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PRESIDENT'S CORNER BY: Greg Givens

As NCSB's 2015 President, I have the privilege of writing a message for the Newsletter. I must admit it is difficult to put into print just how exciting and important licensure has become, as law and regulation continue to evolve in the 21st century. We find our disciplines reacting to innovative technologies which impact how we practice today or may practice in the future. The early adopters are already using advancements in technology as a new tool in diagnostics and treatment. These changes bring ethical and legal decisions that are vital to the protection of our consumers as well as our practice as trained and qualified professionals. Some of these issues and the attending legal implications were discussed at our Fall 2014 meeting in beautiful Salt Lake City. Now that the Supreme Court has ruled on the North Carolina Dental Board case we will spend time at our upcoming Fall conference in Charlotte examining the implications of

this decision. The NCSB is acutely aware of the evolving ethical and legal impact of the ruling and its possible impact on our professions. Other legal issues are occurring nationwide: As I write this there have been over 100 bills in 36 different states that relate to telepractice.

Issues confronting our licensure boards are many and varied, including portability, national standards, ethical practice, sanctioning of practitioners, national data base, Board consolidation and others. All of these point toward the criticality of the NCSB to remain strong and become stronger as a unified voice for those concerned with licensure. The 2015 NCSB is committed to extending its influence by joining in conversation with key organizations and institutions across the nation. Last year alone our Board members participated in the meetings of the American Academy of Audiology, American Telemedicine Association (ATA), American Speech-Language-Hearing Association, Federation of Association of Regulatory Boards, as well as committees and Special Interest Groups within the ATA, ASHA, and AAA.

NCSB looks forward to another year of striving:

- ◇ To facilitate communication and interaction among state boards concerning licensure
- ◇ To promote the protection of consumers
- ◇ To stimulate interest in and discussion of issues pertaining to licensure boards
- ◇ To provide a forum for discussion
- ◇ To promote uniform national standards for licensure
- ◇ Provide information and services for related professions
- ◇ Aid licensing boards in fulfilling statutory, professional and ethical obligations

2015 is going to be another exciting ride; I invite everyone to come along.

Respectfully,

Gregg D. Givens
2015 President NCSB

NCSB is fortunate to have developed a relationship with officials in the governmental section of the Health Resources and Services Administration, that section of the Department of Health and Human Services responsible for receiving final judgment actions against speech-language pathologists and audiologists. Past NCSB conferences have focused on reporting of SLP and AUD violations to the HIPDB; however, the HIPDB has merged with the NPDB, and all final judgment actions imposed by licensure boards are now reportable to the NPDB. Following is an update on the data bank, as provided in an article by Donald Ilich and Jiaying Hua, staffers within the Health Resources and Services Administration. NCSB is grateful to this group for the informative periodic updates, and it is hoped that regulatory boards will use the resources referenced in this article.

UPDATE ON THE DATA BANK FOR SPEECH-LANGUAGE PATHOLOGISTS, AUDIOLOGISTS, AND THEIR STATE BOARDS

By: Donald Ilich and Jiaying Hua

What's important for State Boards of Audiology and Speech-Language Pathology to know about the National Practitioner Data Bank (NPDB)? The NPDB is a tool designed to assist state licensing boards and other health care entities in making licensing, credentialing, and other hiring decisions. Additionally, boards are legally required to report certain adverse actions to the NPDB. Basically, the NPDB collects and makes available reports on negative actions taken against health care professionals and entities, including speech-language pathologists (SLPs) and audiologists. The general public does not have access to this information, and access is given to health care professionals and entities only in situations carefully defined by federal law.

In general, licensing and accreditation boards are required to report to the NPDB specific negative licensure actions taken against SLPs and audiologists, such as license revocations, reprimands, probations, suspensions, and censures. Boards of SLPs and audiologists may query or request information from the NPDB at any time, but typically do so in conjunction with reviewing applications or renewals, or when issues of provider competency arise. The following information gives more instructions on reporting to and querying the NPDB, along with details about fees.

