

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
COMPLAINTS COMMITTEE REPORT**

Thursday, January 11, 2001, 9:00 a.m.

Holiday Inn Austin Town Lake

20 North IH-35 Board Room

Austin, Texas 78701

(512) 834-6627

The meeting was called to order at 9:00 a.m. Committee members Bertha Moore Campbell, Deborah L. Carlson, and Judith A. Chambers were present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards.

The Committee reviewed the report of the meeting held September 21, 2000. **Ms. Campbell moved that the report be adopted as corrected and the motion carried.**

The Committee discussed the following complaints with action taken as stated:

00-SA-0028 and 00-SA-0029: The complainant alleged the two respondents practiced without a license as required by the Texas Occupations Code (Act), §401.301, and misrepresented their training or competence as required by Board Rules, §741.41(a)(2)(A). The investigative report included a statement by a medical doctor that he supervised the medical personnel, including audiologists. The employer was following guidelines issued by the Occupational Safety and Health Administration (OSHA), CFR 29 1910.95 (g)(3). The Act, §401.057, exempts individuals who participate in a hearing conservation program in compliance with the regulations of OSHA. The complaints were closed with no violation of the Act or Board Rules

00-SA-0032: The complainant alleged the respondent failed to document services provided as required by Board Rules, §741.41(a)(1)(A)(v). The investigative report included statements from the facility administrator and the director of nursing that the respondent did provide appropriate documentation for services rendered. The Committee agreed the documentation appeared to be sufficient. The complaint was closed with no violation of the Act or Board Rules.

00-SA-0034: The complainant alleged the respondent did not provide a refund of a hearing instrument as referenced by Board Rules, §741.87(g). The respondent refused to refund the purchase price because the complainant had not requested the refund within the time period noted on the contract. The investigative report substantiated this and included information that the respondent agreed to work with the complainant by offering to contact another manufacturing company without cost to the complainant. The complainant declined the offer. In addition, the respondent's contract did not have the Board's correct name and address as required by Board Rules, §741.41(a)(13). The respondent was asked to correct his contract and he agreed. The Committee closed the complaint and shall suggest the complainant consider the respondent's offer of assistance.

00-SA-0036: The complainant alleged the respondent led her to believe the hearing instruments she purchased were insured for loss. The investigative report included a copy of the contract signed by the complainant listing specific dates for “Loss/Accidental Damage Warranty” as May 15, 1999, and “Repair Warranty” as May 15, 2000. The complainant lost one aid in May 2000 and assumed it was still covered by the warranty but it was not. The Committee closed the complaint because there was no violation of the Act or Board Rules.

01-SA-0010: The Committee reviewed the documentation submitted by the respondent and the intern the respondent was supervising. This documentation clearly showed direct supervision, as required by Board Rules, §741.82 (j)(1), was not provided. **Doctor Carlson moved to recommend the Board issue letters of reprimand to the respondent and to the intern and the motion carried.** The reprimand to the respondent shall also include a statement that the respondent withdraw as the supervisor if she cannot fulfill the supervision required.

01-SA-0011: The Committee reviewed the documentation and signed Letter of Agreement from the respondent who had been randomly selected for the continuing education audit for this year’s renewal period. Upon review of the documentation submitted, proof of continuing education hours earned for the previous year’s renewal was lacking. The respondent had answered “yes” on the previous year’s renewal form acknowledging she had earned the required continuing education hours when she actually had not. This is a violation of Board Rules, §741.163(10)-(12).

At the Complaints Committee meeting held May 11, 2000, it was agreed that for this type violation, the Board office would prepare a Letter of Agreement requiring a licensee to earn an additional 20 hours of approved continuing education for the next renewal period and be subject to the continuing education audit for the next three renewal periods to insure compliance and that the hours required to meet the 20 additional hours are not used for subsequent renewals. If the licensee agreed to the conditions of the Agreement, the license would be renewed. Legal counsel stated the Complaints Committee should ratify the Agreement at its next meeting. Board approval is not required.

Doctor Carlson moved to accept the Letter of Agreement and the motion carried. The Committee asked that from this time forward the procedure be changed to allow the Complaints Committee to either accept or reject the Letter of Agreement, or impose other disciplinary actions. Other disciplinary actions may be to attach the Letter of Agreement to a Letter of Reprimand. All other conditions listed in the previous paragraph could apply. The Board office shall revise the form letter and Letter of Agreement currently being mailed to the licensees to reflect these changes.

