

PRESIDENT'S MESSAGE

By: Lawrence Molt, President

“May you live in interesting times” is an old Chinese proverb (some call it a curse) that truly fits the last few years for NCSB. The Council has experienced a number of significant changes, and I would like to take this opportunity to update our members on some of the most recent changes.

NCSB Operations/Management

First and foremost in the changes is the move to utilizing a management company to conduct the day-to-day operations of the Council. For more than two decades, the operation of NCSB was generously conducted by Ken Gist. With Ken as Executive Director, Ken's home served as the Council's mailing address and operations center, and his phone was the council's phone. He was authorized by the Board to deduct a monthly stipend for his largess, but rarely did. Ken was aware of the economic fragility of the Board, and he gave his time and his home freely, charging only the expenses he encountered, such as postage and duplication costs. Two years ago, Ken determined that he would no longer function as the Executive Director, and the Board has been exploring options for keeping NCSB functioning. As a volunteer-run professional association with limited income, it was difficult having to consider the use of a management firm to operate the association, but there were no other viable options on a consistent/long term basis.

A number of management firms with experience in association management were contacted for bids, and in December of 2010, the Board accepted the bid from Prime Management Services of Birmingham (AL). The new mailing address for NCSB will be 3416 Primm Lane, Birmingham, AL 35216. The phone number is (205) 823-6106, and the fax number is (205) 824-7700. When faxing, be sure to indicate that the material is for NCSB. Email address is ncsb@primemanagement.net. Thus far, the transition has been seamless, and other than the new address and phone number, member boards should notice no other changes in the operation of NCSB.

NCSB Website

For the last few years, audiology Online has generously hosted the NCSB website and has provided some website assistance to Dr. Doreen Oyadomari, the webmaster. In December we were notified that the Council would incur substantial costs for the continuation of this service. Robert Ranieri from Prime Management assisted in locating a website specializing in services for not-for-profits, clubs, and associations, and with input from the Board, designed a new website. The site will offer additional services for members, including a password protected members area and the option of paying online via Pay Pal for Council membership, products, and conferences. The url remains unchanged: <http://www.ncsb.info>.

Past and Future Conferences

The 2010 NCSB Board Training and Conference in October 2010 at the Hilton Santa Fe was blessed with beautiful fall weather, breathtaking environs, and an outstanding group of presenters and attendees. This year's conference is expected to be even better, so please save the dates of October 13-15, 2011. The conference will be held at Bally's Las Vegas Casino Resort in Las Vegas, and the NCSB Board of Directors looks forward to seeing all of you. And don't worry about the location—even though what happens in Vegas stays in Vegas, we have received authorization for attendees to take home a great deal of useful conference information. See you in Vegas in October.

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2010 FALL NCSB CONFERENCE

SPICING UP YOUR PRACTICE ACT: KEY INGREDIENTS FOR IMPROVED REGULATION

The twenty-third annual NCSB conference “Spicing Up Your Practice Act: Key Ingredients for Improved Regulation”, was held in Santa Fe October 14-16, 2010. The meeting began with the pre-conference Board Member Training (see details elsewhere in this newsletter). The conference included sessions on the legislative analysis of practice acts, discipline, equivalency and reciprocity, scope of practice, governance over unlicensed practice, the legal aspects of regulation, telepractice, audiology support personnel, distance continuing education, emergency preparedness, and impaired practitioners. Highlights of the conference included:

