

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY**

TIME: 10:39 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

March 8, 2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

State Board of Examiners in Speech-Language
Pathology and Audiology
March 8, 2024

BOARD MEMBERS:

Lisa A. Butler, M.A., CCC-SLP, Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Patrick M. Murphy, Au.D., M.Ed., CCC-A, FAAA, Vice
Chairperson
Amy S. Goldman, MS, CCC-SLP, Secretary - Absent
Sarah E. Delano, M.Ed., CCC-A
Andrew A. McCall, M.D., FACS - Absent

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Senior Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Amber Lee Czerniakowski, Esquire, Board Prosecutor
Shakeena L. Chappelle, Board Administrator
Sarah E. McNeill, Board Administrator
Carlton Smith, Deputy Chief Counsel, Prosecution
Division
Deena Parmelee, Legal Office Administrator 1,
Department of State

ALSO PRESENT:

Angie Armbrust, Senior Associate, McNees-Winter
Group LLC, representing the Pennsylvania
Speech-Language-Hearing Association
Ted Mowatt, CAE, Vice President/Lobbyist, Wanner
Associates on behalf of Pennsylvania Academy of
Audiology
Jim Shafer, Au.D., CCC-A, FAAA, Governmental Affairs,
Pennsylvania Academy of Audiology
Derek Richmond, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Examiners in Speech-Language
3 Pathology and Audiology

4 March 8, 2024

5 ***

6 [Pursuant to Section 708(a)(1) and 708(a)(5) of the
7 Sunshine Act, at 10:00 a.m. the Board entered into
8 Executive Session with Shana M. Walter, Esquire,
9 Senior Board Counsel, for the purpose of conducting
10 quasi-judicial deliberations on the matters on the
11 agenda and to receive advice of Board Counsel. The
12 Board returned to open session at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Examiners in Speech-Language Pathology and
16 Audiology was held on Friday, March 8, 2024. Lisa A.
17 Butler, M.A., CCC-SLP, Chairperson, called the
18 meeting to order at 10:39 a.m.

19 Chair Butler reminded everyone that the meeting
20 was being recorded, and voluntary participation
21 constituted consent to be recorded.

22 ***

23 Roll Call of Board Members/Introduction of Attendees
24 [Shakeena L. Chappelle, Board Administrator, provided
25 a roll call of Board members and an introduction of

1 attendees.]

2

3 Approval of minutes of the December 8, 2023 meeting

4 CHAIR BUTLER:

5

Do I have a motion to approve the draft

6

minutes for the December 8, 2023

7

meeting?

8 DR. MURPHY:

9

I approve.

10 CHAIR BUTLER:

11

Do I have a second?

12 ACTING COMMISSIONER CLAGGETT:

13

Second.

14 CHAIR BUTLER:

15

Any discussion? Shakeena, please do a

16

roll call vote.

17

18

Lisa Butler, yes; Commissioner

19

Claggett, aye; Dr. Murphy, aye; Sarah

20

Delano, abstain.

21 [The motion carried. Sarah Delano abstained from

22 voting on the motion.]

23

24 Report of Prosecutorial Division

25 [Amber Lee Czerniakowski, Esquire, Board Prosecution

1 Liaison, presented the Consent Agreement for Case No.
2 23-68-006908.]

3 MS. WALTER:

4 I believe the Board would entertain a
5 motion to approve the Consent Agreement
6 at item 2 on the agenda at Case No. 23-
7 68-006908.

8 CHAIR BUTLER:

9 Do I have a motion?

10 DR. MURPHY:

11 I move.

12 CHAIR BUTLER:

13 Do I have a second?

14 MS. DELANO:

15 I second.

16 CHAIR BUTLER:

17 Any discussion? Shakeena, would you
18 please do a roll call vote?

19

20 Lisa Butler, aye; Commissioner
21 Claggett, aye; Dr. Murphy, nay; Sarah
22 Delano, aye.

23 [The motion carried. Patrick Murphy opposed the
24 motion. The Respondent's name is Alexander Fontes.]

25

1 [Amber Lee Czerniakowski, Esquire, Board Prosecution
2 Liaison, presented the Consent Agreement for Case No.
3 22-68-013918.]

4 MS. WALTER:

5 Is there a motion to approve the
6 Consent Agreement at agenda item 3 at
7 Case No. 22-68-013918?

8 CHAIR BUTLER:

9 Do I have a motion?

10 DR. MURPHY:

11 I'll move.

12 CHAIR BUTLER:

13 Do I have a second?

14 MS. DELANO:

15 I second.

16 CHAIR BUTLER:

17 Any discussion? Shakeena, can you
18 please do a roll call vote?

19

20 Lisa Butler, aye; Commissioner
21 Claggett, aye; Dr. Patrick Murphy, aye;
22 Sarah Delano, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Mark Luckey Gustina.]

