

**STATE OF NEVADA
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY
AND HEARING AID DISPENSING BOARD**

MINUTES OF PUBLIC MEETING

November 5, 2016

Members Present: Tami Brancamp, Bonnie Lamping, Jane McEvoy, Thomas Rainford, Nighat Abdulla, Richard Johnson; Elizabeth Lynner; Mark Butler, Advisory Member, Michael Hodes, Advisory Member

Members Absent: Rebecca Bailey-Torres

Staff Present: Loretta L. Ponton, Executive Director
Henna Rasul, Sr. Deputy Attorney General

Public Present: Deidre Aguirre, Boyd School of Law

Call to Order, Confirmation of Quorum - Tami Brancamp, Vice-Chair called the meeting to order at 10:03 a.m. A roll call confirmed a quorum was present.

Public Comment – No comments were heard.

Approval of Minutes - Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of July 29, 2016. Loretta Ponton stated a correction is required to indicate that Elizabeth Lynner was absent from the meeting. Hearing no other comments, Tami Brancamp called for a motion.

Elizabeth Lynner made a motion to approve the minutes of July 29, 2016, seconded by Tom Rainford. Henna Rasul stated that the members not present at the meeting under consideration are not allowed to make the motion. Elizabeth Lynner withdrew her motion; Tom Rainford withdrew his second of the motion.

Tom Rainford made the motion, seconded by Bonnie Lamping to approve the minutes of July 29, 2016 as revised. The motion passed.

Disciplinary Matters - Loretta Ponton presented, stating this matter is recommended for dismissal. Tami Brancamp called for a motion.

Tom Rainford made the motion to dismiss Case S16-03; seconded by Jane McEvoy. The motion passed.

Policies - Tami Brancamp asked Loretta Ponton to present. Ms. Ponton stated that two (2) policies are proposed for adoption both of which establish the general procedures and process related to licensure and renewal of a license:

Policy 04 - Licensing - establishes the processes and timeframes for retention of pending applications, receipt of payment, issuance of a license after application and written verification of a license.

Policy 05 - License Renewal - establishes a 60 day period prior to expiration in which a license may be renewed, requires CE documentation to be submitted with a hard copy renewal application and random audit of CE documentation for on-line renewal of a license, and establishes the process to renew a temporary license.

Ms. Ponton stated these policies reflect and formalize the current processes and procedures for licensure and renewal.

Discussion was heard regarding the rationale for submitting CE documentation with hard copy applications and the random audit process for on-line renewals. Ms. Ponton explained that on-line renewals are preferred which allows individuals immediate approval of their renewal; CE information is included on the on-line renewal application. The random audit verifies that information. Staff manually record hard copy renewals; including the CE documentation; these individuals are excluded from the random audit selection.

Hearing no further discussion, Tami Brancamp called for a motion.

Elizabeth Lynner made the motion, seconded by Tom Rainford to approve Policy 04, Licensing and Policy 05 - License Renewal as presented. The motion passed.

Telehealth / Telepractice - Tami Brancamp asked Loretta Ponton to facilitate the discussion. Ms. Ponton informed the Board that the use of telehealth is a new emerging practice. The 2015 Legislature authorized the use of telehealth as a delivery method for “providers of health care” under NRS 629 and established minimum licensure requirements. That legislation also authorized health care licensure Boards to establish regulations specific to their practice.

The Board also has provisions in their law, NRS 637B.244 which contain similar requirements for licensure and also delineates additional requirements regarding competency in the technology used to provide services, use of telepractice for services that are appropriate and substantially equivalent in quality as on-site services and are documented in the client records as being provided by means of telepractice.

The intent of this discussion is to determine whether regulations are necessary to clarify the use of telepractice, and if so, in what specific areas such as in specific settings or parameters in which telepractice would or would not be appropriate.

For information purposes, Nevada Medicaid has updated their Medicaid Service manual specific to the coverage of services provided by telehealth. Home Health Services provided by a Speech Therapist must be provided in person and has been specifically identified as not appropriate to be provided by telehealth.

Discussion was heard regarding the emerging field of telehealth, the use of telehealth by school districts particularly in rural areas, and the need to obtain more information on current and future use of telehealth or telepractice in the fields of speech therapy and audiology.

Tom Rainford commented that the Board should also consider whether hearing aid dispensing and remote programming of hearing aids fall under the telehealth/telepractice area and that Hearing Aid Specialists should be included as a provider of health care.

Loretta Ponton stated these items would be discussed under the dispensing agenda item.

Tami Brancamp commented that all the stakeholders should be included in the discussion, the education system, licensees and any other interested parties.

After further discussion, there was consensus that the Board should hold two open workshops, one in the north and one in the south on telehealth/telepractice to include invitations to all stakeholders to provide input into the use of telehealth/telepractice in Nevada and what the challenges and opportunities are in this emerging field. A Board workgroup would be convened to review the workshop comments and recommendations. The workgroup would then present recommendations for regulations or clarifications on telehealth/telepractice to the Board for consideration and action. Each Board member will provide the Executive Director a listing of stakeholders and target audiences to be invited to participate in the workshops.

Ms. Ponton commented the Telehealth Workgroup has already been authorized previously, the members being Bonnie Lamping, Tami Brancamp, Jane McEvoy and Nighat Abdulla; additional members could be added at the January meeting.

Tami Brancamp directed Ms. Ponton to move forward with scheduling workshops as necessary.

