

TENNESSEE BOARD OF COMMUNICATION DISORDERS AND SCIENCES

DATE: June 3, 2013

TIME: 10:00 A.M., CST

LOCATION: Health Related Boards
Ground Floor, Iris Room
227 French Landing
Nashville, TN 37243

BOARD MEMBERS PRESENT: Lynne Harmon, M.A., CCC-SLP, Chair, Speech Pathologist
Terri Flynn, M.S., CCC-SLP, Speech Pathologist
John Ashford, Ph.D., CCC-SLP, Speech Pathologist
Valerie Matlock, Ed.D, Audiologist, Audiologist

BOARD MEMBERS ABSENT: Whitney Mauldin, Au.D, CCA, FAAA, ABA, Audiologist
O. H. Freeland, Citizen Member

STAFF MEMBERS PRESENT: Alex Munderloh, Assistant General Counsel
Stacy Tarr, Interim Unit Director
Teddy Wilkins, Unit Director
Charles Custer, Board Administrator

Ms. Harmon, board chair, called the meeting to order at 10:07 a.m. A quorum was present.

Rulemaking Hearing

The Rulemaking Hearing that was delayed at the previous Board meeting on February 12, 2013 was continued, in order to allow additional public comments regarding the following rule:

- Rule 1370-01-.21 (Use of Telecommunication Technology)

Mr. Munderloh called the rulemaking hearing to order at 10:10 a.m. A recap of the proposed rule was read by Mr. Munderloh. In addition to Board discussion, comments were heard from John Williams, representing the Tennessee Association of Audiologists and Speech-Language Pathologists (TAASLP); AnneMarie Tharpe, representing Vanderbilt University; and Holly Christopher, representing Stellar Therapy Services.

After all comments and discussion were heard, a motion was made by Dr. Matlock, seconded by Dr. Ashford, to approve the proposed rule with the additional wording suggested by TAASLP in paragraph 5 of the proposed rule. This additional wording is regarding physical presence of the licensed Speech Pathologist or Audiologist when interactive telecommunication technology is being utilized to provide therapy service. A roll call vote was held and the motion carried.

The rulemaking hearing was declared to be concluded by Mr. Munderloh at 10:30 a.m.

Minutes

Ms. Flynn made a motion, seconded by Dr. Matlock, to approve the February 12, 2013 minutes as presented. The motion carried.

OGC Report

There is one (1) disciplinary case in OGC, against a Speech Pathologist, for the CDS Board and there are no cases that have been appealed to the Chancery Court. The scheduled contested case hearing was delayed until the August 6, 2013 meeting.

The rules submitted at November's rule making hearing are still awaiting approval from Government Operations Committee.

Mr. Munderloh reiterated that the Board of Communication Disorders and Science will continue through June 30, 2017.

Ben Simpson, Legislative Liaison from the Commissioner's office briefly spoke to the Board regarding the expedited application process of military spouses and military personnel.

Mr. Munderloh presented 2 consent orders and 1 agreed order from the Council for Hearing Instrument Specialists. Since that Council falls under the umbrella of this Board, these orders need to be ratified by the Board of Communication Disorders and Sciences.

Consent Order for Taylor Harper, not currently licensed, but has application in process. Mr. Harper had been working as a Hearing Instrument Specialist while unlicensed, and advertising himself as such. Proposed discipline is that Mr. Harper is to cease and desist practicing and refrain from using the title of "Hearing Instrument Specialist" until properly licensed by the Council. Mr. Harper will be assessed a civil penalty in the amount of one thousand dollars (\$1000.00), and assessed costs not to exceed five hundred dollars (\$500.00). Dr. Ashford made a motion, seconded by Ms. Flynn, to ratify this order. Motion carried.

Consent Order for Herman Cupit, currently licensed as a Hearing Instrument Specialist. Mr. Cupit is charged with unethical conduct, and deceptive and unfair advertising practices. Proposed discipline is that Mr. Cupit's license be suspended for not less than one (1) year, and that he appears before the Council to petition for an order of compliance prior to suspension being lifted. Following suspension, license shall be on probation for not less than two (2) years, during which time, all advertising shall be submitted to Council administrative staff for approval. Mr. Cupit will be assessed a civil penalty in the amount of fifty dollars (\$50.00), and assessed costs not to exceed five hundred dollars (\$500.00). Ms. Flynn made a motion, seconded by Dr. Ashford, to ratify this order. Motion carried.