01-SA-0001, 01-SA-0004, 01-SA-0005, 01-SA-0006, 01-SA-0007, 01-SA-0008, and 01-SA-0009: These complaints are pending, awaiting the receipt of the investigative report.

Other items discussed included the following:

The Committee reviewed Complaints 01-SA-0002 and 01-SA-0003. The respondents in both of these complaints continued to practice after expiration of the grace period. The current procedure has been to renew the license, send a letter of warning, and have the Complaints Committee ratify the decision. **Doctor Carlson moved to ratify the decision and the motion carried.** For Complaint 01-SA-0002, the Committee requested that information concerning practicing without a license involving Medicaid reimbursement be mailed to the respondent's employer. Complaint 01-SA-0002 was closed October 23, 2000, and Complaint 01-SA-0003 was closed November 9, 2000.

The Committee moved to agenda item 8 since it was related to the issue of late renewal of a license. The executive secretary asked if the Committee would consider revising the office procedures for this type of violation. Ms. Cawthon suggested renewing the license and also notifying the licensee that the Complaints Committee would then determine the disciplinary action at its next meeting. This action could be a Letter of Reprimand or more severe penalty depending on the length of time the violation ensued and whether it was a repeat violation. The Committee agreed and **Ms. Campbell made a motion to change the procedure as stated and the motion carried.**

The Committee discussed the Informal Settlement Conference relating to probation of J.H.B. and the Agreed Order he signed. **Ms. Campbell moved that the Committee recommend the Board accept the Order and the motion carried.**

The Committee discussed Complaint 00-SA-0019. The respondent questioned the complaint process and asked that the complaint be dismissed. Another review of the investigative report and the respondent's statement confirmed the Committee's initial assessment; the respondent did violate the Board Rules. **Doctor Carlson moved that the respondent be resent the Notice of Violation Letter previously mailed along with an explanation of the complaint process. The motion carried.**

The Committee discussed previously closed Complaint 00-SA-0038 because a letter had been received from university personnel concerning the contract the respondent had with the university allowing students to earn practicum hours for fitting and dispensing of hearing instruments. Legal counsel shall prepare a letter to the complainant. A copy of the letter shall be sent to the university and the Board office. No further action was warranted.

Complaint 00-SA-0018 was reviewed because the respondent had not return the signed Agreed Order, **Ms. Campbell moved to recommend the Board accept the Default Order and the motion carried.**

The Committee agreed to continue to maintain a list of possible rule changes if current language in the Board Rules is not sufficient. After a year or so, the Committee will revisit rule making. It was agreed by general consent that “failure to provide scheduled therapy” as a Code of Ethics violation be added to the on-going list.

The Committee briefly discussed the draft Schedule of Sanctions Guidelines for Specific Violations and requested that the item be returned to the next meeting’s agenda.

Ms. Campbell moved to adjourn at 11:20 a.m. and the motion carried. This report shall be presented to the full Board at the meeting scheduled for January 12, 2001.

Judith A. Chambers, M.Ed.
Committee Presiding Officer

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
SPEECH-LANGUAGE PATHOLOGY SCOPE
OF PRACTICE COMMITTEE REPORT**

Thursday, January 11, 2001, 11:30 a.m.

Holiday Inn Austin Town Lake
20 North IH-35 Board Room
Austin, Texas 78701
(512) 834-6627

The meeting was called to order at 11:31 a. m. with Committee members Bertha Moore Campbell, Elsa Cardenas-Hagan, Lee Reeves, and Cheryl L. Sancibrian present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards. Board members R. Eric Reynolds and Matthew H. Lyon attended the meeting as guests. **Doctor Reeves moved to recess for lunch and the motion carried.** The meeting reconvened at 12:30 p.m.

The Committee reviewed the report of the meeting held September 21, 2000. **Doctor Reeves moved that the report be adopted as written and the motion carried.**

A preliminary draft Guidelines for Supervising Licensed Interns and Assistants to aid licensed speech-language pathologists in determining appropriate levels of supervision to ensure best practices was discussed. Several suggestions were considered and Ms. Sancibrian, the Committee Presiding Officer, shall incorporate the suggestions into the draft before the next scheduled meeting.

