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All Smiles After the TSPC Commission Meeting on July 31st



By Wendy Gunter, MS CCC-SLP, Board Member

Board and OSHA representatives were all smiles on July 31st after witnessing a unanimous vote of the Teacher Standards and Practices Commission (TSPC) on a resolution supporting the Board's Legislative Concept that would eliminate Board exemption for SLPs licensed by TSPC after June 30, 2016.

Sandy Leybold MPH, Executive Director, and I presented on behalf of the Board. Laretta Manning MS CCC-SLP, OSHA President, expressed the support of the Oregon Speech-Language Hearing Association, and Claudia Meyer MS CCC-SLP, Clinic Director, Speech & Hearing Sciences, represented Portland State University as one of the three university training programs backing the Legislative Concept. The Oregon Education Association (OEA) also submitted a letter of support. The Board, OSHA's Board and Universal Licensure Committee members, Sandy Leybold, and Vickie Chamberlain (TSPC's Executive Director) have collaborated on this issue for 6 years, so this was a major milestone for all concerned!

Current Board statute (ORS 681.230) provides certain exemptions from our licensure requirements. The most significant is:

- (4) Without obtaining a license under this chapter, a teacher licensed by the Teacher Standards and Practices Commission and holding a communications disorders or speech impaired endorsement issued by the commission may practice speech-language pathology if the person:
 - (a) Practices speech-language pathology solely in the course and scope of the person's duties as an employee of an education service district, a school district or a charter school; and
 - (b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when supervising speech-language pathology assistants.

(Continued on page 2)

In This Issue:

News about TSPC/ ODE	Page 1 - 2
New Rules - Background Checks	Page 2-3
Q&A's on New Background Check Program	Page 3
New Board Members	Page 4
Customer Service Survey	Page 5
2015-17 Budget Submitted	Page 5
SOS & Peer Review Audits	Page 6
Recent Board Actions	Page 6
Helpful Reminders	Page 7

All Smiles After the TSPC Commission Meeting on July 31st (Cont'd from Page 1)

To move towards universal standards for SLP licensure, the Board developed a Legislative Concept for the 2015 Legislature. Simply put, this would change exemption (4) so that it only applies to someone licensed and endorsed by the Commission before July 1, 2016. TSPC would continue to renew indefinitely any licenses issued before then—grandfathering existing TSPC licensees. However, TSPC would not issue new licenses after that date. Anyone seeking a new SLP license in Oregon after July 1, 2016 will need to obtain a Board license.

Most school districts require *either* Board or TSPC licensure. A few districts continue to require educator licenses for SLPs as a condition of employment. Board, OSHA and TSPC representatives will meet with school administrators over the next several months to explain staffing models using Board-licensed SLPs and SLPAs, and help with transition issues. OSHA's 2010 report on Universal Licensure also may be used to educate stakeholders about what will change and what will remain the same under a Board-only licensure program.

Of course, the Legislature must still consider and approve this proposal next spring. But this milestone is an important one on the path to Universal Licensure!

If you have questions, please contact sandy.leybold@state.or.us. You can also check out the Universal Licensure blog on OSHA's website, at <http://oshaunivliccomments.blogspot.com/>.



(From Left to Right) Lauretta Manning MS CCC-SLP, OSHA President; Claudia Meyer MS CCC-SLP, Clinic Director, Speech & Hearing Sciences, PSU; Sandy Leybold, MPH, Executive Director, BSPA; Wendy Gunter MS CCC-SLP, Board Member

Proposed New Permanent Rules to Implement Enhanced Criminal Background Checks

Our licensees work daily with vulnerable persons in schools, nursing homes, and hospitals, and in home health and private practices. Although we never want to think it can happen with people we know or work with, there are increasing concerns about the potential for unprofessional conduct or unsafe practices based on past criminal history. It is already required for anyone working in the public schools to be checked through the Oregon Department of Education, and for health professionals working in certain facilities to be checked through the Department of Human Services. However, this still leaves a significant portion of our licensees who may not be checked through their employer, and this creates a risk for the public. The only way to make sure that SLPs, SLPAs and audiologists are background checked regardless of their workplace is to do it at the licensing board level.