- Matthew Beam, J.D. began with a keynote address describing how to identify and analyze key issues in state statutes. His presentation focused on the powers and duties of boards, including the assessment of fines, the promulgation of rules, grounds for discipline, and the application process.
- Breakout groups on the topics of discipline, equivalency and reciprocity, scope of practice, and governance over unlicensed practice were led by Doreen Oyadomari (AL), Gregg Givens (NC), Glenn Waguespack (LA), and Larry Molt (AL), respectively. The breakout groups, designated as various peppers in honor of the host city, covered the key strengths and weaknesses in laws and rules and explored the development of legislative or rulemaking solutions for each of the identified areas. Group moderators then reported findings to the entire audience.
- An attorney panel, composed of Matthew Beam (AL), Nahale Kalfas (NC), and Ayn Stehr (LA), discussed hot topics affecting the professions by addressing some of the legal aspects of regulation. Common areas of concern included discipline, telepractice, deliberation strategies, prosecution issues, unlicensed practice, patient protection and the national data bank, public record, unprofessional conduct, and inactive licensure status.
- The first day concluded with the State Information Exchange where states represented at the conference discussed successes and challenges experienced by their respective boards. (See details of the state information exchange elsewhere in this publication.)
- Saturday morning began with a discussion of telepractice and its current use as a means of alternative service delivery. Some of the obstacles and legal issues involved were outlined by Greg Givens (NC) and Nahale Kalfas (NC). Suggestions for successful implementation of telepractice language were discussed, as were mandates imposed on insurance companies for coverage of services delivered through telepractice.
- Sheryl Sancibrian (TX) focused her presentation on how licensure boards can work with professional associations to protect the public. She drew upon her experiences with the licensure board and the state association in Texas as the licensure board prepares for its sunset review.
- A plenary session devoted to hot topics in licensure completed the morning discussion. Glenn Waguespack (LA) provided an update on the utilization of audiology support personnel, including definitions and scope of practice guidelines. Lisa O'Connor (CA) discussed the challenges associated with distance continuing education and provided some delineation between online interactive and live seminar presentations. Amy Goldman (PA) made boards aware of the need to implement emergency preparedness guidelines as a means of continuing to protect the public, with special emphasis on the need to include provisions in enabling statutes. Theresa Rodgers (LA) outlined the components of an impaired practitioner program and provided an update on how the impaired practitioner program has been implemented and utilized in Louisiana.

PRE-CONFERENCE WORKSHOP PROVIDES BOARD MEMBER TRAINING

The annual pre-conference workshop on October 14, 2010, focused on all aspects of board service. Ayn Stehr, a board attorney with a background in administrative law, discussed statutory authority, including the rulemaking process and the disciplinary process. Follow that presentation was a mock disciplinary hearing that delineated the entire process from the initial letter of complaint to the testimony of witnesses to the imposition of sanctions for each of the violations. Members of the audience served as the hearing panel and participated in the questioning of witnesses, in the examination of the evidence, in deliberation of the testimony, and in the determination of appropriate sanctions. Ethical situations and dilemmas relating to the practice of speech-language pathology and audiology were then employed to guide attendees through the logical process of ethical decision-making and to provide them with an opportunity of receive and review complaints that might be brought before a regulatory board. Instruction was provided in drafting a consent order in response to complaints, as well as suggestions for coding in reporting of sanctions to the national practitioner data bank.

STATE INFORMATION EXCHANGE—2010 NCSB CONFERENCE

Each year states are asked to report on successes and challenges experienced by their respective licensing boards during the past year. Attendees view the exchange as a popular networking experience and look forward to this portion of the program each year. Following is a synopsis of licensure activities reported during the 2010 conference.

Alabama – A number of changes to the Practice Act were passed including a provision relative to telepractice. ABESPA is revising application forms and will provide additional forms for CF, 4th year, SLPA and Audiology Asst. and supervisors. Two new members of the Alabama board are in attendance at the NCSB conference. Have been researching information and methods for performance of criminal background checks and have discovered that these cannot be done through local law enforcement. The lowest price quoted so far is \$50.00 per applicant and ABESPA is still looking for an agency to use for implementation of this.

Arkansas – Revising law and rules and regulations to address doctoral degree requirement for audiology as well as development of provisions for telepractice. State budget meeting in October; following the meeting a senator called about options for using revenue in excess of expenses; senator suggested a scholarship.

California – As of January 1, have merged with HAD. Audiologists must still take dispenser exam. Financial issues huge because HAD legal issues triple that of SLP and AUD but meetings going well. Lost 1 SLP and 1 Aud to make room for the HAD. Huge issues facing English language proficiency for international applicants. Agencies are recruiting from other countries and individuals are paying fees because they are assured of jobs. Looking at using TOEIC (by ETS). Legal counsel has said they can't just use the scores used by other entities. SLPs and AUDs would have to have field testing to establish pass score. SLPAs – 1240 – BA level individuals. Move to get teacher credentialing back to the BA level.

Kentucky – In the process of updating forms and taking another look at revisions to law that did not meet with successful passage in legislature.

Louisiana – In process of revising rules. Have gone through eight revisions since 1988. Developed Code of Ethics for Speech-Language Pathology Assistants which will be promulgated as part of rules revisions. Supervision issues common so adding an experience requirement for supervisors. Revised web site and data base management. Waived online renewal fee (state requires small handling fee for credit cards) and had significantly higher utilization of online renewal process.