The Committee discussed the prepared response in anticipation of questions regarding the withdrawal of proposed rule to 22 T.A.C., §741.65(i) that references the Texas Education Agency Rules and the federal law for attendance at Admission, Review, and Dismissal (ARD) and Individual Education Plan (IEP) meetings. It was determined that language should be added to the previously prepared response, indicating that an assistant in speech-language pathology may attend an ARD at a parent's request; but the assistant may not address speech-language pathology assessment or services. Ms. Sancibrian shall utilize this information for the Board's presentation at the Texas Speech-Language-Hearing Association's annual convention. Mary Cole, Texas Education Agency, was present and asked if a copy of the response could be mailed to her and the executive secretary agreed to do so.

The Committee discussed a letter in which the writer inquired whether a speech-language pathologist may diagnose a speech condition and submit a written evaluation to a physician and whether an assistant may generate a 62-day summary. Ms. Sancibrian shall prepare a letter stating the speech-language pathologist may diagnose the speech-language pathology condition and provide a written report. An assistant may not present or write a formal report or summary.

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The American Speech-Language-Hearing Association's final version of the Criteria for Registration of Speech-Language Pathology Assistants and Criteria for Approval of Associate Degree Technical Training Programs for Speech-Language Pathology Assistant was discussed. An applicant who moves to Texas from another state where he or she met the ASHA requirements shall not meet the requirements established in Board Rules, §741.65, for the assistant license. Ms. Sancibrian shall prepare a document showing the differences between the ASHA version and the Board's Rules to be reviewed at the Committee's next meeting. If acceptable, the document shall be made available on the Board's Internet site.

Ms. Cardenas-Hagan moved to adjourn at 1:35 p.m. and the motion carried. The report shall be presented to the full Board at the meeting scheduled for January 12, 2001.

Cheryl L. Sancibrian, M.S.
Committee Presiding Officer

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AUDIOLOGY SCOPE OF PRACTICE
COMMITTEE REPORT**

Thursday, January 11, 2001, 2:30 p.m.
Holiday Inn Austin Town Lake
20 North IH-35 Board Room
Austin, Texas 78701
(512) 834-6627

The meeting was called to order at 2:35 p.m. with Committee members Deborah L. Carlson, Matthew H. Lyon, and R. Eric Reynolds present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards. Board members Bertha Moore Campbell, Elsa Cardenas-Hagan, Judith A. Chambers, Lee Reeves, and Cheryl L. Sancibrian attended the meeting as guests.

Mr. Reynolds, the Committee Presiding Officer, moved to agenda item 5 to accommodate Ms. Joy O'Neal, Texas Department of Health (TDH), who had another meeting to attend. She presented information on the Newborn Hearing Screening Program. Ms. O'Neal stated that the rules became effective May 11, 2000, with implementation scheduled for September. There were some delays but the program is now moving forward. Because TDH had to approve Newborn Hearing Screening equipment, they had an independent evaluator test all submitted equipment to verify that it met the guidelines published in the rules. Birthing facilities are currently receiving implementation assistance, and training on the software for their screening staff. The information management system that is being given to birthing facilities is from OZ Systems. By June 2001 it is anticipated that the approximately 200 birthing facilities that fall under this mandate will be screening all of their newborns and reporting the results to TDH.

Doctor Carlson moved to recess at 3:35 p.m. and the motion carried. The meeting reconvened at 3:50 p.m.

The Committee reviewed the report of the meeting held September 21, 2000. **Mr. Lyon moved that the report be adopted as written and the motion carried.**

Mr. Reynolds attended the Speech-Language Pathology Scope of Practice Committee held earlier today. The issues that effect supervision by speech-language pathologist are not a concern of supervising audiologist primarily because of the small number of licensed interns and assistants. Therefore, the Committee did not believe it was necessary to develop Guidelines for Supervising Licensed Interns and Assistants because there are less than 50 individuals licensed as interns and assistants.

It was determined that no further action was necessary regarding the withdrawal of proposed 22 T.A.C., §741.85(i), because no comments were received.