In 2009, the Legislature granted all Health Professional Regulatory Boards (including BSPA) the statutory authority to conduct fingerprint-based checks through the FBI database. This is the “gold standard” for background checks, and it is what ODE, TSPC, DHS, and many health licensing boards use. Our Board has aimed for four years to implement such checks, but has not had the administrative or investigative staff needed. (We are requesting a half-time investigator for 2015-17, and are currently using budgeted dollars for a contracted investigator that affords us only about 2 days a month).

The urgency to implement enhanced checks has increased as a result of an audit of all Health Professional Regulatory Boards that was conducted last fall by the Oregon Secretary of State's Audits Division. Three Boards, including ours, were outliers in that audit based on the level of background checks that we currently perform. This Audit Report will be presented later this month to the law makers during the Interim Legislative Days. The Board has decided to implement this new program on a limited basis using current resources, while continuing to request a half-time investigator position to handle our current workload and the increased number of cases the new background checks will create.

(Continued on page 3)

Proposed New Permanent Rules to Implement Enhanced Criminal Background Checks (Cont'd from page 2)

To start the process, the Board already promulgated temporary rules in May. In August, we filed a Notice of Proposed Rulemaking Hearing (see Notice, Statement of Need and Fiscal Impact, and rule text [link on our home-page](#)). The Board's objective is to make permanent the rules that are temporarily in place through November. These rules allow the Board to implement enhanced criminal background checks for applicants, licensees, employees, volunteers, and Board members.



A hearing is scheduled on Tuesday, September 30th at 4:00 p.m. on this proposed rule change. In addition, public comments in support or opposition may be submitted to the Board via email or postmarked no later than Wednesday, October 1st at 5:00 p.m.

Please contact Sandy Leybold, Executive Director, with any questions or submit formal comments to her at sandy.leybold@state.or.us.

Questions & Answers on the New Background Check Program

Q. I'm a current licensee. Will I need to be fingerprinted when this program goes into effect?

A. No. BSPA does not plan to run routine fingerprint based checks on current licensees, unless you need to apply to reactivate your license.

Q. What checks are performed now by BSPA and other boards?

A. Currently many of our licensees must pass a fingerprint-based criminal background check as a condition of employment. The Oregon Department of Education checks SLPs, SLPAs or audiologists employed in public schools and the Department of Human Services approves those employed in nursing facilities or home health settings. However, 20-40% of our licensees do not receive a fingerprint-based background check through their employer. This represents a risk to public health and safety. The only way to make sure that all applicants are screened is to do it at the licensure level.

Most Oregon health professional boards conduct checks through LEDS (Oregon's Law Enforcement Data System) and/or the FBI on their applicants for initial licensure. Many run LEDS on licensees applying for renewal, and some also conduct periodic fingerprint-based checks for licensees renewing or reactivating their license. BSPA is one of only 3 health licensing boards that does not currently run LEDS or FBI checks on its applicants.

Q. I already have to get my fingerprints checked for my place of employment, and I had to get them run for grad school, too. Will I still need to get them done for the Board?

A. If you are applying for licensure or reactivation, yes. We know this may duplicate other checks, but privacy laws strictly determine who may access the results of these checks and for what purposes. The Board has no way to access information obtained through checks performed by other agencies, nor do other agencies have access to Board data. If employers have different criteria for determining suitability for employment, they may continue to conduct their own checks. Also, like any snapshot, a background check is only as good as the moment it is conducted—a person could have an arrest or other incident the next day and the results of the check would be out-of-date.

Q. How will the fingerprint capture and background checks be paid for?

A. Each applicant will need to pay a fingerprint capture provider to

obtain their prints. In the past, this was done using fingerprint cards, ink, and snail mail. However, the State of Oregon recently contracted with FieldPrint, a company with many convenient sites for electronic print capture. This system will speed up the process of getting prints to the Oregon State Police (OSP) and the FBI, and for BSPA to get the results back.

