

Board of Examiners for Speech-Language Pathology and Audiology

Regular Board Meeting

Minutes

May 6, 2011

1:00 P.M.

3700 N. Classen Blvd

Dept. of Corrections, Conference Room # 265-Second Floor

In conformity with the Oklahoma Open Meeting Act, advance notice of this regularly scheduled meeting was originally transmitted to the Oklahoma Secretary of State on TUESDAY, DECEMBER 7, 2010 at 9:35 AM; and, public notice of this meeting together with the agenda, was posted in prominent public view on the front door of the Office Building at 3700 N. Classen Blvd., Oklahoma City, on May 2, 2011 at 9:10 AM.. The announcement of the Board meeting and agenda were also posted on the OBESPA website, <http://www.ok.gov/obespa> on May 2, 2011 at 9:00 AM.

Determination of Quorum and Call to Order

The meeting was called to order at 1:05 p.m. Ms. Wall called the roll. Board members in attendance were Cynda Olberding, M.A., Tracy Grammer, M.S. and Michael Grim. Dr Wood arrived 1:10 pm.

Guests in attendance were Ms. Sandra Balzer, A.A.G., representing the board, Jeanie Wall and Amy Hall as staff and Gary Robinson Jr.

Discussion and Possible Action for complaint # 11-01.

Agenda item 11-01 was moved to this place in the meeting to allow the board members and Mr. Robinson Jr. the convenience of prompt attention of complaint # 11-01.

Mr. Robinson addressed the board members and gave an explanation of his concerns on the complaint.

Ms. Olberding investigated complaint # 11-01 and determined that there was insufficient evidence to support a violation of the laws and rules of the Board of Examiners of Speech-Language Pathology and Audiology. Ms. Olberding explained that while the Board is sympathetic to the fact that members of the public are sometimes dissatisfied with the treatment they receive from a licensed provider, such treatment does not necessarily constitute a violation of the law the Board has the authority to enforce. The Board's regulatory authority does not include the duty to ensure that every patient is satisfied with his or her treatment.

Dr. Wood moved and Ms. Landrum seconded the motion to accept Ms. Olberding's recommendation to dismiss complaint # 11-01. Tracy Grammer, M.S., Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed. Ms. Olberding and Dr. Grim recused to vote.

Approval of Minutes for February 4th, March 18, and March 25, 2011 board

meetings.

Ms. Grammer moved and Dr. Grim seconded the motion to approve February 4, 2011 board minutes as revised. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Ms. Grammer moved and Dr. Grim seconded the motion to approve March 18, 2011 board minutes. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Dr. Wood moved and Dr. Grim seconded the motion to approve March 25, 2011 board minutes as revised. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Report on Permanent Rules

Ms. Wall reported that May 26th should be our adopted rules legislative approval and final adoption date. The earliest that our adopted rules can be published in the "Register" is June 1, 2011, which would make June 11 the earliest possible effective date of our proposed rules.

Discussion and Approval of Declaratory Ruling Opinion on OAC 690: 1-1-5

Mona Ryan and Kathy Wheat filed a request for a declaratory ruling pursuant to OAC 690:5-13-1 and the Administrative Procedures Act, 75 O.S. 2001 § 307. The board considered the petition at its December 3, 2010 meeting and continued the matter until February 4, 2011. The board held the individual proceeding on the petition on February 4, 2011. The petition sought a ruling regarding the application of the rules and statutes of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology ("Board") to persons who are licensed by the Board, but who are exempt from licensure pursuant to 59 O.S. 2001 § 1604(B)(2). Section (B)(2) provides that "[t]he Speech-Language Pathology and Audiology Act shall not be construed to prevent an employee of the federal government, state, county or municipal government, or an agency or political subdivision thereof, from engaging in such employee's duties of employment." *Id.* The Petitioners ask whether OAC 690:1-1-5 is construed to mean that the rules and statutes of the Board do not apply to persons who are licensed by the Board, when such persons are employed by the federal, state, county, or municipal government, or an agency or political subdivision of a state or local government entity.

The Declaratory Ruling Opinion attached covers the *Findings of Fact* and *Conclusions of Law* that covers the aforementioned petition.

Dr. Grim moved and Dr. Wood seconded the motion to approve the Declaratory Ruling Opinion on OAC 690: 1-1-5. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Discussion and Possible Action on 690:10-9-7 concerning continuing education for individuals in inactive status.

Dr. Wood moved and Dr. Grim seconded the motion that once the adopted rules become effective in June 2011, that before a person can return to active status he/she must prove he/she has completed the continuing education required of 20 CE hours every two year period (*ending each even year*) during inactive status. Cynda Olberding, M.A., Tracy

Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Discussion and Possible Action on licensees who did not meet the continuing education requirements for 2009-2010 licensure period.

