

Missouri State Board of Registration for the Healing Arts

Missouri Council of School Administrators Building

3550 Amazonas Drive

Jefferson City, Missouri 65109

Open Session Meeting Minutes

May 14-15, 2015

The members of the Missouri State Board of Registration for the Healing Arts convened on May 14-15, 2015 at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri 65109.

Board Members Present:

Benjamin Lampert, MD, President

Jeffrey Carter, MD, Member

James DiRenna, DO, Member

Bradley Freeman, MD, Member

Jade James, MD, Member

John Lyskowski, MD, Member

David Tannehill, DO, Member

David Poggemeier, MD, Member

Staff Present:

Connie Clarkston, Executive Director

James Leggett, Executive I

Sarah Schappe, General Counsel

Frank Meyers, Associate General Counsel

Aaron Martin, Contract Legal Counsel

William Smittle, DO, Chief Medical Officer

William Voss, DO, Medical Staff

Melvin Abend, MD, Medical Staff

Charles Barbee, MD, Medical Staff

Terri Deffenbaugh, DO Medical Staff

Doug Wheeler, MD, Medical Staff

Kenneth Hammond, Chief Investigator

John Short, Probation Supervisor

John Heidy, Probation Supervisor

Paul Williams, Probation Supervisor

Jerald Barnes, Investigator II

Michael Bergman, Investigator II

Sidney Conklin, Investigator II

Tonya Gammill, Investigator II

Howard Hammers, Investigator II

Richard Maxwell, Investigator II

Maggie McDowell, Investigator II

Kevin Moroney, Investigator II

Jeffrey Nichols, Investigator II

Kerry Placeway, Investigator II

Richard Schurman, Investigator II
Catherine Stewart, Investigator II
Kim Beffa, Enforcement Supervisor
Andy Funk, Information Support Coordinator
Kim Brester, Administrative Services Coordinator
Tammy Branch, Executive Assistant
John Donnell, ATC, Chair
Mark Dempsey, ATC, Member

The order of the items reflected in these minutes is not necessarily reflective of the order in which the items were reviewed and discussed.

Licensure Committee Agenda

Motion was made by Dr. DiRenna and seconded Dr. Poggemeier to go into closed session. Dr. DiRenna, Dr. James and Dr. Poggemeier voted in favor of the motion. The motion carried unanimously.

Appearance Agenda

1. Dixon, Brent L., DO – Probation Violation Hearing **2014-004355**

A probation violation hearing was held following a complaint filed by the Board against Dr. Brent L. Dixon, DO. The complaint alleged that Dr. Dixon was in violation of the terms of his August 13, 2010, settlement agreement with the Board, in that Dr. Dixon has failed to actively participate in a structured individualized education plan as recommended by CPEP, and thus required by his settlement agreement. The Board was represented by Frank B. Meyers, and Dr. Dixon was represented by Niki Sublett.

Closed Session

Motion made by Dr. Poggemeier and seconded by Dr. Lyskowski to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. James, Dr. Lyskowski, Dr. Poggemeier voted in favor of the motion. Dr. Freeman and Dr. Tannehill were not present. The motion carried unanimously.

2. Hubbard, Bret A., DO – Probation Violation Hearing **2014-004821**

On July 2, 2014, December 11, 2002, the Board issued a disciplinary order suspending Dr. Bret A. Hubbard, MD's license for three (3) years, or until he could provide a fit to practice letter, followed by probation for ten (10) years. Dr. Hubbard was never able to provide a fit to practice letter, so his license entered probationary status on December 11, 2005, with a termination date of December 11, 2015. Probation Supervisor John Heidy reported that Dr. Bret Hubbard has failed to renew his Missouri medical license, as required by the terms of the 2002 disciplinary order. Dr. Hubbard stated he thought his probation with Missouri had expired and he has no plans on returning to Missouri to practice.

Prior to hearing, Dr. Hubbard signed a settlement agreement for the voluntary surrender of his license. Therefore, this case was closed and the hearing cancelled.

