

Board of Examiners for Speech-Language Pathology & Audiology (BSPA)

Supplemental Information

1.b. Mission Statement and Statutory Authority

The Mission of the Board of Examiners for Speech-Language Pathology and Audiology (BSPA) is to protect the public by licensing and regulating the performance of speech-language pathologists (SLPs), audiologists, and speech-language pathology assistants (SLPAs).

The authority and responsibilities of the Board are contained in the Oregon Revised Statutes (ORS) 681.205 through 681.605; certain sections of ORS 676 “Health Professions Generally;” and Oregon Administrative Rules (OAR) 335-001-0000 through 335-095-0065.

ORS 681.220 Policy. It is declared to be a policy of this state that it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public in order to:

- (1) Safeguard the public health, safety and welfare;
- (2) Protect the public from being misled by incompetent, unscrupulous and unauthorized persons;
- (3) Protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists; and
- (4) Help ensure the availability of the highest possible quality speech-language pathology and audiology services to people of this state who have communication disabilities.

ORS 681.420 Powers and duties; rules. The State Board of Examiners for Speech-Language Pathology and Audiology shall:

- (1) Administer, coordinate and enforce the provisions of this chapter;
- (2) Evaluate the qualifications of applicants for any license as issued under this chapter and supervise the examination of such applicants;
- (3) Investigate persons engaging in practices which violate the provisions of this chapter;
- (4) Conduct hearings and keep records and minutes as the board deems necessary to an orderly dispatch of business;
- (5) Adopt rules and regulations, including but not limited to governing ethical standards of practice under this chapter; and
- (6) Adopt a seal by which the board shall authenticate its proceedings. Copies of the proceedings, records and acts of the board, signed by the executive director or chairperson of the board and stamped with the seal, shall be prima facie evidence of the truth of such documents.

More than 3,776 licensed SLPs, Audiologists, and SLPAs provide services to Oregonians of all ages, from newborn babies to seniors, disabled and vulnerable people. Incompetent and/or unethical hearing and speech-language professionals can have a significant negative impact on the appropriate development or rehabilitation of patients in their care. BSPA’s mission is to protect the public as it relates to the practice of speech-language pathology and audiology. Board functions and actions address professional competence and conduct, remediation, and prevention.

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1.c. Agency Strategic Plans

The Board's Vision:

- **Safer, Healthier Communities** – The Board's vision is that Oregonians are protected by overseeing the practices of speech-language pathology and audiology in all settings. Speech, language and communication disorders are the most prevalent health issues of young children, and these professionals help ensure children enter school ready to learn. Licensees help Oregonians with a wide range of hearing, speech, and language disorders. Board statutes and administrative rules are continuously reviewed to ensure they meet the legislative purpose of protecting the public.
- **Equity and Inclusion** – The Board envisions that its volunteers, staff members, human resource and operational policies and administrative rules affecting licensees embrace equity and inclusion.
- **Excellence in State Government and Board Operations**– Board operations follow all state policies including transparency. The Board ensures that it provides excellent customer service by processing licenses in a timely manner, protects the public by conducting investigations and closing cases in a timely manner, and ensures that Board members receive training and support for the important public role they play.

The Board's overall strategic goals for the 2023-25 Biennium are designed to advance the Mission and Vision as well as meet the five Key Performance Measures (KPM) assigned by the Legislature.

Key Performance Measures:

KPM 1: Percentage of School District compliance with supervision requirements outlined in OAR 335
Goal: 60%.

KPM 2: Complaint professional development reported – percentage of licensees audited during the renewal cycle, which occurs every even-numbered year, who are in compliance with continuing education requirements. Goal: 100%.

KPM 3: Customer service: percentage of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.
Goal: 95%

KPM 4: Best practices: percentage of total best practices met by the Board Goal: 100%;

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KPM 5: Timely resolution of complaints: percent of investigations presented to the Board within 180 days from the date of the complaint beginning with calendar year 2020.

