

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

MINUTES OF PUBLIC MEETING

April 30, 2016

Members Present: Rebecca Bailey-Torres, Tami Brancamp, Bonnie Lamping, Elizabeth Lynner, Jane McEvoy, Thomas Rainford; Mark Butler advisory member, Michael Hodes advisory member.

Members Absent: Nighat Abdulla, Richard Johnson

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

Public Present: Paula Berkley

Public Hearing - LCB File R129-15 – NAC 637B

The Public Hearing was opened at 10:15 a.m. by Loretta Ponton, Executive Director

Ms. Ponton provided an introduction to the hearing stating the purpose is to receive comments on regulations LCB File No. R129-15, Chapter 637B of the Nevada Administrative Code. Ms. Ponton asked if there were any comments from the public present. No comments were made. Ms. Ponton stated one written response with comments was received from Mr. Lance Greer, Audiologist, Advanced Hearing & Balance Specialists. An analysis of the comments was conducted, with a prepared written response to each comment; the written comments from Mr. Greer and the response will be attached to the minutes and will be considered following the conclusion of the Public Hearing.

Hearing no other public comments, the Public Hearing was closed at 10:17 a.m.

Board Meeting

Call to Order, Confirmation of Quorum - Rebecca Bailey-Torres, Chair called the meeting to order at 10:18 a.m. A roll call confirmed a quorum was present.

Public Comment – No comments were heard.

LCB File No. R129-15, Consideration of Public Comments.

Ms. Bailey-Torres asked Ms. Ponton to facilitate the review of the written comments received from Mr. Greer. Loretta Ponton directed the members to the response to public comments; summarizing as follows:

Section 3.2 regarding eligibility to take to take the hearing aid specialist exams and apprentice eligibility is established in law, Section 23, 25, 26, 27 and 31 of AB 115;

Section 3.3 regarding the passing scores on the hearing aid specialist exams; the Board approved the HIS written examination and practical examination as the Nevada state examinations; the score established by the former Board of Hearing Aid Specialists of 75% was continued by this Board;

Michael Hodes asked whether the 75% pass rate was in total or applicable to each section. Ms. Ponton responded that needs to be clarified, for Board discussing at a later time.

Section 3.4 in-service training of an apprentice is covered in Section 27 of AB 115 which establishes the requirements for an apprentice, and removed the requirement for higher education as a requirement.

Section 23.1 regarding waiver of continuing education, Mr. Greer requested that “religious service” be added as an extenuating circumstance for waiver of continuing education and to allow an extension of the waiver for the term of the service if longer than one year. The regulation does not limit the circumstances that would be considered; continuing education is required for annual renewal of a license and a waiver can be requested annually at time of renewal.

Tami Brancamp asked whether the term “without limitation” includes only the three options listed; Ms. Ponton explained “without limitation” means is not limited to; therefore other options would be considered.

Rebecca Bailey-Torres asked if there were any other questions, clarifications comments for Board consideration. There were no further questions or comments.

(Attached written comments; response to public comments)

Adoption of Regulations; LCB File No. R129-15 - Rebecca Bailey-Torres called for a motion.

Elizabeth Lynner made the motion, seconded by Thomas Rainford to adopt LCB File No. R129-15 as presented.

The motion passed unanimously.

Approval of Minutes - Rebecca Bailey-Torres asked if there were any corrections or revisions to the minutes of the meeting of January 23, 2016.

Tami Brancamp stated page 2, last paragraph the Board of Higher Education should be corrected to read “Nevada System of Higher Education”. Hearing no other comments, Rebecca Bailey-Torres called for a motion.

Tami Brancamp made the motion, seconded by Jane McEvoy to approve the minutes of January 23, 2016 as revised. The motion passed.

Work Session - Rebecca Bailey-Torres asked Loretta Ponton to facilitate.

Loretta Ponton stated the Board has completed the majority of the work on hearing aid dispensing regulations and it is now time to consider whether any Speech-language pathology or audiology regulations would be appropriate or needed. The work session is to discuss the need for and actions necessary to address any specific concerns or clarifications through regulation. No actions will be taken at this time; the next meeting draft language would be presented on areas identified during this session.

SLP new graduate licensure requirements: Ms. Ponton explained the Board requires an “official” transcript for licensure. Tami Brancamp stated she requested this item be discussed as questions have been received from new graduates regarding the “official transcript” requirement for licensure, asking whether a letter from the educational institution would be acceptable. There are instances when an individual may complete their education but their transcript does not indicate the degree has been conferred; another example is when a graduate has not completed their “thesis” requirement.

