



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

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**MINUTES OF PUBLIC MEETING**

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

**July 22, 2020**

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**Members Present:** Tami Brancamp, Andrea Menicucci, Nighat Abdulla, Michael Hodes, Timothy Hunsaker, Bonnie Lamping, Thomas Rainford

**Members Absent:** None

**Staff Present:** Jennifer Pierce, Executive Director  
Stacey Whittaker, Licensing Coordinator  
Henna Rasul, Sr. Deputy Attorney General, Board Counsel  
Sarah Adler, Board Lobbyist  
Alex Tanchek, Board Lobbyist

**Public Present:** Kristen Anderson-Boyle, Madeline Brungardt, Vincent Del Giudice, Nancy Kuhles, Nathan Josh Melton, Jr., Kim Reddig, Amanda Sumrall, Scott Sumrall, Laura Turner, Karen Zuver

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**Call to Order, Confirmation of Quorum**

Tami Brancamp, Board Chair, called the meeting to order at 4:33 pm. A roll call confirmed a quorum was present.

**Public Comment**

There was no public comment.

**Approval of Minutes: April 22, 2020**

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of April 22, 2020. No corrections were noted. Bonnie Lamping made a motion to approve the minutes of April 22, 2020 as written. Andrea Menicucci seconded the motion. The motion passed.

**Approval of Minutes: April 29, 2020**

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of April 29, 2020. No corrections were noted. Bonnie Lamping made a motion to approve the minutes of April 29, 2020 as written. Andrea Menicucci seconded the motion. The motion passed.

**License Reinstatement Application: Vincent Del Giudice, License # SLP-1982**

Tami Brancamp reviewed the summary provided to the Board by Ms. Pierce. On June 23, 2020, the Board office received a License Reinstatement Application from Mr. Del Giudice, who was licensed as a Speech-Language Pathologist in Nevada from November 8, 2017 to July 4, 2019. Mr. Del Giudice now resides and practices in North Carolina, but the reinstatement application indicated that he was contacted by a former employer, Vegas Voice Institute, in Las Vegas to provide telehealth services in Nevada, and began employment with them on May 26, 2020. Mr. Del Giudice cited Governor Steve Sisolak’s Emergency Directive 011 issued on April 1, 2020, allowing that “Professional licensing boards regulating providers of medical services shall temporarily waive certain licensing requirements to allow the practice of currently unlicensed skilled medical professionals during the pendency of the COVID-19 crisis.” This directive, however, does not include Speech-Language Pathologists in its definition of “skilled medical professionals” in Section 1, and also requires that “Individuals seeking waiver and exemption of professional licensing requirements are required to notify the applicable Nevada licensing board or agency and provide any requested information” in Section 4. Mr. Del Giudice emailed the Board on May 19, 2020 inquiring about the Continuing Education requirement for license reinstatement but did not indicate his plan to resume practice in Nevada or ask about waiver due to COVID-19 or telehealth. It appears that Mr. Giudice waited to submit the reinstatement application until he had completed the required CEs, all of which were completed in May and June 2020. Mr. Del Giudice had adequate opportunity to request information from the Board via phone or email prior to beginning practice, and licensing information in relation to COVID-19 was readily accessible through Board’s website and meeting minutes.

Mr. Del Giudice was present in the meeting and apologized to the Board for the oversight and acknowledged that he should have been more careful. He was approached by his former employer in Nevada to provide telehealth services, who forwarded him the Emergency Directive. Mr. Del Giudice had two colleagues on the line to speak on his behalf. Both Nathan Josh Melton, Jr. and Madeline Brungardt spoke very positively in support of Mr. Del Giudice’s character, integrity, and skill as an SLP.

Tami Brancamp summarized the Board’s options to consider reinstatement of the license as well as assessment of a civil penalty. Ms. Pierce summarized two recent similar cases to give the Board context on prior decisions. The Board discussed possible fine amounts and a suggestion was made to impose a fine and reinstatement of the license with no conditions.

Tami Brancamp called for a motion. Bonnie Lamping made a motion to approve the Reinstatement Application with no conditions and impose a \$50.00 administrative fine for unlicensed practice. Timothy Hunsaker seconded the motion. The motion passed.

Ms. Pierce explained to Mr. Del Giudice that he could contact the Board office the next day and make payment to have his license reinstated immediately.