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Following discussion of the American Academy of Audiology Position Statement relating to the Role of an Audiologist in the Newborn Hearing Screening Program and the Joint Committee on Infant Hearing Year 2000 Position Statement with Principles and Guidelines for Early Hearing Detection and Intervention Programs, it was agreed that Mr. Reynolds shall prepare a draft policy for the Committee's review at the next scheduled meeting.

Mr. Reynolds presented a draft policy on Comprehensive Hearing Assessment (Pre-Purchase Assessment Guideline for Amplification Devices). Several concerns were addressed and Mr. Reynolds agreed to revise the draft for the Committee's review at the next scheduled meeting.

The Texas Occupation Code, §401.304, requires applicants to possess a master's degree from a university or college that is accredited by the American Speech-Language-Hearing Association (ASHA). Seventeen universities and colleges are now awarding an "Au.D." degree to their students. These students do not receive a master's degree; part of the curriculum includes completion of a 36 weeks full time internship.

There are two areas of concern. One is whether the programs are accredited by the ASHA. Ms. Sancibrian who is employed by the Texas Tech University Health Sciences Center, a university with an "Au.D." degree program, was present and stated she would contact the ASHA to determine if the university is considered accredited.

The other concern relates to the intern license. The Texas Occupations Code, §401.311, requires that the applicant for the intern license possess a master's degree or complete coursework and practicum requirements, including a comprehensive examination or a thesis, and is awaiting the official date of graduation. The student would not qualify for the intern license but because §401.056 exempts students from the licensure requirement, the student could complete the internship prior to graduation. However, the student could not obtain a license in Texas until the ASHA has granted the Certificate of Clinic Certification (CCC). This may take several months. A student who graduates before the CCC is granted must cease practicing. Another problem would be that a student could not bill for services.

Legal counsel stated he would review the Texas Occupation Code and the Board Rules to try to find a solution. The Board shall begin the process of Sunset Review within the next year or so. The Committee asked that the Board office maintain a "hit" list of those items of concern with this issue on the list.

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Ms. Cawthon updated the Committee on the draft proposed rules to §741.2 and §741.41. Currently the draft is awaiting review by legal counsel.

Ms. Chambers, the Complaints Committee Presiding Officer, requested approval for two amendments to the Board rules. The first would add “misleading advertising when an audiologist is not readily available to assist clients” to the Code of Ethics, §741.41. The second would amend §741.102(4) to require that an audiologist give a specific date on a contract for the sale of a hearing instrument on which the client must return the instrument in order to qualify for a refund.

The Committee agreed that the two amendments are acceptable, however, it was requested that the amendment to §741.102 include “if the date falls on a holiday, a weekend, or a date the business is not open, the 30 days will end on the first working day that follows that date”.

Legal counsel updated the Committee on the legal opinion concerning the Texas Occupations Code, Chapter 402. Mr. Richards stated they are awaiting a response from the Audiology Practices, Inc., and that an Attorney General’s Opinion may be requested.

Mr. Lyon moved to adjourn at 5:20 p.m. and the motion carried. The report shall be presented to the full Board at the meeting scheduled for January 12, 2001.

R. Eric Reynolds, Au. D.
Committee Presiding Officer

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
RULES COMMITTEE REPORT**

Thursday, January 11, 2001, 3:30 p.m.

Holiday Inn Austin Town Lake

20 North IH-35 Board Room

Austin, Texas 78701

(512) 834-6627

The meeting was called to order at 3:36 p.m. with Committee members Elsa Cardenas-Hagan, Matthew H. Lyon, and Lee Reeves present. Department staff included Lanell Brown, Dorothy Cawthon, and David Richards. Bertha Moore Campbell, Deborah L. Carlson, Judith A. Chambers, R. Eric Reynolds, and Cheryl L. Sancibrian were present as guests.

The Committee reviewed the report of the meeting held September 21, 2000. **Mr. Lyon moved that the report be adopted as written and the motion carried.**

Ms. Cardenas-Hagan moved to adjourn at 3:37 p.m. and the motion carried. The report shall be presented to the full Board at the meeting scheduled for January 12, 2001.

