

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
MINUTES OF BOARD MEETING

Friday, January 28, 2000, 9:00 a.m.

Crowne Plaza Suites
7800 Alpha Road, Surrey Room
Dallas, Texas 75240
(512) 834-6627

The following members were present on Friday, January 28, 2000, for the board meeting:

Jon K. Ashby, Ph.D.
Elsa Cardenas-Hagan, M.A.
Judith A. Chambers, M.Ed.
Deloris Marie Johnson, M.A.
Lee Reeves, D.V.M.
R. Eric Reynolds, M.S.

The following members were not present:

Harvey Komet, M.D.
Teri Mata-Pistokache, Ph.D.

The following Department staff was in attendance:

Dorothy Cawthon
Marsha Lawson
David Richards

CALL TO ORDER:

The meeting was called to order at 9:05 a.m. and guest welcomed. Board member George Cire resigned effective December 1, 1999, due to his relocation to Colorado. His dedication and professional manner in addressing Board-related issues will be missed.

MINUTES:

Ms. Cardenas-Hagan asked that members review the minutes of the Ad Hoc Committees for Agency Review meetings held on September 23-24, 1999, and the minutes of the Board meeting held on September 24, 1999. **Ms. Johnson moved to adopt both sets of the minutes as written, Doctor Jon Ashby seconded, and the motion carried.**

COMMITTEE REPORTS:

COMPLAINTS:

Ms. Cardenas-Hagan gave a report on the meeting held the previous day. The committee adopted the report of the meeting held September 23, 1999, closed five complaints, issued two letters of warning, proposed probation for a licensed intern in speech-language pathology, recommended that a letter of reprimand be issued; left one complaint pending investigation, and recommended rule changes to Subchapter M of the Board rules. **Doctor Ashby moved to accept the report, Doctor Reeves**

seconded, and the motion carried.

SPEECH-LANGUAGE PATHOLOGY SCOPE OF PRACTICE:

Ms. Johnson gave a report on the meeting held the previous day. The committee adopted the report of the meeting held September 23, 1999, recommended the Board adopt a Best practices policy utilizing support personnel with underserved populations, recommended rule changes concerning the practice of assistants and a limit on the number of assistants and interns being supervised, reviewed the Guidelines for Caseload Size policy, recommended the Board notify the American Speech-Language-Hearing Association of its position on the proposed criteria relating to assistants, determined scope of practice issues, and recommended clarification be requested from the Texas Education Agency and the U.S. Department of Education concerning the upgrading of baccalaureate degreed speech-language pathologists. **Doctor Ashby moved to accept the report, Ms. Chambers seconded, and the motion carried.**

AUDIOLOGY SCOPE OF PRACTICE:

Mr. Reynolds gave a report on the meeting held the previous day. The committee adopted the report of the meeting held September 23, 1999; recommended rule changes concerning the fitting and dispensing of hearing instruments, hearing screening, and newborn hearing screening; and determined no further discussion was required concerning the mail order sale of hearing instruments or the earned entitlement Au.D. **Doctor Ashby moved to accept the report, Doctor Reeves seconded, and the motion carried.**

REPORTS FROM ASSIGNED BOARD MEMBERS/OTHERS:

FEES/BUDGET:

Doctor Jim Zukowski, acting Chief, Bureau of Licensing and Compliance, Texas Department of Health, had planned to present the Expenditures Report but due to inclement weather, his flight was canceled. The executive secretary stated that she had a draft showing the expenditures and, with the exception of travel expenses, it appeared the Board's expenditures were within budget for the quarter. The Board's expenditures for travel for the first quarter was 33.8% of the budgeted amount of \$14,040.

Doctor Ashby moved to approve travel expenditures for Doctor Gene Powers, as the Board's representative, to attend the Board of Directors meeting of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology, Doctor Reeves seconded, and the motion carried.

Doctor Ashby moved to ratify Ms. Cardenas-Hagan's decision to submit the fee for membership to the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology, Ms. Chambers seconded, and the motion carried.

CONTINUING EDUCATION:

The executive secretary stated Mr. Cire was to contact Doctor David Fabry, American Audiology Association, concerning whether the association approves sponsors or events. Mr. Reynolds agreed to follow-up on this issue.

DIVISION DIRECTOR:

Neither Doctor Zukowski or Debbie Peterson, Acting Division Director, were present. Doctor Zukowski

had planned to present this report but, as previously stated, his flight was canceled.

PRESIDING OFFICER:

Ms. Cardenas-Hagan stated there was nothing new to report.

