



State of Nevada
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

NOTICE OF PUBLIC MEETING

Wednesday, April 29, 2020 ~ 4:30pm

Location

NO PHYSICAL ACCESS

Per Governor Sisolak's March 21, 2020 Emergency Directive 006 suspending the physical meeting location requirement for public bodies. Please see teleconference options below.

Supporting material relating to this meeting will not be physically available but electronic copies may be requested by contacting the Board office by phone at (775) 787-3421 or via email at board@nvspeechhearing.org.

Teleconference Access

Video: <https://zoom.us/j/5319419132>

Audio: 1-877-810-9415 **Audio Access Code:** 8997531

Participants may join using audio only or using both audio AND video. Video only will not include sound.

AGENDA

The **STATE OF NEVADA SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD** may: address agenda items out of sequence (b) combine agenda items or (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030). Action by the Board on any item may be to approve, deny, amend or table.

1. **Call to Order, Confirmation of Quorum**

2. **Public Comment**

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

3. **Case A20-01: Scott Sumrall, AuD, License # A-2133. Public Hearing to Determine Whether There Has Been a Violation of the Consent Decree Executed on January 22, 2020**
(for possible action)

4. **Public Comment**

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

5. **Adjournment**
(for possible action)

Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the President, additional public comment may be heard when that item is reached. The President may allow additional time to be given a speaker as time allows and in his/her sole discretion. (NRS 241.020, NRS 241.030)

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126)

Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 787-3421; or fax (775) 746-4105 no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

| | | |
|---|--|---|
| Office of the Attorney General 100 N. Carson Street Carson City, Nevada 89701 | Office of the Attorney General 5420 Kietzke Lane, Suite 202 Reno, Nevada 89511 | Grant Sawyer State Office Building 555 E. Washington Avenue, #3900 Las Vegas, Nevada 89101 |
| Washoe County Courthouse 75 Court Street Reno, NV 89501 | Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board 6170 Mae Anne Avenue, Suite 1 Reno, Nevada 89523 | Washoe County Clerk 1001 E. 9th Street, Building A Reno, NV 89520 |
| Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board Website www.nvspeechhearing.org | | State of Nevada Administrative Website www.nv.gov |

This agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

Supporting material relating to public meetings of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is available at the Board's administrative offices located at 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523 or by contacting Jennifer R. Pierce, Executive Director by phone at (775) 787-3421 or email board@nvspeechhearing.org.

No physical access to copies of materials for this meeting. Meeting Notice not posted at sites marked above per State of Nevada Declaration of Emergency Directive 006.

Anyone desiring additional information regarding the meeting is invited to call the Board office at (775) 787-3421.



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

AGENDA ITEM 3

Case A20-01: Scott Sumrall, AuD; License # A-2133

Public Hearing to Determine Whether There Has Been a Violation of the Consent Decree Executed on January 22, 2020

During its January 22, 2020 meeting, the Board reviewed and accepted the Consent Decree on Case A20-01, Scott Sumrall, License # A-2133 related to allegations of unlicensed practice.

The Consent Decree is attached for review, with the Stipulated Adjudication and Violation sections highlighted in yellow from pages 6-8 for the Board's review.

The terms of the Consent Decree included the following:

1. ***License placed on probation for one (1) year.***

Ends: 4/21/2021 **Status:** Ongoing

2. ***Within 45 days of the approval and execution of the Consent Decree on January 22, 2020, pay attorney's fees and costs assessed at \$1,389.24. May be paid in full or through payment plan arranged within 45 days of the executed Consent Decree.***

Due: 3/7/2020 **Status:** Past Due

See attached correspondence. Mr. Sumrall was provided instructions on multiple occasions for making payment or requesting a payment plan. When the fees initially became past due in March 2020 he was granted an extension to pay but has yet to make payment.

3. ***Within three (3) months of the date of the executed Consent Decree, completion of six (6) hours of Board approved continuing education on professional ethics.***

Due: 4/22/2020 **Status:** Past Due

See attached correspondence. Mr. Sumrall indicated in his email dated 3/30/2020 that the CE would be completed that week, but Board staff have not received any documentation of completed CE hours to date.

4. ***Within three (3) months of the date of the executed Consent Decree, sit for and pass both the written and practical dispensing examinations.***

Due: 4/22/2020 **Written Exam Status:** Passed 3/9/2020 **Practical Exam Status:** Past Due

The Board office received notification from IHS that Mr. Sumrall passed the written examination on 3/9/2020. He contacted the Board on 3/26/2020 to inquire as to whether his score was received but has not requested to take the practical examination.

