



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

AGENDA ITEM 6

Case A20-01: Scott Sumrall, AuD, License # A-2133. Public Hearing to Determine Whether There Has Been a Violation of the Board Order issued on April 29, 2020

On April 29, 2020 Case A20-01 came before the Board and Mr. Sumrall was found in violation of the Consent Decree executed January 22, 2020 and ordered to complete the items listed below. A status update is included for each:

1. *Pay attorney's fees and costs totaling \$3,071.76 no later than May 15, 2020.*
 - May 15, 2020: Mr. Sumrall contacted the Board on the afternoon of Friday May 15th to request a payment agreement.
 - May 20, 2020: Following an exchange of multiple emails, it was agreed that Mr. Sumrall could pay \$100 monthly by the 25th day of each month, beginning immediately.
 - May 20, 2020: Mr. Sumrall paid \$100.
 - June 26, 2020: Mr. Sumrall paid \$500

This item is ongoing and \$2,471.76 is still owed.
2. *Submit documentation of completion of six (6) hours of outstanding Continuing Education courses in professional ethics as mandated by the January 22, 2020 Consent Decree no later than May 15, 2020.*
 - May 6, 2020: Mr. Sumrall submitted documentation of the required six (6) hours of CE, all completed on April 29, 2020.

This item is satisfied.
3. *Sit for and pass the Dispensing Practical Exam with payment of examination fee as mandated by the January 22, 2020 Consent Decree within 30 days of contact from the Board to schedule the examination.*
 - June 10, 2020: Mr. Sumrall was contacted by Board staff to schedule the practical examination and offered a test date on June 19, 2020 which he agreed to.
 - June 11, 2020: Mr. Sumrall was sent information to prepare for the 6/19/2020 exam.
 - June 17, 2020: Mr. Sumrall was contacted to confirm the exam date and requirements.
 - June 18, 2020: Mr. Sumrall contacted Board staff to reschedule the exam and was offered another exam date on July 2, 2020.
 - June 26, 2020: After no response from Mr. Sumrall, Board staff sent emailed him again regarding the July 2, 2020 date.
 - June 29, 2020: Mr. Sumrall responded that he could not be available that day as he would be out of town for the July 4th holiday. He further indicated he would return July 6th but was leaving again July 9th for a work trip and requested July 7 or 8 or any time after July 15th.
 - June 30, 2020: Board staff responded that the local exam administrator would be unavailable from July 6-22 and offered a date after this or an exam in Las Vegas.

- July 6, 2020: After no response from Mr. Sumrall, Board staff sent emailed him again regarding the exam. Mr. Sumrall responded and indicated that he was in the process of movng out of state and was unsure about scheduling.
- July 7, 2020: Board staff spoke to Mr. Sumrall by telephone regarding scheduling the exam.
- July 8, 2020: Board staff and the Executive Director staffed the case and confirmed that Mr. Sumrall would not be able to sit for and pass the exam by July 10th (30 days from contact to schedule) as ordered by the Board. Board Counsel confirmed that staff could not extend the Board's order.

4. *Submit the required Audiology Dispensing Endorsement application and associated fees within one (1) week of completion of the dispensing practical examination as mandated by the January 22, 2020 Consent Decree. Not yet applicable as the practical exam is not complete.*

On Mr. Sumrall was provided with notice via email, Regular US mail, and Certified US mail with letters dated July 15, 2020 and July 10, 2020 containing notice of the alleged Board Order Violation and the Board's intent to hear the case on July 22, 2020.

Mr. Sumrall was provided with multiple options to complete the practical exam requirement and on two (2) separate occasions did not respond to Board emails, totaling 14 days of lost time in scheduling. It does not appear as though Mr. Sumrall has prioritized compliance with the Board's order and is attempting to set his own terms for conformity.