**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**

Tami Brancamp introduced the matter and Mr. Sumrall confirmed his presence in the meeting. Henna Rasul provided guidance to the Board and directed the Board to review the supporting documentation. Tami Brancamp and Michael Hodes recused themselves as they both have past personal connections to Mr. Sumrall and/or his family members. Andrea Menicucci, Vice Chair took over the meeting to chair the matter. Ms. Rasul advised the Board to focus on the adjudication sections of both the January 22, 2020 Consent Decree and April 29, 2020 Board Order.

Ms. Rasul called on Jennifer Pierce who summarized the matter. 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. The Board was provided with copies of the January 22, 2020 Consent Decree, April 29, 2020 Board Order, and email communications between Mr. Sumrall and Board staff.

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 15<sup>th</sup> 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 25<sup>th</sup> 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 emailed him again regarding the July 2, 2020 date.

*FINAL – Minutes approved at the October 21, 2020 Board Meeting*

- June 29, 2020: Mr. Sumrall responded that he could not be available that day as he would be out of town for the July 4<sup>th</sup> holiday. He further indicated he would return July 6<sup>th</sup> but was leaving again July 9<sup>th</sup> for a work trip and requested July 7 or 8 or any time after July 15<sup>th</sup>.
- 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 emailed him again regarding the exam. Mr. Sumrall responded and indicated that he was in the process of moving 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 10<sup>th</sup> (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 July 15, 2020 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 was a temporary suspension during which time he could not engage in the practice of Audiology or renew his Nevada license until the Board considered the matter. Mr. Sumrall's Audiologist license expired on June 19, 2020 and was in the late renewal period at the time of the notice letter. The license expired on Sunday, July 19, 2020 and may only be reactivated through an 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.

Ms. Pierce 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 pays the practical examination fee and sits for/passes the dispensing practical examination within 90 days of the Board's order. Then Mr. Sumrall would need to submit to the Board an Application for License Reinstatement with payment and an Audiology Dispensing Endorsement Application with payment. Both applications would be heard by the Board.

Timothy Hunsaker asked for clarification on the expiration and renewal of Mr. Sumrall's license and whether that included the dispensing endorsement. Ms. Pierce explained that Mr. Sumrall has never held the dispensing endorsement and that his standard Audiologist license expired on June 19, 2020 but since our law allows for a 30-day late renewal for an additional fee, Mr. Sumrall could have renewed up through July 19, 2020. However, due to the alleged violation of the Board Order, his license was involuntary surrendered effective July 10, 2020 and can only become active again through a Reinstatement Application.

Andrea Menicucci called on Mr. Sumrall to make his statement. Mr. Sumrall responded that he no longer needs a Nevada license, as he is trying to close his office in Sparks and is actively in the process of moving out of state. He further stated that he spoke with Stacey Whittaker, Licensing Coordinator who recommend that he keep his Nevada license valid if he planned to seek licensure in another state and should complete the required Continuing Education and sit for the practical examination. Mr. Sumrall explained that he was out of town with his planned test subject and could not attend the first exam date of June 19, 2020. Mr. Sumrall stated that he was "more than willing to make any accommodation necessary" and volunteered to fly to Las Vegas to sit for the exam. Ms. Menicucci asked Mr. Sumrall if he had anything to add and he stated, "I am more than willing to do anything necessary to make the Consent Decree valid and fulfill the Consent Decree."

Timothy Hunsaker asked Mr. Sumrall to clarify that Stacey Whittaker had recommended that he renew his license, but he did not do so. Mr. Sumrall confirmed that Ms. Whittaker recommended he keep his license valid. He stated that he completed the continuing education required for renewal but when he tried to submit his renewal it was denied, and he then received notification that his license was suspended. Ms. Pierce clarified that Board staff had no record of a renewal attempt by Mr. Sumrall. The database will flag a renewal request that needs review but there never was a renewal attempt from Mr. Sumrall. Mr. Sumrall again stated that he is moving to Illinois and closing his office in Nevada, so he does not need a Nevada license but it would be easier to get a license in Illinois with an active license in Nevada. Andrea Menicucci asked Mr. Sumrall if he is currently licensed in another state and he responded that he is not. Ms. Menicucci then asked Mr. Sumrall if he has continued to practice since receiving the Cease and Desist order, and he stated that he has not, and his practice has been closed since mid-March 2020.