5. ***Within one (1) week of completion of the exams listed in #4, above, submit the required Audiology Dispensing Endorsement application and pay all associated application fees.***

Due: 4/29/2020 **Status:** Pending



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

The following correspondence is attached for the Board's review:

| | |
|-----------|--|
| 1/23/2020 | Email from Board Executive Director to Mr. Sumrall regarding Board acceptance of the Consent Decree on 1/22/2020 with a copy to follow by mail. |
| 3/12/2020 | Email & Letter to Mr. Sumrall notifying him that the payment of legal fees/costs was overdue. Extension granted to 3/20/2020 at 4pm Pacific. Instructions were again provided for payment options. |
| 3/24/2020 | Email from Mr. Sumrall regarding the letter dated 3/12/2020 and requesting assistance in how to make the payment. Reply from Executive Director with instructions for making payment. |
| 3/26/2020 | Email from Mr. Sumrall requesting information on his Written Dispensing Exam results. Reply from Executive Director confirming the Board was notified of his passing score. Mr. Sumrall expressed concern regarding the impact on his practice as a result of the Consent Decree and requesting removal of the restriction on his license. |
| 3/30/2020 | Email reply to Mr. Sumrall reiterating that the hearing would proceed as scheduled and providing payment instructions. |
| 3/30/2020 | Email from Mr. Sumrall to Board Counsel Henna Rasul with reply regarding the Consent Decree, hearing, and payment. |
| 4/23/2020 | Email to Mr. Sumrall with the agenda for the April 29, 2020 hearing attached. |

ACTION: Decide whether there is a Consent Decree Violation and if so, consider imposing a penalty, table the matter, or take no action.

ATTACHMENT(S):

1. *Consent Decree_Sumrall A20-01_FINAL EXECUTED*
2. *Email 1 23 2020_Pierce to Sumrall*
3. *Email 3 12 2020_Pierce to Sumrall*
4. *Letter 3 12 2020_Past Due Fees*
5. *Email 3 24 2020_Sumrall to Pierce & Reply*
6. *Email 3 24 2020_Sumrall to Pierce & Reply*
7. *Email 3 30 2020_Pierce to Sumrall & Replies*
8. *Email 3 30 2020_Sumrall to Rasul & Replies*
9. *Letter 3 30 2020_Consent Decree Violation Hearing Notice*
10. *Certified Mail Receipt 3 30 2020*
11. *Email 4/23/2020_Pierce to Sumrall*

1 **BEFORE THE STATE OF NEVADA SPEECH-LANGUAGE PATHOLOGY**
2 **AUDIOLOGY AND HEARING AID DISPENSING BOARD**

3 IN THE MATTER OF

4 SCOTT SUMRALL, AuD
5 License No. A-2133,
6 Respondent.

CASE NO. A20-01

7 **CONSENT DECREE**

8 The State of Nevada Speech-Language Pathology, Audiology and Hearing Aid
9 Dispensing Board ("BOARD") having jurisdiction over licensee SCOTT SUMRALL
10 ("RESPONDENT"), pursuant to NRS 637B.010; a complaint against said licensee having
11 been received alleging violations of the Nevada statutes and regulations controlling the
12 practice of fitting and dispensing hearing aids and the practice of audiology; and the parties
13 being mutually desirous of settling the controversy between them relative to the pending
14 complaints;

15 IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that
16 this matter shall be settled and resolved upon the following terms:

17 **VOLUNTARY WAIVER OF RIGHTS**

18 RESPONDENT is aware of, understands, and has been advised of the effect of this
19 Consent Decree, which he has carefully read and fully acknowledges. RESPONDENT has
20 had the opportunity to consult with competent counsel of his choice.

21 RESPONDENT has freely and voluntarily entered into this Consent Decree, and he
22 is aware of his rights to contest the charges pending against him. These rights include
23 representation by an attorney at his own expense, the right to file an answer in response
24 to a formal complaint, the right to a public hearing on any charges or allegations formally
25 filed, the right to confront and cross-examine witnesses called to testify against him, the
26 right to present evidence on his own behalf, the right to testify on his own behalf, the right
27 to receive written findings of fact and conclusions of law supporting the decision on the
28 merits of the complaint, and the right to obtain judicial review of the decision. All of these

1 rights are being voluntarily waived by RESPONDENT, in exchange for the BOARD'S
2 acceptance of this Consent Decree.

3 If the Consent Decree is not accepted by the BOARD, no member of the BOARD will
4 be disqualified from further hearing of this matter, by reason of his or her consideration of
5 the Consent Decree and RESPONDENT hereby waives any claim of bias or prejudice based
6 upon said consideration by any member of the BOARD in any subsequent disciplinary
7 hearing conducted by the BOARD.

8 JURISDICTION

9 RESPONDENT acknowledges that the BOARD has jurisdiction over him and the
10 conduct that has precipitated this Consent Decree. RESPONDENT acknowledges that the
11 BOARD has the legal power and authority to take disciplinary action, including, but not
12 limited to, the revocation of his license to the practice audiology in Nevada.

13 RESPONDENT acknowledges that the BOARD will retain jurisdiction over this
14 matter until all terms and conditions set forth in this Consent Decree have been met to the
15 satisfaction of the BOARD.