Reporting

The Health Resources and Services Administration, within the US Department of Health and Human Services (HHS), has revised the NPDB Guidebook, available now on the NPDB website. The following information about required licensure action reporting is from pages E57-58 of the Guidebook. Licensure actions for SLPs and audiologists that must be reported include:

- ◇ Adverse actions taken as a result of a formal proceeding, such as a reprimand or censure.
- ◇ Surrender of a license during a formal proceeding or because the licensee who is the subject of the proceeding left the State or jurisdiction.
- ◇ Any other loss of licensure or the right to apply for, or renew, a license whether by operation of law, voluntary surrender, nonrenewal (excluding nonrenewals due to nonpayment of fees, retirement, or change to inactive status), or otherwise.
- ◇ Any negative action or finding by the State licensing authority that, under the State's law, is publicly available information. This definition also includes final adverse actions—such as exclusions, revocations, or suspension of license—that occur in conjunction with settlements in which no finding of liability has been made (although such a settlement itself is not reportable). This definition excludes administrative fines or citations and corrective action plans and other personnel actions, unless:
 1. the underlying activity is connected to the delivery of health care services, or
 2. the action is taken in conjunction with other adverse licensure actions, such as revocation, suspension, censure, reprimand, probation, or surrender.

State licensing and certification authorities also must report any revisions to a previously reported licensing or certification action, such as a reinstatement of a suspended license, and whether an action is on appeal. All State licensure reports must be submitted within 30 days of a negative action.

Boards should continue to renew their registrations with the NPDB every 2 years. The Secretary of HHS has regulatory authority (45 CFR Part 60) to publish a report listing government agencies that have failed to meet their NPDB reporting requirements.

Querying

Licensing boards can query in one of two ways: One-Time Query or Continuous Query. Both types of queries allow you to receive reports on practitioners who have licensure actions, adverse clinical privilege actions, Medicare/Medicaid exclusions, civil and criminal convictions, or medical malpractice payments. A One-Time Query, also known as traditional querying, allows you to submit the name of a practitioner or organization and receive a query response that includes all NPDB information on the queried practitioner or organization. To find out if practitioners have adverse actions or medical malpractice payment reports, you can submit an individual query on a single practitioner/organization or you may submit queries on up to 1,000 multiple practitioners/organizations at a time.

With Continuous Query, you can monitor a particular practitioner and receive new reports as soon as they are available. A Continuous Query enrollment allows you to receive an initial query response and automatically receive notification within one business day of the NPDB's receipt of new information during the 12-month enrollment for each practitioner. Continuous Query enrollment must be renewed every 12 months. Continuous Query keeps you informed about the adverse licensure, privileging, Medicare/Medicaid exclusions, civil and criminal convictions, and medical malpractice payments on your enrolled practitioners. By enrolling all practitioners with whom you interact, you receive mail notification within 24 hours of a report received by the NPDB, and you always have access to NPDB information on enrolled practitioners. Keep in mind that Continuous Query is only for querying on practitioners, not health care organizations.

A third type of query offered to practitioners is Self-Query. Individuals may self-query the NPDB at any time to see what information it contains about them; for example, they might conduct a Self-Query because a prospective employer has asked the practitioner for a copy of the NPDB report during the hiring process.

Fees

NPDB operations are funded solely through the collection of fees for service. While filing a report with the NPDB costs nothing, submitting a query to the NPDB costs \$3.00 for each One-Time Query or Continuous Query enrollment. For One-Time Queries, a \$3.00 fee is calculated on a per-name basis. If you are querying on multiple practitioners, the number of names in your query are multiplied by the per-name fee. Fees are assessed for all queries submitted. This included both queries that are process by the NPDB (regardless of whether there is information on file regarding a practitioner), and queries that are rejected because they are improperly submitted or incomplete.

The annual enrollment fee of \$3.00 for Continuous Query covers the cost of enrolling one practitioner in the NPDB for one year. (Enrollment expires on the last day of the same month of the following year.) Continuous Query is available for practitioners only. A practitioner may self-query the NPDB for \$5.00 and receive all reports of which he or she is the reported subject.

