

**Board of Registration for Speech-Language Pathology and Audiology**  
**Meeting Held by Video Conference and Phone**  
**DATE: February 5, 2023 TIME: 9:30 a.m.**

**Public Session Minutes**

**A public meeting of the Massachusetts Board of Registration of Speech-Language Pathology and Audiology (“the Board”) was held via Videoconference and Conference Call pursuant to section 40 of chapter 2 of the acts of 2023, signed into law on March 29, 2023.**

**Board Members Present by video or phone:**

Nicole Laffan  
Sarah Young-Hong  
Kristin Bresnahan  
Donna Noonan

**Staff Present by video or phone:**

Thomas Burke, Executive Director  
Sheila York, Board Counsel  
Monique Brown, Board Staff  
Margaret McKenna, Board Staff  
Christian Carl, Intern

**Board Members Not Present:**

Gabrielle Simone

**Housekeeping**

- Board chair called meeting to order at 9:31 am.
- Roll Call Vote for Attendance  
Board chair, Nicole Laffan, established a quorum via calling attendance: Nicole Laffan, Kristin Bresnahan, Sarah Young-Hong, and Donna Noonan. All members present participated remotely via Cisco Webex.

Mr. Burke advised members of the public to disable the audio and video features unless they are addressing the Board. Those in attendance may utilize the hand function to address the Board.

**Board Business**

- Approve Public Session Minutes
  - Minutes of 12/4/23 meeting  
The Board reviewed the draft of the public session minutes of the December 4, 2023 Board meeting. Dr. Laffan requested that the draft minutes be amended to record Dr. Simone’s attendance and show that Ms. Noonan was not present at the December 4<sup>th</sup> meeting and did not take part in roll call votes. She asked that the date of the October meeting under board business be corrected and requested the language in the description of the approval of the October minutes be amended to improve clarity. After discussion, Mr. Burke read the amended section on the vote to approve the October minutes into the record. The amended section reads: “The Board reviewed the draft of the public session minutes of the October 2, 2023 Board meeting. Dr. Laffan requested that the motion to approve the minutes be amended to reflect that Ms. Young-Hong motioned to approve the October 2, 2023 minutes and Ms. Noonan seconded the motion.”

**Following discussion, Dr. Laffan moved to accept the amended minutes for the December 4, 2023 meeting. Dr. Bresnahan seconded. The motion passed on a roll call vote: Dr. Laffan – “Yes”; Ms. Young-Hong – “Yes”; Dr. Bresnahan – “Yes”; Dr. Simone – “Not Present”; Ms. Noonan – “Yes.”**

- **Report from Executive Director, Thomas Burke**

Mr. Burke introduced Christian Carl, a student at Northeastern University, as intern for the board.

- **Report from Board Counsel**

No report.

### **Board Discussion**

- **Policy 17-01 Social Security Numbers and Department of Revenue License Actions – VOTE**

The executive director presented a policy for the Board’s consideration that puts in place guidelines for the collection of social security numbers (SSNs) for initial applications and the reporting of SSNs to the Department of Revenue in the processing of license suspensions and reactivations pursuant to Department of Revenue notices.

**Dr. Laffan moved to adopt the policy. Ms. Noonan seconded. The motion passed on a roll call vote: Dr. Laffan – “Yes”; Ms. Young-Hong – “Yes”; Dr. Bresnahan – “Yes”; Dr. Simone – “Not Present”; Ms. Noonan – “Yes.”**

- **FDA rule on over-the-counter hearing aids**

The Board reviewed the Food and Drug Administration (FDA) rule on over the counter (OTC) hearing aids that went into effect on October 17, 2022 and guidance provided by the American Speech-Language-Hearing Association (ASHA) on the effect of the rule on statutory requirements. Board counsel stated that changes to the statute governing the practice of speech-language pathology and audiology would require action by the state legislature. Board counsel advised that if the Board determines that the rule does not conflict with the Board's interpretation of its current rules and regulations, the Board may consider issuing a policy statement to that effect. Counsel requested Board members to submit their concerns to her via electronic mail so she may carry out legal review. No vote was taken.

- **Update on proposed amendments to regulations for speech-language pathologist provisional licensees**

Mr. Burke reported that the amended regulations for the speech-language pathologist provisional license are a top priority for the calendar year. The Board is awaiting approval from DPH to move to a public hearing on the proposed amendments. Ms. York then reviewed the process that the Board will follow once it receives approval to schedule a public hearing. The Board will need to provide at least 21 days notice of the public hearing. She and the executive director will contact board members to arrange a hearing date. After a hearing is held, the Board will review any comments received and determine if revisions should be made to the proposed regulations. The Board will vote on the wording of the final amended regulation. The Board will then need to obtain approval from its supervising agencies prior to submitting the final regulation to the Secretary of the Commonwealth’s office for promulgation. The amended regulation will become

effective once published in the State Register by the Secretary's office. Finally, Mr. Burke announced that he and his staff will begin implementing provisional licensure into the new software system and perform licensing processes in a test environment. No vote was taken.

**Open session for topics not reasonably anticipated 48 hours in advance of meeting:** None.

**Settlement Offers, Cases – Investigative Conference [Closed session pursuant to G.L. c. 112, §65C]:**

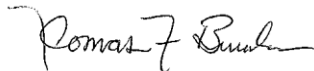
**At 10:26 a.m. Dr. Laffan made a motion, seconded by Dr. Bresnahan to adjourn the public meeting and enter into closed session to conduct investigatory conferences pursuant to G.L. c. 112, §65C, and at the conclusion of the closed session, not return to the public meeting. The motion passed on a roll call vote: Dr. Laffan – “Yes”; Ms. Young-Hong – “Yes”; Dr. Bresnahan – “Yes”; Dr. Simone – “Not Present”; Ms. Noonan – “Yes.”**

During the closed session, the Board took the following action:

- 2022-000754-IT-ENF – Provided guidance to the prosecutor.
- CASE-2023-0139 – Dismissed.

**At 10:53 a.m., Dr. Laffan moved to adjourn the meeting. Dr. Bresnahan seconded the motion. The motion passed on a roll call vote: Dr. Laffan – “Yes”; Ms. Young-Hong – “Yes”; Dr. Bresnahan – “Yes”; Dr. Simone – “Not Present”; Ms. Noonan – “Yes.”**

Respectfully Submitted,



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Thomas F. Burke  
Executive Director

Documents used in the open meeting:

- Agenda for 02/05/24 board meeting
- Public session minutes of 12/4/23 board meeting
- Correspondence from G. DeSarno
- Policy 17-01 Social Security Numbers and Department of Revenue License Actions
- FDA rule on OTC hearing instruments
- ASHA statement on the effect of the FDA over the counter (OTC) hearing aid rule on state practice acts