16 PUBLICATION OF CONSENT DECREE

17 RESPONDENT acknowledges that at the time this Consent Decree becomes
18 effective, it also becomes a public document and will be reported to the State of Nevada,
19 Legislative Council Bureau, Disciplinary Action Reporting System; and such other national
20 databases as required by law. It is also understood that any meeting during which the
21 BOARD considers and accepts or rejects this Consent Decree is open to the public and that
22 the minutes of the BOARD meeting are a public document, available for inspection by any
23 person so requesting.

24 CONTINGENCY

25 By signing the Consent Decree, RESPONDENT understands and agrees that he may
26 not withdraw his agreement or seek to amend or rescind the Consent Decree.

27 The parties understand and agree that facsimile copies of this Consent Decree,
28 including facsimile signatures thereto, shall have the same force and effect as the originals.

This Consent Decree is intended to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral).

IDEMNIFICATION

RESPONDENT, for himself, his heirs, executors, administrators, successors and assigns, hereby indemnifies and holds harmless the State of Nevada, the BOARD, the Nevada Attorney General's office and each of their members, agents and employees in their individual and representative capacities against any and all claims, suits, demands, actions, debts, damages, costs, charges, and expenses, including court costs and attorney's fees against any persons, entities, as well as all liability, losses, and damages of any nature whatsoever that the persons and entities named in this paragraph shall have or may at any time sustain or suffer by reason of this investigation, this disciplinary action, this settlement or its lawful administration.

The admissions made by RESPONDENT herein are only for the purposes of this proceeding, or any other proceedings in which the BOARD or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

STIPULATED FACTS AND CONCLUSIONS OF LAW

RESPONDENT understands the nature of the allegations under consideration by the BOARD. He acknowledges that the conduct described below constitutes violations of the Nevada Speech-Language, Audiology and Hearing Aid Dispensing Board Practice Act (NRS and NAC 637B). He acknowledges that if this matter were to be taken to a disciplinary hearing before the BOARD, the following allegations could be proven by preponderance of the evidence and that by acknowledging the same, he is subject to disciplinary action by the BOARD:

1. RESPONDENT was licensed by the BOARD as an Audiologist on or about June 20, 2017, through the present day.

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1 2. RESPONDENT was authorized by the BOARD to take the ILE Written
2 Examination in January 10, 2018, August 2, 2018 and August 21, 2019. As of the date of
3 this Complaint and Notice of Hearing, RESPONDENT has not completed the examination
4 requirements to obtain the dispensing endorsement to his Audiologist license to fit and
5 dispense hearing aids.

6 3. The complaint was received by the BOARD on or about August 1, 2019,
7 alleging that RESPONDENT, while working at Sparks Hearing and Balance and/or
8 Modern Audiology, engaged in unprofessional conduct by fitting and dispensing hearing
9 aids without obtaining a dispensing endorsement from the BOARD.

10 4. RESPONDENT's actions constitute unprofessional conduct and a violation of
11 ethical standards.

12 5. This conduct violates NRS 637B.205 which states that an audiologist or an
13 applicant for a license to engage in the practice of audiology who wishes to engage in the
14 practice of fitting and dispensing hearing aids must: 1. Request an endorsement of the
15 license to engage in the practice of fitting and dispensing hearing aids; and 2. Pass an
16 examination prescribed by the Board pursuant to NRS 637B.194. The examination must
17 be identical to the examination required for the licensure of hearing aid specialists.

18 6. This conduct violates NAC 637B.042(1) which states that a licensee shall not
19 misrepresent, in advertising or otherwise, his or her education, training, type of license or
20 certificate, qualifications, competence or service, or the results to be achieved if he or she
21 provides service to a client.

22 7. This conduct violates NAC 637B.042(8) which states that a licensee shall not
23 attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside
24 of his or her field of competence, the scope of the practice of audiology, speech-language
25 pathology or fitting and dispensing hearing aids or the scope of his or her license or
26 certificate.

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1 8. This conduct violates NAC 637B.042(13) which states that a licensee shall
2 comply with the provisions of this chapter and chapter 637B of NRS and all other applicable
3 federal laws and regulations.

4 9. That the foregoing facts constitute grounds for initiating disciplinary action
5 pursuant to NRS 637B.250.

6 10. That pursuant to Nevada Revised Statute (NRS) 642.5175:

7 1. The grounds for initiating disciplinary action pursuant to this
8 chapter are:

9 (a) Unprofessional conduct.

10 (b) Conviction of:

11 (1) A violation of any federal or state law regarding the
12 possession, distribution or use of any controlled substance or any
13 dangerous drug as defined in chapter 454 of NRS;

14 (2) A felony or gross misdemeanor relating to the practice
15 of audiology, speech-language pathology or fitting and dispensing
16 hearing aids;

17 (3) A violation of any of the provisions of NRS 616D.200,
18 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

19 (4) Any offense involving moral turpitude.

20 (c) Gross or repeated malpractice, which may be evidenced by
21 claims of malpractice settled against a practitioner.

22 (d) Professional incompetence.