Goal: 90%

Additional Board Goals:

1. Ensure that Board best practices include training on equity and inclusion.
2. Continue to work closely with associations and constituent groups to develop public policy and recruit board members and volunteers.
3. Provide a telepractice guidance document for licensees, administrators and the public.
4. Provide a self-audit document for administrators and licensees who utilize the services of SLPAs to assist SLPs with their caseloads.
5. The Board has moved to an online system for licensing. Complete this process by ensuring all data is in the new system, producing a procedures manual for staff, and transitioning to a completely paperless licensing system. Continue moving to a completely paperless operation. Tasks include scanning license files, saving public and case documents per state record retention policy, and reducing office space needed.
6. Update the COOP (continuing operations plan for emergencies) to include lessons learned from the COVID-19 crisis, particular relating to providing guidance for licenses during public health emergencies of this nature. The plan will be expanded beyond board operations (current plan) to include plans for updating licensees and working with other state agencies such as ODE, OHA, BOLI, DAS and OSHA.
7. Update procedures for remote work for both staff and board. Implement new quarterly check-ins with employees and in Workday as required by DAS.
8. Continue to offer public speakers at universities, and on hot topics such as telepractice and SLPA rules.
9. Continue to create efficiencies by entering into mutually beneficial agreements, such as I.T. contracts with other health licensing boards.
10. Update the Clinical Fellowship rules.
11. Update the SLPA rules.
12. Ensure that the Board is following Governor Kotek's new Agency Expectations document.

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1.d. Criteria for 2023-2025 Budget Development

In developing the 2023-25 budget, the Board considered the following criteria:

1. Does it improve accessibility and equity?
2. Is it required for basic licensing, investigation, and disciplinary functions?
3. Does it enhance customer service?
4. Does it improve public safety?
5. Does it provide adequate resources so that the Board achieves its strategic plan?
6. Does it support one or more of the Board goals?
7. Does it resolve current or potential problems, or otherwise improve agency operations?
8. Can it be implemented within existing statutes and rules? If not, consider statute/rule amendments.

1.e. State Owned Buildings and Infrastructure

The Board does not own any state buildings, but currently leases space from the Portland State Office Building at 800 NE Oregon, sharing a suite with 4 other statutorily independent licensing boards through mutual agreement. BSPA hopes to eventually reduce the space leased by transitioning to a mostly virtual, paperless operation. Staff have successfully worked remotely during the COVID-19 pandemic and do not need to work full time in the building because both before and after the pandemic, the Board had only 1-3 in person customers per year.

1.e. Major Information Technology Projects and Initiatives

The Board contracts with DAS for its servers. BSPA is part of a six-agency contract with Thentia for database services, and completed the transition to this new database during 2020-21. The Board is also part of a 10 agency contract with Cascade Technology Alliance for desktop and daily I.T. services. As a small agency, BSPA looks for opportunities to partner with other small boards and commissions such as the Board of Pharmacy, Board of Physical Therapy, Board of Dentistry, Naturopathic Medicine Board, Veterinary Medicine Board, Mortuary and Cemetery Board, Occupational Therapy Board, Medical Imaging Board, and others to achieve additional operating efficiencies while meeting our independent statutory mission.

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REVENUES

1. Revenue Forecast Narrative

Source: The Board of Examiners for Speech-Language Pathology & Audiology is supported solely by Other Funds. Licensing fees comprise 99% of revenue, with the remainder provided through delinquent fees, civil penalties, interest income, and sales of mailing lists.

Matching Funds: None

Agency Programs Funded with Revenue: This agency has one program: regulating speech pathology and audiology practice.

General Limits on Use of Funds: Funds are appropriated for administration and enforcement of ORS 681.205 through 681.991, and OAR 335-001-0000 through 335-070-0095.

Basis for 2023-25 Revenue, Expense, and Fund Balance Estimates:

REVENUE: The majority of Agency revenue comes from licensing fees and the number of licensees is affected by the supply and demand for SLPs, SLPAs, and audiologists who operate from Oregon or who provide services to Oregonians.

Adequate revenue is needed to provide the needed cash flow and funding to maintain operations. Approximately 90% of the Board's revenue is derived from license renewals, which are tied to the license expiration date of January 30th of each even-numbered year. The Legislatively Approved Budget for 2021-23 includes a beginning cash balance of \$357,538. However, the actual beginning balance was \$408,595. 21-23 LAB calls for total revenue of \$887,779. Due to the continued strong increase in the number of licensees coupled with the 21-23 fee increase, actual revenue for 21-23 through just the first 12 months of the biennium is \$900,246, exceeding budget by \$12,469. Given this trend, staff is projecting total 21-23 revenue of \$1,088,871, which would exceed LAB by \$201,292. Actual total revenue for the 19-21 biennium was \$811,468, so our total revenue for the first 12 months of the current 21-23 biennium already exceeds that by \$88,778, or 10.9%. With a total 21-23 projection at \$1,088,871, the Agency expects a revenue increase over the 12-21 biennium of \$277,403 or 34.1%.

