



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

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

April 21, 2021

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

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: Nancy Kuhles, NSHA/NV Coalition; Kim Reddig, NSHA

Call to Order, Confirmation of Quorum

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

Public Comment

There was no public comment.

Approval of the Minutes: Board Meetings of January 20, 2021 and February 24, 2021

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of January 20, 2021 and none were noted. Tami Brancamp asked for a motion. Andrea Menicucci made a motion to approve the minutes of January 20, 2021 as written and Thomas Rainford seconded the motion. The motion passed.

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of February 24, 2021 and none were noted. Tami Brancamp asked for a motion. Andrea Menicucci made a motion to approve the minutes of February 24, 2021 as written and Timothy Hunsaker seconded the motion. The motion passed.

Work Session on Assembly Bill 155 of the 81st (2021) Legislative Session to Increase Fee Caps in NRS 637B and Other Legislation That May Impact the Board

Ms. Pierce reported that our bill failed to meet the Friday, April 9, 2021 legislative deadline to pass out of the Assembly Commerce and Labor Committee and shared feedback from at least one

legislator regarding the Board's past expenditures, particularly around personnel, and a suggestion that the Board continue to operate within its revenue for the next few years. Ms. Pierce reported that without the ability to consider an increase to actual fees, future budgets will be developed to support lean operations to support financial solvency until reserves are rebuilt or the Board can consider another fee cap proposal.

Ms. Pierce also reported out on three (3) specific bills that may impact the Board as follows:

- *SB 326 (BDR 54-614)* addresses Telehealth, authorizing a provider of health care who is licensed or certified in another state to register to use telehealth to provide services to patients located in this State at no cost. This bill may have an estimated financial impact on our Board in lost licensing revenue and increased costs estimated at \$23,000 in reviewing and registering these applicants without compensation.
- *SB 335 (BDR 54-186)* addresses Occupational Licensing Division & Fees, creating the Division of Occupational Licensing within the Department of Business and Industry, automatically moving six (6) healthcare Boards under the Department of Business and Industry, and requiring remaining healthcare Boards to contribute 5% of fees received to a state Occupational Licensing Account. The required 5% deposit of annual fee revenue would have a significant ongoing financial impact on our Board, estimated at \$8,000 to \$10,000 annually.
- *SB 402 (BDR 54-709)* addresses Reciprocity, authorizing certain qualified professionals to apply for a license by endorsement to practice in this State and requiring certain regulatory bodies to enter into reciprocal licensing agreements. This bill has no estimated financial impact at this time but adds Hearing Aid Specialists to our existing license by endorsement language. It is unknown what the compact/reciprocal agreement requirement would entail and how it would intersect with the available ASLP-IC Compact.

Sarah Adler, Board Lobbyist provided an update on the legislative session, reporting that yesterday (April 20, 2021) was the deadline for first House passage. She directed the Board to a legislation tracker in the Board packet and explained that all three bills summarized by Ms. Pierce have now been referred to the "money committees". It also appears that at least one bill related to telehealth has good momentum. There was discussion on the Board taking a position on SB 335 as we had declined to do so when seeking support for our own fee increase. Ms. Adler suggested that the Board, or herself in conjunction with Ms. Pierce and Dr. Brancamp (who has been authorized to act on behalf of the Board on legislative matters) could develop testimony, as necessary. Ms. Adler also suggested that since Senator Hardy is a sponsor for both SB 335 and 326 that perhaps a meeting with him would be useful and there was consensus to pursue this. No action was taken.

Update on Practitioner Needs and Board Response to COVID-19

Ms. Pierce reported that there have been no requests/needs identified by licensees or Board staff since the last meeting, however NSHA would like the Board to be aware of an issue related to Medicaid and SLPs providing telehealth services. Per NSHA, Medicaid is indicating that services provided via telehealth and requiring supervision to Bachelor level or Provisional SLPs are not reimbursable as there is no authority in NRS or NAC for telesupervision. This matter reportedly also extends to other professions employed by school districts and may result in significant revenue

losses. NSHA has issued a position statement to request an emergency directive or similar from the Governor to temporarily allow telesupervision in these cases. A similar issue related to telesupervision for graduate programs, students, and clinical fellows was addressed by ASHA in February 2021. This new guidance, in effect until December 31, 2021, allows for telepractice with telesupervision within specific guidelines allowed by the Council for Clinical Certification in Audiology and Speech-Language Pathology (CFCC).