Michigan – 11th board member is ENT. Just seated. Need oversight to finalize rules. Would like to address telepractice but state wants medicine to do so first. International applicants – brought information provided by NCSB. Included TOEFL scores in their rules.

Mississippi – In process of trying to develop telepractice guidelines and rules and regulations. Working with MSHA but effective next week, the state department of education will change credential to BA level practitioners. Would like to utilize guidelines for assistants but state dept. doesn't want to refer to them as assistants or associates. Want to call them "speech teachers". Due to shortages in the state.

Montana – Have 158 aides. 90+ only have high school education. Looking at telepractice. Being brought up due to concerns from special ed administrators who would like to have services provided and supervision accomplished via telepractice. May be implemented on limited basis. Montana assoc of school administrators have attended board meetings and they have had good discussion. Using telecommunication for board meetings.

Nebraska – Also teleconferencing. One person has to be in the board office. The names of the individuals and addresses have to be on the meeting notice and anyone wanting to attend can be at their physical site. HA fitter board doesn't want a merged board. SLPAs license requires bachelors degree and there are some who would like to be licensed on equivalency. Will be reviewing transcripts.

North Carolina – Telepractice rule went into effect Sept. 1. Dept. of Public Instruction – recently filed injunction to stop use of the word license by the department. Hopeful that they will use NC license instead. Early interventionists and transdisciplinary model – watchful that others are not delivering SLP services. Watching use of assistants. HA Dispensing under audiology practice act – don't have but HA Dealers and Fitters Board led to AG's opinion that allows dispensing through single AUD license if have doc. Degree in aud. Not sure yet if Master's level audiologist can dispense without dual licensure.

Ohio – Recently updated mission and vision statements. Renewed quarterly newsletters. Adopted rules for real-time web based supervision, inactive licensure (ce for # years; more than 5 years – list of things to do left to board's discretion). Issues with caseloads in the schools. OTs and PTs have included SLP in research study to address caseloads in the schools. 2 of board members are SLPs in the schools. Telepractice issues. Unlicensed practice including advertising in audiology.

Oklahoma – Rules promulgated to add licensure of SLPAs. Associate degree. Mirror ASHA guidelines. Becomes effective in 2012. A program in the works to offer the associate degree. To open next fall. Updated audiology standards. Changed requirements for supervisors of CFs and students. Require 3 years following the CF year. Have gone paperless. Have to use state's online service. Challenges: reviewing rules to correct inconsistencies, clarifying language, telepractice. 2012 Sunset. Rumored that state wants to combine small boards.

Ontario – 600 auds, 3400 total with SLP. Online self-assessment tool for quality assurance. Strengthened national regulatory body. Recently published national infection control guidelines and competency guidelines. Newfoundland introduced legislation to regulate SLP and AUD, Nova Scotia soon to follow suit. 9 out of 10 provinces will then be in the reg. fold. Revising bylaws. Hosting major conference. Economy having a strong effect on hours worked by SLPs and hearing aid programs being subjected to strong gov. audit. Haven't had a fee increase for eight years so need to raise fees. Provincial election next year.

Oregon – Legislature is expected to sweep cash balance unless fees reduced. Hiring half-time private investigator. Created smartform for documenting hours – calculates % of time being supervised to see if in compliance with the rule. Teacher standards commission had decided that they were no longer going to license SLPs which has resulted in an uproar. Working with OSHA to educate individuals about the process.

Pennsylvania – State travel ban but pays registration on acceptable activities. Practice act is from 1984. Has not changed since then with exception of adding ce. Have been working on revisions to practice act for some time. Trying for universal licensure. 2-year legislative session ends in December. Grandfather provision with no end date in 1984 practice act. 4th board attorney in last year and a half. Now have consumer brochures/fact sheets on the web. Strategic planning will be done this year. 5 question survey about vacancies, intent to work in 5 years, and can compare to last year's baseline data.

Virginia - 4 new board members. Regs undergoing a periodic review; required every 4 years. Looking at using proof of current CCC's in lieu of auditing CE. Board going green. Email notification of renewal. 96% of all licensees in the agency renew online (13 health related boards). Endoscopic procedures statement has been adjusted – have to have the appropriate training and the appropriate emergency response training. Will be meeting with physicians to further address. Sanction system – will help with consistency. Expiration phase of comprehensive licensure. DOE requires a master's level for endorsement in SLP. Fee decrease last year. State swept \$640,000 from agency – about 10K from A/SLP Board. Insurance companies do have to pay for telepractice activities.