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Due to the timing of Agency revenue and date for putting together the Governor's Budget (GB), the 2021-25 GB includes an extremely conservative total revenue of \$1,057,103. The total licensee count over the last several biennia has consistently increased by 13-15% and due to heavy national and state demand for these professions, the trend is expected to continue. A realistic and yet conservative revenue budget would be a modest 5% increase over 21-23 projected revenue of \$54,443 or total revenue of \$1,143,314. An even more realistic budget would project a revenue increase of 10%, or total revenue of \$1,197,758.

EXPENSES: Expenses in this 23-25 GB total 1,246,614 which will provide the needed 6 month reserves to ensure cash flow through the biennium. Expenses for the 21-23 biennium are projected to be \$1,242,04 since the Emergency Board approved \$107,000 in needed limitation in the Fall. The reason for the increase in expenses is due to the DOJ ending the "flat fee" program. The board's caseload is requiring additional AAG costs in 21-23 that were not anticipated. Also, due to the Board's large increase in the number of new and renewed licensees, additional limitation is needed for fingerprint background checks and bank user fees.

FUND BALANCE: The 2021-23 Actual beginning fund balance was \$408,595. Adding the projected revenue of \$1,143,314, and subtracting the projected expenses of \$1,225,280 leaves us with a projected beginning balance for 2023-25 of \$326,629. The GB as submitted projects an ending fund balance of \$306,896.

When projecting needed ending balance, it would be prudent to include an amount to cover extraordinary case costs, for which BSPA is self-insured. A reasonable estimate would be \$20,000 per year or \$40,000 per biennium. While this amount has not been included the ending balance projections in this budget request, it is important to recognize that this business risk is uncovered. As the volume and complexity of cases has increased, legal and investigative costs have grown. BSPA is totally supported by licensing fees paid by licensees, with no "reinsurance" provided by the General Fund or any third party policy. The Board must have sufficient reserves to cover actions it takes to protect the public. BSPA's cash reserves must be used to pay investigative, legal, and hearing costs that exceed budget. The Board has statutory authority to charge licensees for the costs of disciplinary proceedings. Nevertheless, at times it may be inappropriate to charge the licensee for legal costs, such as when seeking to avoid hearing costs by entering into a Consent Order with the licensee.

Proposed Changes in Revenue Sources or Fees

The Board has statutory authority in ORS 681.340 to impose fees for license fees and renewal thereof. The Board is not proposing to increase fees for the 23-25 budget, except to possibly increase the fingerprint background check fee to the actual amount charged by OSP at \$46.25. The Board currently charges \$44.50, so is partially subsidizing that fee for licensees. License fee increases may be again necessary for the 2025-27 budget.

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History of BSPA Licensing Fees

The following tables summarize fee changes, their rationale, and amounts over the last 27 years.

Year	Action	Rationale
1995	Licensing fees increased	Support operations
2003	SLPA certificate fees established	New category of licensee: SLPA
2005	Licensing fees increased	Support operations
2008	Permissions fee established	New registration of SLPA supervisors licensed by TSPC; discontinued in 2009
2009	Licensing fees increased administratively	Support operations; generate 2007-09 ending balance needed to maintain agency operations through 2011-13
2011	Requested legislative approval of 2009 fee schedule; request denied and fees reverted to 2005 level	Request supported increased staffing to meet increased administrative/investigative caseload, as approved by December 2010 E-Board
2013	Fee increase approved	Fee increase was requested to support increased staff required to meet increased administrative/investigative caseload as approved by December 2010 E-Board, and to implement fingerprint-based criminal background checks as authorized by 2009 Legislature. However, this fee increase was lowered in the LAB based on legislative denial of requested 0.5 FTE investigator. Also, new fees were approved for temporary and limited license fee categories and for fingerprinting fees to be passed through to the Oregon State Police .
2021	Fee Increase Approved	The legislature approved fee increases during the 2021 session.

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BSPA Current (21-23) Licensing Fee Schedule			
Fee	Fee Amount 2021	Who Pays?	Biennial/One Time/ Annual
Application Fee	95	ALL	One Time
Biennial Active License/Renewal Fee	250	SLP/AUD	Biennial
Biennial Inactive License/Renewal Fee	75	SLP/AUD	Biennial
Conditional License/Renewal Fee	100	SLP/AUD	One Time/ Annual
Biennial Certificate/Renewal Fee	100	SLPA	Biennial
Biennial Inactive Certificate/Renewal Fee	50	SLPA	Biennial
Delinquent Fee	150	ALL	When Applicable
Permissions Fee	NA	SLP	Annual
Temporary License	100	SLP/AUD	When Applicable
Temporary Certificate	50	SLPA	When Applicable
Limited Term License	125	SLP/AUD	When Applicable
Limited Term Certificate	50	SLPA	When Applicable
OSP Background Check	50	ALL	One Time