25

1 Report of Board Counsel - Annual Sunshine Act and
2 Recusal Guidelines Review
3 [Shana M. Walter, Esquire, Senior Board Counsel,
4 reminded everyone that the Board entered into
5 Executive Session this morning to conduct quasi-
6 judicial deliberations and to receive the advice of
7 counsel.

8 Ms. Walter provided a Sunshine Act PowerPoint
9 presentation. She explained that the purpose of the
10 Sunshine Act is the right of the public to be present
11 at all meetings to witness deliberations, policy
12 formulation, and decision-making for proper
13 functioning of the democratic process.

14 Ms. Walter noted the basics of the Sunshine Act
15 is that meetings where deliberations and official
16 action occurs must be open to the public and
17 addressed official action taken by the Board.

18 Ms. Walter stated an agency is required to give
19 public notice of its first regular meeting of each
20 calendar year, not less than three days in advance of
21 the meeting. She noted the Board is not required to
22 issue public notice for an emergency meeting. She
23 stated the rule for a regular meeting is 72 hours and
24 a special meeting is 24 hours with the goal being a
25 minimum of one week.

1 Ms. Walter addressed public notice, including
2 newspapers, place of business, and email. She
3 reported changes to public notice in 2021 regarding
4 agendas, which are to be posted on a public-
5 accessible website no less than 24 hours in advance
6 of the meeting, posted on the door of Board meeting
7 room, along with paper copies available for those who
8 attend in person.

9 Ms. Walter addressed the recording of votes and
10 requirement of minutes for all open meetings. She
11 noted the Board enters into executive session at each
12 public session to receive the advice of counsel and
13 to conduct quasi-judicial deliberations. She stated
14 agency business does not occur during conferences or
15 executive session.

16 Ms. Walter stated executive session can also be
17 used to discuss personnel issues in addition to
18 quasi-judicial deliberations. She noted one of the
19 options when the Board does not follow the Sunshine
20 Act is that a legal challenge can be filed within 30
21 days from the meeting or within 30 days of the
22 discovery of any action which occurred.

23 Ms. Walter stated all Board business,
24 deliberations, and official actions should be
25 conducted in an open meeting, and Board members

1 should not discuss agency business, especially
2 executive session matters, outside of an official
3 Board meeting.

4 Ms. Walter noted committee meetings for the
5 purpose of performing administrative functions, like
6 reviewing applications or performing prosecutorial
7 functions, are not subject to open meeting
8 requirements.

9 Ms. Walter stated recusals are mandatory if the
10 Board member had a prosecutorial role in the matter
11 or a direct personal financial interest in the
12 outcome of the matter.

13 Ms. Walter noted it is strongly suggested to
14 recuse if a Board member has a personal affection for
15 someone directly involved, but knowing a person or
16 knowing of a person is not necessarily enough to
17 warrant recusal. She also noted recusal is strongly
18 suggested when a Board member has knowledge from
19 outside of a case and cannot set it aside in order to
20 make a fair and unbiased determination based solely
21 on the record.

22 Ms. Walter stated recusal is discretionary when a
23 Board member cannot hear or participate in a decision
24 on the subject fairly or without prejudice. She
25 encouraged Board members to discuss matters with

1 Board Counsel if they are uncertain whether or not to
2 recuse.

3 Ms. Walter discussed abstention versus recusal.
4 She explained that abstention is when a Board member
5 withholds their vote and does not affect quorum, but
6 recusal is when an individual is unable to vote and
7 can affect the quorum.

8 Ms. Walter addressed conflicts of interest,
9 noting that professional Board members shall not at
10 the same time be an officer or agent at any statewide
11 association or organization representing the
12 profession or occupation subject to Board action.

13 Ms. Walter stated public Board members of a
14 licensing board or commission representing the public
15 shall be a private citizen and cannot be a member of
16 any profession or occupation registered or licensed
17 by the Board or be related to or part of an immediate
18 family of a member of a profession or occupation.

19 Ms. Walter also stated public Board members
20 cannot be affiliated in any way with the profession
21 or occupation with any other appointed or elective
22 public office or position within the Commonwealth or
23 another state or the United States government during
24 the appointed term. She mentioned that any person
25 not meeting the standards for Board membership shall

1 be ineligible.]

2

3 Appointment - Annual Prosecution Division

4 Presentation

5 [Carlton Smith, Esquire, Deputy Chief Counsel,
6 Prosecution Division, informed Board members that he
7 assumed his role in March 2023 when Carolyn
8 DeLaurentis was promoted to the Executive Deputy
9 Chief Counsel position and provided a brief summary
10 of his professional background.

