



Board of Examiners  
For Speech-Language  
Pathology & Audiology  
(971) 673-0220  
(971) 673-0226 fax  
800 NE Oregon St  
Ste 407  
Portland OR 97232  
[www.oregon.gov/bspa](http://www.oregon.gov/bspa)

## Meeting Minutes January 26, 2024 Meeting held via Zoom

**PRESENT:** Clarence Williams, Chair,  
Public Member  
Amy Costanza-Smith, CCC-SLP  
Kristy Cousineau, SLPA  
Iliia Fong, Au.D.  
Christopher Hargunani, M.D.,  
Amy Martin, CCC-SLP  
Jazzmen Vega-Heath, Public Member  
Erin Haag, Executive Director  
David Linn, Administrative  
Assistant  
Leslea Smith, Investigator  
Catriona McCracken, Sr. AAG  
Rachel Bertoni, AAG

**EXCUSED:** Carrie Slough, Au.D.

### **CALL TO ORDER/APPROVAL OF AGENDA:**

The meeting was called to order at 9:06 a.m. by Chair Williams and a roll call quorum was established. The meeting was held via Zoom.

**AGENDA:** Martin moved to approve the Agenda for this January 26, 2024 Board Meeting. The motion was seconded by Vega-Heath and passed unanimously.

**PREVIOUS MEETING MINUTES:** Hargunani moved to approve the minutes of the November 3, 2023 meeting. The motion was seconded by Fong and passed unanimously.

### **BUDGET REPORT:**

Haag reported that revenue and expenses are on target. The 2025-27 biennium budget process has begun. DAS and the Governor Kotek's office will be working more closely with agencies during the initial budget build and legislative concept process. Martin moved to accept the Director's report. The motion was seconded by Costanza-Smith and unanimously approved.

**DELEGATION OF AUTHORITY:** This item was tabled until the next meeting.

**OTHER:** Haag shared a memo that has been sent by all 17 health profession licensing boards to the Oregon Health Authority regarding asking all of our licensees private information about their mental health during renewals. OHA is working to try and identify the extent of mental health

and stress issues related to the healthcare workforce. The boards agree with the importance of the project, however, the boards object to collecting that information during the licensure renewal process (see letter).

**PUBLIC COMMENTS:**

One individual made a comment that they feel the late fee of \$150 is too much. Haag stated that the Board is reviewing all rules this year and will specifically look at the delinquent fee structure. She said that some of the rules state that the board “may” charge a fee and others state that the board “shall” charge a fee. Staff has only been charging for the “shalls” as required by law.

Another person asked about the new school based Medicaid billing requirements. Haag said this is not her area of expertise, but that Oregon was audited by Medicaid and it was found that the “provider” cannot be a school district. As such, Medicaid is requiring Oregon to make big changes. The “providers” are the SLPs, OTs, PTs, mental health professionals and nurses who provide the services and therefore all must have an NPI number and be registered individually with Medicaid. OHA can provide more information and has monthly meetings with school personnel involved in billing.

**EXECUTIVE SESSION**

Chair Williams called the Executive Session to order at 9:46 a.m to consider information obtained as part of investigations of licensee or applicant conduct as provided in ORS 192.660(2)(L), 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 3:50 p.m. and the Board returned to public session.

**MOTIONS FOLLOWING EXECUTIVE SESSION:**

**Case No. 2023-45:** Moved by Costanza Smith that the Board ratify the Consent Order as presented. Second: Cousineau. Passed unanimously.

**Case No. 2023-08:** Moved by Costanza Smith that the Board: ratify the Qualified Protective Order as presented. Second: Cousineau, Passed Unanimously.

**Case No. 2021-35:** Moved by Ilia Fong that the Board amend the November 4, 2022 vote for “action” to include all of the following:

6 violations of failure to hold paramount the welfare of persons served at \$500 per violation pursuant to ORS 681.350(1)(b) and OAR 335-005-0015(1);

3 violations of failure to provide services competently at \$500 per violation pursuant to ORS 681.350(1)(b) and OAR 335-005-0015(2);

2 violations of failure to use all appropriate resources including referral at \$500 per violation pursuant to ORS 681.350(1)(b) and OAR 335-005-0015(3);

1 violation of OAR 335-005-0015(16) failure to maintain clinical records as required at \$500 per violation;

The Board's Costs for this proceeding assessed as an additional civil penalty per ORS 681.350(4); and a reprimand per ORS 681.350(1)(b) and (d).

Second: Williams, passed unanimously.

