



Protecting, maintaining and improving the health of all Minnesotans

**Speech-Language Pathologist and Audiologist Licensing
Advisory Council Meeting
April 23, 2013**

Attendance

Members

Mark DeRuiter, PhD, CCC-A/SLP
Jill Arvidson, MST, CCC-SLP
Sally Gorski, MA, CCC-SLP
Heidi Hueffmeier, CCC-SLP
Josephine Helmbrecht, AuD
Melissa Ferrello, AuD
Katherine Teece, AuD
Geoff Service, MD

Staff

Anne Kukowski
Gloria Rudolph
Barbara Miller
Catherine Lloyd (appeared for Agenda Item 6D)

Absent Members

Jerry Meinders, HID
Lori Mayo
Jason Schlotthauer

I. Introductions

Done by those in attendance.

II. Review and Approve Minutes from October 26, 2012

Approved, as written.

III. Review/Adoption of Agenda

Approved, as written.

IV. Staff Reports

A. Credentialing Report

Rudolph presented the FY13 Q3 Credentialing Activity Report as of March 30, 2013.

- Full Licenses: 1,843 = 1,428 SLPs, 413 Auds, and 2 Dual.
- CFY/DE Licenses: 102 = 89 SLPs and 13 Auds.
- Temporary Licenses: 5 = 4 SLPs and 1 Auds.
- Total Licenses: 1,950.
- Next renewal deadline is May 31, 2013; notices were mailed in March.

B. Exam Report – February 7, 2013 Exam

Rudolph presented the 2/7/13 HID Exam Results.

- Results were mailed 3/18/13.
- 9 new examinees for the practical exam:
 - 7 passed (5 audiologists, 2 non-audiologists).
 - 2 failed (2 audiologists)
 - Audiologist failures consisted of: 2 audiometry and earmold impressions.
- 5 retest examines for the practical exam:
 - 3 passed (1 audiologist, 2 non-audiologists).
 - 2 failed (1 audiologist, 1 non-audiologist).

- Audiologist failure consisted of: 1 audiometry.

C. Investigations and Enforcement Report

Kukowski presented the FY13 Q3 Audiology I&E Report:

- 14 Intakes (2 allegations, 1 inquiry for public action check, 1 inquiry for info, 10 applications).
- 3 Investigations Opened (2 from allegations, 1 from application):
 - 1 count for incompetence or negligence,
 - 1 count for failure to perform with reasonable judgment, skill or safety due to use of alcohol or drugs, or physical or mental impairment, and
 - 1 count for conduct likely to deceive, defraud public.
- 1 Investigation Closed (dismissed with advisements).
- No Enforcements Opened or Closed.

Kukowski presented the FY13 Q3 SLP I&E Report:

- 8 Intakes (all from applications).
- 2 Investigations Opened (both from application intakes, no counts listed).
- 4 Investigations Closed:
 - 1 for insufficient evidence, and
 - 3 unable to locate the complainant or witness.
- No Enforcements Opened.
- 2 Enforcements Closed (1 civil penalty).

Kukowski updated I&E staffing changes in HOP.

- Kyle Renell, previously the investigator for complaints against SLPs, retired.
- HOP is in the process of hiring another investigator.
- Arvidson expressed a concern about the current length of time for investigations.

D. Budget and Expenditure Reports

Kukowski presented the FY13 Q3 Audiologist Budget Report.

- Total Expenditures were \$71,931.54.
- Salary expenses are lower than expected due to the investigator position vacancy.
- Total Receipts were \$71,057.00.
- Program Balance was -\$874.54.

Kukowski presented the FY13 Q3 Speech-Language Pathologist Budget Report.

- Total Costs were \$81,551.61.
- Total Receipts were \$97,011.00.
- Program Balance was \$15,459.39.

V. Old Business

A. Audiology Assistants (ongoing discussion)

Helmbrecht stated there has been an ongoing discussion about audiology assistants.

- Minnesota Academy of Audiology (MAA) did a survey during their February meeting to get an idea of what audiologists would like to delegate, and there are no further updates at this time.

B. Legislative Update

Kukowski updated the Criminal Background Check (CBC) legislation.

- Legislation was amended so that CBCs would only be implemented for SLPs and audiologists in 2017 if MDH is not reviewed by the Sunset Commission.

However, there are three bills to repeal the Sunset Commission.

