



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

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

October 21, 2020

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

Members Absent: Nighat Abdulla

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: Ashley Butler, Kim Reddig, Scott Sumrall, "Call-In User 1" (did not respond to requests to disclose identity).

Call to Order, Confirmation of Quorum

Tami Brancamp, Board Chair, called the meeting to order at 4:32 pm. A roll call confirmed a quorum was present.

Public Comment

There was no public comment.

Approval of Minutes: Board Meeting of July 22, 2020

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

Retroactive Board Review of Heather Castellano Apprentice Application per NAC 637B.0398

Tami Brancamp introduced this item and asked Ms. Pierce to summarize. Ms. Pierce explained that Heather Castellano is a Hearing Aid Apprentice who was licensed in April 2019 and is also the owner/operator of Hearing Centers of Nevada in Henderson, holding this position at the time her HAS-A license was issued. NAC 637B.0398 states that *"An Apprentice shall not maintain, run or operate an office or satellite office in which hearing aids are fitted and dispensed without the approval of the Board."* It recently came to the attention of Board staff

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that Ms. Castellano's application was not reviewed by the Board at the time of original application. Additionally, we have confirmed that as the owner/operator of the practice, Ms. Castellano is also the employer of her Apprentice sponsor, Glenn Martin, AuD. Ms. Castellano's license is active and in good standing, and in September 2020 she became eligible to work without direct supervision on Dr. Martin's recommendation. This matter is being presented to the Board retroactively to ensure integrity and adherence to NAC 637B.0398 and document the Board's review of the application.

Both Michael Hodes and Thomas Rainford confirmed that the state of Nevada does not require that a practice owner also be a practitioner. Mr. Hodes further commented that the issue is not of concern to him, particularly because Ms. Castellano owned the practice prior to her licensing. Thomas Rainford added that in a case such as this, it would be important to ensure there is enough supervision being provided and the apprentice relationship was still valid, which it appears to be given that Ms. Castellano has been recommend to work without supervision. There were no concerns noted by the Board.

Tami Brancamp called for a motion. Thomas Rainford made a motion to approve the arrangement retroactively. Timothy Hunsaker seconded the motion. The motion passed.

License Reinstatement Application: Ashley Butler, SLP License # SP-2285 (Expired)

Tami Brancamp introduced this item and asked Ms. Pierce to summarize. Ms. Pierce explained that on October 1, 2020 Board staff sent out an expiration notice to all licensees whose licenses expired between January 1, 2020 and September 30, 2020. That same day, our office received a License Reinstatement Application from Ms. Butler for reinstatement of her license as a Speech Language-Pathologist, #SP-2285 which was initially issued on March 30, 2018 and expired on March 29, 2020. Ms. Butler's reinstatement application indicated that she has been employed and practicing without a license in Nevada through her employment with Special Education Support Staff in Las Vegas, Nevada. Ms. Butler explained that she was not practicing while on maternity leave from January 2020 to approximately August 2020 but was practicing without a license since the start of this school year. Ms. Butler also indicated that she currently holds a Nevada DOE endorsement, however as she is not employed directly by a public educational institution, she should also hold the state license per our Board's recently adopted revision to NAC 637B. Board operations have not been impacted by COVID-19 and we have been able to issue and renew licenses without limitations. No changes have been made to fees, license requirements, or renewal timelines, and we have no record of a related request from Ms. Butler since her license expired on March 29, 2020.

The Board discussed the unlicensed practice and the fines issued for similar cases in the past year. Tami Brancamp called for a motion. Thomas Rainford made a motion to reinstate the license and issue a \$200 fine for unlicensed practice. Andrea Menicucci seconded the motion. The motion passed.

Ms. Pierce explained to Ms. Butler that she could contact the Board office the next day and make payment to have her license reinstated immediately.

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License Reinstatement Application: Scott Sumrall, AuD License #A-2133 (Involuntary Surrender by Revocation)

Both Tami Brancamp and Michael Hodes recused themselves from this agenda item as both have previously reported a past/current relationship with Mr. Sumrall and/or his relatives. Andrea Menicucci took over as Chair of the meeting for this item.

