



## **Board of Hearing and Speech**

**November 4, 2022**

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### **Board members present:**

Ray Parker, Chair, Public Member  
Nichole Kingham Furness, Vice-chair, Audiologist  
Connie Furry, Hearing Aid Specialist  
Brenda Litke, Hearing Aid Specialist  
Amberkiah Pomeroy, Audiologist  
Sonja Bradford, Speech-Language Pathologist  
Brian Shute, Speech-Language Pathologist  
Kelly Siebecke, Licensed Speech-Language Pathology Assistant  
Paula Benson, Public Member  
Harry Parent, Public Member  
David Horn, Licensed Medical Physician

### **Staff members present:**

Jennifer Santiago, Executive Director  
Kim-Boi Shaddock, Program Manager  
Kristina Bell, Program Manager  
Luke Eaton, Assistant Attorney General  
Lydia Koroma, Staff Attorney  
Madissen Schatz, Administrative Assistant

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**OPEN SESSION:**

**9:00 a.m. Open Session – Ray Parker, Chair, Public Member**

Mr. Parker called the meeting to order at 9:00 a.m.

**1. Call to Order – Ray Parker, Chair**

1.1 Members of the board, staff, and guests introduced themselves.

1.2 Dr. Shute moved that the board approve the agenda for November 04, 2022. The motion was seconded and adopted.

1.3 Ms. Furry moved to approve the minutes. The motion was seconded and adopted.

**2. Open Forum – Ray Parker, Chair, Public Member**

The Hearing Loss Association of America (HLAA) shared that they are in favor of receiving as much information as possible regarding [Senate Bill ESB 5210](#). The association hopes that the brochure, produced by the Office of the Deaf and Hard of Hearing (ODHH), will be distributed to the offices of audiologists and hearing aid specialists.

**Program Reports – Luke Eaton, Assistant Attorney General; Jennifer Santiago, Executive Director; and Kim-Boi Shadduck, Program Manager**

a. Credentialing Statistic Report

Ms. Shadduck presented the November 04, 2022, credentialing report.

Active status counts:

Audiologist license- 525

Audiologist interim permit- 0

Hearing aid specialist license-330

Pending status counts:

Audiologist license- 15

Audiologist interim permit- 0

Hearing aid specialist license- 21

Applications received:

April- 10

May- 9

June- 12

July- 7

August- 5

September- 5

Credentials expiring by month:

April- 5

May- 7

June- 3

July- 7

August- 7

## September- 7

### Active status counts:

Speech-language pathologist license- 3,712  
Speech-language pathology assistant certification- 274  
Speech language pathologist interim permit- 162

### Pending status counts:

Speech-language pathologist license- 132  
Speech-language pathology assistant certification- 29  
Speech-language pathologist interim permit- 17

### Applications received:

April- 46  
May- 83  
June- 94  
July- 88  
August- 99  
September- 49

### Credentials expiring by month:

April- 28  
May- 58  
June- 54  
July- 77  
August- 52  
September- 85

On September 30, 2022, the department administered the Hearing Aid Specialist Examination for the Washington Hearing Society Students. Two applicants took the full exam, while one application retook section five. All three students passed the exam.

## b. Current Budget Report

Ms. Shadduck presented the 2021-23 Biennium Budget Status Report for the period of July 01, 2021, through September 30, 2022. The estimated revenue was \$676,045, while the actual revenue was \$668,980. Credentialing, indirect expenses, discipline, and operations are the largest expenses.

Ms. Santiago shared that the department is considering a fee decrease of \$30 for the profession's application and renewal. Information will be shared with interested parties soon.

## c. Program and Legislative Updates

Mr. Eaton shared that he has nothing to report.

Ms. Santiago shared that the legislation session will start in January 2023 and will end in April. The department asked the board to provide a volunteer to participate in the weekly Wednesday Legislative Update Calls. The weekly calls are intended to provide

information regarding bills that will affect multiple professions, led by the legislative liaison and office director. Ms. Shadduck will send an email reminding board members to volunteer and shared that she intends to serve as an alternate.

Ms. Shadduck shared that a recruitment notice will be distributed in December for a speech-language pathologist and speech-language pathology assistant.

