



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

February 1, 2013

Board Members Present by Teleconference

Sheryl Arends, Chair; Lynn Bishop, Vice-Chair; Rudy Gahler, MD; James Deal, Public Member; Gail Rothwell; Cary Larson

Board Members Present in Person

Tom Putaansuu; Trice Konschuh, Public Member

Staff Present in Person

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

Members Absent

Wes Brosman, Public Member

Others Present by Teleconference

Rick Giles
Dave Moore
Marcy Leong
Students from Bates Technical College

On February 1, 2013, the Board of Hearing and Speech met via conference call and in Tumwater, WA at the Department of Health, Town Center Two, 111 Israel Road SE, Room 124, Tumwater, WA. In accordance with the Open Public Meetings Act, the meeting agenda and call-in information was e-mailed to the Hearing and Speech listserv.

OPEN SESSION – 9:00 a.m.

- 1. CALL TO ORDER – Lynn Bishop, Vice-Chair** **9:05 a.m.**
Board members, staff, and guest callers introduced themselves.
 - 1.1 Approval of the agenda**
The agenda was approved as presented.
 - 1.2 Approval of the November 2, 2012 meeting minutes**
The November 2, 2012 meeting minutes were approved as presented.

2. ELECTION OF CHAIR

Board members nominated and voted for a chair to fulfill the remainder of the August 1, 2012 through July 31, 2013 period. 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.

The current rotation for board chair is a hearing instrument fitter/dispenser.

The nomination for chair was Sheryl Arends, Fitter/Dispenser. The board unanimously voted for Ms. Arends to fulfill the remainder of the August 1, 2012 – July 31, 2013 period.

Ms. Arends agreed to chair the remainder of today's conference call meeting.

3. PROGRAM REPORTS – Bob Nicoloff, Executive Director, and Janette Benham, Program Manager

3.1 Executive Director Report

- Current Budget Report – Mr. Nicoloff provided an updated budget report. The report shows that the program currently has nearly \$467,000 in reserve and at this point is underspent \$110,000 this biennium. A board member asked whether there was an explanation for why the Goods and Supplies line item was overspent. Mr. Nicoloff clarified that there were several sub-categories within the Goods and Supplies line item. The report indicates that the costs associated with discipline and Attorney General (AG) support are the main reasons for the over expenditure. Program staff will continue to monitor the budget and provide members with regular updates.
- Legislative Update and Meet-Me-Call Update – Mr. Nicoloff provided background information regarding the Tuesday morning Meet-Me-Calls. He shared that the department holds a conference call on Tuesday mornings to provide legislation updates to board and commission representatives. A copy of the 2013 Meet Me Call Bill Listing was provided to board members in the meeting packet. Mr. Nicoloff updated the board on various bills that are moving through the legislative process. Lynn Bishop is acting as the board's representative on the weekly calls. She provided additional input on various bills. Of particular interest was the HEAL-WA bill, Senate Bill 5206. The bill would provide speech-language pathologists with online access to the University of Washington's Health Sciences Library. The current fee for this is \$16 and would be added as part of the yearly renewal fee. Another bill that is of interest to all health professions is House Bill 1381. The bill would transfer employment of Health Law Judges from DOH to the Office of Administrative Hearings.
- Discussion of bylaws – Mr. Nicoloff gave a brief background regarding bylaws. He informed members that Governor Inslee is encouraging boards and commissions to draft and adopt bylaws. Bylaws will assist in clarifying the role of the board and the board's authority. Bylaws may also include items such as how the board will schedule and conduct meetings (i.e.: Roberts Rules). The department has developed a "bylaws template" for boards and commissions to review. The "template" was sent by email to board members for review and discussion. Ms. Benham will start to work on draft language for the bylaws. The board will review draft language at the next meeting.

3.2 Program Manager Report

- Licensing Statistics – Ms. Benham provided updated licensing statistics to the board. The handout was emailed to members and included licensing statistics for February 2012, November 2012, and February 2013. Ms. Benham will email a complete copy of the licensing statistics to audience members. The February 2013 licensing statistics for the Hearing and Speech program are as follows:

	Fitter/Dispenser (1973 – Current)	Audiologist (2002 – Current)	SLP (2002 – Current)	SLPA* (first certified in 2002)
Active Licenses	292	403	1943	209
Inactive License	41	33	26	0
Expired License	**892	175	811	38
Revoked License	22	0	1	0
Suspended License	14	2	0	0

*SLPA – Reported statistics for SLPAs reflect SLPA certification not licensure.

**Fitter/Dispenser Expired Licenses – The number of expired licenses includes the number of licensees (approximately 400) who moved from fitter/dispenser licensure to audiologist licensure in 2002.

- Update on Board Member Terms and Recruitment – Ms. Benham updated the board on current recruitment efforts to fill the vacant audiologist position, the vacant fitter/dispenser position, and the medical physician position currently filled by Dr. Gahler. Information regarding other board member terms and their reappointment eligibility was provided to the board.