Loretta stated our law AB 115 requires completion of an approved educational program and regulation R050-15 specifically requires an official transcript. Other considerations could be applicability of “primary source verification” of education for credentialing organizations, and standardized requirements for all professions; and the additional administrative burden to follow-up on obtaining “transcripts” if the letter was originally submitted.

Tami Brancamp stated that UNR posts official transcripts two times a year; there could be a delay in receipt of an “official” transcript if the person graduates outside the normal academic period, she was not supporting a change but since there were questions, it was being brought up for discussion.

Loretta Ponton stated to her knowledge the Board has never accepted a letter in lieu of a transcript.

Discussion was held with a consensus that an “official transcript” is a requirement and no changes or regulations are necessary.

SLP Provisional Licensure - CFY Supervision and/or reporting - Loretta stated that the provisional SLP’s are not currently required to be supervised nor do they report who their mentor is for the CFY or provide a report on their progress and status of their clinical fellowship.

Discussion was heard regarding additional regulations pertaining to supervision and reporting for provisional SLP licensees with a consensus that this topic is appropriate for drafting of regulations.

Telepractice - Loretta reported that telepractice is authorized for SLP and AUD licensees in our law; and on a statewide basis for all health care professions. There remains much discussion on the use of telepractice or telehealth and the appropriate use of this delivery methodology. Telehealth is being expanded by many health care professions and there may be additional safeguards or requirements that Board may want to address.

There was consensus that additional information should be acquired as to how it is being utilized and further discussion be held at the next Board meeting.

Executive Director's Report – Rebecca Bailey-Torres called on Loretta Ponton.

Loretta Ponton directed the members to the written report and summarized the licensure statistics as of March 31, 2016, reporting there are 966 licensees as of that date. There were 60 Speech-language pathologists and 15 Audiologist who did not renew their licenses. On-line renewal for Hearing Aid Specialists and Apprentices will be open approximately May 10th which will include payment by credit card.

Ms. Ponton summarized the 3rd Quarter FY 16 financial reports stating revenue is at 67.41% of budget and expenses at 88.61% of budget, cash assets totaled \$210,548 combined from checking and savings accounts. Ms. Ponton noted a net loss of \$30,370 for the fiscal year to date.

Projected income / expense for the fiscal year is (\$27,000) due to lower than projected revenue due to allocation of hearing aid specialist carry-in funding and lower renewal fees received. Expenses are projected to exceed budget by approximately \$15,000 due primarily to one-time transition expenses.

It is recommended that funds be transferred from the savings account to the checking account to ensure sufficient funds and maintain a 6 months operating expense balance of approximately \$60,000.

Licensing Data System - Ms. Ponton reported that GL Suite, when updating the program to add the new license types under AB 115, did not include the ability to renew hearing aid specialist licenses, apprentice licenses, dispensing audiologist licenses, provisional licenses or temporary licenses under the current software support plan. GL Solutions has indicated that each of these features would require additional costs totaling over \$30,000. These additional costs were not disclosed during the 2 years we were working on the new law and keeping GL Solutions updated on what the necessary changes would be upon passage of the law. In addition, the company has made many changes to their processes which has resulted in numerous delays in delivery of services and substandard or non-responsive services.

In January, GL Solutions was requested to update the system to enable HAS/Apprentice records to be renewed; this did not include the ability for on-line renewals. GL Solution has not been responsive and the system is still incomplete. Alternative options were sought to enable renewals and to include on-line renewal for the hearing aid specialists and apprentices.

InLumon - was contacted, they are a locally owned and operated company that has been providing similar licensing services to public entities including the Board of Massage Therapy and several other Nevada small boards. Ms. Ponton stated InLumon was very responsive and is developing the Board's on-line renewal for HAS and Apprentice licenses. Loretta stated she would like to move to their company for full services for all professions.

The InLumon software program includes all updates and applications with no hidden costs under the same subscription basis as the current program. In addition, InLumon also has a module for Board meeting administration which can be added to the full services. The initial cost for

development and conversion of all data from GL Solutions would be under \$25,000 with a monthly subscription at a comparable level as what is currently being paid to GL Solution.

Loretta Ponton stated she is requesting approval to negotiate an agreement with InLumon at a cost not to exceed \$25,000 for development, conversion and implementation and to include negotiating a subscription based support plan. The initial program would include 6 months of support at no additional cost.

