

## Fall 2010

### PRESIDENT'S MESSAGE

By: Lisa Cabiale O'Connor

### MARK YOUR CALENDARS

#### Fall Conference 2010- October 14th, 15th, and 16th - Santa Fe, New Mexico

Plan to join us in Santa Fe, New Mexico, for the Fall NCSB Conference. Training for board members will be held as a day-long activity on October 14th, followed by the day and a half conference program. The program will feature presentations by professionals with experience in issues involving the legal aspects of regulatory matters, with a focus on how this topic impacts service delivery and the regulation of the professions. The program is designed to be interactive, and there will be several opportunities for participants to share questions and concerns and to network with members of other state boards. The ever-popular state information exchange is on the agenda, so come prepared to speak for about 5 minutes on the successes and challenges of regulating the professions in your state. Further details about the conference can be found on the web site at [www.ncsb.info](http://www.ncsb.info) and elsewhere in this publication.

We will again present Honors of NCSB, and our awardee this year is Sherry Sancibrian from Texas. We applaud Sherry's significant contributions to her state licensing board that regulates the professions of speech-language pathology and audiology. Such contributions help to ensure protection of the public and protection of those who receive services from a speech language pathologist or audiologist.

### Strategic Planning - Looking to the Future

The Board continues to engage in strategic planning activities. The Board met in late March in Santa Fe to continue our conversations re Strategic Planning. Once again our goals for the next 2 years continue to include:

- Increase communications with all State Boards regarding issues NCSB is addressing and actions they are or will be taking/recommending.
- Increase membership in NCSB
- Be THE RESOURCE in regulatory and licensure issues
- Benchmark NCSB with other like organizations

The Board is energized and enthusiastic about pursuing these goals. The intent is to secure the Council's position as the "go to" organization for licensing and regulatory issues.

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## NCSB Poster Session at 2010 ASHA, Philadelphia

NCSB will again have a presence in the Exhibit Hall during the ASHA national convention in November of this year. The poster session entitled, *"Professional Licensure: Forging the Way for Consumer Protection"*, will create an awareness of both the Council and the significant impact licensure laws have on the professions and on the protection of consumers. The poster session will be on Friday November 19, 2010, from 10-11:30 AM in Hall C of the Convention Center. Plan to join us for networking and for an overview of licensing trends across the country.

Join us for an exciting conference as we celebrate Fall in Santa Fe and experience all that this historic city has to offer!

## NCSB 23rd Annual Conference

*October 14-16, 2010  
Santa Fe, New Mexico*

## **"Spicing Up Your Practice Act: Key Ingredients for Improved Regulation"**

Registration brochures announcing the 23rd 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 14, 2010, and the one and one-half day conference will follow on October 15 and 16. NCSB invites boards to participate in both the board training and the conference. Following is a synopsis of the pre-conference activity and the conference.

### **Thursday, October 14, 2010**

#### **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 violations and sanctions to the HIPDB.
- Ethical situations and dilemmas will be utilized to provide experience in receiving, reviewing, and resolving complaints.
- Reference manual containing characteristics of state licensure laws, samples of model legislation and state licensing laws, and examples of licensure board exams will be provided.

### **Friday, October 15, 2010**

#### **9:00 to 10:30 - KEYNOTE SPEAKER: Matthew Beam, J.D.**

##### **Legislative Analysis: A Close Look at Practice Acts**

- Focused methodology for analysis of practice act components
- Rulemaking solutions/improvements

#### **10:30 to 10:45 - Break**

#### **10:45 to 11:30 - BREAKOUT GROUPS**

- Discipline - Moderator, Doreen Oyadomari (AL)
- Equivalency and Reciprocity - Moderator, Gregg Givens (NC)
- Scope of Practice - Moderator, Glenn Waguespack (LA)
- Governance over Unlicensed Practice - Moderator, Larry Molt (AL)
- Continued discussion of specific topics related to keynote address
- Potential application of modifications to state statutes