23 (e) Operation of a medical facility, as defined in NRS 449.0151,
24 at any time during which:

25 (1) The license of the facility is suspended or revoked; or

26 (2) An act or omission occurs which results in the
27 suspension or revocation of the license pursuant to
28 NRS 449.160. This paragraph applies to an owner or other
principal responsible for the operation of the facility.

2 2. As used in this section, "unprofessional conduct" includes,
3 without limitation:

4 (a) Conduct that is harmful to the public health or safety;

5 (b) Obtaining a license through fraud or misrepresentation of
6 a material fact;

7 (c) Suspension or revocation of a license to engage in the
8 practice of audiology, speech-language pathology or fitting and
9 dispensing hearing aids; and

10 (d) A violation of any provision of:

11 (1) Federal law concerning the practice of audiology,
12 speech-language pathology or fitting and dispensing hearing aids
13 or any regulations adopted pursuant thereto, including, without
14 limitation, 21 C.F.R. §§ 801.420 and 801.421;

15 (2) NRS 597.264 to 597.2667, inclusive, or any regulations
16 adopted pursuant thereto; or

17 (3) This chapter or any regulations adopted pursuant
18 thereto.

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11. That pursuant to Nevada Revised Statute (NRS) 637B.280:

1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

- (a) Refuse to renew a license;
- (b) Revoke a license;
- (c) Suspend a license;
- (d) Administer to the licensee a public reprimand;
- (e) Impose conditions on the practice of the licensee;
- (f) Impose a civil penalty not to exceed \$5,000 for each act constituting grounds for disciplinary action; or
- (g) Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

STIPULATED ADJUDICATION

RESPONDENT stipulates that pursuant to the authority of NRS 637B.280, the BOARD will administer a PUBLIC REPRIMAND and that his license shall be placed on probation for one (1) year.

1. During the term of probation, RESPONDENT agrees to comply with the following conditions:

a. Within forty-five (45) days of the approval and execution of this Consent Decree, RESPONDENT shall pay one thousand three hundred eighty nine and 24/100 dollars and (\$1,389.24) in attorney's fees and costs. RESPONDENT may pay the above-stated fees by way of a payment plan prepared by the BOARD, on the condition that the payment plan is set up with the BOARD within forty-five (45) days from the date of the approval and execution of this Consent Decree.

b. Within three (3) months of the approval and execution of this Consent Decree, RESPONDENT will take a six (6) hour BOARD approved continuing education course on professional ethics. This continuing education course may not be applied towards the continuing education requirements for the maintenance of RESPONDENT's license.

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1 c. Within three (3) months of the approval and execution of this Consent
2 Decree, RESPONDENT must sit for and pass both the written and practical dispensing
3 examinations.

4 d. RESPONDENT must submit the required Audiology Dispensing
5 Endorsement application and associated fee(s) within one (1) week of completion of the
6 written and practical International Licensing Examination (ILE) exams.

7 2. RESPONDENT shall obey all federal, state and local laws, insurance
8 company policies or contracts and order of the BOARD, which are not inconsistent with
9 this Consent Decree, pertaining to the practice of audiology and fitting and dispensing
10 hearing aids in this State. Any and all violations shall be reported by RESPONDENT to
11 the BOARD in writing within seventy-two (72) hours.

12 3. RESPONDENT is required to notify the BOARD in writing within seventy-
13 two (72) hours after any changes in audiology employment, including self-employment,
14 consulting or volunteering. Any notification of termination shall contain a full explanation
15 of the circumstances surrounding it.

16 4. RESPONDENT agrees that he will be financially responsible for all
17 requirements of this Consent Decree, including any reasonable financial assessments by
18 the Board for the Cost of monitoring his compliance or carrying out the provisions of this
19 Consent Decree.

20 5. After the one (1) year of probation, RESPONDENT shall submit a written
21 request to the BOARD for termination of the probation. RESPONDENT understands that
22 prior to terminating the probation he must prove to the BOARD's satisfaction that he has
23 complied with all the terms and conditions of the Consent Decree. The BOARD may
24 request additional information from RESPONDENT to determine compliance with the
25 terms of the Consent Decree and may require him to meet with the Executive Director and
26 BOARD counsel for further evaluation of its compliance with the Consent Decree. If the
27 BOARD does not request additional information or initiate any further investigation, the
28 probation shall be automatically terminated.

1 **VIOLATION OF TERMS OF CONSENT DECREE**

2 **RESPONDENT** understands that the **BOARD** may, upon thirty (30) days notice to
3 **RESPONDENT**, convene a hearing for the limited purpose of establishing that there has,
4 in fact, been a violation of the terms of this Consent Decree. If such a hearing results in a
5 finding of a violation of this Consent Decree, the **BOARD** may impose any penalty upon
6 **RESPONDENT** authorized by NRS 637B.280, including, but not limited to, revocation of
7 his license to practice audiology in the State of Nevada.