3. Treacy, Bryan J. – Probation Violation Hearing **2014-04189**

On July 2, 2014, Probation Supervisor John Heidy contacted Dr. Brian Treacy and advised him that he was not in compliance with his board settlement agreement due to him not renewing his Missouri medical license. On July 30, 2014, Heidy received an email from Dr. Treacy advising him that he will not be

renewing his license due to the fact that he cannot afford the cost and fees.

Prior to hearing, both counsel for the Board and counsel for Dr. Treacy stipulated to a continuance of the hearing. A Motion for Continuance was filed on behalf of the Board, and subsequently granted prior to hearing. Therefore, this hearing was continued to the July 2015 Board meeting.

4. Bittle, Charles C., Jr., MD - HB265 Hearing **2014-002235**

On June 13, 2014 staff received a Federation report indicating that on April 22, 2014, the Texas Board issued an emergency order of suspension relating to Dr. Bittle's immediate danger to the public health, safety, or welfare due to nontherapeutic prescribing to seven (7) patients. It appears that Dr. Bittle has also been practicing in a metal shed behind a private residence and not keeping adequate medical records for said patients.

On April 30, 2014 the Texas board issued a final order, in which Dr. Bittle voluntarily surrendered his Texas medical license in lieu of further disciplinary proceedings. A HB 265 hearing was held. Sarah Ledgerwood served as the Board's legal advisor. Frank Meyers represented the Board. Dr. Bittle did not appear and was not represented by counsel.

5. Knight, James W., MD – Disciplinary Hearing **2011-004365**

On or about July 5, 2011 Dr. Knight's medical staff privileges were revoked at Des Peres Hospital based upon a finding that he failed to provide an acceptable level of care, including several cases of retained foreign objects and improper record keeping and for failure to timely inform the hospital of a state licensing board investigation.

Dr. Knight's counsel contacted Sarah Schappe on May 13, 2015, inquiring whether a settlement was possible. Based on correspondence with Dr. Knight's counsel, and with his consent, Sarah Schappe requested that this case be continued so that a possible settlement could be negotiated.

6. Eggleston, Harry C., MD – Disciplinary Hearing **2012-004364**

The AHC found that Dr. Eggleston is subject to discipline because he delegated the administration of anesthesia to inadequately trained personnel; he was negligent in his medical documentation practices and in treating a patient; instruments at his surgery center were not properly rinsed and cleaned and he misinformed a patient about the outcome of a surgical procedure. Sarah Schappe represented the Board. Dr. Eggleston appeared and was represented by Greg White.

7. Appearance

Closed Session

Motion made by Dr. James and seconded by Dr. Carter to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. James, Dr. Lyskowski, Dr. Poggemeier voted in favor of the motion. Dr. Freeman and Dr. Tannehill were not present. The motion carried unanimously.

8. and 9. Appearance

Closed Session

Motion made by Dr. Tannehill and seconded by Dr. Lyskowski to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr.

Freeman, Dr. James, Dr. Lyskowski, Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

10. Appearance

Closed Session

Motion made by Dr. James and seconded by Dr. Carter to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

11. Appearance

Closed Session

Motion made by Dr. James and seconded by Dr. Carter to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

12. Tenny, Robert T., MD – HB265 Hearing

2013-006541

A hearing was held following a complaint filed by the Board against Dr. Robert T. Tenny, MD. The complaint alleged that on or about February 14, 2014, the Kansas State Board of Healing Arts entered an Order suspending Dr. Tenny's license for a period of at least two (2) years for care of a patient. Specifically, during surgery for evacuation of a frontal subdural hematoma through burr-hole procedure an injury to the brain occurred. Dr. Tenny did not inform the patient's family of the injury and also failed to advise other treatment providers all of the injury. The Board was represented by Sarah Schappe, and Dr. Tenny was represented by Mark Stafford.

