

**TENNESSEE BOARD OF COMMUNICATION DISORDERS AND SCIENCES
MEETING MINUTES**

DATE: August 4, 2020
TIME: 10:00 A.M., CDT
LOCATION: Health Related Boards
WebEx Meeting

BOARD MEMBERS

PRESENT:

Carrie Crittendon, Au.D, Audiologist
Carren Mills, Speech Pathologist
Richard Morton, Citizen Member
Ellen Pearson, Speech Pathologist
David Haynes, MD, Otolaryngologist

BOARD MEMBERS

ABSENT:

Debby Starr, Au.D, Audiologist, Chair

STAFF MEMBERS

PRESENT:

Teddy Wilkins, Unit Director
Doris VanOvermeiren, Board Administrator 1
Ashley Fine, Assistant General Counsel

Due to gathering restrictions imposed by the Covid-19 virus, a virtual meeting was held via WebEx.

Ms. Wilkins read the opening remarks into the record, asking everyone to introduce themselves for the record; to state whether everyone could hear each other, and whether or not the members wished to proceed to hold the meeting virtually. Mrs. Wilkins expressed to the board a special thanks to the staff, Ms. Latonya Shelton, Doris VanOvermeiren, and Ms. Reginia Wheeler for the hard work they have accomplished for the board.

Motion to hold the meeting electronically was made by Alicia Barker and seconded by Ellen Pearson. A roll call vote was held and all voted in the affirmative. The motion carried.

Ms. Carrie Mills acting chair called the meeting to order at 9:00 a.m. A roll call vote was conducted, and all Board members were present.

Review/Approve Board Meeting Minutes

Upon review of the May 5, 2020 minutes, Mr. Morton made a motion, seconded by Ms. Pearson, to approve the minutes as written. A roll call vote was held, and all voted in the affirmative. The motion carried.

Financial Report

There is no Financial Report given at this time.

Investigative Report

Ms. Lori Leonard, Disciplinary Coordinator for all non-nursing Boards gave the following report:

Summary of Currently Monitored Practitioners:

There are three (3) currently monitored practitioners; one (1) under a Board Order., One (1) under Probation until 2020, and one (1) under Revocation who is making payments on her fee's.

Board Statistical Complaint Report

SLP's: New complaints received in the office for Investigation and complaints for the year 2020, there were One (1) new complaint for fraud and false billing. A total of zero (0) complaints were closed. Currently there are Six (6) open complaints being investigated and/or reviewed.

Audiologist: There were six (6) new open complaints in 2020; Two (2) for malpractice and negligence, One (1) for unprofessional conduct, One (1) for Medical records request, One (1) for a lapsed license, One (1) for practice beyond the scope. Have closed eleven (11) complaints. Nine (9) were closed and sent to the office of General Counsel for formal discipline and two (2) complaints were closed with no action. There are currently three (3) open complaints for Audiologist that are being investigated and or review.

SLP-A's: No new complaints in 2020, no closed complaints and zero complaints currently opened to be investigated and or review at this time.

Audiologist Aides: There are no new complaints in 2020, no closed complaints and no complaints opened to be investigated and or review at this time.

OGC Report

Ashley Fine presented the following OGC report;
Ms. Fine read aloud the Conflict of Interest Policy and Open Meeting Act Policy. And stated later today she will be addressing the telehealth rule as a separate agenda item in the meeting.

Disciplinary Activity

Currently there are Nine (9) open cases in the Office of General Counsel. No contested cases or consent orders.

Administrative Report

Teddy Wilkins provided the following administrative report:

As of August 2, 2020, there are a total of 484 licensed Audiologists, 3128 licensed Speech Language Pathologists and 147 registered Speech Language Pathology Assistants.

Between, May 5th, 2020 thru August 2nd, 2020

There were sixteen (16) newly licensed Audiologists, (11) new audiology Clinical Externs, one (1) retired, zero (0) expired that reinstated license, zero (0) reinstatements of license. A total of twenty-three (23) Audiologists renewals. Online Renewals were not determined at this time, and no expiration of license at this time period, because of the governor's extension of all expiration dates to August 29th, 2020 for the renewal time.

There were sixty-eight (68) newly licensed Speech Language Pathologists, eighty-five (85) new Clinical Fellows, seven (7) retired; zero (0) expired and eleven (10) reinstatements. Ninety-nine (99) Speech Pathologists have renewed their licenses; Online Renewals were not determined at this time.

