Speech Language Pathologist and Audiologist Licensing
Advisory Council Meeting
October 22, 2010

Attendance

Members
Mark DeRuiter, PhD, CCC-A/SLP
Debora Kornhauser, SLP
Josephine Helmbrecht, AuD
Joselyn Martin, AuD
Justyn Pisa, AuD
Jerry Meinders, HID
Lowell Erdahl

Staff
Tom Hiendlmayr
Gloria Rudolph
Barbara Miller

Absent Members
Sally Gorski, MA, CCC-SLP
Jill Arvidson, MST, CCC-SLP
Lori Mayo

I. Introductions
Introductions were done by those in attendance.

II. Review and Approve Minutes from January 15, 2010
The Minutes were approved as written.

III. Review/Adoption of Agenda
The Agenda was adopted as proposed.

IV. Staff Reports
A. Credentialing Report
Rudolph presented the Credentialing Activity Report as of September 30, 2010. She stated the numbers of practitioners holding full licensure in speech language pathology are 1,277, in audiology are 395 and dual licensure are two for a total of 1,674. The numbers of practitioners holding clinical fellowship or doctoral externship licenses in speech-language pathology are 88 and in audiology are 12 for a total of 100. The numbers of practitioners holding a 90-day temporary license in speech-language pathology are four and in audiology are six for a total of ten. There are 1,784 licensees in total. Rudolph stated that the next renewal date is January 31, 2011 and renewal packets were mailed in November 2010. Rudolph presented a spreadsheet of Speech-Language Pathologist/Audiologist Monthly Stats from 1/1/06 to 6/30/10. Meinders inquired if speech-language pathologists are able to dispense hearing aids? Hiendlmayr responded that they are not.

B. Exam Report – August 19, 2010 Exam Results
Rudolph presented the August 19, 2010 Hearing Instrument Dispenser Exam report created by Patti Fuller. The exam results were mailed on September 30, 2010. Rudolph
stated that there were eight new examinees taking the practical exam for the first time. Of those eight new examinees, three passed the practical exam (one audiologist and two non-audiologists) and five failed one or more portions (three audiologists and two non-audiologists). The three audiology new examinee failures consisted of audiometry.

Rudolph stated that three examinees retested the practical exam, and all three examinees passed the retest (two audiologists and one non-audiologist).

DeRuiter inquired if there is any kind of item analysis with the audiometry failures that tells what those audiometry failures really are? He also inquired if it is the same error that is done by multiple examinees over and over again or is it inconsistent across the examinees? Hiendlmayr responded that there are pretty consistent types of errors. He explained that examinees get a report that indicates what their passing score is and whether or not they passed the audiometry portion of the exam, as it is possible to get a passing score, but fail by receiving a critical failure. If an examinee asks for additional information regarding their score report, then they receive a breakout of particular areas of the exam that are tested and an indication of the area in which they received the fewest points/most errors. Hiendlmayr stated the next step in the process is for the examinee to ask for a review by the Exam Committee, and the examinee has to state the grounds on which they want the review. Hiendlmayr stated one of the difficulties is the Department is somewhat challenged or limited in explaining how the examinee could get a passing score and yet have a critical failure. He also noted that examinees are sometimes concerned about possible subjectivity in the scoring. DeRuiter inquired if critical failures are based on evidence based practice and not something that one might do a different way? Hiendlmayr responded that masking is the focus of most of the concern about the scoring and where people may think that it is subjective. He believes the scoring portion does allow for different methodologies in terms of finding a bone conduction threshold.

Pisa stated the examinees are graded on ascending and descending method of limits to find the threshold, on finding the accurate threshold and on providing the accurate masking noise. Meinders asked if there is more than one way to find that answer? Pisa responded yes. Meinders inquired if the proctor has done one way his whole practice and an examinee finds the same results using a different method, is that proctor objective enough to realize that the examinee did it correctly even though it is not the way the proctor does it? Martin responded yes. Pisa explained there is nothing in the scoring sheet asking if the examinee used a particular method to find the proper threshold. Hiendlmayr stated that he is not going to say what the critical failure often is, and explained the Department is constrained by protecting the integrity of the exam. Meinders inquired if any examinees that have appealed have had their results reversed? Hiendlmayr responded not reversed the results necessarily, but perhaps the person should be given an adjustment or an opportunity. DeRuiter inquired if the exam is ever put under review? Hiendlmayr responded yes. DeRuiter inquired what the cycle for review is? Hiendlmayr responded that once every two years is what the Exam Committee has been doing. He explained this last year the Exam Committee has reviewed a computerized program for the audiometry section, and the Exam Committee is going to be revisiting that in January when a new version of the program is available that should correct a number of glitches in its operation. Hiendlmayr noted that the information the Department gives candidates when they fail has not be amended since the exam was created, except for changing one or two words explaining one of the test items.
- **Online Renewals**
Rudolph stated the January 31, 2011 renewals will be online. She stated that testing begins next week, and letters will go out in November with instructions. She explained that individuals without access to a computer will be able to request that forms be mailed to them. She noted that there will be an option to pay online as well as mailing a check payment to the Department.