As a result of this allegation, Mr. Sumrall was ordered on July 15, 2020 by the Executive Director to surrender his license to practice Audiology in Nevada immediately, pursuant to page 8, lines 8-12 of the January 22, 2020 Consent Decree. This is a temporary suspension during which time he may not engage in the practice of Audiology or renew his Nevada license until the Board considers the matter. It should be noted that Mr. Sumrall's license expired on June 19, 2020 and was in the late renewal period at the time of the notice letter. When the Board hears this matter, the license will have expired on Sunday, July 19, 2020 and may only be reactivated through Application for Reinstatement. Mr. Sumrall indicated in a telephone conversation with Board staff on July 7, 2020 that he is in the process of moving to Illinois but was interested in maintaining his Nevada license.

It is recommended that if a finding is made that Mr. Sumrall has violated the terms of the April 29, 2020 Board Order, the Board should administer a public reprimand and refuse to renew Mr. Sumrall's license until he completes the following:

1. First, pay the practical examination fee and sit for/pass the dispensing practical examination within 90 days of the Board's order. It should be noted for Mr. Sumrall's benefit that per the Board's recently approved revision to NAC 637B.0373 (4), should he not pass the examination he may not retake it sooner than 30 days after the date of the failed examination.
2. Once the examination is complete, Mr. Sumrall must submit to the Board an *Application for License Reinstatement* with payment and an *Audiology Dispensing Endorsement Application* with payment. Both applications must be complete with truthful and accurate responses.
3. Both the *Application for License Reinstatement* and *Audiology Dispensing Endorsement Application* will be reviewed by the full Board and may be approved if 1) the applications are complete and all responses are truthful and accurate; and 2) Mr. Sumrall has remained current with the payment arrangement to pay at least \$100 by the 25th day of each month. If neither of these conditions are

met, Mr. Sumrall's application will be denied, and he will not be able to apply for a Nevada Audiologist license for a period of five (5) years from the date of the application denial.

ACTION:

1. Make a finding of whether Mr. Sumrall violated the terms of the Board's April 29, 2020 Order.
2. If a finding is made, imposed any combination of the disciplinary actions listed below, per NRS 637B.280:
 - Refuse to renew a license;
 - Revoke a license;
 - Suspend a license;
 - Administer to the licensee a public reprimand;
 - Impose conditions on the practice of the licensee;
 - Impose a civil penalty not to exceed \$5,000 for each act constituting grounds for disciplinary action.

ATTACHMENT(S):

1. *Consent Decree 1/22/2020*
2. *Board Order 4/29/2020 (Orders highlighted on page 2)*
3. *Practical Exam Emails June-July 2020*
4. *Board Order Violation Hearing Notice Letter A20-01_7 10 2020*
5. *Board Order Violation Hearing Notice Letter A20-01_7 15 2020*
6. *Notice Emails 7/15/2020*



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

July 10, 2020

Scott Sumrall, AuD
Modern Audiology Sparks
634 Pyramid Way
Sparks, NV 89431
PERSONAL SERVICE
~ and ~
10635 Date Palm Court
Sparks, NV 89441
PERSONAL SERVICE

Re: Case #: A20-01, Alleged Board Order Violation

Dear Mr. Sumrall,

On January 22, 2020, you entered into a Consent Decree with the Board to settle case number A20-01. On April 29, 2020, the Board found you in violation of that order for failing to complete the terms of the Consent Decree and you were ordered to complete the following:

1. Pay attorney's fees and costs totaling \$3,071.76 no later than May 15, 2020.
2. Submit documentation of completion of six (6) hours of outstanding Continuing Education courses in professional ethics as mandated by the January 22, 2020 Consent Decree no later than May 15, 2020.
3. Sit for and pass the Dispensing Practical Exam with payment of examination fee as mandated by the January 22, 2020 Consent Decree within 30 days of contact from the Board to schedule the examination.
4. Submit the required Audiology Dispensing Endorsement application and associated fees within one (1) week of completion of the dispensing practical examination as mandated by the January 22, 2020 Consent Decree.
5. All other terms of the January 22, 2020 Consent Decree and August 2019 notice to Cease and Desist dispensing aids remained in full effect.