8 In the event that a violation of the terms of the Consent Decree is alleged,
9 **RESPONDENT** agrees to surrender his license to the Executive Director, if the Executive
10 Director so requests, and refrain from practicing audiology until entry of a final order of
11 the **BOARD** or a court of competent jurisdiction, whichever last occurs, regarding the
12 alleged violation. **RESPONDENT** agrees to waive his right to appeal the substantive legal
13 basis of the original disciplinary action, which is the basis for this Consent Decree. In the
14 event an alleged violation of the Consent Decree is taken to hearing and the facts which
15 constitute the violation are determined to be not proven, no disciplinary action shall be
16 taken by the **BOARD**.

17 **ACCEPTANCE BY THE BOARD**

18 This Consent Decree shall be presented to the **BOARD** with a recommendation for
19 approval from the Attorney General's Office at the next regularly scheduled meeting of the
20 **BOARD**. **RESPONDENT** understands that the **BOARD** is free to accept or reject this
21 Consent Decree, and if rejected by the **BOARD**, a disciplinary proceeding may be
22 commenced.

23 If the Consent Decree is not accepted by the **BOARD**, it shall be regarded as null and
24 void, and no member of the **BOARD** will be disqualified from further hearing this matter
25 by reason of his or her consideration of the Consent Decree.

26 Admissions by **RESPONDENT** in the Consent Decree will not be regarded as
27 evidence against him at a subsequent disciplinary hearing. **RESPONDENT** will be free to

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1 defend himself and no inferences against RESPONDENT will be drawn from his
2 willingness to enter into this Consent Decree.

3 This Consent Decree will not be submitted for BOARD consideration until after it
4 has been agreed to and executed by RESPONDENT. The Consent Decree shall not become
5 effective until it has been approved by a majority of the BOARD and executed by a
6 representative member of the BOARD.

7 **COMPLETE CONSENT DECREE**

8 This Consent Decree embodies the entire agreement between the BOARD and
9 RESPONDENT. It may not be altered, amended, or modified without the express written
10 consent of the parties.

11 DATED this 19 day of January, 2020.

12
13 By: 

14 SCOTT SUMRALL, AuD
15 License No. A-2133
Respondent

16 The foregoing Consent Decree between SCOTT SUMRALL and the STATE OF
17 NEVADA SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID
18 DISPENSING BOARD in Case No. A20-01 is approved as to form and content.

19 DATED this 22 day of January, 2020.

20 AARON D. FORD
21 Attorney General

22
23 By: 

24 HENNA RASUL (Bar No. 7492)
25 Senior Deputy Attorney General
26 100 North Carson Street
27 Carson City, NV 89701
28 (775) 684-1234
(775) 684-1108
hrasul@ag.nv.gov
Attorneys for Petitioner, State of Nevada
Speech-Language Pathology, Audiology and
Hearing Aid Dispensing Board

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IT IS HEREBY ORDERED AND MADE EFFECTIVE.

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

Paul J. Lemm

~~Board Chair~~

Andrea Menicucci
Vice Chair

Jennifer Pierce

From: Jennifer Pierce
Sent: Thursday, January 23, 2020 12:28 PM
To: Scott .
Cc: Henna Rasul; Mercedes Fuentes
Subject: Consent Decree Approved

Good afternoon Mr. Sumrall,

The Board considered and approved your Consent Decree in its meeting yesterday, January 22, 2020. You will receive a notice letter with instructions and copy of the executed Consent Decree via US Mail shortly.

Thank you and please let us know if you have additional questions.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

execdirector@nvspeechhearing.org | 775.787.3421

Jennifer Pierce

From: Jennifer Pierce
Sent: Thursday, March 12, 2020 9:31 AM
To: 'scott@modernaudiologysparks.com'
Cc: Henna Rasul; Mercedes Fuentes
Subject: Past Due Legal Fees
Attachments: Past Due Fees Letter_Sumrall_3 12 2020.pdf

Importance: High

Good morning Mr. Sumrall,

During the Board's meeting on January 22, 2020, your Consent Decree was approved for Case #: A20-01. A copy of the fully executed agreement was sent to you by both email and US Mail. The Consent Decree required you to pay legal and investigative fees of \$1,389.24 within 45 days of the approval and execution of the Consent Decree. Those fees were due to the Board by Saturday, March 7, 2020 and are now **past due**.

You are hereby granted an extension to **Friday, March 20, 2020, no later than 4:00pm Pacific time** to pay these fees. Failure to do so will result in your case being placed on the next Board meeting agenda for a Public Hearing. You will be provided a formal notice of the hearing. Fees may be paid by check mailed to the Board office, or by credit card through our website at <https://www.nvspeechhearing.org/pay/misc/>.

A copy of this letter has been sent to you via US mail, both regular and certified. Please contact us if you have additional questions or concerns.