**C. Investigations and Enforcement Report**
Hiendlmayr presented the Investigations and Enforcement Report for Audiologists for the first quarter of Fiscal Year 2011. He stated three investigations were opened related to allegations. The prohibited acts were two incompetence or negligence, one failed to refer client for medical evaluation, and two failed to provide a refund with 30 days. Hiendlmayr noted that some of the investigations contain more than one prohibited act, and so that is why the number of prohibited acts is more than three. Two investigations were opened, and two investigations were closed with advisements. In both closed investigations, a letter was sent to the practitioner with a recommendation about changing something. No enforcement actions were opened or closed. Currently there are 21 investigations open involving 20 practitioners and five enforcement actions open for a total 26 pending actions. Hiendlmayr noted that number of practitioners is a new piece of data being provided on the report.

Hiendlmayr presented the Investigations and Enforcement Report for Speech-Language Pathology for the first quarter of Fiscal Year 2011. Hiendlmayr stated that the four intakes received were related to applications. No investigations were opened or closed. Currently there are 20 investigations open involving 19 practitioners and seven enforcement actions open for a total of 27 pending actions.

**D. Budget and Expenditure Reports**
Hiendlmayr presented the Final Fourth Quarter Budget and Expenditure Report for Fiscal Year 2010. He noted that the report shows final figures for FY10. He stated that the expenses were approximately $20,000 less than budget, which affects the indirect cost rate. So the difference between total budgeted costs and actual total costs is about $30,000. That is primarily due to not having any enforcement expense, not having any attorney general costs, and not incurring any expenses for computer system services and equipment. The computer system services and equipment is the line item that was budgeted for the online renewal activity. He stated the online renewal activity that is going on now started in FY11. Hiendlmayr stated that the program exceeded estimated receipts by approximately $30,000. That resulted in a positive balance, as opposed to a budgeted negative balance, and an increase in the surplus.

Hiendlmayr presented the Proposed Budget and Expenditure Report for Fiscal Year 2011. He stated that the salary/fringe budget is less than FY10 due to reductions in administrative support staff and investigation and enforcement staff. He noted that administrative support may increase around renewal periods. He explained that the budgeted amount for the computer services and equipment line item is for the online renewal.
Hiendlmayr presented the First Quarter Budget and Expenditure Report for Fiscal Year 2011. He noted that the salary/fringe line item is through 9/20/10, but the other items are through 9/30/10. He stated that no charges for indirect costs have posted yet. He stated that the receipts are low because there has not been a renewal yet.

Hiendlmayr presented the Long Range Budgets for Audiologists and for Speech-Language Pathologists. He noted that normally when he presents the long range budget that the Council discusses the fees into the future. He stated that he advises against bringing up any fee requests this upcoming legislative season. He explained that the current expenditures are not inflated in the future budgets. He noted that for audiologists, there are projected continuing account deficits on an annual operating basis. That includes assuming small increases in the number of licensees every year. He noted for speech-language pathologists, there are projected positive account balances from annual operations in the future budgets. He suggested a future discussion for a fee reduction there. Kornhauser inquired if there is any fee increase for online renewals? Hiendlmayr responded that online renewals have the option to pay online with a credit card or the mail in a check. He stated that the program decided that if a person decides the pay their license fee with a credit card they will not incur any additional expense for the transaction. He noted there are additional expenses for credit card transactions, and the program made the decision to incur that in the program operation expenses because the program viewed it as a disincentive for payment online to have an additional fee. There is a transaction fee for every online payment, and then there is also an account fee. Hiendlmayr explained the transaction fees will be charged to the program instead of each individual. Kornhauser liked that she liked the program paying the fees because she probably would not pay online if it was going to cost her more, but at the same time it is easier for the program to receive payment by credit card instead of by check. Hiendlmayr stated the staff time during renewals to process checks can be demanding. Helmbrecht stated that even though it seems like an additional expense, it may be saving some costs in terms of staff time to process checks.