**Case No. 2017-79:** Moved by Dr. Hargunani that the Board amend its May 26, 2022 vote for "action" and issue a notice of proposed disciplinary action finding:

1 violation of OAR 335-005-0015(1) failure to hold paramount the welfare of persons served professionally at \$ 1250 per violation

1 violation of OAR 335-005-0015(2) failure to provide services competently at \$1250 per violation;

1 violation of OAR 335-005-0015(16) failure to maintain clinical records as required at \$1250 per violation;

1 violation of OAR 335-010-0070(3)(a) failure to have accurate, complete and legible records, printed, typed or written in ink and include the documentor's name and professional titles and that any stamped identification must be accompanied by initial or signature written in ink at \$ 1250 per violation;

Board Costs for this proceeding assessed as a civil penalty pursuant to ORS 681.350(4);

A period of probation pursuant to ORS 681.350(1)(b) and (d) during which Respondent will undergo mentorship under the guidance of a Board pre-approved mentor who must be a current Oregon licensee in good standing with the Board; the Mentor will observe in person Licensee conduct at least ten (10) diagnostic ABRs of infants under 6 months of age; and at least ten (10) screenings of infants under six months of age; and the Mentor will also review at least ten (10) written reports prepared by Licensee of Licensee's diagnostic ABRs and diagnostic data; and who will also review ten screenings; and who will then report back to the Board quarterly as to the Mentor's observations of Respondent's diagnostic competency and record keeping. Licensee will have one (1) year to complete all tasks. Licensee may request an additional six months from the Board to complete and comply with the terms of the probation. All costs of obtaining a Mentor and of the Mentor's observation and reporting shall be borne by the Respondent.

Second: Constanza Smith, passed unanimously.

**Case No. 2016-47:** Moved by Kristy Cousineau that the Board rescind its October 26, 2018 vote for “action” to issue a Notice and impose a civil penalty for unlicensed practice. Second: Fong, passed unanimously.

**Case No. 2018-18:** Moved by Kristy Cousineau that the Board rescind its April 5, 2019 vote for “action” to issue a Notice and impose a civil penalty for unlicensed practice. Second: Fong, passed unanimously.

**Case No. 2019-14:** Moved by Kristy Cousineau that the Board rescind its November 8, 2019 vote for “action” to issue a Notice and impose a civil penalty for unlicensed practice. Second: Fong, passed unanimously.

**Case No. 2020-16:** Moved by Kristy Cousineau that the Board rescind its May 14, 2021 vote for “action” to issue a Notice and imposing a reprimand and continuing education. Second: Fong, passed unanimously.

**Case No. 2019-48:** Moved by Constanza-Smith that the Board rescind the Notice previously issued by the Board. Second: Cousineau, passed unanimously.

**Case No. 2017-04:** Moved by Dr. Hargunani that the Board rescind its May 10, 2019 vote proposing to issue a Notice and impose a \$500 civil penalty. Second: Costanza-Smith, passed unanimously.

**Case No. 2017-06:** Moved by Dr. Hargunani that the Board rescind its May 10, 2019 vote proposing to issue a Notice and impose a \$1000 civil penalty. Second: Costanza-Smith, passed unanimously.

**Case No. 2017-07:** Moved by Dr. Hargunani that the Board rescind its May 10, 2019 vote proposing to issue a Notice and impose a \$500 civil penalty. Second: Costanza-Smith, passed unanimously.

**Case No. 2017-08:** Moved by Dr. Hargunani that the Board rescind its May 10, 2019 vote proposing to issue a Notice and impose a \$500 civil penalty. Second: Costanza-Smith passed unanimously.

**Case No. 2023-13:** Moved by Ilia Fong that the Board vote to issue a Notice of Discipline as follows:

1 violation of ORS 681.350(1)(b) and (d); OAR 335-005-0015(9) and (16) for failing to adequately, accurately and completely record clinical records of professional services for four months at \$250;

1 violation of ORS 681.350(1)(b) and (d); OAR 335-005-0010(2)(e) and (11), and OAR 335-005-0025(8) for falsifying documentation for four months at \$250;

1 violation of ORS 681.350(1)(b) and (d); OAR 335-005-0015(1) for failing to honor her responsibility to hold paramount the welfare of persons Respondent served professionally for four months at \$250;

1 violation of ORS 681.350(1)(b) and (d); OAR 335-005-0010(2)(a) for failing to cooperate with the Board's investigation at \$250;

Revocation pursuant to ORS 681.350(1)(b) and (d); and

The Board's Costs for this proceeding assessed as an additional civil penalty per ORS 681.350(4).

Second: Cousineau, passed unanimously.