### **Board Business**

#### **3. ESB 5210 Request from the Office of the Deaf and Hard of Hearing (ODHH) – Ray Parker, Chair, Public Member**

Maggie Campbell, hard of hearing consultation and resource program manager, ODHH, shared that [Senate Bill ESB 5210](#) was passed on April 10, 2019. This bill requires persons who dispense hearing instruments to notify potential purchasers of the uses, benefits, and limitations of telecoil-enabled and Bluetooth devices. The bill also requires the Office of the Deaf and Hard of Hearing to develop educational materials on the uses, benefits, and limitations of hearing assistive technology. The Office of the Deaf and Hard of Hearing intends to create a brochure and portable document format (PDF). Ms. Campbell is working with the Aging and Long-Term Care Support Administration communication department in creating a webpage, social media posts, and flyers. Ms. Campbell asked for help in distributing this information to hearing aid distributors and audiologists.

Ms. Shadduck suggested that Ms. Campbell email the webpage link, PDF, and flyer to her. Ms. Shadduck will then distribute the educational materials to GovDelivery recipients.

Ms. Furry shared that the Washington Hearing Society would be happy to distribute the educational materials through their website and newsletters.

#### **4. FDA Final Rule for OTC – Hearing Aids – Ray Parker, Chair, Public Member**

The board discussed the U.S. Food & Drug Administration (FDA) final rule, establishing a regulatory category for over the counter (OTC) hearing aids and amending certain FDA regulations. The final rule went into effect on October 17, 2022. The final rule does not change the necessary qualifications of who may provide hearing healthcare with prescription hearing aids, including the recommendation, selection, fitting, and dispensing of these devices. It does not require an additional professional to take actions and does not require an examination of any kind to obtain a prescription hearing aid. [WAC 246-828-100 \(4a\)](#) requires that a hearing aid specialist or audiologist may not sell a hearing instrument unless the prospective patient of client has presented a written statement signed by a licensed physician that states that the patient's or client's hearing loss has been medically evaluated and the patient or client may be considered a candidate for a hearing instrument. The medical evaluation must have taken place within the preceding six months.

The Washington State Academy of Audiology (WSAA), American Academy of Audiology (AAA), and the International Hearing Society (HIS) provided information and stance on the final rule.

Ms. Shadduck suggested the board open a CR-101, allowing the board to hold a rules workshop in February to discuss the language of [WAC 246-828-100](#). Ms. Shadduck also recommended that the board schedule a special meeting. Dr. Kingham will help create a policy statement and Mr. Eaton offered to prioritize review.

Ms. Furry moved that the board open a CR-101. The motion was seconded and adopted.

Dr. Kingham moved that the board will review the draft policy statement at the special meeting. The motion was seconded and adopted.

Ms. Shadduck shared a stakeholder sent a letter of recommendation to the board, regarding changing the scope of practice for audiologists and hearing aid specialists. The stakeholder also recommended the implementation of a merit-based incentive payment system (MIPS). Ms. Shadduck shared that this is outside of the authority of the board and must go through legislation.

## **5. Health Equity Continuing Education Rule – Ray Parker**

The board discussed [Engrossed Substitute Senate Bill 5229](#), requiring the rule-making authority for each health profession licensed under [Title 18 RCW](#) and subject to continuing education (CE) requirements, to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The bill also requires the department to adopt model rules establishing the minimum standards for health equity CE. The department has issued a CR-102 Proposed Rule Making filed on August 23, 2022, as [WSR 22-17-141](#), to announce a public hearing and take public comments. Ms. Santiago asked the board to authorize a CR-101 to implement this legislation.

Ms. Furry moved that the board authorize a CR-101 for the health equity rule. The motion was seconded and adopted.

## **6. Correspondence from the Occupational Therapy Practice Board – Ray Parker, Chair**

The board reviewed the Occupational Therapy Practice Board's updated guidance regarding physical therapists and occupational therapists providing services in a school setting. Ms. Shadduck shared a draft regarding guidance on occupational, speech-language and physical therapy services in a school setting. Ms. Shadduck suggested that a speech-language pathologist cannot work off of an occupational or physical therapist evaluation, and a speech-language pathologist cannot evaluate or qualify a person for occupational therapy or physical therapy services. Speech-language pathologists should evaluate if there is a need for speech-language pathology services. If the issues cannot be addressed by a speech-language pathologist, then a referral should be made by speech-language pathologist to the appropriate profession for evaluation.

Carla Benitz, SLP, shared that cross-discipline teams conduct the initial evaluation in early support services with or without the presence of a speech-language pathologist. An early support special educator often determines qualification for services based on the Duke Activity Status Index (DASI) score from the initial evaluation. Requiring early support agencies to always include a special educator, speech-language pathologist, occupational therapist, and physical therapist is beyond the financial resources of her employer.

Mr. Eaton offered to review the issuing statement if desired by the board.

Ms. Shadduck shared that the letter must be reviewed by the Department of Health and Office of the Attorney General.