Please also reference page 7, line 7, paragraph 2 of the April 29, 2020 which stipulates that you must *"obey all federal, state, and local laws, insurance company policies or contracts and **order of the Board** which are not inconsistent with this consent decree, pertaining to the practice of audiology and fitting and dispensing hearing aids in this state"*.

On June 10, 2020 Board staff contacted you to schedule the practical examination and you were offered a test date on June 19, 2020 which you agreed to. On June 18, 2020 you contacted Board staff to reschedule this exam and were offered another exam date on July 2, 2020. As of June 26, 2020, we had not received a response from you, and emailed you again regarding the July 2, 2020 date. On June 29, 2020 you responded that you could not be available that day and would be out of town on multiple trips, only available from July 6-9, during which our local proctor could not be available.

Per the Board's order, you were mandated to sit for and pass the Dispensing Practical Exam within 30 days of contact from the Board to schedule the examination. You were contacted on June 10, 2020 and as of today, you have not completed the exam.

You are hereby notified of the following:

1. **It is alleged that you have violated the terms of the April 22, 2020 Board Order.** This matter will be set for Hearing before the Board for the purposes of establishing whether there has, in fact, been a violation. 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.
2. As a result of this allegation, and pursuant to page 8, lines 8-12 of the January 22, 2020 Consent Decree, **you are hereby ordered to surrender your license to practice Audiology in Nevada immediately.** This is a temporary suspension during which time you may not engage in the practice of Audiology or renew your Nevada license until the Board considers the matter.

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, July 22, 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 April 29, 2020 Board Order 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". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jennifer R. Pierce
Executive Director

cc: Henna Rasul, Sr. Deputy Attorney General, Board Counsel



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

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www.nvspeechhearing.org Email board@nvspeechhearing.org

July 15, 2020

Scott Sumrall, AuD
Modern Audiology Sparks
634 Pyramid Way
Sparks, NV 89431
CERTIFIED MAIL
~ and ~
10635 Date Palm Court
Sparks, NV 89441
CERTIFIED MAIL

Re: Case #: A20-01, Alleged Board Order Violation

Dear Mr. Sumrall,

On July 10, 2020 we issued you a letter notifying you that it is **alleged that you have violated the terms of the April 29, 2020 Board Order** and the matter will be set for Hearing before the Board for the purposes of establishing whether there has, in fact, been a violation. 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.

On January 22, 2020, you entered into a Consent Decree with the Board to settle case number A20-01. On April 29, 2020, the Board found you in violation of that order for failing to complete the terms of the Consent Decree and you were ordered to complete the following:

1. Pay attorney's fees and costs totaling \$3,071.76 no later than May 15, 2020.
2. Submit documentation of completion of six (6) hours of outstanding Continuing Education courses in professional ethics as mandated by the January 22, 2020 Consent Decree no later than May 15, 2020.
3. Sit for and pass the Dispensing Practical Exam with payment of examination fee as mandated by the January 22, 2020 Consent Decree within 30 days of contact from the Board to schedule the examination.
4. Submit the required Audiology Dispensing Endorsement application and associated fees within one (1) week of completion of the dispensing practical examination as mandated by the January 22, 2020 Consent Decree.
5. All other terms of the January 22, 2020 Consent Decree and August 2019 notice to Cease and Desist dispensing aids remained in full effect.

Please also reference page 7, line 7, paragraph 2 of the April 29, 2020 which stipulates that you must *"obey all federal, state, and local laws, insurance company policies or contracts and **order of the Board** which are not inconsistent with this consent decree, pertaining to the practice of audiology and fitting and dispensing hearing aids in this state"*.