11 Mr. Smith reported a decrease in the number of
12 Bureau of Professional and Occupational Affairs
13 (BPOA) complaints across all boards from around
14 22,000 in 2022 to roughly 19,000 in 2023.

15 Mr. Smith presented the Prosecution Division's
16 Annual Report for the State Board of Examiners in
17 Speech-Language Pathology. He reported a little over
18 11,000 active licensees in 2023. He noted 21 cases
19 were opened in 2023. He also noted 18 cases open as
20 of the beginning of 2024 and 51 closed cases. He
21 informed Board members that prosecution's standard is
22 to be able to dispose of a case within a year across
23 all boards, noting the Board is at the 365-day mark.

24 Mr. Smith addressed discipline cases in 2023,
25 noting 1 fine and a few mandatory continuing

1 education (CE) reprimands and suspensions.

2 Mr. Smith addressed prosecution not warranted and
3 warning letters. He explained that warning letters
4 are issued after prosecution considered the
5 seriousness of the allegations, licensee disciplinary
6 history, and strength of the evidence.

7 Mr. Smith reported 19 prosecution not warranted
8 cases, noting prosecution again considers the
9 seriousness of the allegations and disciplinary
10 history but also considers an expert opinion as to
11 whether there was some deviation of standard of
12 care.]

13 ***

14 Regulatory Report

15 [Shana M. Walter, Esquire, Senior Board Counsel,
16 informed Board members that 16A-6805 regarding child
17 abuse reporting requirements was published as final
18 on January 27, 2024.]

19 ***

20 Regulatory Report - Status of Regulations

21 [Shana M. Walter, Esquire, Senior Board Counsel,
22 addressed the status of regulations, noting the Act
23 53 final-form rulemaking was delivered to the
24 Independent Regulatory Review Commission (IRRC) and
25 the standing committees of the House and Senate on

1 February 14, 2024. She reported that everyone who
2 commented were notified of the delivery and the
3 availability of final-form rulemaking.

4 Ms. Walter mentioned that it is posted on the
5 Independent Regulatory Review Commission's (IRRC)
6 website and expected to be on IRRC's agenda for the
7 public meeting on March 21, 2024. She also reported
8 regulatory counsel is working on the Act 41
9 rulemaking package.]

10

11 Report of Board Chairperson - PSHA Conference Update
12 [Lisa A. Butler, M.A., CCC-SLP, Chairperson, informed
13 Board members that she will be attending the
14 Pennsylvania Speech-Language-Hearing Association
15 (PSHA) Conference, along with Ms. Goldman and a Board
16 prosecutor, in Pittsburgh, April 10-13, 2024.]

17

18 Report of Board Chairperson - Assistants in Schools
19 Licensed/Non-licensed Discussion
20 [Lisa A. Butler, M.A., CCC-SLP, Chairperson, reported
21 currently having 51 assistants and noted the
22 importance of licensed speech-language pathologists
23 and audiologists knowing that they are responsible
24 under their license for the assistant.

25

Chair Butler stated they must register themselves

1 once they are in charge of supervising the assistant,
2 must hold a Pennsylvania license, cannot have more
3 than three assistants in the state of Pennsylvania if
4 supervising, 25% has to be onsite supervision of each
5 clinical session, and must have 20 hours of each
6 practical training for each duty. She mentioned that
7 the requirement is on their website and suggested
8 everyone review the requirements.]

9

10 Report of Board Chairperson - Review of Active
11 Licensees

12 [Shana M. Walter, Esquire, Senior Board Counsel,
13 referred to a question raised at the last meeting
14 regarding the number of licensees. She reported 51
15 assistants, 1,134 audiologists, 384 provisional
16 speech-language pathologists, and 9,645 speech-
17 language pathologists. She noted an increase of
18 several hundred over the past few years.]

19

20 Report of Board Chairperson - Call for Public Members
21 [Arion R. Claggett, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, informed Board
23 members that the Governor's Office is aware of the
24 need for public members and are working to address
25 that issue.

1 Chair Butler thanked Acting Commissioner
2 Claggett, noting the Board looked forward to having
3 more public members on its Board.]

4 ***
5 Report of Acting Commissioner - No Report

6 ***
7 Report from Other Board Member
8 [Lisa A. Butler, M.A., CCC-SLP, Chairperson,
9 mentioned that the Board can move forward with the
10 email blast of continuing education in ethics of true
11 and false questions. She explained that it would be
12 just an educational reminder for licensees.]

13 ***
14 Report of Board Administrator - Proposed 2025 Board
15 Meeting Dates
16 [Shakeena L. Chappelle, Board Administrator,
17 requested Board approval for 2025 Board meeting dates
18 to include March 7, June 20, September 12, and
19 December 12.]