Ms. Pierce reiterated that our Board does not regulate supervision or billing and cannot waive current NRS or NAC, as all changes must follow the legislative or administrative rulemaking process. Our NRS allows for telehealth by our licensed Audiologists and SLPs.

Kim Reddig further reported that this issue will likely propel the work NSHA is taking on with the Nevada Department of Education to sunset bachelor's level SLPs in school settings and raise the minimum educational requirements to a master's degree. Ms. Reddig further shared that Medicaid has issued a memo that it will not seek recoupment for reimbursements paid between February 2020 and March 2021, but that no new claims will be paid going forward. No action was taken.

Work Session on Future Legislative Efforts to Consider Licensing Speech-Language Pathology Assistants

In the Board's January 20, 2021 meeting it was decided that this matter would be included as a standing agenda item but tabled for the foreseeable future, based on concurrent work between NSHA and the Nevada Department of Education to "sunset" Bachelor's level SLP providers in school settings. There was little discussion on this item, and both Tami Brancamp and Andrea Menicucci offered to participate as needed in future workgroups on this matter. No action was taken.

Work Session on Future Legislative Efforts to Consider Licensing Audiology Assistants

In the Board's January 20, 2021 meeting it was agreed that this is a separate and different conversation from SLPA licensing, and that the Board should continue to research and consider this as a new license type. Ms. Pierce provided several updates following the last meeting, including confirmation from ASHA that there are no plans to change the requirement that the supervising Audiologist be ASHA-certified, and affirmation that the American Academy of Audiology has published a position paper supporting the use of Audiology Assistants. There was discussion regarding the need for Audiology Assistants in Nevada, given that there are less than 100 licensed dispensing audiologists. It was also suggested that an audiology assistant candidate may not remain in that role for long or may find a more lucrative avenue through pursuit of training and licensing as a Hearing Aid Specialist. Ms. Pierce also reminded the Board that the failure of the legislative bill to increase fee caps will result in a tight budget in the next several years, which will limit the Board's ability to pursue legislative priorities. Ms. Pierce suggested that the Board could also consider changes to existing NAC, specifically NAC 637B.0442 which allows delegation to an unlicensed office assistant. There was consensus to keep this matter as a standing agenda item for continued discussion, and agreement that any effort to pursue legislation on this matter should be coupled with work towards SLP Assistants, if pursued. No action was taken.

Work Session on Implementation of Licensee Jurisprudence Exam

Ms. Pierce presented a draft timeline/project plan for the Board's consideration in implementing a licensee jurisprudence exam, which included decisions on exam requirements at this meeting, with

work on exam content between April 2021 and December 2021, and implementation of an optional jurisprudence exam through the Board website/application system using free software in January 2022. The plan would then include monitoring exam use/results/efficacy during 2022 with review of and revision of questions as needed, and implementation of a required jurisprudence exam in January 2023. Depending on the Board's budget and reserves, consideration could also be given later to integrate the required exam with our licensing system at a one-time cost of \$6,000. Ms. Pierce reported that sample exams from Montana and New Jersey, provided by NCSB, were reviewed as examples, and suggested that multiple versions of the exam be developed, with a set of foundational ethics/professional responsibility questions and then practice-specific questions for each license type. There was discussion regarding the number of questions included, a required passing score, and frequency for licensees to complete the exam at renewal. It was agreed that firm decisions on these issues could be discussed at a later date, but that work should begin on the project.

Tami Brancamp asked for a motion. Thomas Rainford made a motion to accept the implementation timeline as presented and begin work on drafting the exam(s). Andrea Menicucci seconded the motion. The motion passed.

Welcome & Introductions of New Board Member Minnie Foxx (Public Member), Appointed 7/2/2020 to 7/1/2023

This item was taken out of order after Ms. Foxx had joined the meeting. Ms. Foxx was welcomed to the Board and expressed that she is looking forward to working with the Board.

Disciplinary Matters: Recommendation for Dismissal - Case No. A20-02

Ms. Pierce reported that this Complaint alleged fitting and dispensing hearing aids without having obtained a dispensing endorsement; unprofessional conduct; and patient abandonment. After investigation and review of all documentation received on this complaint, it was determined that there is insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. This case is recommended for dismissal.

Tami Brancamp asked for a motion. Timothy Hunsaker made a motion to dismiss Case No A20-02 as recommended. Michael Hodes seconded the motion. The motion passed.