On June 10, 2020 Board staff contacted you to schedule the practical examination and you were offered a test date on June 19, 2020 which you agreed to. On June 18, 2020 you contacted Board staff to reschedule this exam and were offered another exam date on July 2, 2020. As of June 26, 2020, we had not received a response from you, and emailed you again regarding the July 2, 2020 date. On June 29, 2020 you responded that you could not be available that day and would be out of town on multiple trips, only available from July 6-9, during which our local proctor could not be available.

Per the Board's order, you were mandated to sit for and pass the Dispensing Practical Exam within 30 days of contact from the Board to schedule the examination. You were contacted on June 10, 2020 and as of July 10, 2020 you have not completed the exam.

As a result of this allegation, and pursuant to page 8, lines 8-12 of the January 22, 2020 Consent Decree, **you are hereby ordered to surrender your license to practice Audiology in Nevada immediately.** This is a temporary suspension during which time you may not engage in the practice of Audiology or renew your Nevada license until the Board considers the matter.

We have attempted to notify you via personal service on several occasions and have been unsuccessful. As a result, this letter and the July 10, 2020 letter are being sent to you via email, regular US Mail, and Certified US mail.

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, July 22, 2020 at 4:30pm.**

In order for the Board to hear the matter on this date, we must receive the enclosed Waiver of Notice signed by you no later than 4:00pm Pacific on Wednesday, July 22, 2020.

If the waiver is not received and the matter not heard on July 22, 2020 you are hereby provided 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, August 26, 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, both meetings 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.

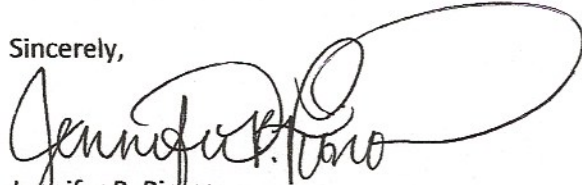
The meeting is a public meeting, and you are welcome to attend, however, your attendance is not required. The Board may go into closed session to consider the following general topics: whether the

terms of the April 29, 2020 Board Order 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 large, looping flourish extending to the right.

Jennifer R. Pierce
Executive Director

Enc. Board Order Violation Letter dated July 15, 2020
Waiver of Notice

cc: Henna Rasul, Sr. Deputy Attorney General, Board Counsel

Alleged Board Order Violation: Complaint Case #: A20-01

Jennifer Pierce <execdirector@nvspeechhearing.org>

Wed 7/15/2020 12:28 PM

To: 'scott@modernaudiologysparks.com' <scott@modernaudiologysparks.com>; scottsumrall@me.com <scottsumrall@me.com>

Cc: Henna Rasul <hrasul@ag.nv.gov>

 3 attachments (2 MB)

Board Order Violation Hearing Notice Letter A20-01_7 10 2020.pdf; Board Order Violation Hearing Notice Letter A20-01_7 15 2020.pdf; Waiver of Notice_7 22 2020.pdf;

Good afternoon Mr. Sumrall,

On July 10, 2020 we issued you a letter notifying you that **it is alleged that you have violated the terms of the April 29, 2020 Board Order** and the matter will be set for Hearing before the Board for the purposes of establishing whether there has, in fact, been a violation. If the hearing results in a finding of violation of the Order, the Board may impose the suspension of your license to practice in Nevada, or other disciplinary action as may be determined by the Board.

We have attempted to notify you via personal service on several occasions and have been unsuccessful. As a result, we are issuing a second notice letter, dated today, July 15, 2020 with the July 10, 2020 letter included and sending to you via email, regular US Mail, and Certified US Mail.

As a result of this allegation, and pursuant to page 8, lines 8-12 of the January 22, 2020 Consent Decree, **you are hereby ordered to surrender your license to practice Audiology in Nevada immediately.** This is a temporary suspension during which time you may not engage in the practice of Audiology or renew your Nevada license until the Board considers the matter.

