Jason Howell, AAG, provided clarification of the three day right to cancel. Consumers have a right to cancel the transaction within three days if the seller solicited the hearing instrument in person and the consumer signed the Notice to Buyer at a place other than the seller's business address.

**15. CONSENT AGENDA**

**15.1** A copy of the July 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.

**16. APPLICATION REVIEWS** – There were no applications to review at this time

**17. ADJOURNMENT – 2:02 p.m.**

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Prepared By: Janette Benham, Program Manager

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Date

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Approved By: Jody Magnusson, Chair

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Date