West Virginia – Rules revision effective July 1. Revised continuing ed so anyone licensed within last 6 months don't have to have ce to renew and changed 5 hour max online ce, so changed to allow board or ASHA approved CE. In process of trying to get law changed. Hasn't been changed since 1992. Want to go to universal licensure. Challenge is so many different educational levels in the schools. 3rd period of on line renewals. Hope for 90% online. Email notification of renewals. Can go up to double the budgeted amount. Anything above that the state can take.

Wisconsin – Opened law and the AUD is now the entry level for audiologists. Have worked on CE requirements. 20 hrs/2 years and will now require that 2 of those hours be related to ethics. Will be second state to require this. Services to students with autism – Wisconsin passed law re: insurance coverage for intensive and nonintensive services. Office of Insurance Commissioner opted to do the rules. Ten hours of supervised practice before being allowed to work with students with autism. Objected to fact that rules being made about SLP practice outside of SLP board and regulations. Rules about credential when SLP board had already done that. So rules now state must have DOL license as SLP. Included the things that don't have to be paid by insurance which is a positive – Auditory integration therapy/

Washington, D.C. – 2008 – board assembled, 2 SLPs, 2 auds, 1 consumer member. Still looking for one more consumer member and ENT. SLP Regs passed last Sept. Still waiting on audiology regs to go through. Don't have a provisional license but looking at registering SLP supervisor. Telepractice on the radar and are drafting ce requirements. Criminal background checks coming. Over 200 SLPs and 60 AUDs.

NCSB PRESENTS POSTER SESSION AT ASHA

A poster session entitled, “Professional Licensure: Forging the Way for Consumer Protection”, was presented at the ASHA Convention in Philadelphia last November. The poster session utilized maps to depict characteristics of state licensure, including the areas of hearing aid dispensing, states requiring a doctoral degree for audiology licensure, support personnel, universal licensure, and continuing education. Handouts containing statistics for each of the areas, as well as web site addresses for all licensing boards, were distributed to those viewing the poster session. The session provided an opportunity for NCSB to network with those from other states and also provided some visibility for the association.

APPLICATIONS FOR BOARD MEMBERSHIP AND INDIVIDUAL MEMBERSHIP

The mission of NCSB is to facilitate the role of licensure boards through communication and education. In keeping with the mission and the need for state boards to have a forum for networking, NCSB encourages all state licensing boards involved in the regulation of speech-language pathology and audiology to apply for membership in the Council. The application is for membership from January 1, 2011-December 31, 2011, and the application fee for state boards is \$400.00. NCSB has membership for individuals who are or who have been a member or an executive officer of a unit responsible for licensing the practices. Dues for individual membership are \$35.00 per year. Applications for membership should be mailed to:

**National Council of State Boards
c/o Prime Management Services
3416 Primm Lane
Birmingham, AL 35216**

For further information contact Robert Ranieri at (205) 823-6106.

2011 NCSB CONFERENCE TO BE HELD IN LAS VEGAS

Program planning is underway for the **2011 NCSB Conference to be held in Las Vegas from October 13-15, 2011**. As in the past, Thursday, October 13 will be devoted to a full day of board training for all those involved in the regulatory arena. The conference will be held all day on Friday, October 14, and half a day on Saturday, October 15. The Board of Directors is currently involved in planning another interactive program that will focus on issues related to regulation of the professions of speech-language pathology and audiology. If you have particular areas of interest or know of individuals you might like to recommend as a speaker, contact one of the members of the Board.

The conference will be held at **Bally's Las Vegas Casino Resort**, 3645 Las Vegas Blvd. South. Room rates are **\$105**, single or double occupancy plus 12% tax. Additional persons will be charged \$30 per person per night with a maximum of four persons per guest room. Cut-off date for reservations in the NCSB block is **Monday, September 12, 2011**. To make reservations, call the hotel at **1-800-358-8777** and indicate that you are with the NCSB group.