Ms. Santiago suggested that the board investigate the definition of an evaluation and the standard of care expectation during the next meeting. Ms. Bradford suggested that the board receive clarification before moving forward with the letter.

## 7. Subcommittee Purposes – Ray Parker, Chair

Ms. Shadduck presented information regarding the board's subcommittees.

The Disciplinary Committee (four members- public member, speech-language pathologist, audiologist, and hearing aid specialist) reviews complaints on Wednesdays at 9:15 a.m. The case manager assigned to the board prepares the documents. If the case is going to be investigated after determining the outcome, it is assigned to a reviewing board member that works internally with the Department of Health (DOH). Staff attorneys review the case file and present recommendations to the board panel.

The Education/Exam Committee review all foreign applications to make sure that they meet our standards and expectations. The committee reviews personal data questions, prior criminal offences, and non-routine applications. A teleconference between Ms. Shadduck, a staff attorney, and committee members will take place bimonthly.

The Public Relations Committee review all requests from lists and labels from external entities that want to access licensing information to provide outreach, presentations, conventions, or continuing education. The committee then makes a recommendation back to the board.

The Rules Committee reviews and makes recommendations regarding rule language development.

The Site Review Committee conducts site reviews at Spokane Falls Community College and the Washington Hearing Society to ensure that the hearing aids programs are meeting the requirements listed in [Chapter 246-828 WAC](#). Ms. Shadduck recommended that the Spokane Falls Community College site review is conducted in May 2023. Site reviews are expected to take a full day.

Ms. Shadduck shared that board members are required to participate in one subcommittee, and asked members are asked to email their top three subcommittees to her.

## 8. Committee work

**8.1. Rules Committee** – Members: Connie Furry, fitter/dispenser; Nichole Kingham Furness, vice-chair, audiologist; Paula Benson, public member

Nothing to report.

**8.2. Education/Exam Committee** – Members: Ray Parker, chair, public member; Nichole Kingham Furness, vice-chair, audiologist; David Horn, medical physician; Kelly Siebecke, speech-language pathology assistant

Nothing to report.

**9.3 Disciplinary Committee** – Members: Connie Furry, fitter/Dispenser; Nichole Kingham Furness, vice-chair, audiologist; Ray Parker, chair, public member; Brian Shute, speech-language pathologist

Nothing to report.

**9.4 Public Relations Committee** – Members: Brian Shute, speech-language pathologist; David Horn, medical physician; Kelly Siebecke, speech-language pathology assistant

Nothing to report.

**9.5 Site Review Committee** – Members: Brenda Litke, fitter/dispenser; Connie Furry, fitter/dispenser; Ray Parker, chair, public member

Nothing to report.

**9. Committee report – Ray Parker, Chair**

Nothing to report

**10. Mentorship New Members – Ray Parker, Chair**

The board discussed information that would be helpful to new members.

Ms. Shadduck suggested that board members refer to Ms. Schatz with questions regarding travel, traffic, per diem, lodging, and compensation. Board members should contact Ms. Shadduck and Ms. Santiago with questions regarding licensure renewal, complaints, and meeting attendance.

In 2023, board members can expect a presentation regarding the rulemaking process, legislation, and stakeholders.

Ms. Litke suggested that new members would benefit from an outline of the board meeting process and Robert’s Rules of Order.

Ms. Benson suggested that guidance on policy issues, the board’s responsibility, and each member’s role would be helpful to new members.

Dr. Kingham suggested that guidance regarding budget and credentialing statistic reports would be helpful, as well as providing historical data.

Ms. Shadduck considered inviting credentialing staff and the financial offer to explain further.

**11. Agenda Building – Ray Parker, Chair**

The board discussed priority items for the February 03, 2023, board meeting.

- Rules workshop for [Engrossed Substitute Senate Bill 5229](#).
- Rules workshop for [WAC 246-828-100](#).
- Review a draft letter regarding guidance on occupational, speech-language and physical therapy services in a school setting.

Ms. Shadduck suggested that the board consider holding the next meeting in a hybrid model.

Ms. Shadduck shared that the International Hearing Society has developed a new practical exam, which will be released in December. The Education/Exam Committee may have to participate in a special subcommittee meeting.

Ms. Shadduck shared that Ms. Schatz will secure a meeting location in Kent for February 03, 2023.

**Adjournment of Open Session**

Mr. Parker adjourned the meeting at 10:49 a.m.

**Submitted by:**  
Kim-Boi Shadduck, Program Manager

**Approved by:**  
Ray Parker, Chair, Public Member

Board of Hearing and Speech

on file

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SIGNATURE

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DATE

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