



Board of Examiners  
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## Meeting Minutes July 31, 2015 Portland State Office Building Conference Room 445 Portland, Oregon

**PRESENT:** Lyndsay Duffus, Audiologist Member, Chair  
Wendy Gunter, SLP Member, Vice-Chair  
Elynor McPeak, Public Member  
Gail Swanstrom, Audiologist Member  
Jean Verheyden, Otolaryngologist Member  
Anna Sanger Reed, Public Member  
Jennie Price, SLP

Erin K. Haag, Executive Director  
Raul Ramirez, AAG  
George Finch, Investigator  
David Linn, Administrative Assistant  
John Terpening, Legislative Fiscal Officer

### CALL TO ORDER

The meeting was called to order at 9:38 a.m. by Chair Duffus, after a roll call a quorum was established.

### MINUTES OF May 8, 2015 MEETING

Swanstrom moved to approve the May 8, 2015 meeting minutes as written. Verheyden seconded. The motion passed unanimously.

### PUBLIC COMMENTS

There were no public comments. The Board welcomed John Terpening from the Legislative Fiscal Office.

### EXECUTIVE SESSION

The Board entered Executive Session at 9:41 a.m. to consider information obtained as part of investigations of licensee or applicant conduct as provided in ORS 192.660(2)(k), consider information or records that are exempt by law from public inspection as provided in ORS 192.660(2)(f), and to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed as provided in ORS 192.660(2)(h).

The executive session ended at 12:37 p.m. and the Board returned to public session.

### MOTIONS FOLLOWING EXECUTIVE SESSION

#### 2010-03 & 2011-98

Gunter moved to approve deny the Motion for Stay. Swanstrom seconded.

Aye: Duffus, Gunter, McPeak, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

### **2015-01**

Gunter moved to initiate disciplinary action. Price seconded.

Aye: Duffus, Gunter, McPeak, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

### **2015-02**

Swanstrom moved to close with no action, letter of concern to be sent to Intermountain ESD and DOE. Verheyden seconded.

Aye: Duffus, Gunter, McPeak, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

### **2015-03; 2015-11; 2015-12; 2015-13; 2015-14; 2015-15; 2015-16; 2015-17**

Verheyden moved to close with no action and ratify the administrative closures and issuance of licenses. Price seconded.

Aye: Duffus, Gunter, McPeak, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

### **2015-19; 2015-20; 2015-21; 2015-22; 2015-23**

Price moved to close with no action. Swanstrom seconded.

Aye: Duffus, Gunter, McPeak, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

### **Licenses issued from April 29, 2015 through July 21, 2015**

Price moved to ratify the issuance of these licenses. Verheyden seconded.

Aye: Duffus, Gunter, McPeak, Price, Sanger Reed, Swanstrom, Verheyden

Nay: None

Motion passed by unanimous roll call vote.

### **CHAIR REPORT**

ASHA letter: Haag reported that ASHA sent a letter to Oregon's Attorney General, Ellen Rosenblum, asking for clarification on our "purporting to be" language. They are concerned that "CCC-SLP" is a certification that is trademarked by ASHA and earned by SLPs (like PhD), so using that designation alone should not indicate a person is "purporting to be" an SLP. The Board also received a letter from Shelly Chabon, who is an administrative-only dean at PSU. There was a discussion about the 2011 elimination of the exemption for university professors from licensure which may have led to this letter being sent. There was consensus from the Board that our statutes are quite clear in that if a person is holding themselves out to be a SLP and that they are using their specialized SLP training and knowledge to provide treatment, teach classes, provide consultation, etc. that the person would need a license. The rare exception might be when an individual is holding a strictly administrative position with a university wherein their SLP background is not used or a requirement to hold the position, but that most people in the state holding themselves out to be SLPs would need a license. The Board essentially agrees with ASHA's letter. Haag will prepare an official Board response to the letter under Duffus' signature, and have it reviewed by Duffus, Tyler Anderson and the AG's office.

Tinnitus scope of practice: The Oregon Health Licensing Agency (OHLA) which regulates hearing aid specialists has obtained an official opinion from Oregon's Department of Justice stating that diagnosing and treating tinnitus is not in the scope of practice of a hearing aid specialist, but rather is in the scope of practice for audiologists. Any hearing aid company claiming to diagnose and/or treat tinnitus must have an audiologist on staff. OHLA has released a Q&A document to this effect, and is circulating it to all hearing aid specialists. BSPA will place this document on our website, publicize it in the newsletter, and send it out to hearing aid companies that may be violating this scope of practice as needed.

### **EXECUTIVE DIRECTOR REPORT**

Executive Director, Erin Haag, presented the financial report. The Board ended the biennium with a small surplus. The 15-17 budget includes a limited duration part time investigator position, but Haag intends to delay filling the position as long as possible with the hope that fiscal conservatism will eliminate need for a future license fee increase.

Legislative update – the Board’s universal licensure bill (SB287) passed the legislature and was signed into law. The other bills the Board was following were completed with satisfactory results. Both the Behavioral Analysis bill (SB696) and the Music Therapy bill (HB2796) were written in ways that would not restrict the Board’s licensees nor require additional certifications for performing services within their scope of practice.

### **ADJOURNMENT**

The Board meeting adjourned at 1:06 p.m. The remaining 2015 Board meeting is scheduled as follows:

- October 30<sup>th</sup>, 2015