Reports in the Data Bank

Between September 1, 1990, and December 31, 2014, 1,138,652 reports were filed on 614,319 individual practitioners of all types in the NPDB. About 50 percent were for licensure actions, 35.6

percent were for malpractice payments, and 8.4 percent were for Medicare and Medicaid exclusions. The remaining 6 percent were for clinical privileges or panel membership, health plan actions, professional society membership, Drug Enforcement Administration actions, government administrative actions, and judgments or convictions.

Table 1 contains information on SLPs and audiologists entered between September 1, 1990, and December 31, 2014, and shows the number of each type of report in the NPDB for SLPs and audiologists.

**Table 1. Number of NPDB Reports by Practitioner Type
(September 1, 1990-December 31, 2014)**

Report Type	Audiologists	SLPs	Total
Clinical Privileges/Panel Membership Action	1	2	3
Exclusion Action	51	71	122
Government Administrative Action	4	2	6
Judgment or Conviction	15	68	83
Malpractice Payment	47	19	66
State Licensure Actions	258	1,227	1,485
Total NPDB Reports	384	1,389	1,773

Audiologists and SLPs take reportable actions for a variety of reasons. Actions are based on behaviors such as failure to comply with continuing education requirements, practicing without a valid or current license, criminal convictions, program-related convictions, unprofessional conduct, and various other licensure violations.

For More Information

Boards of Audiology and Speech-Language Pathology interested in learning more about the NPDB should visit the website at www.npdb.hrsa.gov. The site contains stores of information on all aspects of the NPDB, including resources for reporting entities, the Public Use Data File, research data analysis tools that allow users to perform specific data analyses and create their own customized data table, information on Continuous Query, and instructions for reporting and querying. Additional resources include a **webcast** video that gives guidance on reporting practitioners to the NPDB, and a **flowchart** that gives reporting guidance for practitioner licensure actions.

For technical questions related to billing or registration, contact the Customer Service Center at help@npdb.hrsa.gov or 1-800-767-6732. Policy questions can be sent via email to NPDBPolicy@hrsa.gov.

NCSB TO PRESENT POSTER SESSION AT ASHA

A poster session (#7133, Poster Board 268), entitled “Professional Licensure: Leading the Way in Public Protection”, will be presented at the ASHA Convention in Denver Thursday, November 12, 2015, from 4:30-6:00 PM. The poster session will utilize maps to depict characteristics of state licensure, including hearing aid dispensing, the doctoral entry level, support personnel. exemption-free licensure, continuing education, and telepractice. NCSB invites all those interested in regulation to attend the poster session and examine similarities and differences in licensure from state to state.

28th ANNUAL CONFERENCE HOTEL

The Fall NCSB conference will be held at the *DoubleTree Suites by Hilton Hotel in Charlotte-SouthPark*. The hotel, which is an all-suite facility close to the Charlotte airport, is steps away from dining and shopping, including SouthPark Mall located outside the back door of the hotel. The hotel does have a shuttle service, but unfortunately, it covers a radius close to the hotel and does not include the airport or the downtown area. Symphony Park is adjacent to the hotel and has jogging trails for fitness enthusiasts. Also in Charlotte are the NASCAR Hall of Fame and for racing fans, NASCAR races will be ongoing throughout this conference. Because of the numerous activities in the Charlotte area at the time of the conference, hotel rooms will book quickly. Please make reservations early - contact information for hotel reservations is included with the registration form elsewhere in this publication. Hotel Information:

**DoubleTree Suite by Hilton at SouthPark
6300 Morrison Blvd.
Charlotte, North Carolina
Direct Phone: (704) 364-2400
Single/Double/Triple/Quad—\$124.00
RESERVATION DEADLINE SEPTEMBER 8, 2015**

**NCSB’s 28th ANNUAL CONFERENCE
October 8-10, 2015—Charlotte, North Carolina**

Registration brochures announcing the 28th annual NCSB Conference have been mailed. If you or your state board did not receive one of the brochures, a registration form and hotel information are included in this newsletter. As in past years, a pre-conference workshop on Training for Board Members will be held on Thursday, October 8, 2015, and the one and one-half day conference will follow on October 9 and 10. NCSB invites boards to participate in both the board training and the conference. Following is a synopsis of the pre-conference workshop and the conference.