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, July 22, 2020 at 4:30pm.**

In order for the Board to hear the matter on this date, we must receive the attached Waiver of Notice signed by you no later than 4:00pm Pacific on Wednesday, July 22, 2020.

If the waiver is not received and the matter not heard on July 22, 2020 you are hereby provided 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, August 26, 2020 at 4:30pm.**

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

Jennifer Pierce

From: Scott . <scott@modernaudiologysparks.com>
Sent: Wednesday, July 15, 2020 10:21 PM
To: Jennifer Pierce
Subject: Re: Case A20-01: Alleged Board Order Violation

Good evening Jennifer, I do not feel I have been in any violation of the April 29th decree as the first available practical exam was the one scheduled for June 19th which I was unable to attend due to travel issues and a canceled flight. The next available time was July 2nd which I was also out of town for with the cross country move I am under going.

The examiner was having a surgery which had her out till the 22nd and Indicated I was willing to travel to Las Vegas for the practice exam. If a sooner availability was possible there.

I am and have been more than willing to comply with every aspect of the consent decree and with the inability for exams to be performed due to closure and the restrictions put in place by the governor I strongly feel there has been no wrong doing on my behalf.

Hope all is well and this matter can be resolved in a timely manner.

Thank you,
Scott

On Wed, Jul 15, 2020 at 5:05 PM Jennifer Pierce <execdirector@nvspeechhearing.org> wrote:

Good afternoon Mr. Sumrall,

Per the Board Order issued April 29, 2020 you were ordered to sit for and pass the Dispensing Practical Exam within 30 days of contact from us to schedule. That date passed on July 10, 2020 and you have not completed the exam after several attempts on our behalf to schedule you. Stacey relayed to me your verbal request to reschedule or set an exam date in Las Vegas, but per the Board's Order you are outside the 30-day required window.

The letters dated today and July 10, 2020 are to provide you notice that the matter must go back before the Board as it is alleged that you have violated the April 29, 2020 Order. Also, per the January 22, 2020 Consent Decree, you have been ordered to surrender your Nevada license immediately until the Board hears the matter.

The Board is scheduled to hear the matter next Wednesday, July 22, 2020 at 4:30pm but may only do so if we receive the attached Waiver of Notice from you before the meeting. If we do not receive it, the matter will be heard on August 26, 2020.

Because your license expired on June 19, 2020 and is now involuntarily surrendered, you may not practice in Nevada and any verification request will show your license as "involuntarily surrendered". Your 30-day late renewal period will

expire on July 19, 2020, so your license can only be reactivated with approval from the Board and through a Reinstatement Application, if allowed. To date we have not received a verification request with payment from you. Per Stacey's instruction to you last week, you may request and pay for the verification online through our website here <https://www.nvspeechhearing.org/pay/request/index.asp>.

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



Jennifer Pierce

From: Stacey Whittaker
Sent: Wednesday, July 8, 2020 10:37 AM
To: Jennifer Pierce
Subject: Fw: Practical Exam

Follow Up Flag: Follow up
Flag Status: Flagged

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Stacey Whittaker
Sent: Wednesday, June 10, 2020 11:21 AM
To: Scott Sumrall <scottsumrall@me.com>
Subject: RE: Practical Exam

Excellent, I will get your informational letter processed and out to you within the next day or two.

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Scott Sumrall <scottsumrall@me.com>
Sent: Wednesday, June 10, 2020 11:05 AM
To: Stacey Whittaker <board@nvspeechhearing.org>
Cc: scott@modernaudiologysparks.com
Subject: Re: Practical Exam

Good morning Stacy.
June 19 at 8 will work fine.

Scott Sumrall, Au.D.

On Jun 10, 2020, at 10:59 AM, Stacey Whittaker <board@nvspeechhearing.org> wrote:

Good Morning Mr. Sumrall,

The Board is looking to resume practical examinations and we would like to get yours scheduled as soon as possible.