Applicants will pay FieldPrint \$12.50 directly. Applicants may choose to go to other Oregon providers (such as local police departments) to get their prints taken, but we have heard that their fees may be higher, and hours more limited.

Applicants will also need to pay a new fee of \$44.50 that will be collected by BSPA during the application process. This fee will be passed through *entirely* to OSP for their processing. None of this amount is retained by BSPA for our additional time to review the background checks and process applications.

Q. Will our licensing fees go up as a result of this new program?

A. No. However, the enhanced background checks will likely create additional cases for investigation. For the remainder of this budget cycle, we expect to absorb these increased administrative, legal and investigation costs. We have requested additional resources for a staff investigator and legal fees to handle the additional caseload in our 2015-17 budget. Current licensing fees are expected to cover these costs *without a fee increase in 2015-17*.

Q. What other checks will be performed on licensees and applicants?

A. BSPA plans to obtain a subscription to a national data aggregator (such as Accurant). This program aggregates public information about individuals such as past addresses, employers, criminal history, bankruptcy filings, etc. This database would be searched as needed during the Board's investigation of alleged violations of its rules and statutes, and to corroborate other information gathered for applicants. For example, it could be used to verify that an applicant has accurately disclosed all previous states in which they have been licensed/employed so that we could confirm that the license/disciplinary action verification process we perform is complete.

Also, if a current licensee is under investigation for a violation of the Board's Professional and Ethical Standards, Accurant data could be reviewed to determine if there are similar incidents in another state.

(Continued on page 7)

Welcome to Our New Board Members

Beginning July 1, 2014, three new members joined the Board, and two of our members were reappointed for new terms.

New to the Board are:

- Audiologist Member Gail Swanstrom
- Public Member Anna Sanger Reed
- Otolaryngologist Member Jean Verheyden

Reappointed to the Board for a second term are SLP members Jennie Price and Wendy Gunter.

Here is some information about the new Board members:



Anna Sanger Reed is the Board's new public member. Ms. Sanger Reed has a bachelor's degree in psychology from the University of Washington. She also completed a 2-year fellowship with the Robert Johnson Foundation and the Center for Creative Leadership for nonprofit and government leaders who address public health issues, with a focus on health equity. Over the past six years she has worked closely with the Board of

Directors of Parkinson's Resources of

Oregon, where she is currently Program Services Manager. In explaining her interest in Board service, Anna said that she sees herself "as a strong advocate for how appropriately addressing, speech, swallowing and hearing issues can increase quality of life". In her personal time, Anna loves to play piano and has recently taken up learning the accordion as well.

Gail Swanstrom, Au.D. has been a licensed audiologist in Oregon since 1982. She has been in private practice for 33 years in Hillsboro, managing her own patients and providing audiology services for four ENT physicians. Dr. Swanstrom's practice includes a full range of diagnostic services as well as hearing aid consultation and dispensing. Gail was raised in southern California and began her professional career as a preschool and primary school teacher. After teaching school in Australia, she moved to Oregon to study audiology, completing her master's degree at Portland State University, and later earning her AuD from Central Michigan University in 2004. Gail was also a founding member of the Oregon Academy of Audiology, and remains an active member of the association. Gail is passionate about the environment and enjoys outdoor activities.



Jean Verheyden, MD, is the Board's new otolaryngologist member. Dr. Verheyden received her MD degree from George Washington University and completed a surgery internship at Swedish Hospital in Seattle, an ENT residency at SUNY Syracuse and a fellowship in otolaryngology at St. Luke's Roosevelt Hospital in New York City. Dr. Verheyden also served for two years as Assistant Professor at the University of Washington before joining Central Oregon ENT in 20014. Jean's work brings her into professional contact with SLPs and audiologists throughout Central Oregon, including Burns, Prineville, Madras, and Klamath Falls. Jean is interested in providing her perspectives and expertise as the Board shapes policy and reviews patient care issues.