EXECUTIVE SECRETARY:

The executive secretary presented a copy of the Board's Internet homepage and explained what information is currently available.

It was recommended that the Board office begin requesting electronic mail addresses from licensees. The executive secretary stated this request could be added to the renewal form. Programming will be required before it can actually be added to the Licensing Tracking System.

The executive secretary also presented a report showing the annual growth of the each license type for each year since 1994. The total number of all types of licensees increased from 5,954 for August 1994 to 9,614 for January 2000.

DISCIPLINARY ACTION:

An Informal Settlement Conference was held on September 20, 1999, to consider the complaint filed against Ms. Adrienne Hedges. As a result of the conference, it was determined that a settlement in which the Board would impose a twenty-four month suspension of speech-language pathology license 16289, probated over a twenty-three month period, with one month of actual suspension, would be in the best interest of the parties. **Ms. Johnson moved that the Agreed Order be approved, Ms. Chambers seconded, and the motion carried. Ms. Johnson also moved to set the month of actual suspension as April 2000, Ms. Chambers seconded, and the motion carried.**

BOARD PRESENTATION/FORUM:

The Board discussed the upcoming presentation and forums to be held in Arlington on April 7, 2000, during the Texas Speech-Language-Hearing Association annual convention.

ELECTION OF OFFICERS; COMMITTEE APPOINTMENTS:

Doctor Ashby moved to elect Ms. Judith Chambers as Assistant Presiding Officer and Doctor Lee Reeves as Secretary/Treasurer, Ms. Johnson seconded, and the motion carried.

Due to the resignation of Mr. Cire, Ms. Cardenas-Hagan appointed Mr. Reynolds as Presiding Officer of the Audiology Scope of Practice Committee and Ms. Chambers as Presiding Officer of the Complaints Committee. Ms. Cardenas-Hagan will assist the Board office with continuing education concerns.

PROPOSED RULE CHANGES:

The Ad Hoc Committees for Agency Rule Review meeting held the previous day recommended numerous amendments, repeals and new language as a result of the in-depth review of the current rules, 22 T.A.C., Chapter 741. The committee recommended but did not prepare the draft rule to 741.65 to allow an

assistant to attend an Admission, Review, and Dismissal without the presence of the supervisor if specific conditions were met. Following yesterday's meeting, the executive secretary prepared draft language for the Board's review today. **Doctor Reeves moved to accept the draft language as presented, Doctor Ashby seconded, and the motion carried. Then Doctor Ashby moved to approve the proposed rules for submission to the Texas Register for a 30-day comment period, Ms. Chambers seconded, and the motion carried.**

PUBLIC COMMENTS:

Ms. Judy Irwin, a representative of the TSHA Executive Board, stated that TSHA scheduled two sessions at the upcoming convention to address assistants and supervision as suggested previously by the Board. She also stated that a task force is addressing the caseload issue. The executive secretary will mail copies of the caseload comments received by the Board to Ms. Delyla Kirby.

OTHER BUSINESS; ITEMS FOR FUTURE CONSIDERATION:

Mr. Richards, the Board's legal counsel, asked that all Board members please refer all complaint issues to the executive secretary to avoid possible due process problems.

At the present time the only item for future consideration will be to respond to comments on the proposed rules and adopt them as final.

SET NEXT MEETING DATE:

Doctor Reeves moved that the next meeting be held September 21-22, 2000, in San Antonio, Texas; Mr. Reynolds seconded; and the motion carried.

ADJOURNMENT:

Mr. Reynolds moved to adjourn the meeting at 10:39 a.m., Ms. Johnson seconded, and the motion carried.

Elsa Cardenas-Hagan, Presiding Officer

Judith A. Chambers, Secretary-Treasurer

Dorothy Cawthon, Executive Secretary

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
COMPLAINTS COMMITTEE REPORT

Thursday, January 27, 2000, 8:00 a.m.

Crowne Plaza Suites
7800 Alpha Road, Surrey Room
Dallas, Texas 75240
(512) 834-6627

The meeting was called to order at 8:05 a.m. Committee members present were Elsa Cardenas-Hagan and Judith A. Chambers. Department staff included Dorothy Cawthon, Marsha Lawson, and David Richards. Because George Cire resigned from the Board effective December 1, 1999, and the Committee presiding officer was absent, Ms. Cardenas-Hagan presided.

The Committee reviewed the report of the meeting held September 23, 1999. **Ms. Chambers moved that the report be adopted as written and the motion carried.**

The Committee discussed the following complaints with action taken as stated.