Our exam administrator in Carson City has availability on **Friday, June 19th @ either 8:00 a.m. or 9:00 a.m.**

Please let us know if this date will work for you.

Thank you,

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

Jennifer Pierce

From: Stacey Whittaker
Sent: Wednesday, July 8, 2020 10:38 AM
To: Jennifer Pierce
Subject: Fw: Practical Exam
Attachments: Practical Scheduled Sumrall 6.19.20 Carson City.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Stacey Whittaker
Sent: Thursday, June 11, 2020 3:26 PM
To: scottsumrall@me.com <scottsumrall@me.com>
Cc: 'scott@modernaudiologysparks.com' <scott@modernaudiologysparks.com>
Subject: Practical Exam

Mr. Sumrall,

Attached is an informational letter regarding your practical exam scheduled for Friday, **June 19th @ 8:00 a.m.** in Carson City.

Let us know if you have any questions,

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

Jennifer Pierce

From: Stacey Whittaker
Sent: Wednesday, July 8, 2020 10:38 AM
To: Jennifer Pierce
Subject: Fw: Practical Exam 6/19/20

Follow Up Flag: Follow up
Flag Status: Flagged

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Stacey Whittaker
Sent: Thursday, June 18, 2020 12:53 PM
To: Scott . <scott@modernaudiologysparks.com>
Subject: RE: Practical Exam 6/19/20

Hello Scott,

Would Thursday **July 2nd @ 3:00 pm** work for you?

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Scott . <scott@modernaudiologysparks.com>
Sent: Thursday, June 18, 2020 11:25 AM
To: Stacey Whittaker <board@nvspeechhearing.org>
Subject: Re: Practical Exam 6/19/20

Good afternoon Stacy,

Is it possible to reschedule the practical exam. I am out of town and was supposed to be back today, however due to unforeseen circumstances I will not get back to Nevada till tomorrow afternoon.

Thanks,
Scott

On Wed, Jun 17, 2020 at 2:24 PM Stacey Whittaker <board@nvspeechhearing.org> wrote:

Hello Scott,

In speaking with our exam administrator, she asked that both yourself and your test subject be wearing masks to the practical exam on Friday.

Did you receive the informational letter and aware that you need to bring an audiometer and test subject to the exam?

Thank you, let us know if you have any questions!

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

--

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: Stacey Whittaker
Sent: Wednesday, July 8, 2020 10:41 AM
To: Jennifer Pierce
Subject: Fw: Fw: Practical Exam

Follow Up Flag: Follow up
Flag Status: Flagged

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Stacey Whittaker <board@nvspeechhearing.org>
Sent: Tuesday, July 7, 2020 11:02 AM
To: Scott . <scott@modernaudiologysparks.com>
Subject: Re: Fw: Practical Exam

Hi Scott,

Feel free to call me today with your questions. 775-770-4479

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Scott . <scott@modernaudiologysparks.com>
Sent: Monday, July 6, 2020 4:23 PM
To: Stacey Whittaker <board@nvspeechhearing.org>
Cc: Scott Sumrall <scottsumrall@me.com>
Subject: Re: Fw: Practical Exam

Good afternoon Stacy,

I did see your email and am trying to figure out if it is possible to fly down to Vegas for the practical exam. I am also in the process of moving out of state so things have been a bit hectic.

I also have some questions that you might be able to assist with in regards to licensing in another state. Is there a time tomorrow we could schedule a phone call to discuss.

Thank you,
Scott

On Mon, Jul 6, 2020 at 6:19 PM Stacey Whittaker <board@nvspeechhearing.org> wrote:

Hello Scott,

Just making sure you received my email below sent on June 30th.

Let us know what works best for you.

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Stacey Whittaker <board@nvspeechhearing.org>

Sent: Tuesday, June 30, 2020 12:42 PM

To: Scott . <scott@modernaudiologysparks.com>

Subject: Re: Practical Exam

Hi Scott,

Our exam administrator is having surgery on July 6th and will be out until at least July 22nd. Do you want to schedule after this or do you anticipate being in Las Vegas anytime soon to test there?

