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## Meeting Minutes November 4, 2022 Via Zoom Meeting

**PRESENT:** Amy Martin, CCC-SLP, Chair  
Carrie Slough, Au.D, Vice Chair  
Ilia Fong, Au.D.  
Christopher Hargunani, M.D.  
Jazzmen Vega-Heath, Public Member  
Clarence Williams, Public Member

Erin Haag, Executive Director  
David Linn, Administrative  
Assistant  
Leslea Smith, Investigator  
Catriona McCracken, Sr. AAG  
Dustin Ooley, Au.D. Past Chair  
(Present until after the election)

**EXCUSED:** Amy Costanza-Smith, CCC-SLP

### **CALL TO ORDER:**

The meeting was called to order at 8:32 a.m. by immediate Past Chair Ooley after a roll call quorum was established. The meeting was held via Zoom.

### **ELECTION OF OFFICERS:**

Williams moved to elect Amy Martin as Board Chair. The motion was seconded by Hargunani and passed unanimously.

Williams moved to elect Slough as Vice Chair. The motion was seconded by Hargunani and passed unanimously.

New Board members Ilia Fong, Au.D., and Jazzmen Vega-Heath were welcomed to the meeting. Fong is a pediatric audiologist at OHSU and has been licensed for 9 years. Vega-Heath works in resident service for Homes for Good in Lane County.

### **APPROVAL OF CONSENT ORDER:**

Slough moved that the Board approve the consent order in case 2020-51. The motion was seconded by Hargunani and passed unanimously.

### **PREVIOUS MEETING MINUTES:**

The minutes from the May meeting were reviewed. McCracken found an error at the top of the page which listed Ooley as “excused.” However, he was present. Slough moved to approve the minutes as corrected. The motion was seconded by Williams and passed unanimously.

### **BUDGET REPORT:**

Haag reported that licensing and revenue numbers continue to be strong. Haag worked with the Department of Administrative Services Chief Financial Office and the Legislative Fiscal office to present at the recent legislative Emergency Board (E-Board) meetings in order to obtain approval for additional expense limitation for the current biennium. Since the number of licensees is up strongly, the background check and credit card fees expenses have gone up as well and would have been over budget. In addition, the Department of Justice eliminated the “flat fee” program and as such attorney fees are up considerably over the prior biennium. Haag explained that there is plenty of revenue to cover these expenses, but the legislature simply needed to increase the expense budget, which they did at the session. The Agency Budget was approved by the DAS Chief Financial Office, so now it will go to the new Governor’s desk after the election. During non-election years, the Governor approves the budget in December, but due to the election will not approve it until possibly as late as February when the new Legislative session begins. Williams asked if there might be changes due to Courtney resigning, but Haag said while there will be different legislators and committee members, the process for the Board will still be the same and our budget is healthy and straightforward. Once the Governor approves our budget then it will go before the Joint Ways and Means Education Subcommittee for presentation, public comment, and approval. Then it goes to the Oregon House and Senate for approval, generally by March (but it could be later in 2023 due to the change in Governor).

### **RULEMAKING:**

**HB 2359 – Health Interpreter rules:** At the last session, the legislature passed HB 2359 that requires health licensing boards to require licensees to utilize interpreters from the OHA list for all care provided. At its May meeting, the Board voted to begin the required rulemaking process with rules presented at the meeting. The rules were posted and a public hearing held on July 20, 2022. A number of school administrators and special education directors attended the hearing and expressed their concerns about implementation in educational settings. Board staff also received several phone calls from school districts and the Oregon Department of Education. Haag contacted OHA for more information about the program and the process for being approved by OHA as an interpreter for their list. She also networked with other health profession boards including occupational therapy and physical therapy. Based on this input, staff wrote an amendment which is similar to the rules passed by the Occupational Therapy Board (attached) to clarify the exemption for educational settings. During public comments, Ana Lia Oliva, CCC-SLP and special education administrator for NW Regional ESD and President-Elect of the Oregon Speech-Language & Hearing Association said that she also spoke with Haag, alerted the educational lobbyists, and is in favor of this amendment. Williams moved that the rules be changed as outlined in the Amendment. The motion was seconded by Hargunani and passed unanimously.

**Non-Discrimination Rules – Update Language:** Slough moved to approve the rules changes to update the language regarding non-discrimination (see attached). Williams seconded the motion and it passed unanimously.

**Temporary Rule allowing Provisional SLPAs more time to complete the required 100 hours of fieldwork:** Staff explained that for various reasons, including but not limited to COVID, SLPA candidates with the Board’s Provisional license have difficulty completing the 100 hours within 180 days as is required to rule. This staff-proposed rule change (attached) would allow such individuals to renew their Provisional license on a one time basis in order to complete the 100 hours. Martin is in favor of this rule change. Hargunani moved that the Board pass this temporary rule and put it out for permanent rulemaking. Williams seconded the motion and it carried unanimously.