Ms. Menicucci confirmed when and how Mr. Sumrall contacted the Board on May 15, 2020 as ordered to pay the attorney's fees. Ms. Pierce confirmed that Mr. Sumrall sent an email at 2:07pm on Friday, May 15, 2020 but it was not received until Monday, May 18, 2020. Mr. Sumrall stated that he was in Illinois at the time and so there was a time difference when he sent the email. Ms. Menicucci confirmed that the initial payment was made five (5) days late, on May 20, 2020 when a payment arrangement was agreed upon. Ms. Menicucci also confirmed with Ms. Pierce that Mr. Sumrall completed the required Continuing Education on April 29, 2020, the date of the last Public Hearing. Ms. Menicucci further stated her concern that Mr. Sumrall waited until the day before the June 19th scheduled exam to let the Board know he would not be available. Mr. Sumrall stated that he did not get notification of what the expectations of the exam were. He stated he did not know he was supposed to bring a test subject and was out of town in Illinois but planning to be back on time. Ms. Menicucci reminded Mr. Sumrall that he had many opportunities for

communication with Board staff and could have easily asked for more information about exam requirements. Ms. Pierce confirmed that Mr. Sumrall was sent an email on June 10, 2020 confirming the June 19<sup>th</sup> exam date and indicating he would receive exam instructions. Ms. Pierce further shared for the record that Board staff have experienced difficulty communicating with Mr. Sumrall, as he appears to use two different emails at different times and the Board also does not have a current mailing address for Mr. Sumrall. Mr. Sumrall stated that he would provide the Board with a current mailing address. Ms. Pierce confirmed that Mr. Sumrall was sent written instructions on the practical exam by Stacey Whittaker to both of his email addresses on June 11, 2020 at 3:26pm.

Ms. Menicucci asked if there were any other comments. Mr. Sumrall stated “I’m more than happy to fulfill any agreement that we’ve had. I’m leaving the state of Nevada and I need a license in another state and this current issue is preventing that from happening”.

Ms. Menicucci asked Board Counsel Henna Rasul for guidance on next steps. Mr. Sumrall interrupted and stated “I know there’s a balance due on the original Consent Decree. I’ll pay the balance immediately. I’m leaving the state...I don’t want to leave the state. I love practicing in this state. Love the patients I have in this state. The majority of them I’ve referred to people that I trust and I would prefer to keep my license here but I can’t because I have to leave for unfortunate circumstances, but I can’t do that without my license being active here.”

Ms. Rasul reviewed the two attempts to try and reconcile this matter with Mr. Sumrall, including the finding of the Consent Decree violation in April 2020, and stated that she is in support of the Executive Director’s recommendations. Should the Board follow this recommendation, the license action would be classified as “Involuntary Surrender by Revocation”.

Mr. Sumrall stated that he could not agree with an involuntary surrender by revocation because he feels he was willing to fly to Las Vegas for the practical exam. Ms. Rasul reminded him that this is not an agreement and the Board will make a decision on the matter and take a vote. Mr. Sumrall acknowledged that there is a “payment issue” and stated he would “pay at any time”, and would take the practical exam with any examiner and is willing to travel, stating “I’m more than happy to satisfy that Consent Decree”. Ms. Rasul reminded the Board that Mr. Sumrall has now violated two of the Board’s prior orders.

Bonnie Lamping stated that she feels Board staff have made an extraneous effort to assist Mr. Sumrall in successfully meeting the terms of the Consent Decree and feels Mr. Sumrall has been negligent in compliance with the Board’s orders. She further stated that she is surprised this is the second time the matter is before the Board and is concerned about the cost of time and money for Board staff to continue assisting Mr. Sumrall in being successful. Ms. Lamping recalled that Mr. Sumrall made similar statements in the April 29, 2020 hearing about being willing to pay the fees that day or submit the continuing education hours. Ms. Lamping suggested that the Board follow the recommendations of the Executive Director. Ms. Rasul also reminded the Board that there have been additional attorney’s fees and costs incurred since the last hearing on April 29, 2020

and recommended that Mr. Sumrall be required to pay for those. Mr. Sumrall stated that would be fine.