Ms. Pierce summarized that on July 22, 2020 Case A20-01 came before the Board and Mr. Sumrall was found in violation of the Consent Decree executed January 22, 2020 and Board Order dated April 29, 2020. Mr. Sumrall's license to practice as an Audiologist in Nevada was revoked by Involuntary Surrender. He was ordered to pay the balance of \$4,740.81 in attorney's fees and costs (remaining balance from prior orders, less \$600 paid between May and June 2020). The Board further ordered that upon full payment of the fees listed above, Mr. Sumrall could pay the practical examination fee, and sit for and pass the dispensing practical examination, then submit to the Board an Application for License Reinstatement with payment and an Audiology Dispensing Endorsement Application with payment.

Mr. Sumrall paid the balance in full on September 29, 2020, and successfully passed the Dispensing Practical Exam on October 14, 2020. Mr. Sumrall submitted the Application for License Reinstatement and Dispensing Endorsement and paid the fee for both on October 15, 2020, but still needed to complete CE units, which were received prior to this meeting on October 21, 2020.

The Board reviewed the materials and Andrea Menicucci asked for a motion. Thomas Rainford made a motion to reinstate Mr. Sumrall's license to practice audiology with the dispensing endorsement. Timothy Hunsaker seconded the motion. Tami Brancamp and Michael Hodes abstained. The motion passed.

Tami Brancamp resumed the role of Chair for the meeting.

Update on Practitioner Needs and Board Response to COVID-19

Jennifer Pierce reported that there have been no changes since the July 2020 Board meeting, though we have received a few questions about licensing and telehealth. This agenda item was kept as a standing item to address any new issues or matters brought by licensees, Board members, and/or staff. No action was taken.

Review and Approval of Proposed Revision to Cost Sharing Agreement with Board of Occupational Therapy and Proposed Board Administrative Collaborative

Jennifer Pierce reported that the Board of Occupational Therapy has reached out to our Board, along with several others, with a two-part proposal for cost/space sharing and a working collaborative. The first part includes a revision to the current cost-sharing agreement with the OT Board, who has offered the use of vacant space in our shared office to other Boards that may be interested in remote work with a shared space on a part-time, as needed basis to reduce costs but maintain compliance with "physical office" requirements, especially in lieu of COVID-19 and many staff transitioning to remote work. Our approved FY21 budget included

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\$8,540.29 in office space cost sharing to the OT Board, of which we have already paid \$4,225.15 for June-December 2020. We were also notified by the OT Board of a calculation error that would bring the original annual total down to \$6,677.22, resulting in just \$2,455.07 due for the remainder of the year.

In discussion with the Executive Director of the OT Board, our Board's Executive Director proposed relinquishing her full-time private office and transitioning to a permanent remote work arrangement with visits to the office as needed for Board or other meetings. This arrangement is personally preferred, encourages leaner operations as overhead costs are reduced, and would not create any interruption to efficiency, while still providing the Board with a professional office space. The OT Board responded with a proposal to accept relinquishment of the office, with continued shared costs for one-half of the Licensing Coordinator's office and a percentage of the common areas. This would bring our total remaining due for FY21 down to \$805.65. Additionally, and in order to create a "cleaner" sharing arrangement of the physical office and equipment should other Boards join the space, the OT Board has offered to purchase our Board's unused furniture and equipment, including office furniture and desk chair in the ED's office and the television purchased in 2019 for ZOOM meetings. Ms. Pierce shared two options for this revision, to either relinquish her office and sell equipment to the OT Board, which Ms. Pierce recommended, or keep the office and equipment. The first would credit the cost of the equipment sold to our remaining FY21 balance and result in \$507.35 due to our Board from the OT Board. The second option would leave \$2,452.07 due to the OT Board for FY21.

The OT Board also proposed a Board Administrative Collaborative as a means for Boards to improve communications and assist one another in maintaining compliance with administration requirements, as well as an alternative and proactive approach to addressing State and Legislative concerns. At this time Ms. Pierce recommended not entering into this formal agreement, due to time constraints, the unknown future of what state and legislative action will look like, and the availability of resources and support from other sources and other Boards without the need for a formal commitment.

The Board discussed the advantages of the revised cost-sharing agreement and reduced costs moving forward. Consensus was to not move forward with the administrative collaborative. Bonnie Lamping made a motion to approve the revision to the cost-sharing agreement that would include relinquishing the Executive Director's office and selling the equipment to the OT Board. Andrea Menicucci seconded the motion. The motion passed.