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Types of Licenses and Who Pays

- Licensing fees are paid on a biennial basis by active speech-language pathologists (SLPs), speech-language pathology assistants (SLPAs), and audiologists (AUDs). Individuals dually licensed in both SLP and AUD pay only a single fee.
- Delinquent fees are levied on licensees who are late in renewing, re-activating after a lapse, and for other reasons specified in our rules (including late or inadequate reporting of professional development).
- The application fee is a one-time, non-refundable fee for initial licenses of all types.
- The fingerprint background check fee is a one-time, non-refundable initial license fee for all types.
- The conditional license fee is for a special one-year license for newly graduated SLPs during their clinical fellowship year which is renewable for one year if needed while the individual completes their fellowship requirements.
- Miscellaneous fees are charged for sales of mailing lists to licensees or members of the public.

Temporary license fees were approved as part of the 2013-15 budget process. The Board adopted OAR 335-085-0010 to implement this license category, effective July 1, 2013. Temporary licenses are valid for up to 6 months, and its current uses are:

- To allow an applicant to be licensed while awaiting final transcripts to be issued in the event that all degree requirements have been met, but the university only confers degrees at certain dates in the year.
- To allow applicants who are licensed after May 1st of odd-numbered years to be issued a lower-cost limited term initial license, since they will need to renew it by December 31st. This makes the initial costs fairer for licensees applying within a short time before the renewal deadline.
- To allow military spouses to work in Oregon if they hold a license in another state, until the next renewal at which time they must obtain the regular Oregon license.
- Effective September 13, 2013, the Board created a new temporary Provisional SLPA license. This license allows an SLPA candidate to complete their clinical fieldwork outside of an academic practicum course without engaging in unlicensed practice.

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Agency Programs

The Agency is comprised of one program that regulates the practice of speech-language pathology and audiology and licenses and investigates speech-language pathologists, speech-language pathology assistants, and audiologists in the state of Oregon. The Board's functions are entirely supported by Other Funds; specifically by licensing fees and related administrative charges (such as delinquent fees, civil penalties, and sales of licensee mailing lists).

The Board regulates the professional practice of speech-language pathology and audiology through reviewing credentials for licensure, ongoing monitoring of licensees through compliance audits, and investigating complaints regarding professional competence and conduct. BSPA issues licenses to qualified applicants on an ongoing basis and renews licenses biennially. All regular licenses must be renewed by December 31st of odd numbered years to be considered timely. This creates a very uneven revenue cycle, with 90% of BSPA's revenue historically realized in November/December/January of each new biennium.

BSPA references national standards developed by the American Speech-language Hearing Association (ASHA) and the American Academy of Audiology (AAA) regarding scope of practice, required education and training, and professional and ethical standards. BSPA also solicits input from the Oregon Academy of Audiology (OAA) and Oregon Speech-language Hearing Association (OSHA) regarding issues important to licensees.

The Board regulates the professional practice of speech-language pathology and audiology through ongoing monitoring of licensees, including investigations regarding professional competence and conduct. The Board receives complaints and reviews them to determine whether the complaints fall within the Board's authority, and, if so, obtains information to establish whether a violation of statutes or rules has occurred. Investigative reports prepared by staff and clinical experts are reviewed, and Board members themselves may also interview licensees during an investigation. The Board functions as a "committee of the whole" to determine if a violation has occurred and take appropriate disciplinary action. The Assistant Attorney General (AAG) assigned to the Board is consulted for legal advice on disciplinary and related administrative matters.

Volume

Workload is tracked by two measures—licensee counts and disciplinary/compliance caseload. The total number of licensees as of July, 2018, was 2,771 while the total as of July, 2020 is 3,058. That represents a 10.3% increase. The total number of licensees in July of 2022 is 3,510, an increase over the two year period of 14%. It is most relevant to compare to two years ago at the same point in time, because of the biennial renewal cycle. This trend of the number of licensees increasing by at least 10% each biennium has held true over the last 15 years, and is expected to continue here

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in Oregon. A striking trend in both 2021 and 2022 is that more than 55% of all new licensees do not live in Oregon and work with Oregon's citizens via telepractice. There are no barriers to practicing across state lines due to Oregon's telepractice rules as long as providers are licensed if they are either living in Oregon, or working with patients in Oregon.