Ms. Menicucci asked if Mr. Sumrall had anything to add. Mr. Sumrall stated that he “agrees there have absolutely probably been additional costs” to the Board, and also does not “reject the fact that the Board has made attempts”, but hopes that the Board will accept the fact that he is between two states and is going through a difficult personal situation and needs to be able to get a license in another state. He stated “I don’t deny the fact that what has happened with my license in Nevada...that it’s not great...it doesn’t look great. I’m more than happy to do whatever I have to do to make it right”.

Ms. Menicucci summarized the two violations and Mr. Sumrall stated “I’ll satisfy both of them in whatever time period you want”, further stating that the only issue with the Consent Decree is the practical exam and stated he would do the exam with any practitioner on any date offered, and pay the balance due of the fees. Ms. Menicucci summarized that the Board’s duty is to oversee licensure and protect the public and that Mr. Sumrall has been given opportunities to fulfill the Consent Decree and Order and has had difficulty doing that, despite being given specific tasks to fulfill, which he has not done.

Board Counsel Henna Rasul advised the Board to stop receiving comments and enter into deliberations without comments or interruption from either party. Ms. Menicucci asked the Board to review all the documentation provided and ask for comments, stating that she herself sees multiple issues and this is the second time the Board has heard the matter. Timothy Hunsaker stated that he sees Mr. Sumrall’s effort to pay \$600 to date yet believes that if one’s license is at stake, a person should do everything in their power to get the matter resolved.

Thomas Rainford suggested that Mr. Sumrall should be required to pay the full balance of all attorney’s fees and costs before being allowed to sit for the practical exam and recommended only allowing Mr. Sumrall 60 days to take the examination. Mr. Hunsaker stated he does believe Mr. Sumrall has violated the Order based on not completing the practical exam. Bonnie Lamping stated that she is concerned about Mr. Sumrall’s lack of urgency in complying with the Board’s order. Mr. Sumrall interrupted and stated that he was not able to complete the examination due to travel. Timothy Hunsaker suggested the Board find Mr. Sumrall in violation for not completing the dispensing practical exam as ordered.

Ms. Rasul further explained the term “involuntary surrender” which is used when a license is expired and has the effect of a suspension or a revocation, depending on the timeframe.

Andrea Menicucci called for a motion. Bonnie Lamping made a motion to find Mr. Sumrall in violation of the Board’s order of April 29, 2020 for failing to sit for and pass the dispensing practical exam within 30 days of contact from the Board to schedule. Thomas Rainford seconded the motion. Tami Brancamp and Michael Hodes abstained. The motion passed.

Board Counsel Henna Rasul advised that the Board should now consider discipline. Andrea Menicucci called for a motion. Timothy Hunsaker made a motion to impose the following:

1. Public reprimand;
2. Involuntary surrender of license by revocation.
3. Payment of the balance of attorney's fees and costs. This includes the balance of \$2,471.76 from the January 2020 Consent Decree and April 2020 Board Order, plus additional fees incurred from May-July 2020 which will be totaled by the Attorney General's Office and included in the final Board Order. The practical exam may not be scheduled until these fees are paid in full;
4. Pay the practical examination fee, and sit for and pass the dispensing practical examination. An Application for License Reinstatement and Dispensing Endorsement may not be submitted until Mr. Sumrall has successfully passed the Dispensing Practical Exam;
5. Once the examination is complete, 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. Both applications will be placed on the agenda of the next Board meeting for review.

Thomas Rainford seconded the motion. Tami Brancamp and Michael Hodes abstained. The motion passed.

Board Counsel Henna Rasul asked the Board to vote on the date to make this order effective, as there may be a delay in obtaining signatures on the written order. Andrea Menicucci called for a motion. Thomas Rainford made a motion to make the Order effective today, July 22, 2020. Timothy Hunsaker seconded the motion. Tami Brancamp and Michael Hodes abstained. The motion passed.

#### **Update on Practitioner Needs and Board Response to COVID-19**

Following the discussion in the April 22, 2020 meeting on this matter, the Executive Director created a licensing "crosswalk" presented to the Board for this meeting to determine which, if any requirements, may be altered by the Board. Most of our Board's requirements are established in NRS or NAC, so we have determined that changes may not be made through Board action, though the Board may rely on the Governor's Emergency Directives to supersede these requirements if they apply.