Legislative Update

Sarah Adler, Board Lobbyist provided an update to the Board on legislative activity. Ms. Adler reported that she and Ms. Pierce have been working on the Board's effort to secure a Bill Draft Request (BDR) for a fee increase in the 2021 legislative session, including a proposal to the Board to approve a reduction in the fee caps the Board will pursue in this BDR during a later agenda item. Ms. Adler reported that Assemblywoman Michelle Gorelow has agreed to carry the BDR and will submit it to LCB after the election. Ms. Adler reported that Assembly Majority

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Leader Teresa Benitez-Thompson was initially approached but unable to sponsor our bill as she is out of BDRs but has agreed to support our effort. Ms. Adler also suggested to the Board that it should develop and disseminate an outreach/education plan to the related associations and practitioners to prepare them and other stakeholders to be aware the BDR is coming.

Next, Ms. Adler updated the Board on the work of the Sunset Subcommittee, which is charged with reviewing and determining the future of licensing boards. Ms. Adler advised the Board that no major recommendations came out of this interim for Title 54 Boards but the Committee gave direction to several Boards that aligns with some of the work our Board is already doing, including cost-sharing and online licensing. Two advisory letters were issued, which include looking at Board composition as it relates to diversity, and attention to COVID-19 and its impact on licensees.

Ms. Adler updated the Board on current BDRs and has identified 28 of these as being of potential interest to our Boards, with eight (8) specifically related to Boards and Commissions, and one of these is specific to veterans and military spouses. Ten are generally related to healthcare, with three (3) of these specific to healthcare records and data. Senator Pickard has sponsored a BDR that was expected and is related to reciprocity, though our Board already has rules that allow licensure by endorsement. This is more of an issue now with COVID-19 and Ms. Adler suggested that it is unlikely that Boards will be forced into reciprocity but should begin thinking about and discussing these issues. Ms. Adler further reported that there is one BDR related to telehealth and indicated that she would like to get more information about how our practitioners use telehealth.

Ms. Adler summarized the key issues for the 2021 Session, which will very likely be the budget and revenues, which may dampen Governor's enthusiasm for any Board management consolidation under Department of Business and Industry, whose prior report projected that it would cost several million dollars for the state to absorb all Boards, which does not seem like it will be a priority at this time. Another major issue will likely be taxes and funding education. Finally, this session will be unique as it is unclear what access to the building will look like due to COVID-19.

Tami Brancamp shared that her clinic at UNR is relying heavily on telehealth but also seeing patients face-to-face. Bonnie Lamping reported that in the Clark County School District, approximately 95% of her interventions and assessments are being conducted via telehealth with the rest face-to-face. Tami Brancamp also shared that CMS has approved telehealth delivery for SLP practice, but that approval is expected to expire and is being watched closely.

Jennifer Pierce shared that IHS reported in a recent conference that Georgia, North Carolina, Oklahoma, Utah, West Virginia, and Wyoming have all joined the Audiology & Speech Language Pathology Interstate Compact (ASLP-IC), and Missouri and Arizona have also recently passed reciprocity legislation. Ms. Adler stated that the Nevada Physical Therapy Board is initiating interstate compact legislation this session which may be instructive should our Board pursue

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this in the future. Additionally, there is legislation coming forward for Midwives, which may inform our potential future legislative work on Assistants.

Kim Reddig, NSHA President shared that they found out from ASHA this week that the number of states that have joined the Audiology & Speech Language Pathology Interstate Compact (ASLP-IC) is now at 17.

This item was informational only and no action was taken.

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

Tami Brancamp introduced the item and asked Jennifer Pierce to summarize. Ms. Pierce reviewed the Board's effort to seek a fee increase during the 2021 legislative session, as well as the plan to consider whether SLP and Audiology Assistant licensing is needed in Nevada, with a potential plan to pursue this legislation in 2023.

The Board discussed a fee increase analysis presented by Ms. Pierce which compared the impact of incremental fee increases on the Board's budget, should the change to the NRS pass legislation, and following a NAC change to the actual fees in the 2021-2022 interim. Ms. Brancamp made a suggestion that we work to educate the public to understand that a fee cap increase in NRS does not automatically raise actual fees which would have to happen through an administrative rule change. An analysis of potential fee increases confirms that the Board would still benefit from an increase in fee caps at a lowered maximum. Should fee caps be increased in NRS, and if an increase in actual fees is pursued through regulation, the Board's budget would be positively impacted with even a small fee increase. The Board further discussed its efforts to save on costs in the coming years, and should be able to do so as we have just completed the last planned large website (database project to launch online applications) and staff are working hard to reduce costs in other areas. There is always the risk that complaint cases may generate legal fees that cannot be recouped, and Tami Brancamp confirmed that any administrative fines issued by the Board (i.e. for unlicensed practice) are passed on directly to the state.