Thank you.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

execdirector@nvspeechhearing.org | 775.787.3421



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

www.nvspeechhearing.org Email board@nvspeechhearing.org

March 12, 2020

Scott Sumrall, AuD
Modern Audiology Sparks
634 Pyramid Way
Sparks, NV 89431

Re: **Notice of Consent Decree Violation – Past Due Legal Fees**
License #A-2133; Complaint Case #: A20-01

Dear Mr. Sumrall,

During the Board's meeting on January 22, 2020, your Consent Decree was approved in the above referenced case. A copy of the fully executed agreement was sent to you by both email and US Mail.

The Consent Decree required you to pay legal and investigative fees of \$1,389.24 within 45 days of the approval and execution of the Consent Decree. Those fees were due to the Board by Saturday, March 7, 2020 and are now **past due**.

You are hereby granted an extension to **Friday, March 20, 2020, no later than 4:00pm Pacific time** to pay these fees. Failure to do so will result in your case being placed on the next Board meeting agenda for a Public Hearing. You will be provided a formal notice of the hearing.

Fees may be paid by check mailed to the Board office, or by credit card through our website at <https://www.nvspeechhearing.org/pay/misc/>.

Please contact us if you have additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer R. Pierce".

Jennifer R. Pierce
Executive Director

cc: Henna Rasul, Sr. DAG, Counsel to the Board

Jennifer Pierce

From: Jennifer Pierce
Sent: Tuesday, March 24, 2020 12:14 PM
To: Scott .
Cc: Stacey Whittaker; Henna Rasul
Subject: RE: Fees

Good afternoon Mr. Sumrall,

I am sorry to hear you could not reach us, though the office has remained open throughout the COVID-19 situation and staff are promptly answering phones and email and returning voicemail messages.

Our office is physically closed to the public per the Governor's directive, but staff are in every day during business hours between 9am and 4pm. We do have a mail slot in our door, so if you choose to drive up to the office, you may drop a check through there. It may also be much more convenient to pay online through our website here, <https://www.nvspeechhearing.org/pay/misc/index.asp>, as you can do so using either a debit or credit card.

Thank you and stay well.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

execdirector@nvspeechhearing.org | 775.787.3421

From: Scott . <scott@modernaudiologysparks.com>
Sent: Tuesday, March 24, 2020 11:56 AM
To: Jennifer Pierce <execdirector@nvspeechhearing.org>
Subject: Fees

Good afternoon Jennifer,

I received a letter stating legal fees are past due. I've tried calling a couple times to see if the office is open to drop off a check but I'm guessing you're probably working from home. Can you please advice how I can take care of this?

Thank you,
Scott

--

Scott Sumrall, Au.D.

Doctor of Audiology

scott@modernaudiologysparks.com

634 Pyramid Way • Sparks, NV 89431

775-336-0211

www.modernaudiologysparks.com



Jennifer Pierce

From: Scott . <scott@modernaudiologysparks.com>
Sent: Thursday, March 26, 2020 2:16 PM
To: Jennifer Pierce
Subject: Re: ISH exam

Thank you Jennifer. I'm not concerned what the actual score is just wanted to make sure it was passed. When the conditions of the consent decree are completed is there any way to remove the restriction that is on my license as it has caused my largest contracts to freeze scheduling and since my office is 90% run on those contracts it's uncertain how long I can sustain without them.

Thank you,
Scott

On Thu, Mar 26, 2020 at 2:11 PM Jennifer Pierce <execdirector@nvspeechhearing.org> wrote:

Good afternoon Mr. Sumrall,

We were notified that you received a passing score on the written exam. We are unable to release actual scores, so if you'd like that you'll need to contact IHS directly.

Thank you.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

[6170 Mae Anne Avenue, Suite 1, Reno, NV 89523](#)

execdirector@nvspeechhearing.org | 775.787.3421

From: Scott . <scott@modernaudiologysparks.com>
Sent: Thursday, March 26, 2020 11:54 AM
To: Jennifer Pierce <execdirector@nvspeechhearing.org>
Subject: ISH exam

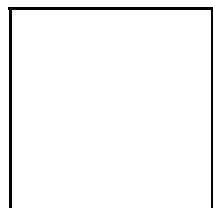
Good morning Jennifer

Have the results for the dispensing exam come back yet?

Thank you

Scott

--



--



Jennifer Pierce

From: Jennifer Pierce
Sent: Monday, March 30, 2020 2:14 PM
To: 'Henna Rasul'; Scott .
Cc: Stacey Whittaker
Subject: RE: Notice of Hearing: Alleged Consent Decree Violation

Mr. Sumrall, per my March 24, 2020 email and prior correspondence with payment instructions, payments may be made as follows:

- Dropped through the mail slot in our door
- Mailed to the office
- Online through our website here <https://www.nvspeechhearing.org/pay/misc/index.asp> using either a debit or credit card.

Per Ms. Rasul's response, the hearing will still proceed as planned.