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

From: Scott . <scott@modernaudiologysparks.com>

Sent: Monday, June 29, 2020 10:09 AM

To: Stacey Whittaker <board@nvspeechhearing.org>

Subject: Re: Practical Exam

Good morning Stacey,

I missed your previous email however July 2nd does not work. I will be out of town over the 4th and return on the 6th and have another work trip that I leave for on the 9th.

I can do the 7th or 8th of July or anytime after the 15th of July.

On Fri, Jun 26, 2020 at 2:54 PM Stacey Whittaker <board@nvspeechhearing.org> wrote:

Hi Scott,

I didn't hear back from you on rescheduling the practical exam, does Thursday **July 2nd @ 3:00 pm** work for you?

Stacey Whittaker, Licensing Coordinator

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

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

775.787.3421 P | 775.746.4105 F

--

Scott Sumrall, Au.D.

Doctor of Audiology

scott@modernaudiologysparks.com
634 Pyramid Way • Sparks, NV 89431

775-336-0211

www.modernaudiologysparks.com



--

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634 Pyramid Way • Sparks, NV 89431

775-336-0211

www.modernaudiologysparks.com



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.

///

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.

27 ///

28 ///

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.

19 ///

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

28 ///

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

1 **ORDER**

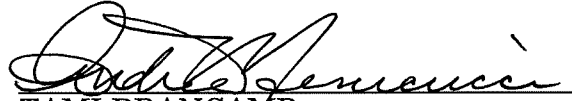
2 By a majority vote on the 22 day of January, 2020, the State of Nevada Speech-
3 Language Pathology, Audiology and Hearing Aid Dispensing Board approved and adopted
4 the terms and conditions set forth in the attached Consent Decree with Scott Sumrall.

5 **IT IS HEREBY ORDERED AND MADE EFFECTIVE.**

6 DATED this 22 day of January, 2020

7
8 STATE OF NEVADA SPEECH-LANGUAGE
9 PATHOLOGY, AUDIOLOGY AND HEARING
AID DISPENSING BOARD

10 By:



11 ~~TAMI BRANCAMP~~

~~Board Chair~~

12 Andrea Menicucci
13 Vice Chair
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1 **BEFORE THE STATE OF NEVADA SPEECH-LANGUAGE PATHOLOGY**
2 **AUDIOLOGY AND HEARING AID DISPENSING BOARD**

3 IN THE MATTER OF:

Case No. A20-01

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

ORDER

6 Respondent.

7 This matter was heard at the STATE OF NEVADA SPEECH-AUDIOLOGY
8 PATHOLOGY AUDIOLOGY AND HEARING AID DISPENSING BOARD ("BOARD")
9 public telephonic meeting on April 29, 2020, in the State of Nevada. Providing legal counsel
10 for the Board was Henna Rasul, Senior Deputy Attorney General. Respondent, SCOTT
11 SUMRALL ("RESPONDENT") was served and received notice of the hearing on March 30,
12 2020, and appeared at the hearing. Pursuant to the BOARD's authority under NRS 637B,
13 the pleadings, and papers on file in this matter, the testimony and evidence received at the
14 hearing in this matter, and the arguments of counsel and parties, the BOARD enters its
15 Order as follows:

16 On or about January 22, 2020, RESPONDENT and the BOARD entered into a fully
17 executed Board approved Consent Decree, wherein Respondent stipulated to and agreed to
18 various terms, including, but not limited to the following:

19 1(a). Within forty-five (45) days of the approval and execution of this Consent
20 Decree, RESPONDENT shall pay attorney's fees and costs in the amount of one thousand
21 three hundred eighty-nine and 24/100 dollars (\$1,389.24) RESPONDENT may pay the
22 above-stated fees by way of a payment plan prepared by the BOARD, on the condition that
23 a payment plan is set up with the BOARD within forty-five (45) days from the date of the
24 approval and execution of this Consent Decree.