Customer Service Survey Results

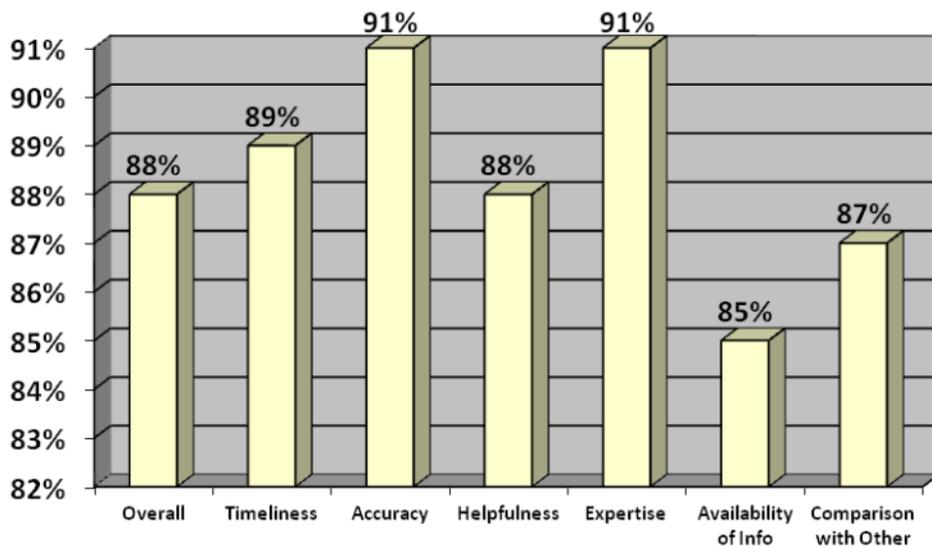


Thank you for your resounding response to our customer service survey for 2013-14. Each July, we review statistics for the year just ended, prepare our Annual Performance Progress Report (APPR). The APPR is submitted to the Governor's Office and Legislature. This year, we had many more responses, and were pleased to find that your ratings of our agency's customer service went up in every category. Thank you for recognizing our efforts to provide excellent customer service!

See the graph below for the ratings overall and for each dimension for 2013-14. Not only was the overall rating up by 3% from last year, but ratings increased on each dimension. Timeliness was up 4% from 2013, Accuracy was up 1%, Helpfulness was up 5%, Expertise up 3%, and Availability of Information and Comparison to Others were each up 6%. These results were based on 617 responses (about 28% of active licensees), more than three times as many responses as in 2013, when only 168 responses were received (8% of licensees).

The American Customer Satisfaction Index reports national customer satisfaction ratings as 76.2% in the first quarter of 2014. Public Administration/Government is the sector that shows the least satisfaction: 66.1% for the federal government and 70.4% for local government. These scores were down 1-2% from the previous year. BSPA well exceeds these comparators.

You can find the full APPR reports for 2013-14 and previous years on the Board's website at: <http://www.oregon.gov/bspa/Pages/perfmeas.aspx>



Money Matters: 2015-17 Budget Submitted

Money—yes, it's a "necessary evil"—but it's also what allows the Board to fulfill its mission of public protection, making sure that quality speech language pathology and audiology services are provided to Oregonians in need. This summer, the Executive Director and Board submitted the Agency Request Budget for the next biennium, which will run from July 1, 2015 through June 30, 2017.

While the Board is requesting an additional part-time staff person, licensees will be pleased to learn that *we currently project that we will not need to raise licensing fees to support the requested position.* The half-time Investigator is needed to support the Board's work investigating complaints and compliance issues, especially as we implement the criminal background checks that are described elsewhere in this newsletter. If approved, this will bring the total staff up to 2.5 FTE.

