

MEETING MINUTES
TENNESSEE BOARD OF COMMUNICATION DISORDERS AND SCIENCES

DATE: May 1, 2018

TIME: 10:00 A.M., CST

LOCATION: Health Related Boards
Poplar Room
665 Mainstream Dr
Nashville, TN 37243

BOARD MEMBERS PRESENT: Mary Velvet Buehler, Chair
Julie A Crosby-Davis, CCC-SLP, Speech Pathologist
Debby Starr, Au.D, CCC-A, Audiologist
Jean Brandon, Speech Pathologist

BOARD MEMBERS ABSENT: Carrie Crittendon, Au.D, CCC-A, Audiologist
Kimberly Vinson, MD, Otolaryngologist
Richard Morton, Citizen Member

STAFF MEMBERS PRESENT: Mark Waters, Deputy General Counsel
Teddy Wilkins, Unit Director
Yvette Hernandez, Board Administrator

Ms. Buehler, Chair, called the meeting to order at 10:30 am. A roll call was conducted and a quorum was present.

Review/Approve Board Meeting Minutes

Upon review of the February 6, 2018 minutes Ms. Davis made a motion, seconded by Ms. Brandon, to approve the minutes as written. The motion carried.

Investigative Report

Lori Leonard, Disciplinary Coordinator presented the investigative reports. There are currently two (2) practitioners being monitored, one (1) practitioner under a Board order and one (1) practitioner that is revoked.

Speech Language Pathology – This year 2018 we received one (1) new complaint and did not close any complaints at this time, there are three (3) complaints that are pending and or review. The one (1) new complaint received this year is for false billing that came from East Tennessee.

Audiologist - This year 2018 we received one (1) new complaint and have not closed any complaints and currently there are two (2) complaints that are pending and or review. That new complaint is for malpractice for negligence that came from middle Tennessee.

Speech Language Pathologist Assistants and Audiologist Aides – They did not receive any new complaints and no complaints are pending.

Financial Report

Noranda French reviewed the Mid-Year report FY 2018 projection and said as of December 31, 2017 the Board had total expenditures of \$127,122.35. Ms. French said the Board revenue fee totaled \$169,689.22. The current year net is \$42,566.88. LARS last of enhancement contract \$16,293.50 for a total cumulative carryover of \$388,452.04.

OGC Report

Mr. Waters presented the following OGC report and also stated that the new Board Attorney is Christie Taylor and she will start on Monday May 7, 2018.

Mr. Waters stated the amended rules are in internal review and it was asked to focus on the amendment regarding provisional licenses. A question was asked; where in the Statute does the Board have the authority to issue or require a clinical fellow to get a provisional license to perform their fellowship and where does it give the Board the authority to issue something called a provisional license? The Board needs to find a way that's authorized in the law. Legal is going to research the genesis of the statute to determine the Board started with registration on the clinical fellows. It's going to require a legal assistant to go to the State archive to gather some material on the genesis on how the Board started the registration program for the clinical fellow; it might take a statute change. The Board will know more at the next Board meeting.

Conflict of Interest

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Rule Activity

CDS rule revisions are still under internal review.

Disciplinary Activity

At this time the Office of General Counsel has no cases open against CDS licensees.

Legislation

PC0793 Created the “Fresh Start Act” which prohibits State occupational licensing authorities, including most health related boards, from denying an application for initial licensure or renewal due to a prior criminal conviction that does not directly relate to the applicable occupation. The Fresh Start Act goes into effect July 1, 2018.

PC0744 As enacted, gives licensing authorities discretion whether or not to suspend, deny, or revoke a license based on the applicant or licensee having defaulted or become delinquent on student loan repayment, if the licensing authority determines that the default or delinquency is the result of a medical hardship that prevented the person from working in the person's licensed field and the medical hardship significantly contributed to the default or delinquency.

PC0754 As introduced, prohibits boards, commissions, and other multi-member governmental entities from promulgating rules or issuing other internal restrictions that infringe on an entity member's freedom of speech

PC0611 As enacted, requires agencies, when statutorily required to hold a public hearing as part of their rulemaking process, to make copies of the rule available in redline form to persons in attendance at the hearing.

Administrative Report

Yvette Hernandez provided the administrative report. As of April 30, 2018, there are 429 licensed Audiologists, 2782 licensed Speech Pathologists and 126 registered Speech Language Pathology Assistants.

Between February 5, 2017 and April 30, 2018

There are five (5) new Audiologists, zero (0) new audiology clinical extern, a total of twenty-two (22) Audiologists have renewed their licenses with thirteen (13) online for a percentage of fifty-nine (59) percent.

There are sixty-four (64) new speech language pathologists, thirteen (13) new clinical fellows, with a total of one hundred ninety-eight(198) Speech Pathologists have renewed their licenses with one hundred forty-one (141) online for a percentage of seventy-one (71) percent.

There are six (6) new Speech Language Pathology Assistants registered, with a total of seven (7) Speech Language Pathology Assistants renewed their licenses with two (2) online for a percentage of twenty-nine (29) percent.

Ms. Hernandez reviewed the remaining scheduled Board meeting dates for 2018:

August 7, 2018
November 6, 2018

Newly Licensed/Registered

Upon review Ms. Davis made a motion to ratify the newly licensed Speech Pathologist, Speech Language Pathology Assistants and Audiologists, seconded by Dr. Starr, to approve the following newly licensed applicants. The motion carried.