25 1(b). Within three (3) months of the approval and execution of this Consent
26 Decree, RESPONDENT will take a six (6) hour BOARD approved continuing education
27 course on professional ethics. This continuing education course may not be applied towards
28 the continuing education requirements for the maintenance of RESPONDENT's license.

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

4 To date, RESPONDENT has failed to:

5 1. Submit or set up a payment plan for the total amount of one thousand three
6 hundred eighty-nine and 24/100 dollars (\$1,389.24) within forty-five (45) days of the
7 approval and execution of the Consent Decree, thereby violating the terms of the Consent
8 Decree;

9 2. Take a six (6) hour BOARD approved continuing education course on
10 professional ethics; and

11 3. Within three (3) months of the approval and execution of the Consent Decree,
12 sit for and pass both the written and practical dispensing examinations.

13 Consequently, the BOARD finds that pursuant to Chapter NRS 637B.280, it has
14 jurisdiction over this matter. Based upon the foregoing and good cause appearing, IT IS
15 HEREBY ORDERED by the BOARD the following:

16 1. The BOARD will administer a Public Reprimand to RESPONDENT.

17 2. RESPONDENT shall pay attorney's fees and costs totaling three thousand
18 seventy-one and 76/100 dollars (\$3,071.76) no later than May 15, 2020. This amount
19 reflects attorney's fees and costs since the execution of the January 22, 2020 Consent
20 Decree in the amount of one thousand six hundred eighty-two and 52/100 dollars
21 (\$1,682.52) and the unpaid attorney's fees and costs stipulated to in the January 22, 2020
22 Consent Decree in the amount of one thousand three hundred eighty-nine and 24/100
23 (\$1,389.24).

24 3. RESPONDENT shall submit documentation of completion of six (6) hours of
25 outstanding continuing education courses in professional ethics as mandated in the
26 January 22, 2020 Consent Decree no later than May 15, 2020.

27 4. RESPONDENT shall sit for and pass the Dispensing Practical Exam with
28 payment of examination fee as mandated in the January 22, 2020 Consent Decree within

1 thirty (30) days of contact from the Board to schedule the examination.

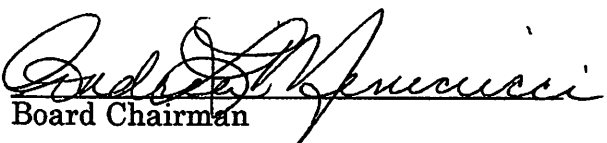
2 5. RESPONDENT shall submit the required Audiology Dispensing
3 Endorsement application and associated fees within one (1) week of completion of the
4 dispensing practical exam as mandated by the January 22, 2020 Consent Decree.

5 6. All other terms in the January 22, 2020 Consent Decree and August 2019
6 notice to Cease and Desist dispensing hearing aids remain in full force and effect.

7 7. Failure to abide by the terms of this ORDER shall be cause for the BOARD to
8 take disciplinary against RESPONDENT's License No. A-2133.

9 DATED this 1st day of May, 2020.

10
11 STATE OF NEVADA, SPEECH-PATHOLOGY
12 AUDIOLOGY AND HEARING AID DISPENSING
13 BOARD

14 By: 
15 Board Chairman
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General,
and that on this 4th day of May, 2020, I served a true and correct copy of the
foregoing **ORDER**, by U.S. Regular and Certified Mail to the following party:

Scott Sumrall
Modern Audiology Sparks
634 Pyramid Way
Sparks, NV 89431
**Certified Mail Receipt No. 7019 0140 0001 1419 2770*

and by electronic mail to:

scott@modernaudiologysparks.com



MERCEDES FUENTES
Office of the Attorney General
State of Nevada