There were five (5) newly registered Speech Language Pathology Assistants, zero (0) retirements, three (3) expired, and zero (0) reinstatements. A total of zero (0) Speech Language Pathology Assistants renewal of licenses at this current time. Online Renewals were not determined at this current time.

The numbers above show no licenses expired due to the Governor extending all expiration dates to August 29, 2020.

The next meeting will be held on November 10, 2020. It is likely we will have a virtual meeting due to gathering restrictions.

Tentative meetings for 2021:

February 2, 2021

May 14, 2021

August 3, 2021

November 9, 2021

Newly Registered Audiologist

Newly Licensed Speech Pathologists

Upon review Mr. Morton made a motion seconded by Ms. Barker to approve the following newly licensed Speech Language Pathologist. The motion carried.

License Number	Name	License Number	Name
6883	Adcock Haylee	7160	Mclaughlin Michaela
6714	Allen Kim	6805	Mitchell Hannah Kate
7173	Altdoerffer Cathryn M.	6820	Nava-Sifuentes Makaela A.
7166	Anderson Brooke	6780	Nelson Shelby
7124	Barnett Kathryn Elizabeth	6884	Neumann Alexandra Ann
6800	Baynes-Fast Caroline D.	7158	Painter Christina R.
7061	Bolay Kassandra	7089	Pearce Laura Kinney
7099	Bradley Michelle K.	6831	Pearson Julianne
7094	Buck Jennifer Marie	6963	Portera Mary
7098	Campbell Alisha Marie	6789	Powell Alexandria Hamm
6842	Colwell Jennifer Lauren	6775	Prater-Kiser Alesha D.
7217	Crawford Nancy Boyd	6804	Quillen Ian Arthur
7116	Daniel Rachel	6779	Quiroga Julia Therese
6839	David Amy	6888	Rains Amanda Gail
6880	Davis Rachael	7068	Rice Anne M
6687	Devine Joan Katherine	6766	Richards Courtney Brianne
6910	Douglas Ashleigh	7200	Root Angela D
6784	Fletcher Morgan Davidson	6788	Schantz Madison
6843	Gray Mallory	7103	Schmiedeknecht Sarah J.
6799	Grissom Kathryn Calahan	7100	Schutte Chelsea Marie
7077	Harris Lacey A	7168	Sloggy Joanna
6781	Hecker Olivia Shea	6793	Smith Katharine
7134	Hosokawa Emily	6832	Smith Lauren Scharfstein
6826	Hurley Lacey E	7084	Smith Olivia D
6846	Ingram Virginia Carter	7086	Snow Kristina
6787	Johnson Ashland Shalon	7108	St Laurent Jillyan
7087	Jones Ashley	6856	Stark Kimberly
6863	Landry Melissa D	6847	Stiltner Stephanie
6853	Larsen Sarah Anderson	7066	Stoker Juliana Katrina
7121	Manning Kelly	6982	Sutton Cassaundra Ann
7151	Marquina Andrea	7065	Trembath Dena
6851	Mashburn Taylor	7215	Walters Madison
7188	Mason Meagan Danielle	6978	West Tracie Michelle
6838	McDonald Brittany Lynn	7083	Woods Lindsey

Newly Registered Speech Language Pathologist Assistants

Upon review Mr. Morton made a motion seconded by Ms. Barker, to approve the following newly registered Speech Language Pathology Assistance. The motion carried.

License Number	Name
628	Ararsa Bezawit
622	Endsley Tiffany R
623	Humphries Judith L
625	Kellar Maris A
627	Morgan Angela A

Reinstatements

Speech Pathologist Reinstatements

Upon review Mr. Richard Morton made a motion to ratify the reinstatements of the following Speech Pathologists seconded by Ms. Carrie Mills. The motion carried.

3 Expired that Reinstated

Ginger Dabbs
Melinda Metcalf
Jovette Mitchell

Reinstates that Voluntarily Retired

Amy Joe Vault,
Cheryl Groom
Heather Frances
Lori Johnson
Charity Skinner
Misty Taylor
Samantha Williams
Sara Williams

Correspondence

No correspondence currently.

Rule Making, The Discussion of Telehealth

Ms. Fine addressed the issues regarding 1370.1.21 with the proposed changes to the rules and statute 63-1-155 concerning telehealth. A discussion was held.