Closed Session

Motion made by Dr. Carter and seconded by Dr. DiRenna to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

13. Tuttle, Emma K, AT – HB265 Hearing

2014-002957

A hearing was held following a complaint filed by the Board against Ms. Emma K. Tuttle, AT. The complaint alleged that Ms. Tuttle pled guilty to endangering the welfare of a child and received a Suspended Execution of Sentence (SES) and placed on two (2) years' probation. Ms. Tuttle was also required to complete a parenting class, behavioral management screening, one hundred (100) hours of community service, and was required to pay court costs. Community service was completed on June 27, 2014. The Board was represented by Frank Meyers, and Ms. Tuttle was represented by Niki Sublett.

Closed Session

Motion made by Dr. Tannehill and seconded by Dr. Carter to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. Lyskowski, Dr. Tannehill voted in favor of the motion. Dr. James and Dr. Poggemeier were not present. The motion carried unanimously.

13. Appearance

Closed Session

Motion made by Dr. Tannehill and seconded by Dr. Carter to go into closed session pursuant to sections 610.021 (1), (5), and (14), 324.001 (8) and (9) and 334.001, RSMo. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. Lyskowski, Dr. Tannehill voted in favor of the motion. Dr. James and Dr. Poggemeier were not present. The motion carried unanimously.

General Business Agenda

Dr. Lampert chaired the meeting during the General Business Agenda and the Board voted the following actions be taken:

1. Approval of the Open Minutes

Motion made by Dr. Tannehill and seconded by Dr. Lyskowski to accept to approve the January 23-24, 2015 Open minutes, January 25, 2015 Telehealth Conference Call Open minutes and March 22, 2015 Conference Call Open minutes as presented. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

2. Pharmacy FDA MOU

Kim Grinston, Executive Director of the Board of Pharmacy recently attended a meeting with the FDA regarding the distribution of compounded human drug products. The Boards of Pharmacy were asked to sign the MOU on behalf of their respective state. After review, Ms. Grinston believes that the MOU may affect the Board of Registration for the Healing Arts as well. Ms. Grinston was in attendance and provided additional information related to this subject.

Motion made by Dr. Tannehill and seconded by Dr. Carter to direct legal staff to do an analysis on the MOU and bring it back to the Board before the June 16, 2015 deadline for comments. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

3. Rules

A. Rule Petition – American Board of Pain Medicine

The American Board of Pain Medicine is requesting that the Board promulgate rules to “define the credentials of physicians who have demonstrated training, skills, and clinical experience needed to provide specialist-level medical care for those patients who suffer from acute or persistent pain,” and “to establish protocols for opioid prescribing, standards for owning or operating pain clinics and advertising restrictions that protect the public from misleading statements by health care practitioners claiming to be ‘pain specialists.’” They specifically request two rules - one to define “pain medicine specialist” and one to limit advertising of a licensee as a “pain medicine/management specialist.” A confidential attorney client memo is available to the Board.

Motion made by Dr. Freeman and seconded by Dr. Tannehill to deny their request. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

B. Rule Petition – Dr. Sedgewick

Dr. Sedgewick wrote the Board asking for a rule that would provide an interpretation of section 334.010, RSMo as to whether he needs a Missouri license to practice in certain scenarios. These include records review and consultation with an optometrist. A confidential attorney client memo is available to the Board.

Motion made by Dr. Tannehill and seconded by Dr. Lyskowski to go into closed session. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

Motion made by Dr. DiRenna and seconded by Dr. Lyskowski to deny the rule request and answer the petition. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

C. Assistant Physician Rules

Pursuant to the Board's direction, a meeting was held with the deans of medical schools and directors of primary care residency programs to discuss the educational component of the Assistant Physician Rules. Based on this discussion, legal staff drafted proposed rules for the Board's review and discussion. Additionally, this draft incorporates comments from the January Board Meeting and additional grammar/clean up by staff.

