



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

February 6, 2015

Board Members Present

James Deal, Chair; David Oplinger, Vice-Chair; Rick Giles; Courtenay Hendricks, Public Member; Hal Hunsaker; Ann Plotnick; Henry Ou, MD; Alison Vega; Gail Rothwell

Board Members Absent

Trice Konschuh and Cary Larson

Staff Present

Janette Benham, Program Manager; Sandie Pearson, Program Representative; Trina Castle, Executive Director; Ericka Brown, Credentialing Supervisor; Hyon Yi, Credentialing Specialist; Marlee O'Neill, Staff Attorney; Jack Bucknell, Assistant Attorney General (AAG),

Others Present

Jeff Moore	Tammy Miller, Costco
Mark Pierce	Gary Buch
Sandy Hubbard	Nathan Keding
Bob Stevens	Jane Foss
Taner Johnson	Josh Baker
Jeff Havacko	

On February 6, 2015, the Board of Hearing and Speech met in Tumwater at the Department of Health, Town Center Two, 111 Israel Road SE, Room 158, Tumwater, WA 98501. In accordance with the Open Public Meetings Act, the meeting agenda was emailed to the Hearing and Speech listserv and posted on the Hearing and Speech website.

OPEN SESSION – 9:00 a.m.

- 1. CALL TO ORDER – James Deal, Chair** **9:00 a.m.**
Mr. Deal called the meeting to order at 9:00 a.m.
 - 1.1 Introductions**
Board members, staff, and audience members introduced themselves.
 - 1.2 Approval of the amended agenda**
The amended agenda was approved as presented.

1.3 Approval of the November 21, 2014 Meeting Minutes

The minutes were revised to correct the spelling of audience member, Brenda Haltom's name. The November 21, 2014 meeting minutes were approved as corrected.

2. PROGRAM MANAGER REPORT – Janette Benham, Program Manager

2.1 Licensing Statistics

Updated licensing statistics were presented to the board. Ms. Benham shared that due to recent research conducted, the notation regarding the date approximately 400 licensees moved from hearing aid specialist to audiologist had been changed to 1996/1997. The handout included licensing statistics for January 2014, November 2014, and February 2015. Statistics for February 2015 are as follows:

	Hearing Aid Specialist	Audiologist	SLP	SLPA (Certification)
Active Licenses	302	403	2366	208
Inactive License	41	42	32	0
Expired License	931	221	1056	83
Revoked License	22	0	1	0
Suspended License	15	2	0	0

2.2 Update on May board meeting location and travel arrangements – Ms. Benham shared that staff are working with Spokane Falls Community College to reserve a meeting room for the May 1, 2015 meeting. The board discussed the possibility of changing the meeting date if there were no available meeting rooms at the college on May 1st. The board decided to keep the May 1, 2015 meeting date. Staff will continue working with Spokane Falls to find an available room on campus, and will look at meeting rooms off-campus if needed. Board members will be emailed travel information. Updated meeting information will be posted on the board's webpage.

3. EXECUTIVE DIRECTOR REPORT – Trina Castle, Executive Director

3.1 Current Budget Report – Ms. Castle provided an updated report on the program's budget through December of 2014. She reported that the program's budget was in good shape. Dr. Ou asked about the costs associated with the May 1, 2015 meeting in Spokane. A specific cost breakdown for the meeting was not available at this time. Staff will email the meeting costs upon completion.

3.2 Disciplinary statistics – Ms. Castle presented updated disciplinary statistics regarding unlicensed practice cases for fiscal year 2014. There were seven cases of unlicensed practice. Three cease and desist orders were issued and three cases were closed as evidence did not support a violation. There has been \$25,000 in civil fines. At this point the hearing and speech budget has incurred over \$11,000 in costs relating to the investigation of unlicensed practice.

3.3 Legislative update/Meet-me-call update – Gail Rothwell, the board representative on the weekly meet-me-calls, presented information regarding House Bill (HB) 1555 – Relating to applied behavior analysts. Ms. Rothwell shared that speech-language pathologists have concerns that the profession may infringe on the SLP scope of practice. She also shared that the Washington Occupational Therapy Association has

similar concerns about occupational therapy scope of practice. At this point the Department of Health’s position is listed as “to be determined” regarding this bill.

Ms. Castle provided an update on additional legislation that was discussed during the weekly meet-me-call conference calls.