- Only new licensees would be undergoing CBCs in 2017, if implemented.
- Hueffmeier asked if the cost would be absorbed by the state or the applicant, and Kukowski answered the applicant.
- DeRuiter asked what happens with the information on the CBCs and who would make the decisions with them.
- Kukowski answered that the federal CBC information could not be released to anyone, even employers. Minnesota has a statute that a criminal conviction has to relate directly to the occupation in which you are seeking licensure in order for licensure to be denied, but currently it is unclear who determines what convictions directly relate to the occupation. Mostly likely, it would be determined on a case-by-case basis by I&E staff and management.

VI. New Business

A. Records Retention Policy

Kukowski presented the MDH Records Retention Schedule for SLP/Auds.

- Kukowski asked for input on retention length of SLP/Aud credentialing files, which is currently 52 years after licensure lapse.
- Helmbrecht asked how it is handled if there is a long licensure lapse, and Rudolph answered that the practitioner would still be considered renewing their lapsed license but the process is different than those that were practicing continuously.
- Gorski asked the purpose of retaining the files, and Rudolph explained that if someone renews after a 10 year lapse that we do recall their original file from offsite storage and make it active again. The information is also stored electronically in the HOP database.
- Helmbrecht asked what the longest lapse that has occurred is, and Rudolph thinks it was 8 years, possibly 10 years.
- Council agreed storing credentialing files for 10-15 years after lapse is reasonable.

B. Brainstorming on How to Obtain Active Public Members

Kukowski presented a flier to attract public members and asked for suggestions on recruiting public members.

- Ferrello suggested that the flier could be placed in offices.
- Miller stated that there is no hearing aid consumer on the Council, and the two SLP consumers on the Council have not been active.
- Gorski asked if we could reach out to the consumers that have contacted HOP with questions because they might have a greater desire to be active, and Kukowski suggested the HOP come up with a script for inquiry calls.

C. Licensure Fee Amount

Arvidson stated the SLP inquiring about the fees was satisfied with the response from HOP about the fee history.

- Rudolph stated the fee amount has not changed in a long time.
- Miller noted that the other professions (OT, PT) for which the SLP was comparing the licensure fees have more licensees, which usually allows lower fees.
- Kukowski noted that HOP does their own investigations until it becomes a contested case, whereas some health licensing boards may send their cases earlier

to the AG's Office, which can mean lower investigatory costs.

D. Medical Clearance Signature for Hearing Aids

Kukowski stated HOP received an inquiry as to whether a physician's assistant (PA) may provide the medical clearance required for prescribing a hearing aid.

- The answer to that question involves the statutes regulating audiologists, hearing instrument dispensers, FDA regulations, and PA's scope of practice as well as DHS rules and regulations.
- Service asked if any MD can sign for medical clearance?
- Kukowski responded that the audiologist statutes require compliance with FDA regulations for dispensing hearing instruments, and the FDA regulations require that a hearing aid dispenser advises a prospective hearing aid user to consult promptly with a licensed physician, preferably an ear specialist, if certain conditions are present.
- Service stated there are few ENT practices employing PAs. There is an ENT PA residency in Scottsdale, and it is possible those PAs could be comfortable signing medical clearance. Based on his experience, most primary care clinics do not sign medical clearance but refer those patients to ENT offices.
- Helmbrecht stated this issue might be arising more in rural areas where more PAs are employed.
- Lloyd explained that HOP's biggest concern is regarding the audiologist because if the program received a complaint about an audiologist that would have to be handled by HOP, but if the program received a complaint regarding the PA signing for medical clearance, it would go to the MN Board of Medical Practice.
- Kukowski stated the PA scope of practice may take care of the issue from HOP's perspective because it says orders of physician assistants shall be considered orders of their supervising physicians in all practice related activities including, but not limited to, ... therapeutic services. It goes on to say patient services must be limited to services within the training and experience of the PA, services customary to the practice of the supervisory physician, services delegated, and services within the parameters of the laws and rules and standards of the facilities. So a PA could sign for medical clearance according to the audiologist licensing statutes as long as they meet those other requirements.
- Kukowski stated HOP probably will not be pursuing a complaint against an audiologist if they fit a hearing aid where the medical clearance was signed by a PA, but DHS may come to a different outcome for Medicare and Medical Assistance questions.
- Lloyd stated she has a call out to the FDA about this issue, but is unsure if they will defer the decision back to the states. HOP will continue to research and monitor how practitioners are handling this.

Next Meeting

July 23, 2013, 2:30 pm to 4:30 pm

Dakota County Northern Service Center, Room 501

1 Mendota Road

West Saint Paul, MN 55118