#### **11:30 to 12:00 - SMALL GROUP REPORTS** - Summary of decisions/plans from each breakout group topic

#### **12:00 to 1:30 - Lunch and Corporate Business Meeting**

#### **1:30 to 3:00 - LEGAL ASPECTS OF REGULATION: HOT TOPICS AFFECTING AUDIOLOGISTS AND SLPs (Attorneys' Panel)**

**Moderator: Amy Goldman**

Matthew Beam, J.D. (AL), Nahale Kalfas, J.D. (NC), Ayn Stehr, J.D. (LA)

- Discussion of unprofessional conduct and other regulatory terms from a legal perspective
- Current legal issues impacting regulatory boards

- Public record guidelines

### 3:00 to 3:15 - Break

### 3:15 to 4:45 - STATE INFORMATION EXCHANGE

Facilitator: Virginia Berry

- Update on revision of laws and/or rules and regulations
- Successes and challenges from participating board representatives

### Saturday, October 16

### 8:30 to 9:45 - PRACTICE WITHOUT BORDERS - Gregg Givens and Nahale Kalfas

- Update on telepractice trends in the professions
- Overcoming challenges to regulation of telepractice

### 9:45 to 10:15 - LICENSURE BOARDS WORKING WITH PROFESSIONAL ASSOCIATIONS IN CONSUMER PROTECTION - Cheryl Sancibrian

- Legislative issues impacting professionals and consumers
- Examples of collaborative efforts

### 10:15 to 10:30 - Break

### 10:30 to 11:30 - PLENARY SESSION: HOT TOPICS IN REGULATION

- Audiology Support Personnel - Glenn Waguespack, Facilitator
- Distance Continuing Education: Advances and Challenges - Lisa O'Connor, Facilitator
- Emergency Preparedness - Amy Goldman, Facilitator
- Impaired Practitioners - Theresa Rodgers, Facilitator

### 11:30 to 12:00 - IMPLICATIONS FOR FUTURE DIRECTIONS - Lisa O'Connor, Facilitator

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## NCSB LISTSERV

NCSB provides a listserv for state board members and for individual members. The listserv is an excellent way to keep up with the latest issues related to licensure in the professions and to share your views with other professionals across the country. Subscribe to the NCSB Listserv. **Go to:** <http://groups.yahoo.com/group/ncsb2>.

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## STATE INFORMATION EXCHANGE - 2009 NCSB CONFERENCE

*Each year states are asked to report on successes and challenges experienced by their respective licensing boards during the past year. The exchange has become a popular networking exercise, and due to space limitations, a summary of the 2009 State Information Exchange could not be included in the last newsletter. Following is a synopsis of licensure activities reported during the 2009 conference.*

**Alabama** - Sunset review in 2008 very comprehensive. Spent a month in Exec. Office (training new auditor). Strategic planning accomplished using OK's strategic plan as a model. Did 5-year plan and identified 4 years to work on this year. Revising/updating rules. Revising complaint, investigation and resolution process. Explored application process/form - expanded form to include more questions. Would like to do background checks but issue of finding someone to do it.

Working on telepractice provisions. Require 12 CE hours/year. Had a requirement that half had to be face-to-face. Have had complaints from licensees and have opened that back up so that all 12 can come from any type of source.

**Arkansas** - Just graduated first class of AuD students. Will be revising rules and regs b/c still required CFY. New state law to require certain information. Have to report race, ethnicity, county, DOB, gender, where educated to state. Mandated to use private investigator for all complaints (except things like practicing after license expired). Hired former chair as their private investigator.

**California** - Problems licensing AuD's from out-of-state that were not from ASHA accredited programs. U.S. Dept. of Ed. 2010 - all initial applicants in audiology will have to have doctoral degree. Bill to allow dispensing only under the audiology license. Merged with the HAD board. Will have only 2 auds, 2 SLPs, 2 HAD, ENT, and 2 public members. Going to online renewal (for all allied health boards). CE for supervision has been required for assts for some time. Now require 6 hours of CE for RPE, 2 years every so many years for RPE, X hours every so many years for asst. supervision. Issue with licensing foreign educated applicant. Challenges with training support personnel. Considering telepractice guidelines. Trouble with unlicensed practice. Would like universal licensure but Commission on Teacher Credentialing which is autonomous has created a new credential called Communication Development. SLPs would work with clinically and medically related clients. Communication Development Person would do literacy and language activities. Going to Administrative Law office for approval.

