



## South Dakota Board of Examiners for Speech-Language Pathology

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### OFFICIAL BOARD MINUTES FOR January 22, 2021 TELECONFERENCE

**MEMBERS PRESENT:** Brittany Schmidt, President  
Jane Heinemeyer, Vice-President  
Shirley Hauge, Member  
Jaculin Protexter, Member  
Connie Tucker, Lay Member

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Carol Tellinghuisen, Executive Secretary  
Jill Lesselyoung, Executive Assistant  
Brooke Tellinghuisen Geddes, Executive Assistant  
Jennifer Schultz, SDSLHA  
Megan Borchert, DOH Board Attorney

**CALL TO ORDER/WELCOME AND INTRODUCTIONS:** President Schmidt called the meeting to order at 8:33AM MST.

**ROLL CALL:** Schmidt requested Lesselyoung to call the roll. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes. A quorum was present.

**CORRECTIONS OR ADDITIONS TO THE AGENDA:** None

**APPROVAL OF THE AGENDA:** Hauge made a motion to approve the agenda. Heinemeyer seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes.

**PUBLIC TESTIMONY/PUBLIC COMMENT PERIOD:** Schmidt called for any public comments. There were no public comments for items not on the agenda.

**ELECTION OF OFFICERS:** Schmidt nominated/made a motion to elect Heinemeyer for President.

Hauge seconded the motion. Heinemeyer nominated/made a motion to elect Hauge as Vice-President. Tucker seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes.

**NEW LEGAL COUNSEL FOR DOH-BORCHERT, PROSECUTOR-WILLIAMS:** Schmidt introduced Borchert as the Board attorney for DOH and welcomed her to the Board.

**REVIEW-ROLE OF BOARD MEMBER AND CONFLICT OF INTEREST POLICY:** Borchert advised her role for the Board is to assist with meetings and provide legal advice as general counsel. Justin Williams will handle complaints and settlements. Borchert advised a Board member's role is to protect the health and safety of the consumers. It is a distinct purpose from the association's role of expansion of the practice and promotion of the profession. She advised members to keep the public protection in the back of their minds. She discussed the Code of Conduct and Conflict of Interest Policy that is a part of the Boards and Commissions Meeting Guidelines; a Board member must not use information for personal gain. She discussed the Anti-Harassment Policy and the Open Meeting Laws. All are encouraged to reach out with any questions.

**APPROVAL OF THE MINUTES FROM APRIL 17, MAY 29, 2020:** Hauge made a motion to approve the minutes from April 17, 2020 and May 29, 2020. Protexter seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes.

**FY FINANCIAL UPDATE:** Lesselyoung reported fiscal year-end figures as of June 30, 2020: revenue of \$83,179.41, expenditures of \$36,627.72 and cash balance on hand of \$183,723.89 and year to date figures as of December 31, 2020: revenue of \$32,992.94, expenditures of \$22,050.78 and cash balance of \$194,666.05. The Board discussed the financials and agreed the Board has a healthy cash balance in the event a complaint could go to hearing and entail legal expenses. Tellinghuisen advised a Board needs to maintain a healthy cash balance for complaints. Borchert agreed and advised on another Board it had cost between \$80,000-\$90,000 for a case hearing. The Board will assess the financials at a future date to see if it may be feasible to lower fees.

**RENEWAL UPDATE/ONLINE RENEWAL SYSTEM:** Lesselyoung advised there are currently 648 total active licensees and there were 20 licensees that did not renew. She advised the current database management system was purchased by another company and would no longer service the Board under the current contract. The Board office is moving to Albertson Consulting online system for database management for the DSS Boards. Under their system, the Board will be able to process online renewals, accept credit card payments, process license verifications, have a live time licensee roster as well as updating at some point to an electronic database system. Tellinghuisen advised it is a highly recommended system through DSS and it is working well for other boards. Following discussion, Schmidt moved to approve updating to the Albertson Consulting software system. Heinemeyer seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes.

**EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2:** Heinemeyer made the motion to enter executive session at 9:25AM. Schmidt seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes. The Board exited executive session at 9:33AM.

**COMPLAINTS/INVESTIGATIONS:** There are no pending complaints.

**EXECUTIVE SECRETARY CONTRACT RENEWAL:** Tellinghuisen requested to renew the current contract with a state cost of living increase if granted. Hauge made a motion to renew the contract as requested by Tellinghuisen with a state cost of living increase if granted. Heinemeyer seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes.

**EXECUTIVE ORDER UPDATE:** Executive order 2020-34 extends the date until June 30, 2021 for those licensed in another state to continue providing services in SD.

**BOARD COMBINATION BILL UPDATE:** The bill as put forth by DOH is primarily to combine the two boards (with a few changes to the language) and not to make updates/changes to the statutes. From the South Dakota Speech-Language-Hearing Association's standpoint, Schultz expressed concerns as to the efficiency of passing one bill to combine the Boards with outdated language and then having to return to the legislature next year with another bill, asking them to reconsider updating the outdated language. There are changes to address related to scope of practice, fees, and renewal periods, etc. The Board questioned how to handle a complaint that may come in prior to the rules being re-written. Borchert advised there will be a way to do it. The Board voiced concerns on the complaint process since having less members for each profession would limit the professional members available to conduct an investigation. Borchert advised outside investigators are hired through a contract process to ensure immunity from liability. Tellinghuisen advised the process would work like our current process but the investigation now conducted by a Board member would be done by an outside source.

**LEGISLATIVE UPDATES:** Borchert advised there are several bills pending that affect Boards; HB 1014 is a Governor's bill to streamline the complaint process for all boards. Schmidt questioned whether this language may supersede current language. Borchert advised if there is not conflicted language then current language would be in effect but if new language conflicted then new language would apply. The purpose of the bill is for the public to know what is in effect for all Boards. HB 1077 is a bill to provide for licensure by endorsement for certain licensed professionals and occupations of which SLP is included. A bill to establish criteria for reviewing criminal records by licensing boards and commissions may possibly be introduced. Borchert will follow up and update if this bill should be introduced.

**AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT UPDATE:** Schultz advised 6 states have passed and 14 are actively pursuing. ND cannot participate as they do not require a clinical fellowship in their licensure requirements. Schultz advised those states that have passed will be involved in setting the fees and passing the rules for the compact. Eventually there will be background check requirements but that does not interfere with the ability to join the compact at this point.

**ANY OTHER BUSINESS COMING IN BETWEEN DATE OF MAILING AND DATE OF MEETING:** There was no other business.

**NEXT MEETING DATE:** The next meetings are set for April 23, July 23, and October 15 at 9:30CT/8:30MT.

Hauge made a motion to adjourn at 10:30AM. Heinemeyer seconded the motion. **MOTION PASSED** by roll call vote. Schmidt, yes; Heinemeyer, yes; Hauge, yes; Protexter, yes; Tucker, yes.

Respectfully submitted,

A handwritten signature in cursive script, reading "Carol Tellinghuisen", is written in black ink on a light yellow rectangular background.

Carol Tellinghuisen  
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

DRAFT