It seems to always be budget time here at the Board! As a state agency we go through a 3-part, 18-month budget cycle every two years. The Agency Request Budget is submitted to the Chief Financial Office within the Executive Branch, where the budget is reviewed for consistency with the Governor's overall budget and policy priorities. Based upon this review, our submission is modified or included in the Governor's Budget, which he must submit to the 2015 Legislature. The Board's Executive Director appears before legislative committee(s) to defend our budget proposal, and ultimately the Legislature makes a decision about what resources they approve for Board operations. The Oregon Legislature approves all expenses, and all staff, down to the level of the individual FTE (full-time equivalent). They also must approve all fee schedules and revenue projections.

This process is followed for all agencies, regardless of the source of their funding. In the case of our Board, 98% of our revenue is provided by licensing fees (including application fees, and initial and renewed licenses). The other 2% percent is provided by delinquent fees, interest income, sales of mailing lists, and civil penalties. We do not receive any General Fund (tax) dollars from the state.

HRLB Peer Review Audit

In September 2013, BSPA was the subject of a Health Professional Regulatory Board (HPRB) Peer Review Audit. The audit was conducted by the executive directors of three other licensing boards and a public board member from the Board of Pharmacy. The team interviewed staff and Board members and reviewed licensing and disciplinary records. The focus of the audit was on the Board's primary mission of public protection.

The audit noted how the number of individuals licensed by the Board has been steadily growing. The number of licensees has increased 15 percent since 2011, (from 1,993 to 2,284) and 33 percent since 2007 (1,715 to 2,284).

The audit recognized several strengths, including: a dedicated and well functioning Board; good relationships and cooperation with related agencies, such as TSPC and ODE; and shared services with several other licensing boards, which help defray costs of basic services, such as copying or IT services.

Weaknesses identified by the audit included: a lack of fingerprint background checks; limited capacity for investigations due to lack of an investigator on staff; and a overall lack of training opportunities within state government for staff to increase their proficiency. Another recommendation of the audit was for the Board to create and administer a jurisprudence exam for applicants to ensure that the Board's rules and statutes are well understood and adhered to.

BSPA has already undertaken several efforts related to these audit findings. As mentioned elsewhere in this newsletter, we have taken steps to enhance criminal background checks and included the necessary investigative (and legal) resources in our 2015-17 budget request. The development of a jurisprudence exam is on our goals for 2015-17 as time and resources permit. A further improvement in agency operations, now that we have 2 full-time staff and a contract investigator, is that disciplinary cases are being processed and closed more quickly than before.

Secretary of State's Audit

In March 2014, the Oregon Secretary of State's Audit Division released its results from an audit of 17 health related licensing boards including BSPA. The audit looked at each Board's processes for complaint-handling, investigations, and discipline, as well as overall workload issues. The auditors were generally positive in their findings.

One of the audit recommendations was for Boards to conduct consistent and enhanced background checks of applicants. The report noted that each entity must preserve the confidentiality of results of background checks, and these results cannot be shared among agencies or employers. BSPA has accelerated its plans to implement fingerprint-based background checks (see page 2). The other major recommendation of the audit was for the state to improve its education and training for all board members, presumably through the Governor's Appointments Office.

The auditors also considered the proposition of consolidating all or some health boards into the Oregon Health Licensing Agency (OHLA) or another consolidated entity. Periodically, this model is suggested by legislators or state officials as a potential way to provide more cost-effective services. Importantly, consolidation of the health regulatory boards was *not* recommended by the auditors. The auditors recognized that while many states may utilize consolidated licensing, there are no guaranteed efficiencies to be gained by consolidation. Board members and staff were heartened by this finding, since we hear consistently from licensees that our small agency provides better customer service (while we charge equal or lower fees) than large, multi-disciplinary agencies in other states.



RECENT BOARD ACTIONS

7/3/14

McMullen, Courtney C.

SLP # 15023

Outcome: Consent Order: Suspension for Six Months and \$7,500 Civil Penalty

Violation: A Consent Order was issued 7/3/14, suspending McMullen's SLP license for 6 months (until January 4, 2015) and imposing a civil penalty of \$7,500. McMullen violated ORS 681.250(2) by practicing speech-language pathology at Harney ESD without a valid Board license beginning on or about August 21, 2006 until on or about December 18, 2012. McMullen also violated ORS 681.250(2) for more than six years by purporting to be an SLP without a valid Board license, using titles including "speech-language specialist", "speech language therapist", "speech language pathologist", "SL clinician", and "SLP", beginning on or about August 21, 2006 until her license was issued on January 3, 2013.