**Florida** - Challenge - 2008 session - Crystal Ear had language proposed to hearing protection law allowing for devices costing less than \$30 to be sold over the counter at pharmacies, etc. Didn't get added but will be monitored for 2010. Property taxes reduced but has affected state funds. Florida board which has been fiscally solvent and responsible was asked to reduce budget by 16% and have to reduce operations. Reduced number of meetings, and conference call for probable cause instead of a meeting. Surgeon general has to approve OOS travel. Would like to reduce renewal (\$200 every two years) fee but given economic climate but probably won't be able to do that.

**Kentucky** - Success - did get AuD provision passed effective 2009. Went to two-year registration. Finishing up regs. Will be presented Sept. 15. No reciprocity. Questions from KY education board about Medicaid which really isn't under purview of board. On-line registration has been helpful. Much info on website. Allow 10 hours/day (can't do all required in 24 hour period) of on-line training.

**Louisiana** - Going green. E-mailing newsletter. One hard copy/year. Not sending out renewal documents via mail. Can download or contact board for hard copy. Only 40% renew online. Want to improve that. Annual CE workshop notice/brochures will be e-mailed and posted on web site. Website and database redesign. Legislature issues - HB 256 to revise their practice act to be required to have a HAD license if you owned a business that dispensed hearing aids. Amended to exclude doctors and audiologists. Using Camtasia to post presentations to website. Problem - no consumer member for second year. Looking at requirements to be qualified as a supervisor. Will be working on Rules changes.

**Maryland** - New board executive and new board members. Almost half the board is new. Took away the vote of the ENTs re: scope of practice for audiologists and SLPs. Several changes to rules including issues that the ENTs got involved in. Wording re: diagnosis for audiologists issue in rules revisions. Challenged by MAAA. SLPs and SLPAs in schools have to be licensed. Entry level audiologists must graduate from CAA or ACAE accredited institution program. Two year CEU is now on calendar basis January to December. Oral competency required - TOEFL or 60 credits taught in English. Mandated that HA devices bought through internet or ..must be purchased by licensed provider. Issue with HAD calling themselves audioprosthologist - can call themselves that but must also call themselves HA Dispensers along with audioprosthologist. Board sponsored free CE course in ethics.

**Michigan** - After 40 years, Michigan passed licensure for SLP. Inaugural meeting in November for SLP. Legislation includes licensure for school-based personnel. Didn't include assts. in legislation. Challenges - have to write rules and regulations. NCSB is the place to come for our board to obtain information and suggestions.

**Montana** - Asked to merge with HADispensers Board. Reviewed information and determined it would not be favorable to the board. Cost of litigation would be extremely high and would put a burden on SLPs in the state in terms of the need to potentially raise fees to cover costs. Governor agreed to not have them merge. Challenges - Extensive travel required to provide supervision. Will be taking recommendation to consider supervision via telepractice to board. Attorney is requiring rules be written so citizens can understand. Administrative staff taking on additional boards.

**Nevada** - Challenge is the need for a telepractice component. Rural areas underserved. Legislature didn't pass requirement for Au.D. Will propose again in 2011 when legislature meets again. Brought law and rules and regs to share.

**North Carolina** - Updated statute, new CE requirement which allows for AAA or ASHA PD cycle, included dysphagia and dispensing in scope of practice, raised clinical practicum requirement to 400, require the doctoral degree. Confusion with Dept. of Public Instruction license. People confuse different credentials. Individuals not timely renewing their license - have been sanctioning them. Regulation of assts. - supervision not being provided. Working on telepractice guidelines.