Thursday, October 8, 2015, PRE-CONFERENCE WORKSHOP

“Training for Board Members” (Conducted by NCSB Board of Directors)

Designed for speech-language pathologists, audiologists, board administrators, board attorneys, and all others involved in the regulatory process, the training will focus on all aspects of board service. Participants are invited to bring a copy of their state law and rules/regulations.

Highlights include:

- ◇ Board attorney with experience in administrative law will discuss statutory authority, including rulemaking and the disciplinary process
- ◇ Mock disciplinary hearing will trace the process from the initial letter of complaint through testimony of witnesses to imposition of sanctions. Attendees will serve as the hearing panel and will learn how to report sanctions to the NPDB.
- ◇ Ethical situations and dilemmas will be utilized to provide experience in receiving, reviewing, and resolving complaints.
- ◇ State licensing laws, and examples of licensure board exams will be provided.

Friday, October 9, 2015

8:45-10:00	“Interprofessional Education”	Ellen Fagan
10:00-10:15	Break	
10:15-11:00	“Universal Licensure, Patient Abandonment, & Audiology Assistants”	Sherry Sancibrian & Allison Grimes
11:00-11:45	“FTC vs. NC Dental Board—An Update”	Nahale Kalfas
11:45-1:00	Lunch and Corporate Meeting	
1:15-2:15	“Update on Praxis Exams”	Melissa Passe & Kathy Pruner
2:15-2:30	Break	
2:30-3:15	“Media Inquiries/NPDB Update”	Glenn Waguespack
3:15-5:00	“Rules & Regulations in States”	Jolie Jones, Sandy Capps, Patti Nesbitt

Saturday, October 10, 2015

8:30-10:30	“State Information Exchange”	Amy Goldman
10:30-10:45	Break	
10:45-11:30	“Telehealth”	Theresa Rodgers & Gregg Givens
11:30-12:00	“Wrap-Up & 2016 Preview”	Gregg Givens

Register online at www.ncsb.info/2015/registration or download a [PDF registration form](#).

PROPOSED BYLAWS REVISION

Periodic reviews of the NCSB Bylaws are conducted in response to comments from members and/or issues that arise during the conduct of Board business. The bylaws were last revised and adopted in 2011, and since that time, a number of changes have occurred relative to the practice and to the regulatory boards that comprise the membership of NCSB. At its last meeting the Board of Directors approved revisions to the bylaws which must be circulated to the entire membership of NCSB and voted upon at the Fall meeting. Following is a synopsis of proposed revisions to the bylaws. Hard copies of the document in its entirety will be available for discussion and voting during the corporate meeting in October.

Purpose

Addition of a fourth clause that reads “To serve as an educational resource for consumers who express an interest in audiology and/or speech-language pathology services

Membership

Changes to classification of Membership—Proposed categories are (1) Full Membership (2) Individual Membership (3) Association Membership(4) Honorary Membership—Explanations of each category will be

provided during the corporate meeting; however, the major change is relative to Individual Membership. Previously, this category was reserved for present or past board members—it has been expanded to include executive directors, administrators, attorneys affiliated with an SLP/AUD Board, or any SLP or AUD with an interest in regulation. Honorary membership did not have voting privileges—proposal is to provide voting privileges to honorary members currently serving on state licensing boards or serving on the NCSB Board of Directors.

Article V—Voting

Added provision to state that “member boards shall be entitled to participate in the election process via electronic voting for election of the Board of Directors.

Article VII—Directors

Proposal is to limit number of directors to 10. Was originally 9 because of budgetary constraints; however, NCSB has been able to obtain sponsorship for speakers and for portions of the conference and is more fiscally sound. With 9 directors it is difficult to conduct the business of the association. If budgetary constraints occur in the future, the change putting the maximum at 10 would still allow for a reduction if needed. Provision added under this article to provide language and procedures in case of a tie for election to the Board of Directors.

Article IX—Committees

Standing Committees—Added language to further define standing committees as well as add provision to allow for appointment of individuals other than members of the BOD. Would now read “All standing committees shall be chaired by a member of the NCSB BOD. Members of the Standing Committees may be selected from states that are member boards in good standing”.

NCSB BOARD OF DIRECTORS 2014-15

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