Motion made by Dr. Freeman and seconded by Dr. DiRenna to post the assistant physician rules for pre-public comment and bring comments back to the July Board meeting. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

4. USMLE Step 2 CS Attempts

The Board received a letter from Dr. Michael Cardenas, who is currently a resident at Duke University, expressing concern about the USMLE Step 2 Clinical Skills Exam. Dr. Cardenas believes that the expectations regarding this test have not been communicated to residency programs and that the test is subjectively graded, resulting in inconsistent and unfair results. He is asking the Board to change the limit on the number of times a physician can take the Step 2 Clinical Skills Exam.

Motion made by Dr. Tannehill and seconded by Dr. James to respond to Dr. Cardenas informing him of pending legislation on this subject, and outlining the Board's discussions on this issue. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

5. FTC

In February 2015, the Supreme Court issued its ruling in *North Carolina Board of Dental Examiners v. FTC*. The Court ruled that professional licensing boards only have anti-trust immunity if they are carrying out a "clearly articulated and affirmatively expressed" state policy and their actions are "actively supervised by the State." A confidential attorney-client memo further explaining this decision is available to the Board members.

Motion made by Dr. James and seconded by Dr. Carter to go into closed session. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. James, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier was not present. The motion carried unanimously.

This agenda item was for informational purposes and no action was taken by the Board.

6. Telemedicine

Staff continues to receive inquiries about telemedicine and the Board's position on telemedicine. Staff is suggesting that the Board appoint a taskforce to study the issue.

Motion made by Dr. Tannehill and seconded by Dr. DiRenna to establish a telemedicine task force with Dr. Tannehill as the chair, and to hold a meeting before the July 2015 Board meeting. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier and Dr. James were not present. The motion carried unanimously.

7. Impaired Physician Committee

A. March 5, 2015 Meeting

The March 5, 2015 Impaired Physician Committee Meeting resulted in four items for action by the Board:

1. To amend the list of approved facilities to remove Cedar Bridge, as this facility has closed;
2. To approve the Missouri Board of Registration for the Healing Arts Assessment Treatment Center Evaluation Form;
3. For staff to send the Missouri Board of Registration for the Healing Arts Assessment Treatment Center Evaluation Form to all facilities on the current approved list and to any facility that asks to be on the list; and
4. To approve the updates to the ILOD process.

Motion made by Dr. DiRenna and seconded by Dr. Carter to approve these changes. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier and Dr. James were not present. The motion carried unanimously.

B. May 14, 2015 Meeting

A report of the May 14, 2015 meeting was given.

Motion made by Dr. DiRenna and seconded by Dr. Freeman to direct staff to look into the logistics regarding fingerprints. Dr. Carter, Dr. DiRenna, Dr. Freeman, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier and Dr. James were not present. The motion carried unanimously.

8. March 5, 2015 Reentry Committee Meeting

The Reentry Committee met on March 5, 2015. They reviewed draft statute and rule language which created a reentry license. The Committee recommended the Board propose the statute in the 2016 legislative package.

Motion made by Dr. Carter and seconded by Dr. Lyskowski to include this proposed language in the 2016 legislative package. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

9. Communications from the Board

This item is to discuss how the Board communicates with licensees and the public.

Motion made by Dr. Lyskowski and seconded by Dr. Tannehill to allow to staff to continue work on improving communication with the public and licensees of the Board. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

10. Collaborative Practice Audits

Section 334.104.6, RSMo gives the Board authority to conduct audits of collaborative practice agreements. Staff is asking for guidance on the procedures for audits. A closed attorney-client memo is available to the Board.

Motion made by Dr. Lyskowski and seconded by Dr. DiRenna to table this agenda item until the June 2015 Conference call. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

11. Visiting Professor licensure

It has come to staff's attention that section 334.046.3, RSMo, which sets forth the criteria for converting a visiting professor license into a permanent license, may need to be amended. The current statute seems to allow individuals holding a visiting professor license convert that into a permanent license without meeting the same requirements as others seeking permanent licensure.

