



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

NOTICE OF PUBLIC MEETING

Wednesday, February 24, 2021 ~ 5:00pm

Location

NO PHYSICAL ACCESS

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

Supporting material relating to this meeting will not be physically available but electronic copies are available on the Board's website at <https://www.nvspeechhearing.org/about/Minutes.asp>

Teleconference Access

ZOOM VIDEO & AUDIO:

<https://us02web.zoom.us/j/87683490559?pwd=b2IzODQzRlJwU1ZaYThzVUlyRVdNdz09>

AUDIO ONLY BY TELEPHONE: (669) 900-6833

Meeting ID: 876 8349 0559 **Passcode:** 074127

If you are outside the United States or need **toll-free audio access**, please contact the Board office at board@nvspeechhearing.org to request a toll-free number no later than 3:00pm Pacific on the day of the meeting.

AMENDED AGENDA

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

1. Call to Order, Confirmation of Quorum

2. Public Comment

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

3. Legislative Update: Sarah Adler, Silver State Government Relations
(informational only)

4. Board Work Session on Assembly Bill 155 of the of the 81st (2021) Session of the Nevada Legislature (Formerly Bill Draft 54-603)
(for possible action)

5. Consideration to Authorize Board Chair and/or One or More Board Members to Appear on Behalf of the Board in Front of the Legislature Per NRS 241.015(1)

(for possible action)

6. Public Comment

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

7. Adjournment

(for possible action)

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

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

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

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

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

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

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

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

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

SUMMARY—Increases the maximum amount of certain fees imposed by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. (BDR 54-603)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to professions; increasing the maximum amount of certain fees imposed by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the maximum fees the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board may charge for certain tasks relating to the licensing of audiologists, speech-language pathologists and persons engaged in the practice of fitting and dispensing hearing aids. (NRS 637B.175) This bill increases the maximum fee the Board may impose for the application fee, license fee, fee for the renewal of a license, reinstatement fee and fee for obtaining license information.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 637B.175 is hereby amended to read as follows:

637B.175 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee	[\$150] \$200
License fee.....	[\$100] 150
Fee for the renewal of a license.....	[\$100] 150
Reinstatement fee	[\$100] 200
Examination fee.....	300
Fee for converting to a different type of license	50
Fee for each additional license or endorsement	50
Fee for obtaining license information	[\$50] 100

2. If an applicant submits an application for a license by endorsement pursuant to NRS 637B.204, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

3. All fees are payable in advance and may not be refunded.

Sec. 2. This act becomes effective on July 1, 2021.





Overview of Assembly Bill 155 of the 81st (2021) Session of the Nevada Legislature

Nevada Speech Language-Pathology, Audiology
and Hearing Aid Dispensing Board
Assemblywoman Michelle Gorelow, Sponsor

NRS 637B.175 prescribes the maximum fees the Board may charge for licensing and other services. Assembly Bill 155 revises the fee caps in NRS 637B.175. The Board recognizes this is not the ideal time to raise fee caps and fees, yet the Board's current reserve situation demands it, especially as the process is lengthy and relies on our biennial legislature.

WHY A FEE CAP INCREASE?

Room to Increase Actual Fees Charged	Actual fees charged currently are at the maximum fee cap (except for one). The last change to the Board's fee caps occurred upon the merger of the formerly separate Audiologists and Speech Pathologists Board and Hearing Aid Specialists Board in 2015.
Replenish Board Reserves	Every year from FY16 to FY19, the Board's operating expenses were in excess of revenue, draining over \$70,000 in reserves. FY21 expenses are projected to exceed revenue by approximately \$28,000. The Board is unable to remain solvent and rebuild reserves without a modest increase.
Licensee Growth	Our Board has seen a 7% average annual increase in licensees since FY16, resulting in increased in licensing and oversight work. We remain very responsive and efficient, despite employing only two part-time staff, and are committed to maintaining this level of quality customer service.
Protection of the Public	Since FY16 the Board has worked 21 complaint cases, of which only six (6) have resulted in an order allowing the Board to recoup legal costs. Since FY16 we have incurred almost \$33,000 in legal fees, recovering just over \$7,000.
Investments in Technology & Efficiency	The Board has made several investments since FY18 in a licensing database that is integrated with our website to improve licensee access to applications and renewals and provides a more user-friendly backend that allows Board staff to manage content.