Speech Pathology Newly Licensed

6095 Baer Sheena R
6172 Bailey Krista E

6383 Beall Haylynn
6364 Berger Linley Brooke
6400 Berndt Alyson
6328 Boyd Melinda
6445 Brandenburg Robyn Kay
6120 Chincarini Sarah
5926 Culbertson Leanne M
6068 Demoss Emilee Ann
6061 Douglas Mia Star
6108 Dryer Elizabeth L
6358 Duke Wishik Emily
6385 Freer Clarissa
6110 Friedman Sydney R
6376 Harless Kayla Danielle
6393 Harp Katie Mrs.
6179 Irizarry Kelli D
6399 Kakiel Brooke
6424 Kastner Nicola
1216 Kelley Beverly D
6390 Kerkhoff Elizabeth Miss
6024 Krech Mayne Emily R
6378 Krohn Kaitlin
3433 Kuntz April Lee
6397 Kyle Marie
6080 Lascelles Lauren V
6106 Leblanc Crystal N
6405 Loomis Mary Ensminger
6209 Lowe Kaitlyn E
6028 Lynn Chrystal Rachelle
6396 Martinez-Torres Keysha yriam
6375 Mateika Cassie
6389 Mccrory Lindsay Nicole
3976 Michaud Margaret Jane
6382 Miller Cheryl Ann
6033 Moore Kristi A.
6352 Mosier Crystal
6391 Oliva Nicole Mrs.
6435 Ondocsin Sarah Elizabeth
6180 Pickett Jordan E
6175 Pierce Rachael A
6071 Reaux Jillian D
6111 Reynolds Chasity N
6426 Sasscer John Littleton III
6096 Shultz Rachel L
6350 Smith Jennifer Swenson
6105 Smith McCall G
6404 Smith Rachel Louise

6193 Soares Beals Marcela Rosane
6356 Spencer Candace
6398 Thomas Dana
6388 Timinski Alyssa
6047 Walker Amber D
6369 Watrol Kelsy
6163 Kaitlyn Minchin

Audiology Newly Licensed

1868 Boyce Kathleen Marie
1863 Piersen Britiany Loren

1865 Shissler Megan
1869 Williams Katharine

SLPA Newly Licensed

560 Anderson Joanna Cathleen
563 Hayes Tiffany
550 Kiley Cheryl
545 Paz Jesse
554 Presley Courtney
547 Pruitt Katelyn

Reinstatements

Upon review, Ms. Davis made a motion to ratify the reinstatements of Speech Pathologists, seconded by Ms. Brandon, to approve the following newly licensed applicants. The motion carried.

Speech Pathology Reinstatements

3804 Avery Pamela K
2824 Beidelschies Elizabeth Carol
4144 Broyles Lauren L
4867 Bunn Helen Marie
4658 Connell Charlotte S
2284 Harder Whitney M
3777 Mackenzie Tracy L
4759 Reaves Shannon E
2817 Tully Melissa Cunningham

Audiologist Reinstatements

1577 Dixon Kelly Dianne

Correspondence

Susan Usery, Speech Language and related services coordinator for the Department of Education sent a letter seeking clarification on the following questions regarding Speech Language Pathologist and Speech Language Pathology Assistant:

1. Are SLP licenses renewed annually, or is there another validity period?

Ms. Wilkins stated after the initial period of licensure it's every two (2) years.

2. Does the exemption statement below imply that an SLP holding a Department of Education professional school services personnel license meets requirements for licensing through the Department of Health?

Tenn.Code 63-17-114. Exemptions

Nothing in this part shall be construed to:

- (1) Prevent a qualified person licensed in this state under any other law from engaging in the profession for which such person is licensed;
- (2) Restrict or prevent activities of a speech pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:
 - (A) Persons who hold a valid and current credential as a speech and hearing specialist issued by the department of education.

Mark Waters stated the answer would be no, the statute of exemption is meant to allow the department of education to hire people who are not licensed. The department of education sets what the Boards requirements; exemption allows people who are not licensed by the Communication Disorders and Sciences Board to practice in the school system or the department of education system. If working in a public school and is billing they have to be licensed with the Board of Communication Disorders and Sciences.

3. Are there exceptions to the master's degree requirement for SLPs, such as a grandfather clause for SLPs who graduated prior to 1965 when only a bachelor's degree was required for practice?

The following question moves beyond the need for information to develop a guidance document, and may require a more formal presentation since consideration would likely require a policy change.

4. If question two does not imply reciprocity between the Board of Communication Disorders and Sciences and the Department of Education, is there an option for this to be developed if the candidate holds a valid ASHA certification? The Tennessee State Board of Education offers such reciprocity.

Mr. Waters stated that by reciprocity the statutes and rules talks about between states.

Lydia Flatt, Supervisor of Special Education with Overton County Schools sent an email asking a question:

In Section 1370-01-.14 under (3) (b) it says alternate licensed Speech Language Pathologist has

to be on site to provide on-site supervision if the other or primary supervisor is gone for any length of time. Is this during the training period only? It seems to apply to ANY time they are working. Just want to clarify this.

Ms. Buehler stated it needs to be documented on all written materials during the training process; it states available on site and the paragraph is very clear.

Adjournment

With no other Board business to conduct, Ms. Davis made a motion, seconded by Dr. Starr, to adjourn the meeting. The motion carried, and the meeting was adjourned at 11:15 a.m.

Ratified by the Board on the 7th day of August, 2018.