**North Dakota** - Have very few complaints but when one is filed but makes it difficult to deal with because of limited terms of board members. Conference helpful in learning how to deal with complaints. Chose not to limit number of on-line hours for CE. Do not license assts but feel that is something board will need to consider. Doctoral degree will also need to be considered as a requirement. Use equivalency language to license students who have equivalent of a master's in audiology. Get continued frequent requests for lists of licensees. Solicited the procedures utilized by other states.

**Oklahoma** - Require doctoral degree for audiology license. Will look at conducting interview procedures with internationally educated applicants. Have been renewing online for three years. Just went live with applications on-line which should streamline reporting to board. State has required that the board go paperless within next few years. Getting ready to change rules. SLP going to be required to have two years experience before can serve as a supervisor. Also cleaning up language in rules. Assistants - supervision (previously 100%). After December 31, 2013, must have associate's degree. Supervision required - A minimum of 30% direct/indirect weekly for 1st 90 days. Afterwards 10% direct, 20% indirect. So now will be licensed assistants.

**Pennsylvania** - completed first round of CE updates. Confusion over ASHA certification maintenance hours, Dept. of Ed CE, CEUs in area of business practices - none of which are acceptable for Penn. CE. State budget problems have had effect on universities, travel, etc. Working on a brochure for consumers. Legislation passed that allowed \$10000 monetary penalty for each offense - across boards including medical board. Newsletter went on-line. Practice Act legislation to be proposed. Will include universal licensure. Dept. of Education asked a university to create master's program that was shorter in length than traditional program.

**South Carolina** - Part of autonomous agency which licenses many professions. Reorganization - Now Dept. of Licensure and Compliance overseeing renewals which has relieved administrator to focus on other responsibilities. Require on-line renewal. Looking at revising law/regulations and to be prepared to defend anything proposed. Want CE to focus on clinical topics as well as limited the amount of on-line CE allowed. Looking at requiring criminal background check. Applicants not reporting certain adverse actions including fraud. Board can hold an application hearing and determine whether application should be granted. May not deny license but may want to put stipulations on newly licensed individual with history of disciplinary action. Lack of experience of supervisors will be examined.

**Texas** - Challenge of individuals who haven't been practicing for many years (e.g., 10). Examine practice setting and giving them 3-5 months to complete certain amount of CE and sometimes haven't completed post-grad. professional experience. Success accomplished in telepractice guidelines. 2 hours of ethics CE required. Jurisprudence exam that is being developed can be used for CE.

**Wisconsin** - AuD as entry level requirement, changing language re: diagnosis, changing advertisement language used by HAD (forbidding audioprosthologist), - because of the add-ons, experienced push-back from HAD society and medical society. Board will seek changes in legislation that will only deal with AuD issue if can't resolve. Increase in fraud cases. On-line application process. Insurers now must cover cost of HA and CI for children under age of 18. Insurer must cover cost of dx and tx for children with autism.

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**PROPOSED BYLAWS REVISIONS**

The Bylaws Committee has been reviewing the bylaws and has recommended a number of changes designed to update the bylaws and make them consistent with the workings of state licensure boards. The revised bylaws will be circulated in their entirety for voting at the Corporate Meeting in Santa Fe. Following are some of the highlights of the proposed bylaws changes:

- Article II-PurposeundefinedRemoval of references to certification
- Article IV-Membership MeetingsundefinedPreviously indicated that notification of meetings would be by mail; changed to "notice shall be provided" in keeping with current technology
- Article VII-DirectorsundefinedStipulation that at least two members of the Board of Directors shall be audiologists and at least two members shall be speech-language pathologist
- Meetings of the BOD are open; however, change recommended to ensure that BOD may go into Executive Session to discuss confidential matters.
- Inclusion of language stipulating that no more than two members shall be elected to serve at the same time from the same state

A number of other changes are grammatical in nature, while others suggest modifications to clarify existing language. A discussion of all changes will be initiated prior to voting at the Corporate Business Meeting.

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## **SYNOPSIS OF MINUTES: ANNUAL CORPORATE MEETING**

**September 11, 2009**

Following is a summary of the minutes from the annual corporate meeting in New Orleans. The minutes will be circulated in their entirety and voted upon at the next corporate meeting to be held in conjunction with the NCSB Conference in Santa Fe, New Mexico.