**Case No. 2023-37:** Moved by Vega-Heath that the Board ratify issuance of Respondents license. Second: Cousineau, passed unanimously.

**Case No. 2023-37:** Moved by Jazzmen Vega-Heath that the Board close with no action. Second: Hargunani, passed unanimously.

**Case No. 2023-41:** Moved by Cousineau that the Board close this matter with no action. Second: Fong, passed unanimously.

**Case No. 2023-42:** Moved by Kristy Cousineau that the Board close this matter with no action. Second: Fong, passed unanimously.

**Case No. 2023-48:** Moved by Constanza-Smith that the Board close this matter with no action. Second: Cousineau, passed unanimously.

**Case No. 2023-52:** Moved by Dr. Hargunani that the Board ratify issuance of the license. Second: Costanza-Smith, passed unanimously.

**Case No. 2023-55:** Moved by Dr. Hargunani that the Board ratify issuance of the license. Second: Costanza-Smith, passed unanimously.

**Case No. 2023-54:** Moved by Dr. Hargunani that the Board ratify issuance of the license if complete. Second: Costanza Smith, passed unanimously.

**Case No. 2024-02:** Moved by Chair Williams that the Board: RATIFY issuance of the license. Second: Hargunani, passed unanimously.

**Case No. 2023-12** Moved by Constanza-Smith that the Board vote to issue a Notice of Discipline for the following reasons:

Violations of ORS 681.350(1)(b) and (d), and OAR 335-095-0050(1) and (4) for failing to create an annual supervision plan with the SLPA she supervised at \$500 per violation;

Failure to treat and co-treat \$500; Failure to assess candidacy for telepractice \$500, and The Board's Costs for this proceeding assessed as an additional civil penalty per ORS 681.350(4).

SECOND: Cousineau, passed unanimously.

**Case No: 2023-17:** Moved by Cousineau that the Board vote to close this matter with no action because of lack of evidence of violation. Second: Fong, Passed unanimously.

**Case Nos. 2023-31, 2023-36, 2023-43, 2023-44, 2023-50, 2023-51, 2023-56, 2024-01**

Moved by Fong that the Board vote to issue a Notice of Proposed Intent to Discipline pursuant to ORS 681.350(1)(b) and (d) for the following reasons:

1 violations of OAR 335-005-0010(2) unprofessional conduct at \$2500 per violation;

1 violation of OAR 335-005-0015(1) for failing to honor their responsibility to hold paramount the welfare of persons they serve professionally at \$2500 per violation;

1 violation of OAR 335-005-0015(2) for failing to provide services competently at \$2500 per violation;

1 violation of OAR 335-005-0015(9) failing to maintain adequate records of professional services at \$2500 per violation;

1 violation of OAR 335-005-0015(16) failing to maintain clinical records are required by the Board's rules at \$2500 per violation;

1 violation of OAR 335-005-0020(9) failure to cooperate fully with the Board in every matter related to professional ethical standards at \$2500 per violation;

1 violation of OAR 335-005-0025(4) misrepresenting diagnostic information, services rendered, or products dispensed or engaging in a scheme or artifice to defraud in connection with obtaining payment or reimbursement for such services or products at \$ 2500 per violation;

1 violation of OAR 335-005-0025(8) for engaging in dishonesty, fraud, misrepresentation, or any form of conduct that adversely reflects on the individual's fitness to serve persons professionally at \$2500 per violation;

1 violation of OAR 335-005-0030(2) for failing to keep duplicate copies of statements for seven years at \$2500 per violation; and

1 violation of OAR 335-010-0080(2) for failing to store and maintain records so that they are safeguarded, readily retrievable, and open to inspection by representatives of the Board at \$2500 per violation;

The Board's Costs for this proceeding assessed as an additional civil penalty per ORS 681.350(4); and And permanent revocation.

SECOND: Cousineau, passed unanimously.

**Case No. 2023-53:** Moved by Constanza- Smith that the Board vote to issue a Notice of Proposed Intent to Discipline pursuant to ORS 681.350(1)(b) and (d) and ORS 681.250(2) for the following reasons:

1 violation of for practicing without a conditional license for four months at \$150 per month; and

The Board's Costs for this proceeding assessed as an additional civil penalty per ORS 81.350(4).

SECOND: Cousineau, passed unanimously.

Costanza-Smith moved to extend the time to investigate open cases. The motion was seconded by Cousineau and passed unanimously.

**ADJOURNMENT:** Motion to Adjourn made by Williams, seconded by Hargunani, the meeting was adjourned at 4:19 P.M.