- HB 1339 – Allows the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice. At this point the Department of Health’s position is listed as “to be determined” regarding this bill.
- HB 1340 – Relating to developing a process to allow pilot programs for healthcare professionals to learn new skills or roles. This bill allows training to be expanded through Department of Health approved apprenticeships. At this point the Department of Health’s position is listed as “to be determined” regarding this bill.
- HB 1135 – Allows for an alternative to discipline for minor issues such as billing or record keeping. This bill gives boards and commissions another option for use in minor disciplinary cases. This is a Department of Health sponsored bill.
- Senate Bill (SB) 5151 – Relating to continuing education in cultural competency for healthcare professionals. If passed, this bill would require that all healthcare professionals receive cultural competency continuing education.
- HB 1208 – Relating to removal of an adjudicative proceeding to the office of administrative hearings. Department of Health does not support this bill. The board discussed taking an official position on this bill. After discussion, Rick Giles made a motion that the board support the department’s opposition of the bill. Ann Plotnick seconded the motion. Board members voted in favor of the motion.

4. CREDENTIALING STATISTICS AND GENERAL UPDATE – Erika Brown, Credentialing Manager presented the following credentialing statistics to the board:

	Hearing Aid Specialist	Audiologist	SLP	SLP Interim Permit	SLPA (Certification)
Pending Licensure, Certification, or Permit	10	0	72	15	14
Avg. number of days until licensure (after all required documentation has been received)	14.4	13.25	9.87	11.5	10.6

Ms. Brown asked if there were any additional statistics the board would like to see and if the information was helpful to review at meetings. The board determined the information was helpful and they would like to see these statistics at every other board meeting.

5. BYLAWS – The board reviewed and considered adopting revisions to Bylaws. Jack Bucknell, AAG went over the suggested revisions to the Bylaws. Suggested revisions include the following changes:

- Article V – Meetings
 1. Type and frequency of meetings – language was changed to match language in statute;
 - A. “The board shall meet at least once a year and the time and place of the meeting shall be filed in accordance with the Open Public Meeting Act (OPMA), RCW 42.30.075. Changes to the regular meetings will be in accordance with the OPMA.”
 2. Quorum – language was changed to match language in statute;
 - A. “A quorum is the presence of a majority of the voting members of the board. A majority vote of the voting members present decides any issue at board meetings. A hearing aid specialist, speech-language pathologist, and audiologist must be represented.”

- Article VI - Meeting Procedure
 4. Actions Requiring Motion and Vote – added language to clarify that advisory members do not have the authority to make motions or vote;

“Any board transaction of official business is defined as an action and requires a motion and vote. This includes taking action of any ordinance, resolution, rule, regulation, order, or directive. Advisory members are not authorized to make motions or to vote.”

The board discussed the suggested changes and a motion was made and seconded to accept the bylaws with the changes as presented. The board voted in favor of the motion.

Mr. Bucknell also talked about the recusal of board members who may have a conflict of interest, or where there may be the appearance of a conflict. The requirement is that the member recuses himself or herself from discussion or voting. Board members must have the appearance of impartiality when carrying out duties on behalf of the board. Mr. Bucknell discussed Rick Giles’ position on the executive board of the International Hearing Society. He stated that after some legal vetting with the Office of the Governor and the Office of the Assistant Attorney General, Mr. Giles will have to recuse himself from board discussions and decisions that may relate to the International Hearing Society. The recusal would also apply to discipline cases where the licensee is a member of the International Hearing Society.

6. REQUEST FOR APPROVAL TO SUPERVISE SPEECH-LANGUAGE PATHOLOGY INTERIM PERMIT HOLDERS – WAC 246-828-045 (1) (b)

- 6.1 Request from Heather Larson, SLP, for board approval to supervise interim permit holders** – The board reviewed, discussed, and denied the request from Heather Larson, SLP, to supervise interim permit holders prior to having a license in good standing in Washington for two years.

- 6.2 Request from Selena Skolrud, SLP, for board approval to supervise an interim permit holder** – The board reviewed, discussed, and approved the request from Selena Skolrud, SLP, to supervise an interim permit holder prior to having a license in good standing in Washington for two years.

7. **CORRESPONDENCE**

The board discussed drafting a response to correspondence from Barbara Wienski regarding fitting hearing aids for people with Alzheimer's who have not had a hearing test within the last six months. The board discussed that the rule is in place to help protect people. If the patient is unable to go to the practitioner's place of business, there are practitioners who will travel to the patient's residence to perform hearing tests and fit hearing aids. The board also suggested Ms. Wienski speak to her mother's physician about a referral or talk to the facility about a list of resources or practitioners who are able to come to her mother's residence. The board voted in favor of Ms. Benham drafting a response to Ms. Wienski on its behalf. Ms. Benham will draft a response and send to Alison Vega and Jack Bucknell for review prior to responding to Ms. Wienski.