Agreed Order for Robert Moore, currently licensed as a Hearing Instrument Specialist. Mr. Moore pleaded "No Contest" to one (1) count of sexual battery, a class E felony. As a result of this plea, Mr. Moore was required to register with the Tennessee Bureau of Investigation as a sexual offender, and is on probation until August 20, 2017. Victim was the daughter of a former employee of Mr. Moore's hearing instrument practice. Legal violations include unethical conduct, gross and/or repeated acts of ignorance or inefficiency in the conduct of person's practice, conviction or offense involving moral turpitude. Proposed discipline is that Mr. Moore's license be revoked, and he may not reapply for licensure for a period of not less than five (5) years. Mr. Moore shall be assessed costs not to exceed five hundred dollars (\$500.00). Dr. Matlock made a motion, seconded by Dr. Ashford, to ratify this order. Motion carried.

Investigative Report

There are six (6) open complaints against speech pathologists. There is one (1) complaint against an audiologist. There are no open complaints for Speech Language Pathology Assistants.

Monitored Practitioners

Investigations are currently monitoring four (4) practitioners on probation, and one (1) Board Order.

Administrative Report

As of April 25, 2013, there are 363 licensed audiologists, 2151 speech pathologists and 93 speech language pathology assistants.

Newly Licensed

SPEECH

1	Altic	Sarah	4970
2	Balt	Stephanie	4979
3	Basille	Amanda	4959
4	Biran	Arun	4986
5	Black	Brittany	4585
6	Blankenship	Holly	4741
7	Booth	Samuel	4967
8	Bowling	Laurin	4654
9	Boyle	Sarah	4652
10	Buckley	Vanessa	4975
11	Clemons-Peragine	Susan	4722
12	Cook	Melanie	4615
13	Cox	Melissa	4969
14	Daniels	Jennie	4950
15	Davidson	Molly	4758
16	George	Crystal	4951
17	Graham	Molly	4985
18	Hammons	Olivia	4971
19	Hickman	Ada	4784
20	James	Alexandria	4735
21	Jenkins	Elizabeth	4617
22	Jones	Paula	4976
23	Joyner	Amy	4965
24	Kessel	Lindsay	4943
25	Krenis	Myra	4682
26	Lee	Su Jin	4980
27	Love	Emily	4591
28	Mayes	Casey	4962

29	Miller	Natalie	4955
30	Mitchell	Katherine	4042
31	Monroe	Carla	4989
32	Montgomery	Cynthia	4453
33	Morrow	Erin	4961
34	Peak	Kalee	4993
35	Poore	Tiffany	4773
36	Robb	Deborah	4956
37	Sandidge	John	4960
38	Schneider	Anneliese	4974
39	Sears-Kopp	Kristin	4954
40	Settle	Stuart	4983
41	Smith	Ashley	4964
42	Sparks	Tracy	4958
43	Storey	Ryan	4981
44	Terry	Calandra	4984
45	Underwood	Ashley	4700
46	Wanders	Michelle	4930
47	Webster	Ally	4778

AUDIOLOGY

1	Driscoll	Melanie	1655
2	Taylor	Matthew	1654
3	Wilcox	Lisa	1653

SPEECH LANGUAGE PATHOLOGY ASSISTANT

1	Allen	Ravan	400
2	Mize	Katerina	405
3	Faw	Alison	403
4	Stephenson	Kim	402
5	Meier	Christine	404

Dr. Ashford made a motion, seconded by Ms. Flynn, to approve the list of the new licensees. Motion carried.

Reinstatements

Speech:

1	Allen	Katie	3908
2	Blake	Sarah	3416
3	Henderson	Cathy	501
4	Lenning	Stacey	2996

5	Scrivener	Suzanna	2783
6	Weigold	Keith	4200

Ms. Flynn made a motion, seconded by Dr. Matlock, to approve the list of reinstatements. The motion carried.

Closed Files

1	Alworth	Lynzee	1561	CF-AUD expired 7-31-10; no application
2	Helmbuch	Summer	4289	CF-SLP expired 7-13-11; moved to AL; never applied for license
3	Hilgert	Jenna	1581	CF-AUD expired 6-7-11; no application
4	Kistenfeger	Theresa	1580	CF-AUD expired 5-31-11; no application
5	Lamb	Nicole	4126	CF-SLP expired 7-13-10; assume moved to LA -- Resigned; Verification
6	Tapper	Ashley	4448	Moved to another state to complete CF-SLP in August 2011
7	Verghese	Susha	1526	CF-AUD expired 6-30-09; no application
8	Weissman	Lee	1546	CF-AUD expired 6-12-10; no application
9	Woynaroski	Tiffany	4168	CF-SLP expired 5-15-12; no application

Ms. Flynn made a motion, seconded by Dr. Ashford, to approve the list of closed files. The motion carried.

File Review

Upon review of the application for **Deborah Lankford, SLP Reinstatement**, Ms. Flynn made a motion, seconded by Dr. Ashford, to deny the submitted continuing education, due to a personal letter from Ms. Lankford that stated, in part, that she attended the “required in-service”. Motion carried.