As discussed earlier, Assemblywoman Gorelow has been identified as the Board's sponsor for this BDR. An overview/executive summary of this effort has been submitted to her and Sarah Adler confirmed that we have not received specific feedback on the proposed figures.

Bonnie Lamping asked whether Jennifer Pierce would be seeking a bonus based on the Board's performance review later in this meeting and Ms. Pierce confirmed that she would not, and that Board staff are forgoing any pay increases in FY21.

Tami Brancamp called for questions and discussion. Thomas Rainford stated that he would always support increasing the caps as much as possible so as to not have to pursue legislation in multiple years but agrees with the new proposals given the current state of things. Tami Brancamp concurred and reiterated that the Board is only attempting to ensure it has a healthy

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reserve and break even and given the impact of COVID-19 it shows good fiscal management to pursue just what is necessary.

Tami Brancamp asked for a motion to approve the revision to the following proposed fee caps that will be pursued:

| Fee | Current Fee Cap | Originally Proposed Increase | Revised Proposed Increase |
|---|-----------------|------------------------------|---------------------------|
| Application fee | 150 | 300 | 200 |
| License fee | 100 | 200 | 150 |
| Fee for the renewal of a license | 100 | 200 | 150 |
| Reinstatement fee | 100 | 300 | 200 |
| Examination fee | 300 | 400 | No increase |
| Fee for converting to a different type of license | 50 | 100 | No increase |
| Fee for each additional license or endorsement | 50 | 100 | No increase |
| Fee for obtaining license information | 50 | 100 | 100 |

Thomas Rainford made a motion to approve the revision to the proposed fee caps that will be pursued. Michael Hodes seconded the motion. The motion passed.

Given that there is a great deal of information to digest regarding both the fee increase and the assistants work, Tami Brancamp suggested that the Board hold off on discussion now on the Assistants project. Michael Hodes asked Sarah Adler if there was any need to be expedient on this matter, and Ms. Adler confirmed that the Board could take some time on this as we would not be able to bring a bill forward this session. Tami Brancamp suggested that Board members take their time and carefully review the information provided on Assistants for the next meeting. There was consensus to do so.

Sarah Adler suggested that she and Ms. Pierce could begin working on an outreach/education plan to inform stakeholders of our plan and follow up with Ms. Brancamp for feedback. Thomas Rainford made a motion to delegate the development and implementation of an outreach/education plan to Jennifer Pierce and Sarah Adler. Andrea Menicucci seconded the motion. The motion passed.

Executive Director Annual Evaluation

Tami Brancamp introduced this item and Jennifer Pierce summarized the performance evaluation form template and Summary of Activities she completed on her work between September 2019 and September 2020. Tami Brancamp suggested and it was agreed that the Board would discuss each performance area and come to consensus on a score in each area on a scale of 1 - 5 with "5" being the highest and "1" being the lowest, with 35 total points possible. The Board discussed Ms. Pierce's performance in the following areas and awarded a total score of 31 points: *Preparation and administration of the Board's annual budget; agency accounting and reporting; Promoting the Board's functions through written publications; maintaining the Board website; coordinating Board sponsored activities; and presenting at*

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meetings, workshops, and other educational settings; Facilitate Board meetings, prepare agendas, supporting documents, and minutes in accordance with the Nevada Open Meeting law NRS 241; Initiate action on Board directives; Serve as Board liaison with individuals and other agencies, including, but not limited to, the Governor's office, state agencies, professional organizations; applicants, licensees, and the public; Oversee all aspects of the licensing, monitoring and compliance functions including but not limited to maintenance of the Board electronic licensing and regulatory data collection system; final review and approval of applications for licensure; and performance of monitoring of licensee compliance with law and regulations; Manage the Board complaint and disciplinary action process to include, but not limited to, receipt and review of initial complaints, conduct of informal investigations, initial determine of merit and recommendations for hearing; negotiate consent decrees, facilitate disciplinary hearings and monitor probationary licensees; and Maintain and manage NRS law and NAC regulation revisions, conduct research and make recommendations, conduct public workshops and hearings. Review and respond to legislative actions, bills and requests for information; represent the Board during legislative sessions at hearings and meetings as directed by the Board. The Board was complimentary of Ms. Pierce's work and thanked her for her efforts.