8. **RULES DISCUSSION, WORKSHOP, AND UPDATES ON IMPLEMENTATION OF ENGROSSED HOUSE BILL 2108**

8.1 Rules Discussion and Workshop – The board discussed rules drafted at the September 12, September 29, October 6, October 13, and November 21, 2014 rules workshops to implement EHB 2108, update CE and sexual misconduct rules, update examination standards, add temporary practice permits for military spouses, and for general housekeeping updates. The board discussed and reviewed the updated draft rule language and made non-significant changes. The board voted in favor of approving the language, making any necessary non-significant changes, and moving forward to the CR 102 stage of the rulemaking process. Ms. Benham shared that she is hoping to have the rules hearing at the May 1, 2015 meeting.

8.2 Updates on Implementation of EHB 2108 – Ms. Benham provided updates on the following items for board discussion and action if needed:

8.2.1 Report to the legislature required of EHB 2108 – Ms. Benham shared that the legislative required report was received by the legislature on February 5, 2015. A link to the report has been posted on the Hearing and Speech webpage.

8.2.2 Contracts and costs for administration of practical exam – Ms. Benham reported that she will continue to work with Spokane Falls Community College and Bates Technical College on securing rooms for the exam and getting the appropriate contracts into place. Ms. Benham anticipates the first exam may be held in the spring of 2016. Ms. Benham will provide an update at the next meeting.

8.2.3 Practical Exam Proctoring – The board discussed options available for recruiting industry experts to proctor the exams. Ms. Benham shared that pro-tem board members could be appointed by the Secretary of Health to be proctors for exams. Pro-tem board members could be former board members or other industry experts. A notice to recruit applicants can be sent to listserv subscribers. The process for recruiting and appointing pro-tem board members is usually pretty quick and is completed in a few weeks. Mr. Deal asked whether a proctor training packet would be available for board members to review. Ms. Benham shared that she will be working with IHS to amend the current contract to include the practical exam. She will check with them at that time about test preparation materials. Board members will be updated at the next meeting.

8.2.4 Exam fees for applicants – Ms. Benham shared that rulemaking to set exam fees is done by the Secretary of the Department of Health. An update will be provided at the next meeting.

9. DEMONSTRATION AND ACTIVITY – EAR EXAMINATION SIMULATOR – Tammy Miller, Costco Hearing Aid Center, provided a demonstration of Ear Examination Simulators. The simulators could be purchased for use in the practical exam. Ms. Benham shared she had received a price quote for the cost of the simulators. The quoted price for each simulator with four ear inserts was \$1612.50. Board members worked with the simulator and the various ear inserts to determine if purchasing simulators for the practical exam should be considered. Ms. Vega shared that she felt the simulator is better suited for use in a teaching environment. Jack Bucknell, AAG, suggested the board may want to look into what type of liability is involved when candidates use live patients during practical exams. The board requested that liability of using live patients be discussed further at the next meeting.

10. COMMITTEE WORK

10.1 Rules Committee

Members: Gail Rothwell, SLP, Chair; Cary Larson, SLPA; Trice Konschuh, Public Member; Ann Plotnick, Hearing Aid Specialist; Rick Giles, Hearing Aid Specialist ; Alison Vega, Audiologist

10.1.1 There were no agenda items referred to the committee for review. The committee did not meet at this time.

10.2 Education/Exam Committee

Members: Cary Larson, SLPA, Chair; Rick Giles, Hearing Aid Specialist; David Oplinger, Audiologist; Courtenay Hendricks, Public Member; Hal Hunsaker, SLP; Henry Ou, MD

10.2.1 The committee discussed whether a jurisprudence exam should be developed as a requirement of certification for interim permit applicants.

10.2.2 The committee continued developing a jurisprudence exam as a requirement of licensure for hearing and speech professions.

