



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 21, 2021**

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

**Members Absent:** Minnie Foxx, Vacant BC-HIS

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

**Public Present:** Susan Adams (ASHA); Kristen Anderson-Boyle; Heather Castellano; Renee Chaffee; Katie Fowler; Lisa Hazen; Ashley Jenkins; Maria Jennings; Mindy Johnson; Karen Klopfer; Nancy Kuhles (NSHA/NV Coalition); Dan Logsdon (NCIC); Tammy Morales; Flor Mowery; Kim Reddig (NSHA); Shawna Ross; Dara Winn; Juanita (No Last Name)

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**Call to Order, Confirmation of Quorum**

Tami Brancamp, Board Chair, called the meeting to order at 4:30pm. A roll call confirmed a quorum was present.

**Public Comment**

There was no public comment.

**Approval of the Minutes: Board Meetings of April 21, 2021**

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of April 21, 2021 and none were noted. Tami Brancamp asked for a motion. Andrea Menicucci made a motion to approve the minutes of April 21, 2021 as written and Michael Hodes seconded the motion. The motion passed.

**Informational Session and Consideration for Participation in the Audiology & Speech Pathology Interstate Compact (ASLP-IC) With Guest Dan Logsdon, Director, National Center for Interstate Compacts**

Ms. Pierce reviewed this item as it has been discussed in past meetings, but as the compact is now gaining membership, it was brought to this meeting for the Board to learn more about how the compact operates and the benefits/expectations for participation. Both Dan Logsdon, Director of the National Center for Interstate Compacts (NCIC), and Susan Adams from ASHA were present in this meeting to provide an update on the compact and take questions.

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Mr. Logsdon shared a PowerPoint presentation with an update on the compact, reporting that 14 states have now enacted legislation to join. Key points and information shared were as follows:

- The NCIC's role is to provide technical assistance to states and it does not engage in lobbying activities.
- Nevada currently participates in two occupational licensing interstate compacts for physicians and psychologists. Both Nursing and Physical Therapy have attempted compacts in prior legislative sessions with no success, with PT as recent as a second attempt in the 2021 session.
- The ASLP-IC compact only includes Audiologists and Speech-Language Pathologists but not Hearing Aid Specialists and would require a change to state law through legislation.
- Participating states must have or adopt an FBI fingerprint-based criminal background check system. Nevada does not currently complete any criminal background check on applicants, who are instead asked to attest to a series of background questions and provide supporting documents as needed.
- Compact participation would "get a practitioner into the state", but they may still have to meet other licensing criteria and engage directly with the licensing entity in that state. Compact membership requires that participating states accept the compact's universal licensing standards for each license type but states may require additional licensing or endorsements, such as Nevada's hearing aid dispensing endorsement for an Audiologist.
- A Nevada resident would still apply to this Board and need to meet current licensing standards. They could then apply to the Compact for a "privilege-to-practice" in a remote state and complete additional state-specific tasks if required.
- Conversely, a practitioner residing and licensed in another state would not apply to this Board as they do now, but would submit their application to the Compact office, which would review and send this Board notification of the privilege-to-practice issued.
- Nevada applicants would continue to pay this Board's current licensing fees, but an out-of-state applicant would be charged a "compact privilege" fee. The typical formula is for one-half of this fee to go to the state and one-half to the Compact. An average privilege fee is approximately \$45.00. Nevada does not currently participate in the Nursing compact, but as an example, that compact charges each state \$6,000 annually to participate, while the Psychology compact charges states \$10 per privilege issued.
- The privilege-to-practice would not be retroactive for out-of-state practitioners once the compact was established.
- The privilege-to-practice would renew at the same time as the license in the home state.
- Each state would still have authority to investigate complaints alleged to have occurred in their state, though the cost to the state may not be supported given the lower fee paid to the compact by these practitioners. The remote state could remove the privilege-to-practice if a finding was made. The home state may investigate complaints made in both home and remote states. Loss of a license in the home state would immediately remove the privilege-to-practice in other states.
- Continuing education would only have to be completed for the practitioner's home state.
- The compact will be governed by a Compact Commission, made up of one licensed Audiologist and one licensed SLP nominated by each participating state's licensing entities.
- Participating states would have access to a shared database of practitioners.
- There is no structure yet in place, and the compact is still forming, so specific details about how the compact will actually operationalize are not yet available.

The Board thanked Mr. Logsdon and Ms. Adams for their time. There was no discussion to proceed with the compact at this time and no action was taken.