Dr. Grim moved and Dr. Wood seconded the motion to initiate a formal complaint against Angela Baltimore and Pamela Washbourne for failure to complete continuing education requirements. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Discussion and Possible Action on complaint # 10-04.

Dr. Grim moved and Dr. Wood seconded the motion to accept Ms. Grammer recommendation to file a formal complaint against audiologist, Terri Bieri on complaint # 10-04. Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed. Ms. Olberding and Ms. Grammer recused themselves from voting.

Ms Balzer will notify the board office when the hearing is scheduled.

Discussion and Possible Action for complaint # 10-05.

Dr. Wood moved and Ms. Landrum seconded the motion to approve the recommendation of investigator, Dr. Grim which determined that there was insufficient evidence to support a violation of the laws and rules of the Board of Examiners of Speech-Language Pathology and Audiology and therefore recommended no formal complaint should be issued. Cynda Olberding, Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed. Dr. Grim and Ms. Grammer recused themselves from voting.

Review and possible action on pending licensure applications and assistant applications. List Below.

Dr Grim moved and Dr. Wood seconded the motion to approve licensure as assistants for Lezley Bell, AUDA #7 and Tina Wittenborn, AUDA #8. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Dr. Grim moved and Ms. Wood seconded the motion to approve Taylor Schwarz, CEY licensure pending receipt of official transcript. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Dr. Grim moved and Ms. Landrum seconded the motion to approve all those listed below applying for full licensure with the exception of Jessica Worth and Stephanie Cunningham which will be licensed pending receipt of official transcripts. Cynda Olberding, M.A., Tracy Grammer, M.S., Michael Grim, Ph.D. Nancy Landrum and Dr. Mark Wood all voted yes with a show of hands and the motion passed.

Adjournment

The board meeting adjourned at 3:20 p.m.

Board of Examiners for Speech-Language Pathology & Audiology

**ASSISTANTS FOR SPEECH PATHOLOGY AND AUDIOLOGY
APPLICANTS FOR CONSIDERATION**

May 6, 2011

<i>Name:</i>	<i>Supervisor:</i>	<i>Date:</i>
Lezley Bell, AUDA#7	Theresa Adams, # 264	05/06/2011
Tina Wittenborn, AUDA #8	Lisa Irby, Au.D. # 280	05/04/2011

Board of Examiners for Speech-Language Pathology & Audiology

**APPLICANTS FOR CEY LICENSURE CONSIDERATION FOR
SPEECH-LANGUAGE PATHOLOGY**

May 6, 2011

<i>Name:</i>	<i>Supervisor:</i>	<i>Date Issued:</i>
Taylor Schwarz, M.A.	Iva Menaker, SP# 2568	04/28/2011

Board of Examiners for Speech-Language Pathology & Audiology

**APPLICANTS FOR FULL LICENSURE CONSIDERATION FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

May 6, 2011

<i>Name:</i>	<i>Type and License Number:</i>	<i>Date Issued:</i>
Kara Lyn Sexson, M.S.	3726	03/24/2011
Stephanie Y. Long, M.S.	3727	03/24/2011
Allison Fennell-Conch M.A.	3728	03/25/2011
Carly G. Graham, M.S.	3729	03/25/2011
Tessa D. Grammer, M.S.	3730	03/30/2011
Elizabeth Lorraine Tallent, M.A.	3731	03/30/2011
Kristin Keele, M.S.	3732	04/01/2011

Amanda Thiessen Bowles, M.S.	3733	04/04/2011
Caitlyn Dawes, M.S.	3734	04/11/2011
Laura M. Clark, M.A.	3735	04/14/2011
Bernadine R. Flores, M.A.	3736	04/15/2011
Jerrod R. Landress, M.S.	3737	04/19/2011
Lainee Norris, M.S.	3738	04/20/2011
Mallary Toben, M.A.	3739	04/21/2011
Kara L. Blackburn, M. S.	3740	04/25/2011
Krystle K. Weast, M.S.	3741	04/27/2011
Jessica Lea Worth, Au.D.	3742	04/28/2011
Erin Aleece Daily, M.A.	3743	04/28/2011
Emily Katherine Langdon, M.S.	3744	04/28/2011
Stephanie L. Cunningham, Au.D.	3745	04/28/2011
<i>Remake of Certificates:</i>		
Vikki J. Duke, Au.D.	304	08/22/2001
Mallory Nitzel, Au.D.	344	03/08/2006