Thank you.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

execdirector@nvspeechhearing.org | 775.787.3421

From: Henna Rasul <HRasul@ag.nv.gov>
Sent: Monday, March 30, 2020 2:03 PM
To: Scott . <scott@modernaudiologysparks.com>; Jennifer Pierce <execdirector@nvspeechhearing.org>
Cc: Stacey Whittaker <board@nvspeechhearing.org>
Subject: Re: Notice of Hearing: Alleged Consent Decree Violation

Good Afternoon Mr. Sumrall,

I do not recall advising you that there will be no reporting of restrictions on your license as this is standard language in all consent decrees. No revisions will be made to the consent decree and the hearing scheduled for April 29th will proceed as indicated in the notice sent to you today.

Henna Rasul
Senior Deputy Attorney General
Nevada Office of the Attorney General
Boards and Open Government Division
100 North Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1234
Facsimile: (775) 684-1108

This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail at hrasul@ag.nv.gov and delete the message and attachments from your computer and network. Thank you.

From: Scott . <scott@modernaudiologysparks.com>
Sent: Monday, March 30, 2020 1:54 PM
To: Jennifer Pierce
Cc: Stacey Whittaker; Henna Rasul
Subject: Re: Notice of Hearing: Alleged Consent Decree Violation

Good afternoon Jenifer I have attempted numerous times to call the office to remit payment and will happily provide the payment however I have only gotten the answering service with each call or busy tones.

I can call anytime and make a payment over the phone or make drop a check by the office by the end of business.

With the consent decree I was told by Henna that there would be no reporting of restrictions on my license as long as all terms are followed and as stated through this process I was in hopes to just satisfy and eliminate the issue as 99% of my business is VA work which does not include hearing aid dispensing and the restriction placed on my license is literally going to lead to the closing of my office. I understand the 1 year probation however if it was known their would be a restriction placed on my license the steps taken to eliminate the complaint would have been very different.

Is there anyway to remove the restriction listed with the national licensing service and just keep the probation period. Between the effects of this issue and the current market the effects are catastrophic

Thank you
Scott

On Monday, March 30, 2020, Jennifer Pierce <execdirector@nvspeechhearing.org> wrote:

Good afternoon Mr. Sumrall,

On January 19, 2020, you entered into a Consent Decree with the Board to settle case number A20-01, which the Board approved and executed on January 22, 2020. Pursuant to paragraph 1 of the Stipulated Adjudication in the Consent Decree, you needed to submit payment to the Board in the amount of \$1,389.24 for reimbursement of attorney's fees and costs within 45 days of the execution of the Consent Decree, which was March 7, 2020. To date, the Board has not received payment and accordingly, it is alleged that you have violated the terms of the Consent Decree.

Please find attached Notice of the Board's intent to hold a hearing to establish whether you violated the terms of the Consent Decree terms for Speech-Language Pathology, Audiology and Hearing Aid Dispensing

Board Case No. A20-01. The meeting is scheduled for **Wednesday, April 29, 2020 at 4:30pm**. Details of the meeting may be found in the attached letter, which was also sent to you today via regular and certified US Mail.

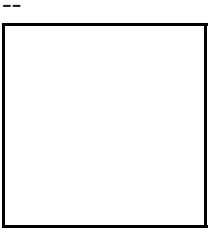
Thank you and please let us know if you have further questions.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

[6170 Mae Anne Avenue, Suite 1, Reno, NV 89523](#)

execdirector@nvspeechhearing.org | 775.787.3421





State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

www.nvspeechhearing.org Email board@nvspeechhearing.org

March 30, 2020

Scott Sumrall, AuD
Modern Audiology Sparks
634 Pyramid Way
Sparks, NV 89431
CERTIFIED MAIL

Re: Case #: A20-01, Alleged Consent Decree Violation

Dear Mr. Sumrall,

On January 19, 2020, you entered into a Consent Decree with the Board to settle case number A20-01. Pursuant to paragraph 1 of the Stipulated Adjudication in the Consent Decree, you needed to submit payment to the Board in the amount of \$1,389.24 for reimbursement of attorney's fees and costs. This payment, or a request to enter into a payment plan, was due within 45 days of the January 22, 2020 execution of the Consent Decree, which was March 7, 2020. No payment was received from you by March 7, 2020. On March 12, 2020, I sent you notice via both email and Certified US Mail that the payment was past due, and allowed an extension to Friday, March 20, 2020 at 5:00pm Pacific to make payment. As of the writing of this letter, payment has still not been received. Accordingly, it is alleged that you have violated the terms of the Consent Decree.

You are hereby notified that this matter will be set for Hearing before the Board for the purposes of establishing whether you have violated the terms of the Consent Decree. If the hearing results in a finding of violation of the Consent Decree, the Board may impose the suspension of your license to practice in Nevada, or other disciplinary action as may be determined by the Board.

This letter is to provide you with notice pursuant to NRS 241.033 and NRS 241.034. In connection with the hearing to establish whether you violated the terms of the Consent Decree terms for Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board Case No. A20-01, the Board may need to consider your character, alleged misconduct, or professional competence at its meeting on **Wednesday, April 29, 2020 at 4:30pm**.