V. Old Business
   A. Audiology Assistants (ongoing discussion)
   B. Dispenser Training and Education Workgroup Update

   Hiendlmayr updated the topics of Audiology Assistants and Dispenser Training and Education Workgroup. He discarded the idea of possible integration of training for audiology assistants and dispenser training. He explained what has transpired at the Workgroup is development of a list of knowledge areas and skill areas that are deemed necessary for entry level competency to dispense hearing instruments. Currently, the plan is to put two tables containing lists of those content areas and skill areas on program’s website as information available to persons for a variety of purposes. At this point, the Department will not go forward with any legislative initiative to make education and training a requirement for either the exam or for certification. There is some discussion about how certification practice requirements might be amended to enable a person to take part of the exam and then practice in certain areas upon passage of certain parts of the exam, but there is no discussion at this point to make any of that dependent upon changes to education and training requirements. Hiendlmayr stated that any discussion of audiology assistant education and training has been tabled.
Hiendlmayr stated that there are several tasks that the Workgroup is going to address at its next meeting in December. First, the Department is going to clarify that there is no statutory reason why the exam administration process has the written and practical exams offered together on the same day. It is possible to present and offer the exam differently. Second, the Department is also going to provide the Workgroup with draft language for presenting the tables of content areas and skill areas on the program’s website. He noted other members of the Workgroup are going to bring a review of some of the other models that may be available or required in other states regarding education and training and the ability to practice in certain areas. The Workgroup is also going to look at a voluntary apprenticeship model. Helmbrecht inquired if the Department would be able to track the individuals that did the recommended training by comparing their scores and complaints after certification versus the individuals that choose not to do the recommended training? Hiendlmayr stated that the Department could do that, but they would have to put in-place some particular questions on the exam application to solicit that information. He stated in the past the Department did an analysis of exam results vis-à-vis trainee experience, and the Department found that people in trainee experiences did better on the exam than those who tested before they began a trainee experience and those who took the test awhile after concluding a trainee experience.

VI. **New Business**

A. **License Revocation for Crimsex Offenses**

Hiendlmayr presented Senate File 1347. He stated that it was passed last session, and it applies to chiropractic practice. He noted under Sec. 3 there is a directive that the Council of Health Boards do a study that evaluates and makes a recommendation as to whether or not the law passed affecting chiropractors should also apply to other health care licensees. Hiendlmayr asked the Council whether or not Members would be supportive of a similar statutory provision for speech-language pathologists and audiologists, what impact this might have on licensees, any suggestions to improve the language, and other comments. He stated the Council can take this handout with them, and the Council Members can provide comments later through email and/or phone conversations. Essentially what this law does is make criminal sexual conduct in the first, second, third, or fourth degree the basis for immediate revocation of a license to practice. The law also creates a presumption that anyone whose license has been revoked has the burden placed on them to show that they should reinstated, and it says that they cannot request or make application for a license until 10 years after completing a sentence and any probation/supervision. If the Department were to grant a license, they would have to spell out in writing what the standards would be for overcoming a presumption against issuing that license. It allows the licensing authority to not consider an application if the victim involved in the offense was a patient or client of the licensee at the time of the offense.

Hiendlmayr explained that there is one provision within the SLP and audiology practice act that is a ground to refuse to issue a license or renew a license, and that is violation of any state law and the violation is a felony or a misdemeanor, an essential element of which is dishonesty or relates directly or indirectly to the practice of speech-language pathology or audiology. So whether or not a criminal sexual act in the fourth degree would come within the purview of this ground would depend upon a number of facts, the most obvious one being that a felony was committed and the victim was an audiography or
a speech-language pathology patient of the licensee. Pisa inquired if this proposal applies to situations with clients or would others be included? Hiendlmayr responded that the proposal would apply to any conviction of criminal sexual conduct in the fourth degree to the first degree, related or unrelated to the practice. Kornhauser stated she thought something like this was already in place. She stated that it is in place in the schools. She would not want anyone convicted of any criminal sexual activity working with any client anywhere. Martin inquired if that was already covered in the practice statutes? DeRuiter responded that he does not think it is. DeRuiter stated when he thinks back to patients who cannot speak or cannot articulate themselves that something has happened to them, he thinks this would offer some protection that consumers are entitled to. Helmbrecht suggested looking at the unintended consequences if the proposal were adopted. She asked if they adopt the proposal if the Council would have to recognize how to deal with it with in their practice act? Hiendlmayr responded that the Council would have to figure out what standards they would apply to an individual who has a conviction and they want to come back after ten years after satisfying all probationary requirements. Helmbrecht suggested rewording the practice act such that when this situation comes up it is reviewed on an individual basis. Kornhauser stated that someone would have to work very hard to convince her not to support the proposal. Hiendlmayr explained the law would take the decision out of the discretion of the Commissioner and the Advisory Council to issue a license to a person who had this kind of conviction. He stated currently if someone applied with a criminal sexual conviction under the current practice act, it is possible the Department would not have grounds to revoke a license or refuse to issue a license or renew a license. Helmbrecht asked if the proposal is adopted who makes the decision about the licensee being granted the license? Hiendlmayr responded the legislature. Hiendlmayr stated the report is due to the legislature January 15th.

B. Proposed 2011 Advisory Council Agenda
Hiendlmayr presented the Proposed 2011 Advisory Council meeting dates. Kornhauser stated the October 21st date happens during teacher conventions, and suggested moving it. Miller stated she would move it, and she would send out the updates to Members.

C. Advisory Council Member Renewals
Miller stated that DeRuiter, Gorski, Kornhauser, Martin and Erdahl are all up for renewing their membership to the Council. She will be mailing out paperwork for renewal, and requested that Members let her know if they are not interested in renewing.

Next Meeting
January 7, 2011
2:30 p.m. - 4:30 p.m.
Snelling Office Park
Minnesota Room
1645 Energy Park Drive
Saint Paul, MN 55108