#### **a. Practitioner Compliance with Stay-At-Home Orders/Closure of Non-Essential Businesses**

The Board was provided with Emergency Directive 024 of June 25, 2020 and notified that it requires *"State licensing boards are hereby directed to enforce all provisions of this Directive against licensees and establishments within their purview and impose disciplinary measures against licensees who violate this Directive."* (Section 8).



- b. **Code of Ethics/Patient Abandonment:** There have been no issues raised on this topic since the April 2020 Board meeting.
- c. **Licensing Extensions/Waivers:** Without statutory authority, the Board cannot grant license extensions and the two (2) Emergency Directives related to licensing do not apply to our licensees or have expired:
- **Emergency Directive 09 (4/1/2020) and Emergency Directive 26 (6/29/2020)**  
Directive 09 Allowed for a 90-day extension on licenses “*if reduced government operations due to the state of emergency makes timely renewal of the license or permit impracticable or impossible.*” This Directive was never applicable to our Board, as our operations were not reduced, though Directive 26 has since amended this and only grants a 90-day extension on licenses that expired through June 30, 2020.
  - **Emergency Directive 011 (4/1/2020)**  
The Board has interpreted that this Directive does not apply to our licenses as it appears to have been intended to mobilize a healthcare workforce to treat COVID-19 and our licensee types are not listed as affected practitioners.
- d. **License Requirement Waivers:** Without statutory authority, the Board cannot waive license requirements.
- e. **Exams:**  
PRAXIS Exams and IHS Dispensing Written Exams have resumed. Our Board began scheduling IHS Dispensing Practical Exams on June 10, 2020.
- f. **Practitioners Supporting Long Term Care and Other Facilities:** There have been no issues raised on this topic since the April 2020 Board meeting.
- g. **Telehealth:** There have been no issues raised on this topic since the April 2020 Board meeting, though some providers reportedly continue to question whether they may provide continuity services to already-established patients who have relocated temporarily to another state or country. Kim Reddig, NSHA President was on the call and reported that the Department of Education has issued guidance that SLPs should not provide services or treatment to students who are residing in another state even if they are still enrolled in a Nevada school.

### **Review and Approval of FY 2021 Budget 2020, Reserve Funds Policy, and Cost Sharing Agreement with Board of Occupational Therapy**

The proposed FY21 budget and accompanying worksheets were presented for the Board’s review and approval. The Board also reviewed its Reserve Funds Policy and the FY21 Cost-Sharing Agreement with the Occupational Therapy Board.

FY20 Net Income was -\$41,982.93. This is the fifth consecutive year that expenses have been in excess of revenue and the Board has absorbed reserves to cover expenses. Total equity at this time

is \$61,459.10 with a projected deficit budget for FY21 of -\$28,222.57. While it is of concern that our reserves will be depleted further, this year's deficit budget was developed strategically to support long-term, cost-saving investments in the licensing database to begin accepting online new applications and in legislative support that will assist in achieving the Board's legislative priorities.

Several efforts have been initiated to curtail costs and operate in a more efficient, cost-effective manner. It is hoped that these efforts will shave costs over time and slow depletion of the Board's reserves:

- **Online Applications**

Licensees may renew online currently, but all new applications must be submitted in hard-copy, paper form. The database upgrade currently underway will allow licensees to apply online and staff to process applications electronically. It is expected that this transition will be more accessible and convenient for licensees, reduce application processing time, and decrease the Board's dependence on paper and resulting storage fees.

- **2020 Website Upgrade**

The website transition and upgrade in 2020 has already reaped significant benefits and maintenance cost-savings. With a more user-friendly "back-end" and built-in support hours each month, Board staff can directly manage 95% of the website content, reducing the need to pay hourly IT support costs and eliminating delays for simple tasks such as posting agendas or updating content. We were able to execute timely updates to the website at the onset of the COVID-19 pandemic and have made many other changes easily and quickly.

- **Transition to Office 365 and SharePoint**

At the end of 2019 we transitioned Board email and storage to Office 365 and began using SharePoint to store Board documents, a cloud-based system that is secure, accessible from anywhere, and provides reliable document retention and back-up. It has been especially useful as staff began working remotely due to COVID-19 and has virtually eliminated interruptions in efficiency.