20 CHAIR BUTLER:

21 Do I have a motion to approve the 2025
22 proposed meeting dates?

23 DR. MURPHY:

24 I move to approve.

25 CHAIR BUTLER:

1 Do I have a second?

2 MS. DELANO:

3 I second.

4 CHAIR BUTLER:

5 Any discussion? Shakeena, can we
6 please do a roll call vote?

7

8 Lisa Butler, aye; Commissioner
9 Claggett, aye; Dr. Murphy, aye; Sarah
10 Delano, aye.

11 [The motion carried unanimously.]

12 ***

13 Review of Applications - Ratification

14 MS. WALTER:

15 I believe the Board would entertain a
16 motion to ratify the granting of the
17 Application of Natasha McLaren.

18 CHAIR BUTLER:

19 Do I have a motion?

20 DR. MURPHY:

21 I move to approve.

22 CHAIR BUTLER:

23 Second?

24 MS. DELANO:

25 I second.

1 CHAIR BUTLER:

2 Discussion? Shakeena, can we please do
3 a roll call vote?

4

5 Lisa Butler, aye; Commissioner
6 Claggett, aye; Dr. Murphy, aye; Sarah
7 Delano, aye.

8 [The motion carried unanimously.]

9

10 Miscellaneous - Travel Request to Attend NCSB

11 Annual Conference September 26-28 in San Antonio,
12 Texas

13 CHAIR BUTLER:

14 Travel request to attend the National
15 Council of State Boards of Examiners
16 for Speech-Language Pathology and
17 Audiology Conference September 26-28 in
18 San Antonio. This is for Dana to
19 attend and Lisa Butler to attend, and
20 we would present also.

21 Do I have a motion to approve
22 travel and expenses to be paid for two
23 Board members, Board Counsel, and Board
24 administrator for the NCSB Annual
25 Meeting September 26-28 in San Antonio?

1 DR. MURPHY:

2 I so move.

3 CHAIR BUTLER:

4 Could I have a second?

5 MS. DELANO:

6 I second.

7 CHAIR BUTLER:

8 Any discussion? Shakeena, can I have a
9 roll call, please?

10

11 Lisa Butler, aye; Commissioner
12 Claggett, aye; Dr. Murphy, aye; Sarah
13 Delano, aye.

14 [The motion carried unanimously.]

15 ***

16 Miscellaneous - Travel Request to Academy of
17 Audiology Annual Conference September 26-27 in
18 Gettysburg, Pennsylvania

19 [Lisa A. Butler, M.A., CCC-SLP, Chairperson, stated
20 the Academy of Audiology Annual Conference overlaps
21 with the NCSB Annual Conference. She noted looking
22 toward Dr. Murphy attending and presenting at the
23 Academy of Audiology Annual Conference, September 26-
24 27, 2024 in Gettysburg, PA. Dr. Murphy planned to
25 attend that meeting and would be covering his own

1 expenses. He requested the Board provide the
2 information for him to present.

3 Ms. Walter noted there was no need for approval
4 if Dr. Murphy did not wish for the Board to cover his
5 expenses.]

6 ***

7 Adjournment

8 CHAIR BUTLER:

9 Motion to adjourn.

10 DR. MURPHY:

11 Move to adjourn.

12 MS. DELANO:

13 I second.

14 CHAIR BUTLER:

15 Meeting adjourned.

16 ***

17 [There being no further business, the State Board of
18 Examiners in Speech-Language Pathology and Audiology
19 Meeting adjourned at 11:19 a.m.]

20 ***

21

22

23

24

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Examiners in Speech-Language Pathology and Audiology Meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Examiners in Speech-Language Pathology and Audiology Meeting.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY
REFERENCE INDEX

March 8, 2024

TIME

AGENDA

1		
2		
3		
4		
5		
6		
7	TIME	AGENDA
8		
9	10:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:39	Official Call to Order
13		
14	10:39	Roll Call of Board Members
15		
16	10:39	Introduction of Attendees
17		
18	10:41	Approval of Minutes
19		
20	10:42	Report of Prosecutorial Division
21		
22	10:47	Report of Board Counsel
23		
24	10:34	Appointment - Carlton Smith, Deputy
25		Chief Counsel, Annual Prosecution
26		Division Report
27		
28	11:09	Regulatory Report
29		
30	11:10	Report of Board Chair
31		
32	11:13	Report of Other Board Members
33		
34	11:14	Report of Board Administrator
35		
36	11:15	Review of Applications
37		
38	11:16	Miscellaneous
39		
40	11:19	Adjournment
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		