**Legislative Report on Outcome of the 81<sup>st</sup> (2021) Session and Bills That May Impact the Board**

Ms. Pierce directed the Board's attention to the final written report on the outcome of the 2021 legislative session provided by Sarah Adler, Board Lobbyist. Ms. Adler was unable to attend this meeting due to a travel conflict, but Alex Tanchek and Will Adler were present from Silver State Government Relations to provide a summary.

Ms. Pierce began by reporting that none of the three bills (SB326, SB335, and SB 402) discussed at the Board's April 2021 meeting as having the potential to negatively impact our future budgets were passed this session. Ms. Pierce called on Mr. Tanchek and Mr. Adler, who summarized several successful bills which may directly impact this Board:

- AB 253: Revises provisions relating to when a subcommittee or working group of a public body is subject to the Open Meeting Law.
- SB 109: Requires governmental agencies to collect information related to sexual orientation and gender identity but applies only to those agencies that already collect race and ethnicity information, which our Board does not.
- SB 222: Requires a state agency (including Boards) to make reasonable efforts and to the extent practicable to collaborate with minority groups and provide certain information to minority groups.
- SB 291: Adds licensure and regulation of master estheticians and instructors of master estheticians under the Board of Cosmetology. This bill was included as a useful reference when/if the Board pursues additional license types, such as AUD or SLP Assistants.

Also discussed was SB 100 which would have entered Nevada into the Physical Therapy Interstate Compact but was not passed. This was the second attempt at legislation for a PT compact, and Bonnie Lamping asked for feedback on why it was not successful as per this Board's earlier agenda item to learn more about the ASLP-IC compact. Mr. Tanchek and Mr. Adler reported that there were a number of factors that likely influenced this and pointed out that Nevada currently only participates in two (2) occupational licensing compacts for physicians and psychologists. In addition to the attempts at a PT Compact, the 2017 legislative session included bills on both Nursing and Emergency Medical Services Personnel compacts, but neither passed.

No action was taken.

**Review and Approval of FY 2022 Proposed Budget**

Ms. Pierce presented the Draft FY 2022 budget for the Board's review and approval. Ms. Pierce summarized that this is essentially the same budget presented for discussion in the April 2021 meeting but was not finalized at that time due to several legislative bills that had the potential to significantly impact the Board financially, though ultimately none passed.

As will be presented in a later agenda item, the Board's FY 2021 end of year financials resulted in a net income of \$13,307.94, with a reserve balance of \$75,248.49, an increase of \$14,622.91 from the end of FY20. FY 2017-2021 revenue trends show an average 7% increase in revenue each year, though FY 2021 was unusual, ending in an 11% increase. As a result of this increase and significant cost-saving efforts, Ms. Pierce reported that she is conservatively projecting a 5% revenue increase for the FY 2022 budget presented here and hoping for a significant surplus to put towards reserves.

Tami Brancamp inquired about the line item for bank fees, and Ms. Pierce confirmed that those are the fees for credit card payments through our website and cannot be negotiated. Ms. Brancamp suggested looking into whether the Board could accept other forms of payment with potentially lower fees, such

as PayPal or Venmo, especially given their increasingly common use as payment methods. Ms. Pierce agreed to consult with the website developer, as payments are integrated through the Board website.

Tami Brancamp asked for a motion. Michael Hodes made a motion to approve the FY 2022 budget as presented. Timothy Hunsaker seconded the motion. The motion passed.

**Discussion and Position on NSHA Request to Consider Board NRS/NAC Revision to Address Telehealth/Telesupervision and Medicaid “Under the Direction Of” Supervision**

Ms. Pierce reviewed past Board discussions regarding telesupervision and “under the direction of” Medicaid billing and shared that a formal request was received from NSHA to consider waiving or revising NRS 637B/NAC 637B language to address telesupervision and “under the direction of” billing. The Board has not been contacted by Nevada Medicaid, the Nevada Department of Education, or Washoe County School District to date, but has been contacted by Clark County School District with a similar inquiry.