Ms. Fine read the rule regarding the provisional license rule 1370.01.21, and the statute 63-1-155. The rule 1370.1.21 was established in 2014 and placed in effect in 2014. The statute 63-1-155 was created in 2015 for Telehealth after the rule that was established in 2014 and made the rule 1370.1.21 ineffective. The statute defines the relationship between the healthcare provider and the patient and is authorized to diagnose and treat humans. The Practice Act 63-17-103 defines the practice of Audiologist and practice of Speech language Pathologist. Ms. Fine speaks of the definitions concerning access and diagnose explaining the differences. The telehealth statute only allows people to practice that can diagnose and practice telehealth. The statute 63-17-103 does not have the word diagnose as the word is not specifically listed and will not allow telehealth. Ms. Fine speaks of other statutes that use telehealth and their statutes specifically list diagnose, for that reason and not in the practice act the rule 1370-1-21 is void. The Office of General Counsel is recommending to the board to take a vote to repeal the rule. Ms. Fine suggests it would not be permanent and working with the legislature to change the rule for the future where licensees can practice telehealth.

Ms. Mills question to Ms. Fine concerning the statute and that the licensees for now would only be allowed to perform telehealth through the Executive Order period. Ms. Fine states correct and through August 29th, 2020 the licensees can still be practiced through telehealth. Ms. Fine states that the issues with the words access and diagnose can be changed through the legislation. Ms. Fine responds yes, and the legislative amendment to correct statute 63-1-155 where the word diagnoses is removed or worded differently or changed, also change 63-1-103 to change the practice act through legislation.

Dr. Haynes questions to Ms. Fine concerning the time frame of when the licensees can resume practicing telehealth. And when the telehealth ends on August 29th, 2020. Ms. Fine responds on how it would be during a legislative session and lobbyist and association will be working together to have the language change later in the fall. Ms. Fine stated that the governor will be holding a special session on the telehealth on August 10th, 2020, it will involve telehealth.

Ms. Barker asks who would lobby for the changes to the wording for statute 63-1-155 and 63-17-103. Ms. Fine introduces Ms. Jamie Seek for TAASLP and Association and address's the issues with Audiologist and Speech language Pathologist not being able to access telehealth after August 29th, 2020. Ms. Seek reply's that TAASLP, associates and member's across Tennessee are working with the legislature to make the necessary changes to the wordage and language for the rule 1370.1.21 and the statutes 63.1.103 and 63.1.155. And at the special conference held on August 10th, 2020 by Governor Office, address the issues and explain the conflict between the practice language and the telehealth statute and rule is mute and the work toward changes that need to be done concerning the telehealth statute and rule. Ms. Seek encourages the Board to contact their lobbyist and legislature to help with the necessary changes that need to be made to the statutes and rule.

Dr. Haynes mentioned the practitioners that have purchased certain equipment for telehealth and what would come of the circumstances if telehealth is not extended by the Executive Order.

Ms. Barker mentioned how helpful the telehealth has been with patients that have issues with appointments face to face during COVID. And being able to correct their hearing aids and equipment remotely has been a great access instead of using the manufacturer's. Ms. Seek encourages the board members again to bring this information to the meeting held on August 10th, 2020 to help the Association and Legislature make the necessary changes to the statutes 63 and rule 1370.1-21

In conclusion Ms. Mills confirmed with Ms. Fine the statute would prevent Speech language Pathologist from engaging in telehealth. Ms. Fine states yes and only allows the practice of telehealth until August 29th,2020. Dr. Haynes ask what time frame is to have the telehealth changed. Ms. Fine, the time frame will be based on the August 10th ,2020 meeting. Ms. Fine of OGC reminded the Board that because of the rule 1370.1.21 is void because of the statute 63.1.103 that was implanted after the rule 1370.1.21. The office of General Counsel will recommend voting to appeal the rule 1370.1.21 and that if telehealth is not extended through August 29th, 2020, telehealth can only be practiced through the Executive Order. The board recommended to vote on continuing the discussion concerning the telehealth statutes and rule at the November meeting.

Mr. Richard Morton made a motion seconded by Ms. Alicia Barker to continue the discussion to the next board meeting November 10th, 2020. The motion carried

New Business

No new correspondence currently.

Adjournment

With no other Board business to conduct, Mr. Richard Morton made a motion, seconded by Ms. Carrie Mills to adjourn the meeting. The motion carried; the meeting was adjourned at 12:05 a.m.

Ratified by the Board November 10, 2020