COST-SAVING EFFORTS

Our Board is **funded solely by licensing fees** has instituted a number of cost-saving measures to ensure funds are used as effectively as possible:

- **Part Time/ Shared Staff:** The Board employs three (3) part-time staff: An Executive Director at .7 FTE, a Licensing Coordinator at .5 FTE (shared with the OT Board), and an Investigator used on an as-needed, hourly basis. Staff have foregone salary increases in FY21.
- **Shared Office Space:** The Board shares office space with the Occupational Therapy and Environmental Health Specialists Boards, and our FY21 cost-sharing agreement has been revised to relinquish unneeded office space and lower operating costs.
- **Online Applications:** Licensees may submit new applications, renew, and make payments through our website, reducing application processing time and dependence on paper and storage.
- **Self-Managed Website:** A 2020 website upgrade has reaped significant cost-savings and allows Board to directly manage most website content, reducing the need for IT support.

- **Cloud-Based Operations:** Board email and storage has moved to Office 365, which has been especially useful for remote work during COVID-19, eliminating interruptions in efficiency.
- **Paperless Practices:** Board staff are adopting processes that rely less on paper by creating and storing records electronically to save paper/printing resources and minimize storage fees.
- **Licensee Education:** It is hoped that fewer complaints will be received, resulting in lower legal costs, through efforts to support license management and improve licensee knowledge of our practice laws and regulations.

COMPARISON TO OTHER NEVADA BOARDS

We compared our licensee census, licensee salaries, and licensing fees against 17 other Nevada Boards that are similar in size and/or professional area to our Board¹.

Our Board is **larger (# of licensees) than one-half** of comparison Boards.

Our practitioners' **median professional salaries are the 6th highest** of all 18 Boards.

Both our **fee caps and actual fees charged are less than 50%** of comparison Boards.

Eight (8) of the comparison Boards **changed their NRS fee caps** in the last two legislative sessions: two (2) in 2017, and six (6) in 2019.

COMPARISON TO SURROUNDING STATES

Comparison to other states² is somewhat difficult, as there are differences in licensing types, requirements, license duration, etc., so we focused only on Audiologists, SLPs, and Hearing Aid Specialists. A trend emerged showing that typically states with higher licensee numbers tended to charge less in fees. Nevada ranks as follows:

- 2nd highest in new application fees, but has fewer licensees than most other states
- Ties for 2nd highest in AUD renewal fees with 3 other states, but has fewer licensees than all but 3 states
- Ties for 2nd highest in SLP renewal fees with 3 other states, but has fewer licensees than all but 2 states
- Ties for 4th highest in HAS renewal fees with 2 other states, but has fewer licensees than all but 1 other state (out of 7)

LICENSEE IMPACT

An analysis of median salary data provided by the U.S. Bureau of Labor (BOL) statistics and the results of our 2020 Licensee Survey tell us that most of our licensees earn \$60,000 or more annually:

	Speech-Language Pathologist	Audiologist	Hearing Aid Specialist
BOL Median Pay (2019)	\$79,120 annually ³ (\$38.04/hour)	\$77,600 annually ⁴ (\$37.31/hour)	\$53,420 ⁵ (\$25.68/hour)
Survey Self-Report	62% (233 of 373 respondents)	78% (14 of 18 respondents)	93% (29 of 31 respondents)

Current new application and renewal fees cost less than one-half of one percent of a \$60,000 annual salary. A \$25 increase in actual fees charged would keep these fees at or below one-half of one percent of \$60,000.