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 totals for the period January 1, 2021 through March 31, 2021 resulted in a net decrease of five (5) licenses (-0.4%).

b. Fiscal Year 2021, 3rd Quarter ending March 31, 2021 Financial Report and DRAFT FY22 Budget
FY21 Q3 totals were reviewed, with total revenue at \$133,920.49 (85.85% of budget) and total expenses at \$131,830.67 (71.56% of budget). Net Income for this quarter is \$2,089.82 and total equity is \$64,030.37. Ms. Pierce summarized that the Board is reaping some benefits to cost-

savings measures that have been implemented and revenue is somewhat higher than projected. Ms. Pierce also presented a draft FY22 budget that will have to be considered for approval at the Board's next meeting once the legislative session ends and we know whether any bills that financially impact the Board have passed.

c. ASLP-IC Compact Update

Per ASHA and the compact website, 10 states have now enacted compact legislation to date: Alabama, Kansas, Kentucky, Louisiana, Nebraska, North Carolina, Oklahoma, Utah, West Virginia, and Wyoming. It was reported that the compact will become operational when 10 states enacted legislation to participate. Legislation is also pending in the following 12 states: Colorado, Georgia, Indiana, Iowa, Maryland, New Hampshire, New Mexico, Ohio, Oregon, South Carolina, Texas, and Washington. We have confirmed Dan Logsdon, Director of the National Center for Interstate Compacts to attend our July 2021 meeting to provide the Board with more information on the Compact.

d. SPOLR (State Controller Reports) Implementation

Ms. Pierce informed the Board that the State Controller's Office (SCO) is implementing Section 4 of Senate Bill 21 of the 2013 legislative session, codified as NRS 353C.1965, requiring agencies providing professional or occupational licenses to submit biannual reports of license renewals to the State Controller's Office (SCO) in order to compare against the list of active debtors who owe the State of Nevada money. If a match is found, the SCO will send a certified letter to the debtor (licensee) requesting payment of the debt. If the debtor does not respond or does not pay the debt, SCO will notify the agency to not renew his/her license at the next renewal period. Our first report is due to SCO on August 1, 2021.

e. Board Member Appointments/Reappointments

Ms. Pierce confirmed that both Michael Hodes and Tami Brancamp have been reappointed and both terms expire 7/1/2023. We have also welcomed a new public member, Minnie Foxx, appointed from 7/2/2020 to 7/1/2031. Andrea Menicucci's first term is set to expire on 7/1/2021 and she reported that she plans to apply for reappointment. Unfortunately, this summer we will lose Thomas Rainford, BC-HIS whose final term expires on 7/1/2021. An email recruitment was sent to licensees on April 15, 2021 with attention to the Sunset Subcommittee's 2020 Interim Summary of Recommendations (#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".

f. Complaints

Ms. Pierce reported that there were seven (7) outstanding complaints currently in the investigative process, though one of these was dismissed by the Board in an earlier agenda item in this meeting.

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: Thomas Rainford, BC-HIS

Tami Brancamp, Board Chair acknowledged Mr. Rainford who has served on this Board since 2015 and was a member of the former Hearing Aid Specialists Board. Mr. Rainford was thanked for his generous service and presented with a service award which will be mailed to him. Bonnie Lamping also thanked Mr. Rainford for his work in assisting during the 2015 merger of the two Boards and helping to ensure a seamless transition.

b. Report from Board Chair and Board Members

Tami Brancamp shared with the Board that a new federal mandate has been issued to all educational programs that prepare graduates for licensed professions, requiring disclosure as to whether program components meet minimum requirements for licensing guidelines in each of the 50 states. Online programs were the first to begin complying with the mandate and traditional/on-campus programs are now in the process of doing so.

c. 2021 Proposed Meeting Schedule

The next regular Board Meeting was confirmed for Wednesday, July 21, 2021 at 4:30pm via ZOOM Teleconference.

d. Future Agenda Items:

Items for the next Board meeting will include:

1. Continued work on Future Legislative Efforts to Consider Licensing Speech-Language Pathology Assistants
2. Continued work on Future Legislative Efforts to Consider Licensing Audiology Assistants
3. Continued work on Jurisprudence Exam
4. Work Session to Consider Current and Potential Revisions to Licensee Continuing Education Requirements
5. ASLP-IC Compact Update & Presentation

Public Comment

There was no public comment.

Adjournment

Tami Brancamp adjourned the meeting at 6:46pm.