- **Transition to Paperless Operations**

Historically records have been kept in paper form and storage costs for these old records total \$480 per year, which may increase as more documents are generated and stored. Board staff are working to adopt processes that rely less on paper, whenever possible, by creating and storing records electronically and utilizing tools such as Adobe Pro to create and combine PDF documents without expending paper and printing resources.

- **Hold on Staff Salary Increases**

Due to the Board's budget outlook and acknowledgment of the overall financial climate due to COVID-19, staff merit/COLA/benefit increases will not be considered for FY21.

- **Decrease Legal Support Needs**

While we cannot predict the number and nature of complaints received, going forward it is hoped that Board staff will require less support from Legal Counsel as experience is gained in this area. It is also hoped that future efforts may be put toward licensee education and support and combined with the Board's plan to consider a Jurisprudence Exam, may better inform licensees on our practice laws and regulations and result in fewer complaints.

- **Considerations for Space/Supply/Service Alternatives**

The Board may also choose to consider long-term strategic efforts to reduce other costs. The implementation of ZOOM meetings has improved the Board's ability to meet remotely, yet we are still relying on an expensive teleconference service to ensure accessibility. It may be beneficial to consider an alternative web-based platform that has toll-free/accessible integrated audio. Additionally, and with the onset of COVID-19 driving staff to work remotely, the Board may consider future needs for space and equipment, and whether office space is needed on a full-time basis.

The Board reviewed all documents provided and Tami Brancamp, Board Chair stated that she was in support of efforts to operate in a leaner manner. Tami Brancamp called for a motion. Andrea Menicucci made a motion to approve the FY21 budget as presented. Thomas Rainford seconded the motion. The motion passed.

### **Review and Approval of Revisions to Board Operating Policies and Procedures**

Draft revisions to the Board's Operating Policies and Procedures were presented for the Board's review and approval. The last revision occurred in August 2016. Current edits include the following:

- **1:02 Accounting System:** Revised to reflect current audit/balance sheet practice pursuant to NRS 281G.400.
- **7:03 Board Records:** Revised to reflect establishment and use of Office 365 SharePoint site for storage of electronic records.
- **7:04 Computer Records:** Revised to reflect establishment and use of Office 365 SharePoint site for storage of electronic records.

Tami Brancamp called for a motion. Thomas Rainford made a motion to approve the revisions to the Board Operating Policies and Procedures as presented. Michael Hodes seconded the motion. The motion passed.

### **Review and Approval of Employment Agreement with Wayne Springmeyer for Investigation Services**

Historically, the Board has utilized the services of Wayne Springmeyer, an Investigator employed part-time by the Occupational Therapy Board for complaint cases and our Board was invoiced for these services by the OT Board. In an effort to clearly delineate operations between the two Boards, it is proposed that our Board enter into an Employment Agreement with Mr. Springmeyer for these services, provided to the Board for review. Services would be provided on an as-needed, part-time hourly basis, with a target to not exceed \$2,000 budgeted in a fiscal year.

Tami Brancamp called for a motion. Andrea Menicucci made a motion to approve the Employment Agreement with Wayne Springmeyer for Investigator services as presented. Thomas Rainford seconded the motion. The motion passed.

### **Legislative Update**

Sarah Adler, Board Lobbyist provided an update to the Board on legislative activity. Ms. Adler provided a brief overview of the outcomes of the recent special session held by the Legislature. Ms. Adler also addressed the recent work of the Sunset Subcommittee, charged with reviewing and determining the future of licensing boards. Ms. Adler advised the Board that she anticipates there may be a BDR in the 2021 Legislative Session from the Sunset Subcommittee regarding Boards and may include a recommendation to move Boards under the Department of Business and Industry. She further suggested that the Board may want to consider proactive response to this. Michael Hodes suggested that we wait and see what happens with a BDR and Tami Brancamp concurred. This item was informational only and no action was taken.

### **Work Session on Legislative Priorities and Review of 2020 Licensee Survey Results**

Tami Brancamp called on Jennifer Pierce who summarized the potential legislative priorities presented for the Board's consideration. Ms. Pierce directed the Board to and briefly summarized the results of the 2020 Licensee Survey. We received a total of 465 responses, broken down as follows: SLP: 80.39%, AUD/DISP AUD: 7.54%, and HAS/HAS-A: 7.54%. The survey addressed the Board's intent to seek legislation to raise fee caps, potential licensing for Audiology and SLP Assistants, and the impact of COVID-19 on our licensees.