TIMELINE

Following passage of this bill, we would pursue a modest increase to ACTUAL FEES CHARGED through a change to regulation in NAC 637B. Licensees would not likely be impacted until sometime in **2022**.

¹ Alcohol, Drug, & Gambling; Athletic Trainers; Barbers and Barbering; Chiropractic; Dispensing Opticians; Funeral; Landscape Architecture; Marriage & Family Therapist; Massage Therapists; Nursing; Occupational Therapists; Optometry; Oriental Medicine; Physical Therapists; Podiatry; Psychological Examiners; Social Workers

² Arizona; California; Colorado; Idaho; Montana; New Mexico; Oregon; Utah; Washington; Wyoming

³ <https://www.bls.gov/ooh/healthcare/speech-language-pathologists.htm>

⁴ <https://www.bls.gov/oes/2018/may/oes291181.htm>

⁵ <https://www.bls.gov/oes/current/oes292092.htm>

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MEMORANDUM

To: Nevada State Agency Public Bodies

From: Rosalie Bordelove, Chief Deputy Attorney General, Boards and Open Government Division

Date: February 5, 2021

Subject: Legislative Session Guidance

The 81st Session of the Nevada Legislature began on February 1, 2021. The Office of the Attorney General (OAG) offers the following guidance to Nevada State Agency Public Bodies (Boards and Commissions) regarding their activities during the Legislative Session.

Boards and Commissions are subject to Nevada's Open Meeting laws, Nevada's Ethics in Government laws, and Nevada's laws regarding lobbying, NRS Chapters 241, 281A and 218H, respectively. The general guidance provided below is intended to assist Board and Commission members and staff in the performance of their duties during legislative session. However, this general guidance does not alter or supersede existing law, regulation or precedent and is not official attorney general opinion. It is not a substitute for legal advice from the Board or Commission's own legal counsel. Board and Commission members should consult with their legal counsel if they have any questions or concerns regarding their activities.

Board and Commission members may not appear **on behalf of** their Board or Commission in front of the Legislature unless specifically authorized to do so during a public meeting. NRS 241.015(1). Action is required to delegate any authority to a single member of the Board or Commission and that action must comply with the Open Meeting Law (OML) in order to be effective. It is advised that Boards and Commissions provide as much direction in their delegation as possible so that they do not have to take action prior to every appearance by the member. Alternatively, Executive Directors and agency heads may appear before the legislature without authorization to explain the effect of legislation or any other legislative action related to their departments, divisions or agencies.

The Nevada Legislature is exempt from the OML, including its required three working day notice for meetings. NRS 241.016(2)(a). The pace of the legislative session is variable and proposed amendments to legislation may occur at a pace that does not allow a public body to consider and opine on each and every proposed amendment or bill draft

Open Meeting Law Guidance
Page 2
February 5, 2021

requests. Hearing scheduling or requests from the Legislature generally do not qualify as an emergency under NRS 241.020(11) allowing for a public meeting on shorter notice. Thus, Boards and Commissions should consider delegating authority to a member or staff member to speak on the Board or Commission's behalf in advance if they anticipate relevant Legislative hearings may be scheduled. Boards and Commissions may also consider what sort of legislative updates they desire from their staff or delegated members and schedule meetings appropriately.

Members and employees of Boards and Commissions may only explain the effect of legislation or any other legislative action related to their departments, divisions or agencies and otherwise provide information to the legislature. Advocating for or against any particular legislation would be considered lobbying and registration as a lobbyist would be required. NRS 218H.080(2).

Board or Commission members may always appear in front of the Legislature **on their own behalf** and may identify their relationship to a Board or Commission, but must specify that they are **not speaking for** the Board or Commission. Board and Commission members must comply with their ethical responsibilities as public officers under NRS Chapter 281A regardless of who they are representing in front of the legislature.