There is currently no access to public meetings per Governor Sisolak's Declaration of Emergency Directive 006 in response to the Coronavirus pandemic. In the absence of a physical meeting space, the meeting will be held via ZOOM and telephone conferencing as follows:

ZOOM video link: <https://zoom.us/j/5319419132>

Audio Access: 1-877-810-9415 Audio Access Code: 8997531

You may join using audio only or using both audio and video. Video only will not include sound.

The meeting is a public meeting, and you are welcome to attend, however, your attendance is not required. The Board may go into closed session to consider the following general topics: whether the terms of the consent decree in Case No. A20-01 have been violated. You may have an attorney or other representative of your choosing present during the closed meeting, present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, or professional competence.

If the Board determines it necessary after considering your character, alleged misconduct, or professional competence, whether in a closed meeting or open meeting, it may also take administrative action against you at this meeting. This information statement is in lieu of any notice that may be required pursuant to NRS 241.034.

If you should have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer R. Pierce", with a stylized flourish at the end.

Jennifer R. Pierce
Executive Director

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SPARKS, NV 89431

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| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 | |
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| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 | |
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| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 | |
| Postage | \$0.55 | |
| \$ | | |
| Total Postage and Fees | \$6.95 | |
| \$ | | |



Sent To: Scott Sumrall, Modern Audiology Sparks
Street and Apt. No., or PO Box No.: 634 Pyramid Way
City, State, ZIP+4®: Sparks, NV 89431

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Jennifer Pierce

From: Henna Rasul <HRasul@ag.nv.gov>
Sent: Monday, March 30, 2020 4:34 PM
To: Scott .
Cc: Jennifer Pierce; Mercedes Fuentes
Subject: Re: Notice of Hearing: Alleged Consent Decree Violation

Good Afternoon Mr. Sumrall,

Due to the fact that your payment is past due, the April 29th hearing will proceed to have the Board determine whether or not you violated the terms of the consent decree. Unfortunately, reporting discipline to the appropriate agencies is standard practice and is included in all consent decrees. In fact, should this matter have proceeded to a hearing, the results of that disciplinary hearing, via a written Order, would have automatically been reported to all appropriate agencies if violations of the Board's practice act were found as delineated in the Complaint.

Henna Rasul
Senior Deputy Attorney General
Nevada Office of the Attorney General
Boards and Open Government Division
100 North Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1234
Facsimile: (775) 684-1108

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From: Scott . <scott@modernaudiologysparks.com>
Sent: Monday, March 30, 2020 4:12 PM
To: Henna Rasul
Subject: Re: Notice of Hearing: Alleged Consent Decree Violation

I was able to make contact with the board office earlier today and was walked through making an online payment. Is the hearing still going to proceed regardless of payment being made.

As for discussion of restrictions it may have been a miscommunication however in each discussion we had I was explicit that I wanted to try and resolve this issue with the least amount of difficulty and a year of a restricted license definitely is not the least disruptive as every contract I have requires an unrestricted license. Probably my negligence and I should have just hired an attorney but as also discussed I have astronomical attorney expenses already from a ridiculous divorce and was trying to avoid further legal fees.

I've made every effort to comply with the consent decree and outside of the practical exam which I'm waiting to hear when that will occur and I believe 2 hours of CE courses which will be completed this week. All aspects have been followed. Payment for legal fees will be made online today.

I respect the fact that an agreement has been made and agreed upon and am pleading that if there is any way to remove the restriction from my license it would be unbelievably appreciated as without it's removal my license is essentially of no use to me as I don't haven't and don't intend to see private pay patients and all my clientele is from disability exams which the restrictions are preventing me from doing.

Any help you can provide will be greatly appreciated.

On Mon, Mar 30, 2020 at 2:03 PM Henna Rasul <HRasul@ag.nv.gov> wrote:

Good Afternoon Mr. Sumrall,

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Henna Rasul
Senior Deputy Attorney General
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[100 North Carson Street](#)
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Telephone: (775) 684-1234
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From: Scott . <scott@modernaudiologysparks.com>
Sent: Monday, March 30, 2020 1:54 PM
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Cc: Stacey Whittaker; Henna Rasul
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Thank you
Scott

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Thank you and please let us know if you have further questions.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

[6170 Mae Anne Avenue, Suite 1, Reno, NV 89523](#)

execdirector@nvspeechhearing.org | 775.787.3421





Jennifer Pierce

From: Jennifer Pierce
Sent: Thursday, April 23, 2020 11:03 AM
To: Scott .; 'scott@modernaudiologysparks.com'
Cc: Henna Rasul; Stacey Whittaker
Subject: Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Meeting ~ April 29, 2020
Attachments: Board Meeting Agenda_4 29 2020.pdf

Good morning Mr. Sumrall,

Please find attached the agenda for the Board Meeting and Hearing on your alleged Consent Decree Violation to be held on April 29, 2020 at 4:30pm. Please let us know if you have any questions.

Thank you.

Jennifer R. Pierce, Executive Director

Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

execdirector@nvspeechhearing.org | 775.787.3421