1. Minutes from the 2008 corporate meeting were distributed and approved.
2. The treasurer's report was presented and approved, as was the budget for 2010.
3. Ken Gist reported that twenty-one states and Canada were represented at the Conference (including 4 non-member states); a total of fifty-two registrants were present
4. The election results were announced by Karen Stein, Chair of the Elections Committee. Those elected and their corresponding terms of office are:  
President-ElectundefinedLarry Molt (AL) (3 year term, including President & Past President)  
Board Members (3 year term)undefinedKenneth Gist (WV) and Virginia Berry (MS)  
Board Member (2 year term)undefinedAmy Goldman (PA)  
Board Member (1 year term)undefinedAlison Grimes (CA)
5. The newsletter will continue to be published twice a year. State boards are encouraged to submit information about regulatory issues in their states.
6. It was announced that NCSB would present a poster session at ASHA in New Orleans on November 21, 2009. Title of the presentation is "Let the Good Times Roll: Licensure in 2009"
7. The state directory is being updated; attendees were requested to submit changes as necessary. The directory is distributed at no charge to member state boards.
8. Doreen Oyadomari announced that the 23rd annual conference will be held in Santa Fe, New Mexico, at the Hilton Santa Fe on October 14-16, 2010. Doreen also announced that she is investigating Las Vegas as the site for the 2011 conference.
9. Lisa O'Connor provided an update on the Strategic Planning undertaken at the conclusion of the 2008 conference in Virginia. She announced that the Board of Directors would review the plan and make necessary modifications at its Spring BOD meeting.
10. Karen Stein, Chair of the Honors Committee, presented the Honors of NCSB plaque to Ayn Stehr, attorney for the Louisiana licensure board. Ayn was recognized for her many contributions to LBESPA, NCSB and the public.

11. Ken Gist was honored for his 30 years of service to NCSB and was presented a portrait of a New Orleans scene to commemorate the first NCSB meeting convened in New Orleans. Ken has been the long-time Executive Secretary of NCSB and was elected to a 3-year term as a member of the Board of Directors.
12. Amy Goldman recognized Theresa Rodgers and Glenn Waguespack as newly elected ASHA Fellows. Lisa O'Connor noted there were many ASHA Fellows in the audience and asked them to stand and be recognized.
13. Doreen Oyadomari, NCSB Webmaster, announced that the website, sponsored at no cost by SpeechPathology.com, had undergone recent changes and upgrading and encouraged attendees to send information to her for posting on the website.
14. Since Bob Oyler had resigned prior to completing his term as President, it was announced that Lisa O'Connor would continue to serve as NCSB President for the coming year.

***NOTE: The AMA recently published scope of practice guidelines for allied health professions, including the profession of audiology. NCSB responded to the AMA, emphasizing that scope of practice guidelines fall within the purview of audiology state licensing boards and there should be no restrictions placed on the scope of practice by the AMA nor should the AMA attempt to deny direct access to audiologists by consumers. In a December 17, 2009, letter, the AMA responded to President O'Connor. Portions of the text of that response are as follows:***

The module is a carefully researched, fully-documented assessment of the profession of audiology based on information available to us. We invite NCSB to provide us with specific information regarding any factual misstatements contained in the module. Upon receipt, we will consider whether revision of the module is appropriate. We have made the same offer to your colleagues, and now extend that offer to you.

We strongly believe that non-physician health care providers play an integral role in the delivery of health care in the United States. Efficient delivery of care, by all accounts, requires a team-based approach, including the contributions made by audiologists.

***The letter was signed by Michael Maves, M.D. the Executive Vice President of the AMA. After careful consideration and after discussion with other professional associations, the NCSB Board of Directors determined that no response was indicated at this time, lest the response be construed as a collaborate effort between state licensing boards and the AMA to determine and restrict the scope of practice in audiology. Updates on this important topic will be forwarded to NCSB state member boards as they become available.***

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**END**