**Board Best Practices:** Haag said that there are “best practices” for boards and she will review them at the February meeting. Haag is due for a performance appraisal and will work with the Board on that process.

**Public Comments:**

As stated above, Ana Lia Oliva endorsed the Amendment to the rules relating to HB 2359 She also said there is still a critical shortage of in-person SLPs, and wondered if the Board might be able to coordinate finger-printing with other entities and/or work with ODE to mainstream it as a state. She also suggested that the Board might consider offering free professional development hours for SLPs who supervise clinical fellows and provide Chemeketa with SLPA placements. Haag pointed out ORS 348.398, the ODE scholarship program to generate “home grown” SLPs and SLPAs. ODE is looking at amending the program during the upcoming legislative session.

Kristy Cousineau, SLPA made comments in support of SLPAs and the value they bring. She is in favor of the rule allowing Provisionals more time to complete their 100 hours. When she was getting her hours, she had to quit her regular job and work at two different schools. She went on to explain staffing issues and that many SLPAs are quitting due to low wages She realizes this is not a board issue, but said that often SLPAs are in the union with kitchen staff instead of with licensed staff and do not have the same bargaining power as SLPs and teachers. They are underemployed, make only \$20K per year with low hours, and often held down to the level of an unlicensed educational assistant. She has had to explain to administrators that she needs a computer and other tools just to do her job assisting SLPs. The SLPs continue to have high caseloads, and an SLPA can end up seeing 22 students in one day. Cousineau worries that the career is not sustainable, any many SLPAs end up needing to take a second job to survive. Board member Williams thanked Cousineau for her advocacy and said he is shocked and this is unacceptable. There may be little that BSPA can do directly since advocacy falls in the realm of the Oregon Speech-Languae Hearing Association (OSHA), but important for the Board to understand the circumstances of our licensees in case it can take a role.

Jeanne Von Borstel, SLPA from The Dalles said that it can be difficult to obtain supervisors to earn the 100 hours in rural areas. Her husband is a farmer and she drives 65 miles each way to her work, and there are no SLPs in Sherman County. She is in favor of the rule allowing more time for SLPAs to complete the hours.

This portion of the public session ended at 9:43 a.m.

### **EXECUTIVE SESSION**

Chair Martin called the Executive Session to order at 10:07 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 1:08 p.m. and the Board returned to public session at 1:15 p.m.

### **MOTIONS FOLLOWING EXECUTIVE SESSION**

2021-35: Slough moved to close with action. Martin seconded the motion which passed unanimously.

2022-24: Hargunani moved to close with action. Slough seconded the motion and it passed unanimously.

2022-31: Martin moved to close with action. Hargunani seconded the motion and it carried unanimously.

2022-32: Williams moved to close with action. Martin seconded the motion and it passed unanimously.

2022-37: Slough moved to close the case with no action. Williams seconded and it passed unanimously.

2022-48: Williams moved to close the case with no action. The motion was seconded by Hargunani and passed unanimously.

2022-54: Vega-Heath moved to close the case with no action. Williams seconded the motion and it carried unanimously.

2022-57: Hargunani moved to close the case with action. Slough seconded the motion and it passed unanimously.

2022-11: Slough moved to close the case with no action. Williams seconded the motion which carried unanimously.

2022-16: Williams moved to close the case with no action. Hargunani seconded the motion and it passed unanimously.

2022-30: Fong moved to close the case with no action. Martin seconded the motion and it passed unanimously.

2022-35: Martin moved to close the case with action. Slough seconded the motion which carried unanimously.

2022-36: Williams moved to close with no action. Hargunani seconded the motion and it carried unanimously.

2022-39: Hargunani moved to close the case with no action. Williams seconded and the motion carried unanimously.

2022-50: Martin moved to close the case with no action. Williams seconded the motion and it passed unanimously.

2022-49: Vega-Heath moved to close the case with no action. Martin seconded the motion and it passed unanimously.

2022-56: Slough moved to issue the license when the application is complete if it meets the rest of the criteria. The motion was seconded by Williams and carried unanimously.

Dr. Hargunani moved to ratify the licenses in the following cases: 2022-26, 2022-29, 2022-33, 2022-34, 2022-38, 2022-40, 2022-41, 2022-42, 2022-43, 2022-46, 2022-47, 2022-51, 2022-52, 2022-53, 2022-58, and 2022-59. The motion was seconded by Williams and carried unanimously.

Slough moved to ratify the licenses that were issued from May 1 through October 31, 2022. The motion was seconded by Williams and carried unanimously.

Williams moved to extend the time to investigate open cases. The motion was seconded by Vega-Heath and passed unanimously.

The next meetings will be held on February 10, May 5, August, 4 and November 3, 2023. Williams asked if there will be any in-person meetings, and Haag said we can have an in-person meeting in May and also work on the strategic plan.

**ADJOURNMENT:** The Board meeting adjourned at 1:29 p.m.