Lee Reeves, D.V.M.
Committee Presiding Officer

**STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
BOARD MEETING MINUTES**

Friday, January 12, 2001, 9:00 a.m.
Holiday Inn Austin Town Lake
20 North IH-35 Board Room
Austin, Texas 78701
(512) 834-6627

The following members were present on Friday, January 12, 2001, for the board meeting:

Bertha Moore Campbell, M.A.
Elsa Cardenas-Hagan, M.A.
Deborah L. Carlson, Ph.D.
Judith A. Chambers, M.Ed.
Harvey Komet, M.D.
Matthew H. Lyon, M.A.
Lee Reeves, D.V.M.
R. Eric Reynolds, Au.D.
Cheryl L. Sancibrian, M.S.

The following Department staff was in attendance:

Lanell Brown
Dorothy Cawthon
Debbie Peterson
David Richards
Jim Zukowski, Ed. D.

Ms. Cardenas-Hagan, the Board's Presiding Officer, called the meeting to order at 9:00 a.m. and moved to agenda item #12 to accommodate Doctor Jim Zukowski who had another meeting to attend.

DIVISION DIRECTOR REPORT:

Doctor Zukowski presented an update on the Sunset Review of the Texas Department of Health (TDH) that required a comprehensive study of its regulatory effort. Currently TDH has 79 different regulatory programs. In addition the Legislature required that the Health and Human Services Commission (HHSC) review professional licensing within TDH. The report was completed in December 2000. Doctor Zukowski gave members a copy of the HHSC recommendations that included allocating budgetary resources to improve TDH's regulatory system and improving automation of licensing and enforcement processes. Another recommendation was for independent board chairs to form a council to share ideas, interests and plans with each other and to meet on a regular basis with the TDH Associate Commissioner for Health Care Quality and Standards. The first meeting is scheduled for late February or early March.

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The CLEAR Conference will be held in San Antonio in September 13-15, 2001, and Doctor Zukowski encouraged members to attend, especially the board member training session. The Health Professions Council is co-sponsoring the conference.

Doctor Reeves asked Doctor Zukowski if he planned to present the Board's budget information. Doctor Zukowski stated that Ms. Debbie Peterson would do so later today. Doctor Reeves commended Ms. Cawthon for her oversight of the Board's office activities and wanted Doctor Zukowski to know this.

MINUTES:

Ms. Cardenas-Hagan asked that members review the minutes of the Board meeting held September 22, 2000. **Doctor Reeves moved to adopt the minutes as written, Ms. Chambers seconded, and the motion carried.**

COMMITTEE REPORTS:

COMPLAINTS:

Ms. Chambers gave a report on the meeting held January 11, 2001. The Committee approved the report of the September 21, 2000, meeting; closed five complaints with no violation; closed one complaint with a letter of agreement for a violation relating to the continuing education audit; closed two complaints with letters of warning for practice beyond the grace period; agreed to resend a Notice of Violation letter with an explanation of the complaint process; and recommended the Board issue two reprimands and approve a Default Order and an Agreed Order.

The reprimands are relating to insufficient supervision provided by the supervisor and practice without sufficient supervision by the intern. **Ms. Campbell moved to issue the two reprimands, Ms. Sancibrian seconded, and the motion carried.**

Ms. Cardenas-Hagan moved to agenda item #4 relating to the Agreed Order for the proposed one-year probation of J.H.B. for his failure to keep scheduled therapy sessions and jeopardized his client's safety by his inattentive behavior. **Doctor Komet moved to accept the Agreed Order, Doctor Reeves seconded, and the motion carried.**

The licensee returned the form requesting an Agreed Order be prepared placing her on probation for a 6-month period. The order was prepared and mailed to the licensee but the signed order was not returned to the Board office. Ms. Cawthon was unable to contact the licensee by phone. The licensee had stated previously that she planned to move out-of-state. **Ms. Sancibrian moved to accept the Default Order suspending the license for 6 months and to forward the Order to the State of Nevada, Ms. Campbell seconded, and the motion carried.**

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The current Board office procedure relating to practice beyond the grace period is to renew the license upon receipt of required documentation and fee and issue a letter of warning. The Committee proposes to change this procedure to renew the license upon receipt of required documentation and fee and notify the licensee that the Complaints Committee shall determine the disciplinary action to be initiated which could be a Letter of Reprimand. **Doctor Reeves moved to accept this procedural change, Mr. Reynolds seconded, and the motion carried.**

Ms. Chambers informed the Board of the Committee's decision to maintain a list of possible rule changes to clarify or strengthen current language or to add new language. She also stated the Committee is reviewing the Schedule of Sanctions Guidelines for Specific Violations.