99-SA-0018: The investigative report substantiated the allegations that the respondent violated the Board's Code of Ethics. The respondent shall be notified of the allegations and the proposed disciplinary action. This complaint shall remain pending.

00-SA-0001: The investigative report did not substantiate the allegations that she did not provide services and billed incorrectly. The Committee closed the complaint.

00-SA-0003: This complaint will remain pending the investigative report.

00-SA-0004: This complaint was closed because no Code of Ethics violation was substantiated.

00-SA-0005: This complaint was closed because no Code of Ethics violation was substantiated.

00-SA-0006: The respondent admitted that she practiced as an audiologist, without supervision, while holding an intern in audiology license. The Committee recommended a letter of reprimand be issued.

00-SA-0007: This complaint was closed because no violation relating to the sale of a hearing instrument was substantiated.

00-SA-0008: The investigative report stated the issue relating to the sale of a hearing instrument was resolved. Since there was no actionable violation, the complaint was closed.

No further action was required on the following complaints:

00-SA-0002 and 00-SA-0009: Both respondents were mailed letters of warning for practicing after expiration of the grace period and were closed September 20, 1999 and December 30, 1999, respectively.

The Committee reviewed the draft proposed changes to Subchapter M of Board rules and approved the draft. This recommendation will be given to the Ad Hoc Committee for Agency Rule Review meeting to be held later today.

Recently the Board office received an application from A.Z. who stated disciplinary action was proposed in a previous state of residence. After discussing whether to approve or deny an application based on disciplinary actions taken in another state, it was agreed that the executive secretary and legal counsel will determine if a license should be issued or not.

Ms. Chambers moved to adjourn at 9:15 a.m. and the motion carried. This report shall be presented to the full board at the meeting scheduled for the following day.

Elsa Cardenas-Hagan, Acting-Presiding Officer
Complaints Committee

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
**SPEECH-LANGUAGE PATHOLOGY SCOPE OF PRACTICE COMMITTEE
MEETING REPORT**

Thursday, January 27, 2000, 10:30 a.m.

Crowne Plaza Suites
7800 Alpha Road, Surrey Room
Dallas, Texas 75240
(512) 834-6627

The meeting was called to order at 10:42 a.m. with Committee members Deloris M. Johnson, Elsa Cardenas-Hagan, Lee Reeves, and Department staff Dorothy Cawthon, Marsha Lawson, and David Richards present. Board members Jon K. Ashby and Judith A. Chambers were also present.

The Committee reviewed the report of the meeting held September 23, 1999. **Doctor Reeves moved that the report be adopted as written and the motion carried.**

The Committee discussed the practice of an assistant, the number of assistants and interns a speech-language pathologist may supervise, and the use of supportive personnel as interpreters or translators. **Ms. Cardenas-Hagan moved to recommend the Board accept the American Speech-Language-Hearing Association (ASHA) Committee on Support Personnel Report on Utilization and Employment of Speech-Language Pathology Supportive Personnel with Underserved Populations as a Abest practices® policy for speech-language pathologists and the motion carried.**

The Committee recommended that the Ad Hoc Committee for Agency Rule Review meeting prepare new rules to limit the number of assistants and interns being supervised to four individuals and to allow an assistant to attend an Admission, Review, and Dismissal without the presence of the supervisor if certain conditions are met.

The Committee discussed the comments received concerning the Guidelines Statement for Caseload Size policy adopted by the Board on September 23, 1999, and agreed the language was acceptable as written. A representative of the Texas Speech-Language-Hearing Association asked that copies of all the comments received by the Board be forwarded to D=Lyla Kirby for review by the Task Force studying this issue. The executive secretary shall mail the copies.

The next item discussed was the ASHA Council on Academic Accreditation in Audiology and Speech-Language Pathology and the Council on Professional Standards in Speech-Language Pathology and Audiology Call for Comments on the Proposed Criteria for Approval of Technical Training Programs for Speech-Language Pathology Assistants and Proposed Criteria for Registration of Speech-Language Pathology Assistants. **Doctor Reeves moved to recommend the Board=s presiding officer send a letter to ASHA stating this Board does not believe there is a need for this level of practitioner. In**

addition services to the client may be jeopardized. The motion carried.

State Board of Examiners for Speech-
Language Pathology and Audiology
Speech-Language Pathology Scope of
Practice Committee Report
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The Committee discussed correspondence from licensees seeking clarification on specific practices. A licensee asked whether a licensed speech-language pathologist with appropriate training could participate in manual lymph drainage. It was recommended that the Board's presiding officer inform the licensee that this procedure is not within the scope of practice of a speech-language pathologist. ASHA does not have an official position statement on this procedure nor is this procedure taught in college or university communicative sciences and disorders programs. It would not be unethical for a speech-language pathologist to perform this procedure with appropriate training as determined by the facility.