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 for the period of July 1, 2020 through September 30, 2020 were reviewed, showing a net increase of 40 licenses (+3%). This is slightly higher than FY19 Q4 totals, which saw an increase of 76 licenses (+2%) at the end of September 2019. We have continued to experience a surge in new applications as many new practitioners graduate from academic programs.

b. Fiscal Year 2021, 1st Quarter ending September 30, 2020 Financial Reports

Financial summaries for FY21 Q1 were not complete in time for this meeting but will be presented at the Board's next meeting. Ms. Pierce reported that bank deposits total \$44,282.42, with expenses totaling \$42,143.76. Both the checking and savings account balances have remained stable despite having paid several large invoices this quarter, including the July-December office cost share to the OT Board and legal fees totaling over \$4,000. We did receive repayment of legal fees totaling \$4,740.81 per the Board's July 22, 2020 order, which assisted in offsetting the cost of legal fees incurred. Remaining expenses are as expected for payroll and other operating costs, and anecdotally staff have noted a decrease in overhead expenses and expect this trend to continue.

Going forward we hope to see continued revenue growth and expect a significant portion of our renewal revenue in Q2 as almost half of our licenses expire on December 31st. We also hope to rely less on, and thus encounter lower costs for office space (as addressed in an earlier agenda item), postage, legal fees, and other overhead expenses. For this and future

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Board meetings, we should save on teleconference costs as we utilize ZOOM only and maintain closer control of the AT&T teleconference line. There are still several large, planned expenses to come, including a \$6,500 payment for the online applications revision and legislative services as we move into the FY21 legislative session.

The Board was also provided with a copy of the FY20 Balance Sheet submitted to the Legislative Counsel Bureau and the Governor's Finance Office on August 18, 2020, pursuant to NRS 218G.400. This law requires that Boards be audited annually or biennially by a certified public accountant or public accountant, unless the revenue of the board from all sources is less than \$200,000 for any fiscal year, in which case a balance sheet must be prepared and submitted in lieu of an audit.

c. Update on Database Upgrade to Accept New Applications Online

Ms. Pierce reported that the online application functionality went fully online on Wednesday October 7, 2020. All new and renewal applications may now be completed online. Conversions only require payment, and Reinstatement applications are still only accepted as hard copies. This change is expected to benefit applicants, providing an easy, online application process and create more efficiencies in the review and approval process as the system is directly linked to our licensing database.

d. Board Member Appointments/Reappointments

Ms. Pierce reported that Nighat Abdulla's term expired on 7/1/2020 but she has agreed to remain on the Board until an appointment is made. Per an update from the Governor's office on October 6, 2020, no applications have been received to date and Ms. Pierce advised that it may benefit the Board to recruit to fill this vacancy, noting that per NRS 673B.100(d) the member who is a representative of the general public must not be a *speech-language pathologist, a hearing aid specialist or an audiologist; or the spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, a hearing aid specialist or an audiologist.* Ms. Pierce also noted that the Sunset Subcommittee's 2020 *Interim Summary of Recommendations* includes a recommendation (#22) to "send a letter to certain regulatory bodies encouraging the recruitment of Black, Indigenous, and other persons of color as members to reflect the diversity of the state". Ms. Pierce further reported that both Tami Brancamp and Michael Hodes have applied to the Governor's Office for reappointment and we are awaiting a response.

e. Complaints

Ms. Pierce reported that 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.

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Reports from Board Chair and Board Members

a. Report from Board Chair and Board Members

There were no reports.

b. 2021 Proposed Meeting Schedule

The next regular Board Meeting was confirmed for Wednesday, January 20, 2021 at 4:30pm via ZOOM Teleconference.

c. Future Agenda Items:

Items for the next Board meeting will include:

1. Continued work on Legislative Priorities:
 - NRS 637B.175 - Increase Statutory Caps on Licensing Fees
 - NRS New - Speech-Language Pathologist Assistant, Audiologist Assistant;
2. Review of Draft Jurisprudence Exam.

Public Comment

Kim Reddig, NSHA President shared that they have a NSHA Advocacy committee that is exploring the interstate compact and they have been notified by ASHA that there is language in our NAC related to the SLP clinical fellowship year that would preclude our state from participating. She is seeking clarification as to what the specific regulation is and will keep Board staff posted as she learns more.

Adjournment

Tami Brancamp adjourned the meeting at 6:32 p.m.