#### **a. NRS 637B.175 ~ Increase Statutory Caps on Licensing Fees**

The Board is seeking to increase the fee caps in NRS to allow for later increase in actual fees charged as needed through regulation change. All but one of the Board's current fees charged are at the maximum fee cap. The Board's plan has been to continue working on this and pursue a BDR in the 2021 Legislative Session. This work included the licensee survey, regular Board Work Sessions as a standing agenda item for every meeting, and collaboration with stakeholders.

The survey results showed that over 50% of respondents were opposed or strongly opposed to a raise in fee caps. However, the Board's review of financial statements, reserve funds, and the review of the FY21 budget earlier in this meeting supports pursuing an increase to keep the Board operational and build a reserve fund back up to a reasonable limit. There was discussion as to whether seeking this legislation would trigger a review by the Sunset Subcommittee, and a suggestion to consider lowering the proposed fee cap increases to counter concerns that if the fee caps are raised significantly, then the Board may seek a substantial increase in actual fees. Consensus was that the Board would like to move forward with raising the current fee caps as approved in January 2020 but could consider lower fee caps if required to obtain a bill sponsor.

Tami Brancamp called for a motion. Thomas Rainford made a motion to move forward with a BDR to increase the fee caps as approved in January 2020 and authorize the Board Lobbyist and Executive

Director to negotiate these amounts as needed with a potential bill sponsor and bring revisions back to the Board for approval. Andrea Menicucci seconded the motion. The motion passed.

**b. NRS New ~ Speech-Language Pathology Assistant, Audiology Assistant**

This proposed new legislation would define and create authority and criteria for licensing Speech-Language Pathology Assistants and Audiology Assistants in the State of Nevada. This is a national trend with many states moving towards some form of legislation and licensing requirements. The Board’s plan has been to continue working on this and potentially pursue a BDR in the 2023 Legislative Session. This work includes the licensee survey, inclusion of Board Work Sessions as a standing agenda item for every meeting, and collaboration with stakeholders. There was a great deal of feedback received on both Assistant types from the Licensee Survey. It was proposed and agreed that this feedback would be reviewed and addressed in future Board meetings.

**Executive Director’s Report**

Tami Brancamp called on Jennifer Pierce who directed the members to the written report and summarized as follows:

**a. Licensure Statistics**

Licensing statistics for the period of April 1, 2020 through June 30, 202 were reviewed, showing a net increase of 35 licenses (+3%). This is consistent with FY19 Q4 totals, which saw an increase of 50 licenses (+4%) at the end of June 2019. We have experienced a surge in new applications as many new practitioners graduate from academic programs, and it is possible that the increase is a bit lower than last year at this time due to the impact of COVID-19.

**b. Fiscal Year 2020, 4th Quarter ending June 30, 2020 Financial Reports**

**Profit and Loss Through Q4**

- Total Revenue: \$164,632.367                      Percent of Budget: 101.94%
- Deferred Revenue: \$72,321.44
- Total Expenses: \$206,615.30                      Percent of Budget: 98.29%
- **Net Income: -\$41,982.93**

**Deviations from Budget**

There were several significant deviations/overages at the end of the year:

- Administrative support (personnel) was 103% of budget, likely as a result of the ED position change and pay overlap for two EDs between September and December 2020. This has been accounted for in the FY21 budget.
- Attorney General/Legal Fees were more than twice the budgeted amount. This is an unpredictable cost to plan for, though we can pinpoint at least one complaint case, more frequent and longer Board meetings held, and the new ED’s increased reliance on Counsel while getting settled in the position. It should also be noted that the Board is still due \$2,471.76 in legal fees per an executed Consent Decree.
- Examination Costs were over budget; however these are offset by Exam fees.

- Office Supplies were 173% over budget and likely due to the addition of the new ED and the office move. This is offset by having spent less than 50% of the amount budgeted for equipment, and these items likely could be classified either way.