The contract with GL Solution is annual, ending December 31st of each year. Loretta Ponton stated the services of GL Solution would not be renewed upon expiration of the current contract.

Discussion was heard regarding continuing the current program with the additional costs to bring into line with the Board's needs and moving to the new provider InLumon. There was consensus that to retain the current program provider would not be in the best interests of the Board due to the additional costs that would be incurred to meet the Board's needs and the problems with non-performance in meeting deadlines and completing projects.

Rebecca Bailey-Torres asked if there were any other questions or comments on the Executive Director's report. Hearing none called for a motion on the recommendation for a new licensing system provider.

Thomas Rainford made the motion, seconded by Tami Brancamp to authorize the Executive Director to negotiate an agreement not to exceed \$25,000 with InLumon for the development, conversion and implementation of a Board licensing program and negotiate a subscription based support plan thereafter; and to terminate the agreement with GL Solutions at the end of the contract period.

The motion passed unanimously.

Rebecca Bailey-Torres called for a motion on the recommendation to authorize a transfer of funds from the Board's savings account to the checking account.

Elizabeth Lynner made the motion, seconded by Jane McEvoy to authorize the Executive Director to transfer funds from the savings account to the checking account as needed. The motion passed.

Report from Board Chair – Rebecca Bailey-Torres reported the next meeting is scheduled in Reno on July 30th and asked for confirmation. Loretta Ponton stated Mr. Johnson has requested the meeting be changed to Friday afternoon, July 29th as week-ends are difficult with family obligations. After discussion of the need for an in-person meeting or teleconference, it was agreed the meeting would be held Friday, July 29th at 2:00, by teleconference. The November 5th meeting will be in-person in Las Vegas.

Rebecca Bailey-Torres stated the NCSB conference is in October in New Mexico. Tami Brancamp confirmed she wishes to attend.

Rebecca Bailey-Torres asked for discussion for future agenda items.

Discussion was heard of possible future agenda items with a consensus the next meeting will include establishing the dispensing examinations passing score; review draft of possible SLP regulations; approval of the budget and follow up discussion of telepractice.

Report from Legal Counsel – No report.

Public Comment – There were no public comments.

Adjournment – Rebecca Bailey-Torres called for a motion to adjourn. Thomas Rainford made the motion to adjourn, seconded by Bonnie Lamping. The motion passed. The meeting was adjourned at 12:15 p.m.

Response to Public Comments on R129-15

Comments received by Advanced Hearing and Balance Specialists Lance Greer, Audiologist

The clarifications requested in Section 3.2 and 3.4 are not necessary as the comments are answered in the law AB 115, Sections 23, 25, 26, 27 and 31.

Comment on section 3.3 regarding what the specific examinations and passing scores are identified in Board meeting minutes of June 27th; the passing scores (75%) were retained and carried over from the Board of Hearing Aid Specialists.

Comment on section 23.1 requests the addition of “religious service” to the definition of extenuating hardship and also the exemption to apply for the term of the service. The regulation does not exclude other reasons or purposes for consideration as an extenuating circumstances. A written request should delineate the circumstances and purpose of the extenuating circumstance if not listed.

Continuing education is required for “renewal” of a license which has been established as annually; A request for waiver must be submitted at time of license renewal. An extension of the waiver could be requested at each renewal period or the individual could choose not to renew while not practicing. There are options for individuals who will not be practicing in Nevada for extended times such as “reinstatement” which allows a break of licensure for up to 3 years.

Response: Section 3.2 - Eligibility established in law

Audiologist Eligibility

Sec. 23. An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and
2. Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.

Hearing Aid Specialists and Apprentices Eligibility

Sec. 25. The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:

1. The licensing of hearing aid specialists and apprentices;
2. The educational and training requirements for hearing aid specialists and apprentices;
3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and
4. A program of in-service training for apprentices.

Sec. 26. An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:

1. Successfully complete a program of education or training approved by the Board which requires, without limitation, that the applicant:
 - (a) Hold an associate’s degree or bachelor’s degree in hearing instrument sciences; or
 - (b) Hold:
 - (1) A high school diploma or its equivalent or an associate’s degree or bachelor’s degree in any field other than hearing instrument sciences; and
 - (2) Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.

2. Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences.
3. Pass the examination prescribed pursuant to section 25 of this act.
4. Comply with the regulations adopted pursuant to section 25 of this act.
5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. 1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 31. A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.

Response: Section 3.3 - exam passing scores

The Board has approved the IHS entry level written examination and the IHS Practical Examination as the state examinations; the passing score of 75 was continued as established by the previous Hearing Aid Board.