This agenda item was for informational purposes and no action was taken by the Board.

12. FSMB Annual Conference

Staff gave a report on the FSMB Annual Conference. The actions taken by the House of Delegates and biographies of the newly elected members of the Board of Directors were provided for reference.

This agenda item was for informational purposes and no action was taken by the Board.

13. Legislation

A. Report on 2015 Legislation

The legislative session ends on May 15, 2015. Staff gave an update on the status of legislation affecting the Board.

This agenda item was for informational purposes and no action was taken by the Board.

B. Proposals for 2016 Legislation

The Board's legislative proposals are due to the Division in July. Staff is requesting direction on what proposals to prepare. The Board's 2015 proposals were attached for reference. Staff is also suggesting that the Board seek general rulemaking authority so that it can promulgate rules to better give licensees guidance on practice issues. In the alternative, staff is suggesting that the Board seek authority to promulgate rules regarding the use of telehealth by physicians and other Board licensees.

Section 334.040, RSMo - Physician Testing

Section 334.040, RSMo governs the examination requirements for physician licensure in Missouri. As part of the process in reviewing the current statutes and drafting the proposed changes, staff reviewed national state medical licensure requirements provided by the Federation of State Medical Boards ("FSMB"), and focused on the states surrounding Missouri. Attached is a copy of

the report from the FSMB as well as a chart of the licensure requirements of the surrounds states. The proposed changes would help clarify current licensure requirements, significantly streamline the application process, and help bring Missouri's licensure rules and statutes more in line with current medical training and education requirements.

Motion made by Dr. Tannehill and seconded by Dr. Carter to accept the proposed changes to section 334.040, RSMo. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

Section 334.031, RSMo – Medical Diploma Only

Section 334.031, RSMo governs the licensure requirements for physician licensure in Missouri. Currently all applicants for permanent licensure must submit a certificate of high school graduation, undergraduate transcripts, and medical school transcripts and diplomas. This proposal would lessen the burden for applicants by eliminating submission of the above stated documents and require applicants to only provide a copy of their diploma showing they received a medical or osteopathic degree.

Motion made by Dr. Tannehill and seconded by Dr. Carter to accept the proposed changes to section 334.031, RSMo but with the addition that medical school transcripts must be submitted upon request of the licensure chair. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

New Section – Nonbinding Board Opinions

Pursuant to the MOANA v. Missouri Board of Registration for the Healing Arts decision by the Missouri Supreme Court, the Missouri Board of Registration for the Healing Arts (“Board”) cannot give opinions or issue position statements. This includes answering the questions of licensees on simple licensing issues, disciplinary questions, and/or any other issues licensees may have. This would be a newly enacted section of Chapter 334, which would allow the Board to issue non-binding opinion statements addressing the issues and/or questions posed by its licensees and avoid potential issues with licensees, including disciplinary issues, that could easily be avoided with an answer by the Board, thus avoiding potential harm to the public, future discipline and/or litigation.

Section 324.023, RSMo passed during the 2015 legislative session, so no action was taken by the Board.

Section 334.613.2 – Physical Therapist Discipline

The current language of 334.613.2, RSMo does not allow discipline of a Physical Therapist or Physical Therapist Assistant unless said Physical Therapist or Physical Therapist Assistant has first “...failed to renew or has surrendered his or her license...” This means that any licensee who has never failed to renew their license or surrendered their license, which constitutes the vast majority of Physical Therapists and Physical Therapist Assistants in Missouri, cannot be disciplined if they violate the subsections of 334.613.2, RSMo. This has effectively removed the ability of the Board to discipline Physical Therapists or Physical Therapist Assistants who have never failed to renew pursuant to 334.613.2, RSMo. The proposed change would add language allowing the

Board to discipline the license of any Physical Therapist or Physical Therapist Assistant including those who have not "...failed to renew or has surrendered his or her license..."