Disciplinary and compliance cases have also increased over time. During 2004 through 2008, the Board investigated approximately 20 cases per year. 2009 saw a big jump to 41 cases, and in 2011 the board logged 100 case investigations. The Board opened 86 case investigations in 2017, 56 in 2018, 74 in 2019, 63 in 2020, 44 in 2021, and 53 at the halfway point of 2022 (expect final to be about 90). Investigators at state licensing boards generally handle 40 open cases at any given time.

Staffing & Budget Highlights

The Board is currently staffed by three positions including a full time Executive Director, full time Administrative Assistant (Administrative Specialist 2) and as of May, 2019, a full time Investigator 2.

No General Funds are used to fund the Board program or functions. Licensing fees provide 99% of Board revenue; the remainder comes from civil penalties or delinquent fees for violations of Board statutes and rules, interest income and sales of mailing lists. These are all Other Funds.

Environmental Factors

- Growth and aging of the state population is increasing the demand for speech, language, communication and audiology services. According to the *U.S. Occupational Outlook*, the number of audiologists is expected to grow 10% during 2006-2016, and the number of SLPs is projected to increase 11%.
- More than 55% of all new licensees in 2021 are not living in Oregon. This is a striking trend most likely due to COVID-19 but also Universal Licensure, since more SLPs who are not also licensed in education will tend to want licensure in Oregon where only the Board license is required to work in schools and all settings.
- Pacific University has added graduate programs in audiology and SLP, and PSU has increased its SLP graduate program capacity. These changes increased the number of Oregon graduates qualified for licensing beginning in 2013.

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- A shortage of qualified SLPs has existed in all geographical areas of the state; particularly in rural areas. This appears to be subsiding with increased in-migration, the slow economic recovery, and the increased capacity of the Oregon training programs and a dramatic increase in the provision of services via telepractice. There remains a problem in recruitment and retention of SLPs in some areas.
- Increased awareness of the law requiring speech-language pathology assistant (SLPA) certification and use of SLPAs due to the shortage of SLPs has contributed to the use of SLPAs. The Board responded in September 2013 by creating a Provisional SLPA license to allow individuals *not* enrolled in a university program to legally complete clinical fieldwork required for SLPA certification.
- SLPAs are required to be supervised by a SLP licensed by the Board, or by an SLP certified by TSPC who has agreed to follow the supervision rules adopted by the Board. This maintains supervision standards and provides the Board with jurisdiction over all aspects of SLPA practice.
- Improved awareness of the Board's role in consumer protection has resulted in increased administrative and legal costs associated with investigations and disciplinary actions. From 1989-2006, the Board received only 2-3 outside complaints per year. The Board now engages in more compliance investigations and communicates regularly with other jurisdictions regarding complaints filed elsewhere. Recent statistics demonstrate a striking increase in caseload.
- COVID-19 impacted agency operations in a number of ways including the need to clarify telepractice, conduct temporary rulemaking, and coordinate guidance statements with Oregon Department of Education, the Oregon Health Authority, the Governor's office and others.
- In ORS 694 and OAR 333-025, the State of Oregon requires hearing aid dealers to be licensed through the Oregon Health Licensing Agency. Legislative changes in 2009 recognized hearing aid dispensing as part of the scope of practice of audiologists. Board-licensed audiologists are no longer required to be licensed by OHLA; regulation of this function is now under the aegis of this Board. However, there remain issues of mutual interest and cooperation between BSPA and OHLA regarding these related license types.

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Agency Initiatives & Accomplishments

- Collaboration with Oregon Department of Education Medicaid program to ensure that licenses who bill Medicaid for services provided by SLPs, audiologists, and SLPAs are according to Board rules. Participated in training sessions for this pilot program.
- Conversion to a new database and conducted successful online renewal. New applicants now able to apply online and the board is working to eliminate all paper by accepting electronic college transcripts. As of 2020, the Board is no longer accepting checks with all payment received online, increasing efficiency and reducing risk.
- Transition to an “almost” paper-free agency, work to continue in 2023-25.
- Nimble reaction to COVID-19 pandemic with Q&A, rules reviews, collaboration with ODE and others.
- With COVID-19, Board staff of three began working remotely as of March 10, 2020, and Board meetings have been held via Zoom and conference call.
- The Board held or participated in three Zoom meetings to update and advise licensees on matters related to COVID-19 during Spring and Summer, 2020.
- Staff spoke at additional public meetings including presentations for master’s students at Portland State University and Pacific University.
- Increased the board’s racial diversity. Completed biennial Affirmative Action diversity and inclusion plan.
- Created and posted Guide to Utilization of SLPAs to address the new rules that went into effect January 1, 2020.
- With the addition of a full time Investigator, all new cases are brought to the Board within 180 days or sooner. (New 2020& 2021 Cases)