Ms. Campbell moved to accept the report, Doctor Carlson seconded, and the motion carried.

Ms. Cardenas-Hagan then moved to agenda item #5 to accommodate Doctor Gene Powers.

DOCTOR GENE POWERS PRESENTATION:

Doctor Powers, the Board's representative to the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology, addressed the Board on the Council's primary role of fostering communication between state boards. He stated the Council has evolved into a group of boards with a strong voice. Doctor Powers stated he believed the American Speech-Language-Hearing Association should no longer be engaged in setting a national standard because most states now have regulatory boards but he understands that this won't happen. That is why Texas should maintain an active role on the Council. He stated that his tenure on the Council's Board of Directors will soon expire and he encouraged nomination of a Texas Board member to the Board of Directors.

Doctor Powers commended Ms. Campbell for her presentation at the Board Member Training session at the conference held in October 2000. Ms. Campbell stated the conference was very educational and helped her in her role as a member of the Complaints Committee. She provided hand-outs from the conference and suggested the Board consider participation in "True Colors".

The next conference will be held October 18-20, 2001, in Pittsburgh, Pennsylvania. The topic is Ethical Issues and Challenges in Practice and Regulations of the 21st Century. Doctor Powers encouraged all Board members and the executive secretary to attend.

Ms. Cardenas-Hagan expressed appreciation to Doctor Powers for his years of service as the Board's representative on the Council.

Following Doctor Power's presentation, Ms. Cardenas-Hagan returned to agenda item #3(b).

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COMMITTEE REPORTS CONTINUED:

SPEECH-LANGUAGE PATHOLOGY SCOPE OF PRACTICE:

Ms. Sancibrian gave a report on the meeting held January 11, 2001. The Committee approved the report of the September 21, 2000, meeting; considered the draft Guidelines for Supervising Licensed Interns and Assistants; revised the response prepared by the Board office concerning the withdrawal of proposed rule to §741.65(i) to state an assistant may attend an Admission, Review, and Dismissal at the request of the parent but the assistant shall not represent speech-language pathology or provide speech-language pathology information; agreed that a speech-language pathologist may diagnose speech-language pathology and provide a written report; agreed that an assistant may not generate a formal report; and considered the American Speech-Language-Hearing Association associate degree for the assistant license and agreed to prepare a draft showing the differences in qualifications to be placed on the Board's Internet site.

Ms. Chambers moved to accept the report, Mr. Reynolds seconded, and the motion carried.

AUDIOLOGY SCOPE OF PRACTICE COMMITTEE REPORT:

Mr. Reynolds gave a report on the meeting held January 11, 2001. The Committee approved the report of the September 21, 2000, meeting; received a presentation by Ms. Joy O'Neal, TDH, on the newborn hearing screening program; agreed it was not necessary to develop Guidelines for Supervising Licensed Interns and Assistants; agreed no further action was necessary regarding the withdrawal of proposed §741.85(i); agreed that a draft policy be prepared relating to audiologists in the newborn hearing screening program; agreed to revise the draft policy relating to Comprehensive Hearing Assessment; discussed the "Au.D." degree granted by college and university programs which may require a rule amendment; approved the Complaints Committee request for rule amendments to §741.41 and §741.102(4) with changes; and received an update by Mr. Richards on the legal opinion concerning the Texas Occupations Code, Chapter 402.

Doctor Komet who was not present on the previous day stated that effective January 1, 2001, the Texas Department of Insurance (TDI) has a new rule relating to a patient who changed insurance carriers. The audiologist should use the date he/she instituted treatment and not the date the hearing instrument was dispensed. Ms. Sancibrian asked if the Board believed the new ruling from the TDI should be made available on the Board's Internet site and they agreed it should. Mr. Richards stated he would contact the TDI for the information.

Doctor Reeves moved to accept the report, Doctor Komet seconded, and the motion carried.