Hearing Aid Dispensing - Loretta Ponton stated the programming of hearing aids telephonically has become more prevalent with the new technologies available. Mr. Rainford questioned whether this would constitute or fall under the definition of telepractice.

Ms. Ponton explained that telehealth/telepractice is pertinent to “providers of health care” which currently are Speech-Language Pathologists and Audiologists. Hearing Aid Specialists are not included in this definition. Mr. Rainford stated that Hearing Aid Specialists should be included as they are providing a health care service. Ms. Ponton commented that the definition is under the Healing Arts law, which would require legislative action to change. Elizabeth Lynner stated that there might also be a federal FDA issue as dispensing must have a client disclosure statement related to medical evaluations.

Discussion was heard regarding the trend of insurers, such as IHealth Innovations, providing hearing aids directly to the client without involving a Nevada licensed professional and whether a dispensing license should be required. Also discussed was internet providers supplying pre-programmed hearing aids based upon the audiogram provided by the client. The client would be required to send the hearing aid back for adjustments.

Ms. Ponton stated that prohibition of internet sales is not allowed under federal FDA laws, and may be considered restraint of trade.

There was a consensus that these topics should be delegated to the Dispensing Workgroup for further research and discussion, with recommendations to be brought back to the Board.

Apprentice Training Outline - Ms. Ponton directed the members to the new document that is intended to be incorporated into the application process for Apprentice licensure. The document would be the training agreement between the apprentice and the sponsor and would delineate the minimum requirements and responsibilities of the parties.

After review and discussion, the title was revised to include “Sponsorship” and a section was added to identify the academic program or curriculum that will be utilized for the academic portion of the training.

Tami Brancamp call for a motion. Tom Rainford made the motion to approve the Apprentice Sponsorship and Training form as revised, seconded by Richard Johnson. The motion passed.

Advisory Member Appointments - Ms. Ponton stated that Mark Butler and Mike Hodes have submitted letters requesting reappointment as advisory members to the Board.

Tami Brancamp asked if there was any discussion, hearing none called for a motion.

Bonnie Lamping made the motion, seconded by Nighat Abdulla to re-appoint Mark Butler and Michael Hodes as advisory members to the Board. The motion passed.

NCSB Conference Report - Tami Brancamp provided a report on her attendance at the National Council of State Boards conference. Ms. Brancamp reported the Board Regulatory Training was very informative as a new board member; licensure interstate compacts were of great interest by all in attendance. Compacts are an agreement between states to accept license requirements as equivalent - this is really a formalization of reciprocity. Ms. Brancamp stated that she was surprised that not all states belong to the NCSB and stated the conference was well worth the time and expense.

Executive Director’s Report – Tami Brancamp called on Loretta Ponton.

Ms. Ponton reported on the 1st Quarter licensure statistics stating there were 1029 licensees as of September 30, 2016.

Financial Statements - The Fiscal Year 2016 4th Quarter financial statements were summarized with Ms. Ponton reporting a net loss of \$24,188.33 for the fiscal year; cash assets at year-end totaled \$202,985.42.

The 1st Quarter FY 2017 financial statements were provided. Ms. Ponton reported that revenue was at \$35,011, 24.6% of budget with expenses at \$32,395, 18.28% of budget with net income for the period \$2,616. Cash assets were \$187,904. During the quarter, \$30,000 was transferred from the savings account to the checking account for operating expenses.

Licensing System Update - Ms. Ponton reported the agreement with GL Solutions would be continued for another year, the move to a new system was determined to be not feasible. The GL system is undergoing upgrades to address all the issues previously reported. The Board had approved up to \$25,000 to for a new licensing software system, the FY 18 budget line item is \$18,900 of which \$10,000 is attributable to the new system. Ms. Ponton is recommending up to

\$10,000 of the budget authority be approved to be expended to expedite the upgrades to the GL Solution system.

Legislative Report - Ms. Ponton reported on the 2017 Legislative Session pre-filed bills that may affect Boards; of special interest is 54-410 submitted by the Legislative Committee on Health Care that is proposing to merge all four mental health-related professional Boards under the State Board of Health; the existing Boards would be eliminated.

Ms. Ponton reported that correspondence had been sent per Board direction on the proposed BDR regarding NRS 622 discussed at the last meeting.

Tami Brancamp call for a motion.

Richard Johnson made the motion to approve the Executive Director's Report including the utilization of \$10,000 of budget authority to expedite the GL Solutions updates. Tom Rainford seconded the motion. The motion passed.

Report from Board Chair – Tami Brancamp asked for availability for the 2017 Board schedule. After discussion, the meeting calendar was set as follows:

Saturday, January 28, 2017	Las Vegas	Telehealth Workshop and Board Meeting
February, Date and Reno Location TBD		Telehealth Workshop
Friday, May 19, 2017		teleconference
Saturday, August 5, 2017		Reno
Friday, November 17, 2017		teleconference

Tami Brancamp asked for discussion for future agenda items. After discussion, future agenda items were identified as follows:

- Regulation Review and Revisions to NAC 637B.050 through NAC 637B.390
- Workshop on Telehealth/Telepractice
- Appointments to Telehealth Workgroup
- Feasibility of Visual Meeting Options
- Dispensing Workgroup Report
- Open Meeting Law Presentation - August in Reno

Report from Legal Counsel – Henna Rasul stated she had no report.

Public Comment – There were no public comments.

Adjournment – Tami Brancamp adjourned the meeting at 11.45 a.m.