10.3 Disciplinary Committee

Members: David Oplinger, Audiologist; Jim Deal, Public Member; Gail Rothwell, SLP; Ann Plotnick, Hearing Aid Specialist

10.3.1 The committee met in closed session to review a CE audit.

10.4 Public Relations Committee

Members: Jim Deal, Chair; Courtenay Hendricks, Public Member; Henry Ou, MD; Hal Hunsaker, SLP; Alison Vega, Audiologist

10.4.1 There were no additional agenda items referred to the committee at this time.

10.4.2 The committee discussed developing public service announcements to send on behalf of the board.

10.4.3 There were no additional lists and labels requests received by staff for committee review at this time.

10.4.4 The committee reviewed a lists and labels request from Everest Professional Education.

- 11. COMMITTEE REPORTS** – Committee members reported on their discussions and presented recommendations for board action.

Rules Committee

- The committee did not meet at this time.

Education/Exam Committee

- Committee members discussed whether a jurisprudence exam should be developed as a requirement of interim permit applicants. The committee recommended staff develop sample questions for an interim permit jurisprudence exam for committee review at the May meeting. The board voted in favor of the committee’s recommendations. Staff will work on developing sample questions for committee review.
- Committee members reviewed and discussed the draft jurisprudence exam as a requirement of licensure for hearing and speech professions. The draft jurisprudence exam reviewed consisted of 15 general questions and five profession-specific questions. The committee members recommended adopting the draft jurisprudence exam with the five profession-specific questions to be used as a requirement of licensure for hearing and speech professions. The board voted in favor of the committee’s recommendations.

Disciplinary Committee

- The committee met in closed session and reviewed a CE audit.

Public Relations Committee

- The committee discussed developing public service announcements to send on behalf of the board. Ms. Benham shared the social media applications available to the committee are Twitter, Facebook, and You Tube. She also explained that any public service announcements drafted will need to go through the department’s communications office for approval. Committee members discussed that they would like to draft something to be sent out on the board’s behalf in May. May is “Better Hearing and Speech” month. The committee members recommended staff draft a short public service announcement for committee review at the May 1, 2015 meeting. The board voted in favor of the committee’s recommendations. Staff will work on drafting a public service announcement for committee review.
- The committee reviewed, discussed, and recommended the board approve a lists and labels request from Everest Professional Education. The board voted to approve the lists and labels request from Everest Professional Education.

- 12. ASSISTANT ATTORNEY GENERAL REPORT** – **Jack Bucknell, AAG**, provided board members with the following information and an update on research he has conducted since the last meeting:

12.1 Mr. Bucknell gave a presentation and training on the Public Records Act (PRA). The training went over the purpose of the PRA and what types of records it applies to. He

reviewed general PRA procedures, such as public records requests, and the guidelines agencies follow when responding to a request.

12.2 Mr. Bucknell updated board members regarding the department's efforts to grant secure web access accounts for board members. The department is working out technical issues. The anticipated timeframe to begin issuing board members the secure web-based Citrix licensing is the summer of 2015. Board members will also be given a DOH email address for board related business. Board members will receive regular progress updates as needed.

13. PRESENTATION AND OVERVIEW OF DISCIPLINARY ORDERS – Marlee O’Neill, Supervising Staff Attorney, presented an overview of the types of disciplinary orders used in accordance with the Uniform Disciplinary Act (UDA). Ms. O’Neill provided hand-outs to board members that included a step-by-step chart from complaint intake to legal action/adjudication. She also provided a UDA decision tree hand-out that outlines the decision process when reviewing disciplinary cases.

14. AGENDA ITEMS FOR FUTURE MEETINGS

The board discussed adding the following items to future meeting agendas:

- Spokane Falls tour
- Jurisprudence Exam questions – interim permit holders
- Draft Public Service Announcement
- Possible Rules Hearing
- Practical exam liability
- EHB 2108 update

15. PUBLIC COMMENT PERIOD

There were no members of the public in attendance at this time.

16. ADDITIONAL ITEMS

Ms. Rothwell asked Ms. Benham whether she had learned the location of the next CAC Conference. Ms. Benham reported that the conference will be held in September and will be in Washington D.C. Mr. Giles shared that the annual meeting of the Washington Hearing Society (WHS) will be held in Port Angeles in July. WHS would like a department representative to attend to present information regarding DOH operations.

17. CONSENT AGENDA

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

18. ADJOURNMENT

The open session portion of the meeting adjourned at 1:45 p.m.

CLOSED SESSION – 1:45p.m.

19. PRESENTATION OF STIPULATION TO INFORMAL DISPOSITION – Staff Attorney, Patty Stuart, presented a Stipulation to Informal Disposition for the board to review.

20. APPLICATION REVIEWS

There were no applications presented for the board to review at this time.

Prepared By: Janette Benham, Program Manager

Date

Approved By: James Deal, Chair

Date