Bally's Casino Resort is located in the middle of the Las Vegas Strip and has over 2000 spacious rooms. There are a number of restaurants within the hotel that operate around the clock. In addition, the facility boasts a piano bar, a tequila bar, a newly remodeled casino, and a spectacular stage production of "Jubilee".

A preliminary conference flyer will be mailed in June, and the official registration form and completed program will be sent in late August.

NCSB YAHOO GROUP

For several years NCSB has operated an online discussion group for those interested in regulatory issues in audiology and speech-language pathology via Yahoo Groups. The original group has now been replaced by a new group, *ncsb2*. The discussion group is a great resource for members to post questions, provide information on happenings in the state and/or association, and respond to questions or comments posted by others. Members of the original group will need to request to join the new group, as membership could not be automatically transferred. Use of the discussion group is open to everyone, including state board members, individual members, and other interested individuals. To subscribe, one must be a Yahoo member or join Yahoo (as a Yahoo Group, group members must have a Yahoo ID). You can access and join the discussion group at <http://health.groups.yahoo.com/group/ncsb2/>.

ASHA TO REVISE MODEL BILL

The American Speech-Language-Hearing Association (ASHA) is currently in the process of revising its model bill, last revised in 2004. In consultation with professionals with experience in the licensing arena, the ASHA staff is updating the model bill to bring it into compliance with changes in the profession. Among the most significant changes will be the inclusion of language related to telepractice and provisions for the inclusion of endoscopy in laws and/or rules and regulations. Once revised, the model bill will be accessible on ASHA's website at <http://www.asha.org/uploadedFiles/State-Licensure-Model-Bill.pdf>.

GREG GIVENS ELECTED TO NCSB BOARD OF DIRECTORS

Greg Givens, Ph.D. was recently elected to a three-year term on the NCSB Board of Directors. Greg, who is currently Professor and Chair of the Department of Communication Sciences and Disorders at East Carolina University, brings many years of licensure experience to NCSB. He is a past member and Chair of the NC licensure board and is also a Past President of NCSB. His primary research interest is in the area of telepractice, a topic that is currently on the agenda for many state regulatory boards. NCSB welcomes Greg back to the Board.

NCSB POSITION STATEMENT ON TELEPRACTICE

Among the hot topics related to alternative methods of service delivery is the provision of speech-language pathology and audiology services through telepractice. Many states have developed statutory language and/or rules and regulations to address telepractice, and others are considering implementation of telepractice guidelines in their states. A number of years ago NCSB developed a position statement on telepractice that states may use as a guide in considering and formulating development of their own regulations. The text of that statement follows.

National Council of State Boards of Examiners For Speech-Language Pathology and Audiology (NCSB)

Position Statement on Telepractice

State licensure boards have a legal, moral and ethical responsibility to protect consumers from unscrupulous and unqualified practitioners. Realizing that technology is advancing exponentially, it is incumbent upon regulatory boards to address the provision of services that transcend traditional service delivery models.

The most rapidly emerging change in the provision of health care has been the evolution of telepractice. Designed initially to deliver health care at a distance, the use of telecommunication has evolved not only as an alternative method, but in some cases, as the primary mode of service delivery. Given that the professions of speech-language pathology and audiology have had long-standing regulations that prohibit service delivery solely by correspondence, regulatory boards have a renewed responsibility in the protection of the public, given the contemporary practice of the profession.

One primary concern in the regulation of telepractice is who governs the services provided, i.e. the state where the provider resides or the state where the patient resides. With increased mobility of professionals, more intrastate as well as interstate services are being provided through electronic means, and state boards may want to consider the issuance of a temporary or restricted license to accommodate these practitioners. Other critical factors that may influence telepractice regulations include issues related to standards of care, including the qualifications and competency of the service provider.

In the absence of statutory authority to govern telepractice, the potential exists for unlicensed practice, fraud, and ethical violations. It is the position of NCSB that states should protect their consumers by adopting statutory language relative to telepractice as suggested by the Federation of Associations of Regulatory Boards (FARB). Sample language is as follows:

The provision of speech-language pathology or audiology services in this state, through telephonic, electronic or other means, regardless of the location of the speech-language pathologist or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require licensure in this state.

Although there is not a uniform practice act, and standards do vary from state to state, licensure boards nonetheless share the responsibility to protect consumers regardless of the mode of service delivery. The establishment of telepractice regulations will not only protect the consumer, but lessen previously existing barriers to health care.

Adopted 10/17/03

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