Upon review of the application for **Merlin Taylor, SLP Re-Application**, Dr. Matlock made a motion, seconded by Ms. Flynn, to accept the application. The motion carried.

Agreed Citations

Ms. Flynn made a motion, seconded by Dr. Ashford, to approve the agreed citation for **Candace Akins, SLP**, for failure to obtain sufficient continuing education credits. Ms. Akins did make up the required hours and paid the appropriate civil penalty. The motion carried.

Dr. Ashford made a motion, seconded by Ms. Flynn, to approve the remainder of the Agreed Citations presented before the Board. All of the Agreed Citations were for failure to obtain sufficient continuing education credit. All had made up the required hours and paid the appropriate civil penalty. These Agreed Citations are for the following licensees and registrants:

Larry Center – AUD	Jackie Potts – SLP
Sarah Rush – SLP	Rita Scarborough – SLPA
Wanda Williams – SLP	Kristi Zollinger – SLP

SLPA Task Force Progress

The task force, led by Dr. Matlock, met on March 7, 2013. The recommendation of the task force at this point in the leave the rules “as-is” and review one (1) year after the new rules become effective. The task force also recommends delaying any decision on the use of tele-practice by SLPA’s until after the new rules become effective. Dr. Matlock made a motion, seconded by Ms. Flynn, to have the Board administrator create an “audit” of supervision for SLPAs to see if the supervision rules are being adhered to. Motion carried.

Discussion of Amending Rule 1370-01-.10

A discussion was held regarding bringing the requirements of SLPs who are supervising Clinical Fellows be in line with the previously recommended requirements approved by the Board for supervising SLPAs. Dr. Ashford made a motion, seconded by Ms. Flynn, to have Mr. Munderloh draft a rule amendment for Rule 1370-01-.10 for a supervising Speech Pathologist to have 2 years post Clinical Fellowship experience in order to supervise a new Clinical Fellow. Motion carried.

Correspondence

The Board reviewed a question from Dr. Bertha Clark regarding supervision of undergraduate students without a license. The Board stated that Dr. Clark needs to hold a license in order to supervise students in a clinic. The Board requested that Mr. Custer draft a letter to all universities in the state advising them of this, as there seems to be a misconception among universities regarding supervision and licensing.

The Board reviewed a letter from Angela Eftink regarding modified barium studies. She inquired as to the type and volume of barium to be used by a Speech Pathologist. The Board stated that there are no guidelines, provided the SLP has sufficient training in performing modified barium studies.

The Board reviewed an email from CE Broker advertising a Continuing Education tracking service. The Board decided not to pursue the service at this time.

The Board reviewed an email between Mr. Custer and Dr. Ashford regarding the training requirements for endoscopy when submitted in transcript format. The Board advised Mr. Custer that typically 1 college credit hour equates to 15 clock/contact hours. Additionally, we would need to request a syllabus or outline from the university detailing the course submitted.

The Board reviewed a letter from Jessica Whittle regarding the Professional Privilege Tax. Ms. Whittle requested a waiver of the penalty fee assessed by the Department of Revenue, due to the fact that she moved from the state of Tennessee, but never notified the Board administrative office of such a move, only that she had requested a verification letter to another state. Ms. Whittle assumed that since she requested the verification letter, administration would automatically cancel her Tennessee license. The Board stated there is nothing they can do, as the Privilege Tax is controlled by the Department of Revenue.

The Board reviewed a letter from Jim Farley regarding tracheal suctioning. The Board stated that Tennessee has no guidelines, but he can follow ASHA guidelines. Additionally, he would need to have sufficient training in this procedure.

The Board reviewed a letter from Julie Beckham, with a question of whether an Audiologist is the only person who can perform a newborn hearing test. The Board stated that anyone who has been trained and is being supervised by a licensed Audiologist can perform the test.

The Board reviewed an email from Keith Paige, who asked if a licensed Speech Pathologist with ADA training can diagnose children with Autism. The Board stated that the SLP needs to meet the standards and qualifications set forth by ASHA.

The Board reviewed information from AARP, United Healthcare and Medicare regarding the online sales of hearing aids. The Board is taking no position at this time.

Review Continuing Education

The Board reviewed the continuing education submitted in accordance with the continuing education audit, for **Ellen Pearson**. After review, the Board requested additional information regarding a conference Ms. Pearson attended and submitted to be counted for continuing education.

2014 Board Meeting Schedule

The Board reviewed the scheduled meetings for 2014. The meeting dates are February 11, May 13, August 5, and November 25.

New Board Business

Ms. Flynn inquired as to the status of Board appointees. Mr. Munderloh stated that we are working to fill those open positions.

Ms. Tarr introduced the Board to Teddy Wilkins, new Unit Director.

Adjournment

With no other Board business to conduct, Dr. Matlock made a motion, seconded by Ms. Flynn, to adjourn at 12:36 p.m. The motion carried.