Another licensee asked whether using electrical stimulation while treating patients with facial weakness, oral dysphagia and/or slurred speech was within the scope of practice of a licensed speech-language pathologist with appropriate training. The Committee agreed that this procedure is within the scope of an appropriately trained speech-language pathologist.

Mary Cole, Texas Education Agency, sent electronic mail to the Board office of her response to a licensee concerning whether a licensed speech-language pathologist who was grandfathered into licensing with a baccalaureate degree was required to upgrade to a master's degree. Her response was no because the Texas license was considered an equivalent standard. It was recommended that the Board's presiding officer request an opinion from the Texas Education Agency's legal counsel. The same letter shall be mailed to Thomas Hehir, Director of the Office of Special Education Programs in the Office of Special Education and Rehabilitation Services at the U.S. Department of Education.

Larry Higdon asked the Committee to consider allowing speech-language pathologists to participate in the newborn hearing screening program.

Doctor Reeves moved that the meeting be adjourned at 12:29 p.m., and the motion carried. This information will be presented to the full board at the meeting scheduled for the following day.

Deloris M. Johnson, M.A.
Committee Presiding Officer

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
**AUDIOLOGY SCOPE OF PRACTICE
COMMITTEE MEETING REPORT**

Thursday, January 27, 2000, 12:30 a.m.

Crowne Plaza Suites
7800 Alpha Road, Surrey Room
Dallas, Texas 75240
(512) 834-6627

The meeting was called to order at 12:43 p.m. with Committee members R. Eric Reynolds and Jon K. Ashby and Department staff Dorothy Cawthon, Marsha Lawson, and David Richards present. Because George Cire, the presiding officer for this Committee, resigned from the Board effective December 1, 1999, Mr. Reynolds presided.

The Committee reviewed the report of the meeting held September 23, 1999. **Doctor Ashby moved that the report be adopted as written and the motion carried.**

The Committee discussed the draft rule changes Mr. Reynolds proposed. It was agreed that a new subchapter be established relating to all aspects of fitting and dispensing of hearing instruments. The executive secretary suggested that this information be moved to a new Subchapter H and the subsequent subchapters renamed.

The Committee accepted the recommendation from Doctor Frank Brister concerning the criterion for failure during hearing screening. A new section shall be added to Subchapter C to address newborn hearing screening.

Two requests have been submitted to the Attorney General for opinions. The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments requested an opinion concerning the mail order sale of hearing instruments. This board requested an opinion concerning use of the earned entitlement AAuD®. It was agreed that until these opinions are received, further discussion was not needed.

Doctor Ashby made a motion to adjourn at 2:02 p.m. and the motion carried. This information will be presented to the full board at the next scheduled meeting.

R. Eric Reynolds, Acting Presiding Officer
Audiology Scope of Practice Committee

STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
**AD HOC COMMITTEES FOR
AGENCY RULE REVIEW REPORT**

Thursday, January 27, 2000, 2:00 p.m.

Crowne Plaza Suites

7800 Alpha Road, Surrey Room

Dallas, Texas 75240

(512) 834-6627

Members present included Jon K. Ashby, Elsa Cardenas-Hagan, Judith A. Chambers, Deloris Marie Johnson, Lee Reeves, and R. Eric Reynolds. Department staff present were Dorothy Cawthon, Marsha Lawson, and David Richards.

The meeting was called to order at 2:33 p.m. The Board reviewed the draft proposed rules prepared by the Board office which incorporated the changes discussed during the previous meetings held September 23-24, 1999 to consider, as required by Government Code, ' 2001.039, whether to delete those rules for which the reasons for adoption no longer exists, readopt those rules for which the reasons for adoption still exist and which continue to effectively and efficiently serve those reasons and to revise those rules for which the reasons for adoption still exist but which can be amended to better serve those reasons. In addition, the recommendations from the Complaints Committee, the Speech-Language Pathology Scope of Practice Committee, and the Audiology Scope of Practice Committee meetings held earlier today were considered.

The Committee shall submit its recommendations to the Board meeting scheduled for the next day.

Ms. Johnson made a motion to adjourn at 5:00, Ms. Chambers seconded and the motion carried.

Elsa Cardenas-Hagan, M.A.
Presiding Officer