4. UPDATE AND DISCUSSION OF INTERNATIONAL HEARING SOCIETY EXAM

The board reviewed and discussed updated information regarding the International Hearing Society Exam as a requirement of hearing instrument fitter/dispenser licensure. Board members were sent copies of information provided by the International Hearing Society (IHS) regarding the new version of the “International Licensing Examination for Hearing Healthcare Professionals.”

The new version of the exam was developed by practicing professionals in the field of hearing instrument sciences. The individuals volunteered their time and expertise. The volunteers and the exam project were guided by a test development and psychometric services company.

In addition, during the development stages of the exam, a job analysis survey was sent to hearing aid dispensing professionals. Using the survey data, a competency model was created.

The exam consists of multiple-choice items. The examination includes questions from each competency area and candidates are required to answer questions from each of the areas.

Topics covered in the exam are based on the new competency model. The competency model identifies the competencies candidates will be measured against. From the competency model, 80 items were chosen to comprise the exam. Test takers will receive a score based on their performance of the 80 scored items. Competency areas include the following:

- Proper sanitary procedures
- Hearing evaluations
- Appropriate amplification for the patient
- Accurate and safe ear mold impressions
- Hearing instrument fitting and dispensing
- Validation and verification of hearing instrument fittings
- Counseling regarding living with hearing loss
- Aural rehabilitation
- Post-fitting patient and hearing instrument care
- Investigating patient's perceived problems with hearing instruments and taking appropriate action.

After a candidate takes the exam, IHS will provide the state licensing body (board) a confidential score report for each test-taker, indicating the test-takers performance on the examination and IHS's recommended passing score. IHS is not permitted to share performance information with candidates. IHS will not provide section level results on the exam.

IHS strongly suggests the Board adopt the IHS recommended passing score for the new examination. IHS also recommends reporting only pass/fail decisions based on overall exam performance. IHS does not support pass/fail decisions based on section level performance.

It is ultimately the responsibility of the state licensing body (board) to determine if a test-taker passed or failed the written exam. However, state licensing bodies that apply passing scores different from those recommended by IHS will be responsible for the justification and defensibility of the decisions made using those passing scores.

Jim Deal, Public Member asked whether IHS had resolved the issue regarding delayed score reports. Ms. Benham explained that the score report delay occurred during the beta testing of the exam. Current exam score reports have been received within acceptable timeframes. The last exam results, for instance, were received in less than 30 days.

After discussion, a motion was made that the board adopt the IHS recommended score and request the credentialing unit provide applicants their exam score and the pass/fail decision. Ms. Benham took a roll call vote. Board members voted unanimously in favor of the motion.

5. ASSISTANT ATTORNEY GENERAL REPORT – Jason Howell, AAG

5.1 Update on research regarding a federal preemption

Jason Howell, AAG, updated the board on research he has done regarding a federal preemption. In 1979 the board requested an exemption to the federal preemption. The exemption would have allowed the board to enforce certain provisions in Washington law that were different from those in federal law. Specifically what the board asked for in the 1979 exemption request is still being researched. Mr. Howell reported that more information is needed before he can present a complete report to the board regarding the exemption request. Additional information may need to be pulled from the state archives or possibly even requested under the federal Freedom of Information Act. Ultimately, the board may need to review federal regulations to determine which ones

are not enforceable in WA. It's possible that some of the RCWs and WACs that regulate Hearing and Speech practitioners may need to be repealed if found to be un-enforceable after the board reviews the federal regulations. Mr. Howell will provide an updated report regarding this issue at the next meeting scheduled for May 3, 2013 in Tumwater.

5.2 Update on North Carolina Board of Dental Examiners and the Federal Trade Commission

Mr. Howell updated the board on the North Carolina Board of Dental Examiners vs. the Federal Trade Commission case. The case was argued in the Federal Court of Appeals during the first week of December 2012. The American Medical Association (AMA) and various others weighed in on the side of the NC Board of Dental Examiners; allowing state boards to regulate without federal interference. The Federal Court of Appeals decision is pending. Mr. Howell will provide updated information regarding the court's decision at the next meeting.

5.3 Any additional updates/information/research

Mr. Howell had no other updates or information to present to the board at this time.

6. CONSENT AGENDA

A copy of the January 2013 issue of "The Sentinel News for DOH Employees" will be emailed to board members for review.

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

- Review bylaws draft language
- North Carolina Board of Dental Examiners update
- Federal pre-emption update
- Legislation/rules update
- Board member recruitment update

8. PUBLIC COMMENT PERIOD

There were no audience comments at this time.

9. ADDITIONAL ITEMS

There were no additional items discussed by the board at this time.

10. ADJOURNMENT – 10:10 a.m.

Prepared By: Janette Benham, Program Manager

Date

Approved By: Sheryl Arends, Chair

Date