7/1/14

Perkins, Kristin

Non-Licensee

Outcome: Consent Order: \$500 Civil Penalty

Violation: A Consent Order was issued 7/1/14, imposing a civil penalty of \$500 for violation of ORS 681.250(2), which prohibits individuals practicing or purporting to be an SLP in Oregon without first obtaining a valid license. Perkins is an SLP licensed in Washington State who applied for, but never obtained an Oregon license. Her application remained incomplete. Perkins maintained an office location in Lake Oswego, Oregon under the business name Nature's Communication Center with a sign on her office displaying "Kristin Perkins Speech-Language Pathologist". Also, on or about December 19, 2013, Perkins purported to be an SLP by providing a phone consultation and offering to provide SLP services at her office in Lake Oswego.

Questions and Answers on the New Background Check Program (cont'd from page 3)

The Oregon LEDS database could also be consulted (based on name and date of birth) to obtain history of arrests and convictions in Oregon.

Please be assured that rigorous national and state laws and policies determine what information can be accessed by whom and how the information is used. Information will be accessed only on a need-to-know basis, and only by designated staff who have themselves been subjected to criminal background checks. Strict privacy laws also determine what data can be retained or stored; much of it must be destroyed after it is used for the Board's decision-making.

Q. Will I need to be fingerprinted for renewal?

A. The Board is still finalizing its policy for background checks required for renewals. They plan to run LEDS at a minimum. This will check Oregon law enforcement records based on name and date of birth—it **will not require fingerprinting or any additional fees**. At least for licensees who live out of state (and are likely providing telepractice in Oregon), the Board is also considering doing a national database check through Accurant, since out-of-state activity will not show up on Oregon LEDS.

Q. When will fingerprints start being required for applicants?

A. The exact date is to be determined. We are aiming for January 1, 2015, but there are still multiple policy and procedural steps to complete before we can "go live". We want to implement no later than the end of March 2015, when new graduates will start applying for their conditional licenses.

Q. How will this new requirement affect the time it takes BSPA to issue or reactivate a license?

A. Obviously, this adds an extra step to our timeline. We have been told that FieldPrint/OSP may get us the FBI report within only 3 business days from when the prints are taken. We shall see! Of course, if there is criminal history, the Board will need to make a fitness determination, and this will take extra time. We will develop systems to make sure that the new checks do not unduly delay application review.

Reminders for SLPAs and Supervising SLPs

Now that school is back in, staffing assignments are being made and new supervisory relationships forming. Here are a few reminders about SLPA supervision from last year's audit:

- Only keep one month per log. Board rules require logs to be kept per month per caseload. This is to ensure that monthly supervision meets the Board's minimum requirements.
- Supervision Change notices must be submitted to the Board office within 30 days of the change.
- For the first 90 days at a new place of employment an SLPA must be supervised 20% direct and 30% total. After 90 days the minimum requirement is 10% direct supervision and 20% total.

A Reminder About Reporting Requirements

A reminder about events to report to the Board office:

- Any name used professionally. If you legally change your name you must submit a copy of whatever legal documentation used to change the name, within 30 days. We will update our records and mail you a new license.
- Changes in work or home address, email, and phone number must be reported within 30 days.
- Changes in supervision, whether you are an SLPA or a CF holding a Conditional SLP license, must be reported within 30 days.
- Any licensee's conviction for a misdemeanor or felony and any arrest for a felony crime must be reported within 10 days after the conviction or arrest.
- Prohibited or unprofessional conduct on the part of yourself or another licensee must be reported within 10 working days (see the Fall 2011 issue of *The Voice* for details).

Thanks in advance for your cooperation!



*Help us save paper!
As of May 1, 2013, the
Board requires licensees
to submit a current email
address for all Board
correspondence.*