Motion made by Dr. Lyskowski and seconded by Dr. Carter to accept the proposed changes to section 334.613.2, RSMo. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

Chapter 345 – Speech Language Pathologists

The existing law requires that an SLPA be supervised by a licensed speech language pathologist, hold a bachelor's degree in "speech-language pathology," and complete a clinical practicum. Most institutions do not grant degrees in "speech-language pathology." The bachelor's degree is usually a degree in communication disorders or another similar title. Additionally, some school districts do not have licensed speech-language pathologists on site to supervise. They have individuals credentialed by DESE who are exempt from chapter 345 licensure. Currently, there is a shortage of qualified individuals to provide speech-language pathology services, particularly in schools.

The existing law refers to "clinical audiologists" in some places, while in others it refers to "audiologists." This bill standardizes these references to "audiologists." The prior language also states that SLPAs, speech-language pathology aides, and audiology aides receive "registrations" instead of licenses. This makes the law difficult to read and to enforce as the terminology is not consistent.

Currently, speech-language pathologists are required to complete a clinical fellowship year after graduating. This period of time must be supervised. Because of the change in the structure of SLP education, requiring individuals to prove again that they have completed this training is duplicative and not necessary.

Currently, individuals can only serve on the Speech-Language Pathologist/Audiologist Commission for more than two terms (six years). There is a shortage of qualified applicants for Commission positions.

In 2011, the General Assembly passed HB265 which added several causes to discipline to Chapter 334, which governs other professions the board oversees. Those changes are not incorporated yet in Chapter 345, making it confusing and limiting the board's ability to discipline licensees of Chapter 345 consistently with other board licensees.

The proposed changes make the requirements to get an SLPA license more consistent with the educational opportunities available in Missouri and should increase the number of SLPAs available to provide services.

Standardizing the language to "licenses" and "audiologists" will make the statutes easier to read and avoid technical legal challenges when the Board needs to discipline a licensee. Removing the requirement for proof of a clinical fellowship year will decrease the amount of paperwork required to get a license and will increase the ability of the board to quickly process licenses.

Allowing individuals to serve on the commission longer than six years will mean that there is a bigger pool of qualified commission members. Making this chapter consistent with 334 will allow consistency and reduce confusion.

SB107 contained the amendments to Chapter 345 and passed during the 2015 legislative session, so no action was taken by the Board.

General Rule Making Authority

Section 334.125, RSMo has been referred to as the Board's general rulemaking power. However, it is not clear that this grant of power is that broad. Courts have previously held that the Board's general rulemaking authority in section 334.125, RSMo, does not extend to regulations regarding the prescribing or dispensing of controlled substances. Staff is suggesting that a change in the statute be sought that would allow the Board to promulgate rules governing how its licensees practice. These rules could include things like telemedicine, how to establish a physician patient relationship, or how a physician should delegate to an unlicensed person.

Motion made by Dr. Tannehill and seconded by Dr. Carter to pursue legislation granting such authority. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

Single Act of Negligence

This legislative proposal would allow for a single act of negligence , which caused harm. An alternate proposal would be to give the Board limited authority to discipline for a single act of negligence causing harm or require showing serious harm. The least discipline should be probate or reprimand.

Motion made by Dr. Lyskowski and seconded by Dr. DiRenna to pursue legislation granting such authority. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

Fines

This legislative proposal would seek authority for fines as a disciplinary sanction.

Motion made by Dr. Lyskowski and seconded by Dr. Tannehill to pursue legislation granting such authority. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.

Budget

Ms. Clarkston provided an update on the Board's budget and discussed additional staff, including but not limited to, an additional attorney, two (2) paralegals and additional medical staff reviewers.

This agenda item was for informational purposes and no action was taken by the Board.

Adjournment

Motion made by Dr. Lyskowski and seconded by Dr. Carter to adjourn. Dr. Carter, Dr. DiRenna, Dr. Lyskowski, and Dr. Tannehill voted in favor of the motion. Dr. Poggemeier, Dr. Freeman and Dr. James were not present. The motion carried unanimously.