Response: Section 3.4 In-Service Training of an apprentice

See response to Section 3.2; - Section 27 delineates the requirements for an apprentice as an individual who has not completed a program of education or training approved by the Board. The law AB 115 removed the requirement for higher education for individuals seeking an apprentice or hearing aid specialist license.

Response: Section 23.1 Waiver of Continuing Education

The regulation defines “extenuating circumstances” but does not limited the circumstances that would be considered.

4. As used in this section, “extenuating circumstance” includes, **without limitation:**
 - (a) Extreme illness or injury;
 - (b) Extreme financial or familial hardship; or
 - (c) Military service.



Kimball B. Forbes, MCD, FAAA
Lance F. Greer, Au.D., FAAA
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April 2nd, 2016

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374 S. Hwy 99

Panguitch (435) 676-8303
224 N. 400 East

Stacey Whittaker
Licensing Specialist
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
P.O. Box 34540
Reno, NV 89533-4540

Dear Nevada SLP, AHAD Board,

I have read your proposed regulatory changes to the statues that this board oversees and governs those of us that are professionals that are subject to such regulation.

As I have read the proposed changes and have the following comments by section:

Section 3.2 (To be eligible to take the examination...) – Shouldn't this section also outline who is eligible to take the exam. In other words are those Audiologists who have completed an accredited university setting eligible to take the examination without completing an apprenticeship or those Hearing Instrument Specialists who have completed equivalent training elsewhere and years previous? What about those Audiologists or Hearing Instrument Specialists who have been licensed in other states? At what point are those who are doing an apprenticeship eligible for taking the examination? There should be more clarification of what makes one even eligible by way of existing or non existing credentials to take the examination besides just (3.2.a) filling out a completed application and (3.2.b) paying an examination fee.

Section 3.3 (Board will establish the passing score...) So what is this specifically?

Section 3.4 (In-service training of an apprentice...) There needs to be more clarification who needs to be approved to be an apprentice and who does not. Do all new applicants for a NV Hearing Aid Dispensing have to become an apprentice or just those who have no formal education and university training such as an Audiologist or HIS who has already performed his /her educational training to become such. Perhaps there need to be definitions of what an SLP, Audiologist, Dispensing Audiologist, Hearing Instrument Specialist and Apprentice really mean, so that there is no confusion as to who has to become an apprentice prior to the taking of the exam and who can just take the exam for state licensure as a Hearing Instrument Dispenser without becoming an Apprentice.

Furthermore, under past regulation, by statute, NV required that all licensed HIS need have at least 4 years of University schooling (in any field). I do not see that requirement anywhere in the proposed regulation of such to be able to enter the HIS field in the State of NV. Perhaps this has been purposefully omitted. I can see pros and cons to this, however it would be nice if some sort of requirement, like at least a 2 years associate degree in anything, or completion of any technical trade program, or a minimum of 5 years of professional work in any health care related profession (such as x-ray tech, secretary in a health care office, physical therapist, etc.)

(Con't page 2)

Section 23.1 (Board may waive all or part of requirements for continuing education.) I appreciate that the board is willing to waive continuing education requirements for (23.4) "extenuating circumstances" which include (23.4.a) illness or injury, (23.4.b) extreme financial or familial hardship, or (23.4.c) Military Service. I would implore the board to also include "Religious Service" as a reason to unconditionally waive continuing education requirements for the length of religious service assignment just as is the case for Military service.

Being a member of the Church of Jesus Christ of Latter-day Saints (otherwise known as LDS Church or Mormon Church), we have a strong religious conviction of missionary service. At times our general church leadership (in Salt Lake City) will extend a full-time missionary assignment to members of our faith to serve in areas that are not part of our local geography. These service assignments are very often in another state or international. Most of these missionary service assignments can range from 6 to 36 months. I would appreciate that this be listed as part of the "Extenuating Circumstances" list of reasons for an automatic granted waiver. I would also ask that this be granted for the full duration of the missionary assignment not solely limited to 12 months as stated in Section 23.2 and would invite language to reflect this. I do realize that there are members of other religious faiths that serve in their church full time for finite periods of time that this may also affect in a similar way and so I implore the board to add and clarify this section with these changes.

Thank you for your considerations to these proposed changes and clarifications.

Sincerely,

Lance F. Greer, Au.D, FAAA

A handwritten signature in black ink, appearing to read 'Lance F. Greer', written in a cursive style.

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