RULES COMMITTEE REPORT:

Doctor Reeves gave a report on the meeting held January 11, 2001. The Committee approved the report of the September 21, 2000, meeting.

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Doctor Carlson moved to accept the report, Ms. Chambers seconded, and the motion carried.

BOARD FORUMS (2001 TEXAS SPEECH-LANGUAGE-HEARING ASSOCIATION CONVENTION:

Ms. Cardenas-Hagan stated the Board shall host the Licensing Issues Forum from 10:15 a.m. to 11:45 a.m. on Thursday, February 22, 2001, and the Board Presentation and Question and Answer Forum from 1:30 p.m. to 3:00 p.m. on the same day. Members who plan to attend include Ms. Campbell, Ms. Cardenas-Hagan, Doctor Carlson, Mr. Lyon, Doctor Reeves, and Ms. Sancibrian. Ms. Sancibrian shall prepare the Power Point presentation and forward it to the members for review. Ms. Cardenas-Hagan shall approve the final draft.

Items for the presentation may include the new Board Rules effective December 24, 2001; the withdrawal of §741.65(i) and §741.85(i); the number of interns and assistants being supervised; the change in the number of hours of continuing education that may accrue; maintenance of the continuing education log; and who to contact (the Board, American Speech-Language-Hearing Association (ASHA), Texas Speech-Language-Hearing Association (TSHA), American Academy of Audiology (AAA), Texas Academy of Audiology (TAA), and Texas Education Agency (TEA)) with specific questions.

The Board members agreed to personally present information to college and university students concerning licensing issues if requested by the program director. The presentation developed for the TSHA Convention should be used by the Board members to ensure consistency. Ms. Cawthon shall mail a letter to the colleges and universities informing them of the Board's decision. Ms. Cardenas-Hagan assigned members to address colleges and universities that are located near them.

BOARD POLICIES:

Ms. Cardenas-Hagan assigned Board members to address specific sections of the draft Board Policies that includes information removed during the Agency Rule Review, the responsibility of the Board, the Board members, and the executive secretary; program accessibility; and public participation at Board meetings. Doctor Reeves and Ms. Chambers shall review Meetings, Minutes/Reports, Attendance, Official Records, Program Accessibility, Policy Against Discrimination, Impartiality, Policy Regarding Handicapped or Disabled Applicants, and Reimbursement for Expenses. Ms. Campbell and Ms. Cardenas-Hagan shall review the Responsibilities of the Board and the Responsibilities of Individual Board Members. Mr. Reynolds and Ms. Cawthon shall review the Responsibilities of the Executive Secretary. Mr. Reynolds, Doctor Carlson, and Mr. Lyon shall review the Policy on Public Participation at Board Meetings. Ms. Sancibrian and Ms. Cawthon shall review the Responsibilities of the TDH and TDH Staff.

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Following the review, the assigned members shall submit their recommendations to the Board office to be disseminated to members before the next scheduled meeting.

FEES/BUDGET:

Ms. Debbie Peterson, Assistant Division Director, TDH Professional Licensing and Certification, presented the Board's revenues, expenditures, and projected budget for Fiscal Year 2000 and for the first two months for Fiscal Year 2001. Most of the expenses allocated for FY 2001 are about the same as that of FY 2000 with one exception: Other Operating Expenses. The Division was given a lot less money to cover the cost of printing and office supplies and will require close oversight. Ms. Sancibrian had concerns about how the Board could reduce this cost by over \$10,000. The Board had previously agreed to reduce the size of its newsletter from eight pages to four pages. Ms. Cawthon stated the office has been using the Texas Department of Health envelopes because there is no charge for them. Ms. Peterson stated that perhaps the Board will not use all the fees allocated in other categories and the unused amount could be moved to this category. She also stated the Board's revenue exceeded its expenditures but the Board may only use the fees it has been allotted.

Mr. Reynolds asked if the Department had realized a savings by using Affordable Travel. Ms. Peterson stated she wasn't sure but the contract had been extended. She also stated that the reason for having the contract was to insure agencies received the state rate by making the arrangements through the proper airline and rental car agency.

Mr. Reynolds also questioned if there would be funds available for Board members to present information at colleges and universities. It was agreed that members could travel to colleges and universities that are close to their headquarters in order to reduce travel expenditures.