**Balance Sheet**

- Total Cash Assets: \$136,133.42
- Total Liabilities: \$80,660.32
- **Total Equity: \$61,459.10**

**c. Update on Board Orientation/Training for Members and Staff and Access to Board Portal**

A *Board Handbook* and accompanying PowerPoint video have been developed as an orientation/ refresher training for Board Members and staff. Board members will also be sent an invitation to access a secure *Board Portal* folder in SharePoint where they may access these training materials as well as supplemental resources (i.e. online Attorney General Boards & Commissions Training, state manuals, Board policies, etc.) at any time. All current Board and Advisory Committee members are asked to review the materials and complete an attestation that they have accessed and reviewed the trainings.

**d. Update on Proposed Regulations LCB File R095-19**

The proposed regulations were adopted by the Board at its meeting April 22, 2020 and sent to the Legislative Commission, where they were approved at its June 5, 2020 meeting and filed with the Secretary of State on June 8, 2020. Board staff will update any necessary applications or website information as needed.

**e. Update on Changes Related to AB275**

AB275 was passed in the 2019 legislative session, prohibiting a regulatory body from denying licensure of an applicant based on his or her immigration or citizenship status and authorizing an applicant for a professional or occupational license who does not have a social security number (SSN) to provide an individual taxpayer identification number (TIN) instead.

We were advised that the Board should: 1) not ask whether the applicant is US Citizen or authorized to work in the US, and 2) should allow for TIN as an alternative to SSN. The following application forms were changed in May 2020 to add TIN as an alternative to SSN and remove the checkbox for "*US Citizen or Authorized to Work in the US*":

- *New Application for Licensure (both)*
- *Application for Limited License (add TIN)*
- *License Reinstatement Application (add TIN)*

**f. Update on Database Upgrade to Accept New Applications Online**

Board staff have begun working with Albertson Consulting to enhance the website and database to allow the Board to begin accepting new applications electronically as we already do for renewals. The new applications have been built and are being tested. We expect to launch the new applications in August 2020.

**g. Update on OTC Hearing Aids**

The FDA Reauthorization Act of 2017 directed the FDA to establish an OTC Hearing Aid Classification. August 18, 2020 is the three-year anniversary of its passing and the deadline for the FDA to issue proposed rules which will be followed by a public comment period. IHS has issued a request for licensing bodies to advocate for “the continued role of licensure for the delivery of professional services associated with hearing aids, including the performance of comprehensive hearing evaluations, validation and verification testing, and counseling.”

**h. Board Member Appointments/Reappointments**

The Board has three (3) members whose terms are set to expire in July 2020:

- Nighat Abdulla, Public Member will have served two (2) terms and is not eligible for reappointment. The position is posted on the Board’s website and it is recommended that Board members and licensees assist in actively recruiting for a new Public member. The Governor’s Office has not received any applications for this position.
- Two other members, Tami Brancamp, Board Chair, and Michael Hodes, Board Member, are eligible for reappointment and if desiring to remain on the Board, will need to apply to the Governor’s Office for reappointment.

**i. Complaints**

There is one (1) outstanding Complaint currently in the investigative process.

No action was taken.

**Report from Legal Counsel**

Henna Rasul, Board Counsel had no new information to report.

**Reports from Board Chair and Board Members**

- a. Recognition of Board Service: Nighat Abdulla, Public Member  
Tami Brancamp, Board Chair acknowledged Ms. Abdulla who has served on this Board and prior iterations since 2011 and was also a member of the Board of Examiners for Marriage and Family Therapists from March 2007 to June 2011. Ms. Abdulla was thanked for her generous service and presented with a service award which will be mailed to her home. Ms. Abdulla thanked the Board and stated that she appreciates having the opportunity to learn from her fellow Board members and appreciates the wonderful experience.
- b. Report from Board Chair and Board Members  
There were no reports from the Board Chair or members.
- c. 2020 Proposed Meeting Schedule  
The next regular Board Meeting was confirmed for Wednesday, October 21, 2020 at 4:30pm via ZOOM teleconference.
- d. Future Agenda Items:  
Items for the next Board meeting will include:

*FINAL – Minutes approved at the October 21, 2020 Board Meeting*

1. Continued work on Legislative Priorities:
  - NRS 637B.175 - Increase Statutory Caps on Licensing Fees
  - NRS New - Speech-Language Pathologist Assistant, Audiologist Assistant
2. Executive Director Annual Evaluation

**Public Comment**

There was no public comment.

**Adjournment**

Tami Brancamp adjourned the meeting at 7:35 p.m.