Ms. Cardenas-Hagan asked the Board to consider reimbursement for Doctor Gene Powers' travel to attend the Board of Directors meeting of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology. **Ms. Campbell moved to expend the funds for his travel, Doctor Reeves seconded, and the motion carried.**

Ms. Cardenas-Hagan asked if the Board wished to expend funds to retain membership to the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology and to the Council on Licensure, Enforcement and Regulation (CLEAR). **Ms. Chambers moved to expend funds to retain membership in both the Council and CLEAR, Mr. Reynolds seconded, and the motion carried.**

CONTINUING EDUCATION:

The University of Texas Health Science Center at San Antonio had submitted a letter with questions about approved sponsors. It was agreed that the Continuing Education and CE Log Information Sheet be revised to include the American Academy of Audiology. Ms. Cawthon shall notify Doctor William G. Beck.

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LEGAL COUNSEL PRESENTATION:

Mr. Richards addressed the Board on the Attorney General Opinion No. JC-0308 concerning whether attendance at a legislative hearing by a quorum of members of a state governmental body is subject to the Open Meetings Act. The Opinion stated "Attendance by a quorum of the members of the board of a state governmental body at a legislative hearing is subject to the Open Meetings Act if one or more members participates in a discussion of matters within the board's jurisdiction. If the board is summoned with less than seven days notice by the legislative committee, it may invoke the emergency notice provisions of the Act. Mr. Richards suggested the Board limit its members so that a quorum is not present at a hearing.

Members were provided with a copy of a Texas Department of Health legal opinion concerning "Providing Information versus Lobbying for the Social Worker's Board". Mr. Richards stated that this opinion was relevant to this Board too and he asked that they comply.

Mr. Reynolds asked that all questions from Legislators or Legislative staff be directed through the Board Presiding Officer for continuity.

Ms. Cardenas-Hagan moved to designate the Presiding Officer as the Board's spokesperson during the Legislative session. Mr. Richards asked that she withdraw the motion and allow another member to make the motion and she agreed. **Doctor Reeves moved to designate the Presiding Officer as the Board's spokesperson and representative, Ms. Chambers seconded, and the motion carried. Doctor Reeves moved to amend the previous motion to add the words "or designee", Doctor Carlson seconded, and the motion carried.** Mr. Richards asked that members notify Ms. Cawthon if they are contacted by a legislator or legislator's staff. The Texas Department of Health Office of Governmental Relations must be informed of the contact.

PRESIDING OFFICER'S REPORT:

Ms. Cardenas-Hagan stated that she had nothing new to report.

EXECUTIVE SECRETARY'S REPORT:

Ms. Cawthon stated that between September 2000 and December 2000, there were 22 licensees who renewed the license after expiration of the grace period. Of those only two had continued to practice which is a violation of the Texas Occupations Code, §401.301.

She also stated that during Marsha Lawson's absence, the items to be placed on the Board's Internet site have been put on hold. Ms. Cawthon stated she hoped to have the new Rules, effective December 14, 2000, on the Internet within a few weeks and suggested the Board relay that information during the TSHA Convention.

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Ms. Sancibrian asked if extra staff could be made available to the Board office during the months of May through August when the work load increases three to four times. Ms. Cawthon asked

Ms. Peterson if the staff the Board office currently has for four hours per day could be increased to full time. Ms. Peterson agreed to dedicate a full time person to the program during this time.

PUBLIC COMMENTS:

Rose Minette, Texas Commission for the Deaf and Hard of Hearing, stated the Commission is a consumer support and referral agency. She presented brochures and asked Board members to make them available to their clients. Additional copies are available upon request.

Ms. Minette asked if the rule on the 30-day refund upon the return of a hearing instrument is final. Mr. Reynolds agreed to send her an email with the current language.

NEXT MEETING DATE:

The next Committee meetings are scheduled for June 14, 2001, and the Board meeting is scheduled for June 15, 2001.

ADJOURNMENT:

Mr. Reynolds moved to adjourn at 11:50 a.m., Doctor Reeves seconded, and the motion carried.

Elsa Cardenas-Hagan, Presiding Officer

Lee Reeves, Secretary-Treasurer

Dorothy Cawthon, Executive Secretary