A draft position statement was presented for the Board’s review and Ms. Pierce reported that research into the issue and consultation with Board Counsel indicates that this request is not within the Board’s purview. Ms. Pierce reviewed the following findings:

- The Board, as a public body, cannot waive any requirement in its NRS or NAC.
- NRS (Nevada Revised Statutes) are state laws and may only be changed through legislation passed during a biennial state legislative session. NAC (Nevada Administrative Code) are state regulations and may only be changed if 1) authority already exists in the Board’s NRS for the regulation, and 2) the Board pursues changes in adherence with the administrative rulemaking process outlined in the Nevada Administrative Procedure Act (NRS Chapter 233B) during a legislative interim.
- The Board’s practice law/regulations define a Speech-Language Pathologist as “any person who is licensed to engage in the practice of speech-language pathology pursuant to the provisions of this chapter” (NRS 637B.070) and these requirements for SLP licensing appear sufficient.
- The Board’s practice law/regulations do not sanction or provide a licensing path for any Speech-Language Pathology practitioner not holding at least a master’s degree from an acceptable educational program. This Board’s current NRS/NAC requirements for SLP licensing appear sufficient and are not applicable to NDE (Nevada Department of Education) employees. Any change made to endorsements, billing, or supervision of or by SLPs in public educational settings in Nevada would be more appropriate to NAC 391 (or related NRS/NAC) or NDE policies.
- Per NRS 637B.080 (1), an SLP employed by a public educational institution and holding a license issued by this Board is only subject to this Board’s practice laws and regulations with respect to any private practice/contract work they engage in. Based on the NRS, this Board does not have authority to dictate SLP practice/supervision in a public educational institution, nor grounds for initiating disciplinary action against a Board licensee in relation to their practice as an employee of a public educational institution.
- The Board’s practice law/regulations do not address supervision/telesupervision of any licensed Speech-Language Pathology practitioner, clinical fellow, or graduate student intern. As there is no authority in NRS, no change could be made to NAC without legislation, which could not be initiated until at least the 2023 legislative session and would require extensive resources with no guarantee of passage.
- The Board’s practice law/regulations only address supervision provided by a licensee in the context of professional responsibility and scope of practice, but again, would not apply to an SLP employed and directed by a public educational institution.

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- The Board’s practice law allows for telehealth by our licensed Audiologists and SLPs and there is no reference in NRS or NAC that specifically allows or prohibits telesupervision, as our licensees do not require supervision. As there is no authority in NRS, no change could be made to NAC without legislation.
- The Board’s practice law/regulations do not regulate billing, claims, or reimbursement and a legal review of the laws/regulations applicable to other Nevada Boards whose licensees may bill Medicaid indicates that none address Medicaid billing. As there is no authority in NRS, no change could be made to NAC without legislation.

Ms. Reddig was invited to explain NSHA’s request, and she shared that the issue is now not a matter of Medicaid billing or a school-based issue, but a clinical concern regarding patient care and access to services, as NSHA feels the language in NRS/NAC is not specific enough to address supervision and telesupervision of students and clinical fellows.

There was discussion around the request and the use of supervision/telesupervision by SLPs working privately outside a public educational institution. Ms. Pierce reiterated that while the Board’s current laws and regulations do not specifically allow telesupervision, they also do not prohibit this practice.

It was suggested that the matter be brought back before the Board for continued discussion and to consider as a potential future legislative priority. Tami Brancamp asked for a motion. Andrea Menicucci made a motion to add the matter as a standing agenda item for continued Board work sessions. Bonnie Lamping seconded the motion. The motion passed.

**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. No updates were provided, and no action was taken.

**Work Session on Future Legislative Efforts to Consider Licensing Audiology Assistants**

At the Board’s April 21, 2021 meeting it was decided that this matter would be included as a standing agenda item in future meetings but tabled for the foreseeable future, with potential legislative efforts on this issue aligned with consideration for licensing SLP Assistants. No updates were provided, and no action was taken.

**Work Session to Consider Current and Potential Revisions to Licensee Continuing Education Requirements**

Ms. Pierce summarized the Board’s desire to review its Continuing Education (CE) requirements and compare to other states following discussion around the Jurisprudence Exam at the Board’s January 2021 meeting.

The Board’s NAC (637B.400-430) requires that licensees complete at least fifteen (15) hours of continuing education (CE) annually with content directly pertaining to the profession in which the individual holds a Board license. There are no requirements in our NAC for hours specific to ethics or other topics, however Dispensing Audiologists must complete at least five (5) of the required (15) hours related to the practice of fitting and dispensing hearing aids.

Ms. Pierce presented a summary of her research on the issue for the Board’s review, which found the following:

- Nevada requires more annual CE hours than most states for all three license categories. The average among states that require CEs is 12 hours annually for AUD & SLP, and 10 hours annually for HAS.

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- Nevada also requires more annual CE hours than both ASHA at 10 hours (30 hours every 3 years) and NBC-HIS at 8 hours (24 hours every 3 years).

Ms. Pierce recommended that the Board consider lowering the CE requirement to ten (10) hours annually to align with ASHA requirements and national trends, which would require a revision to NAC Chapter 637B. This process would follow Nevada Administrative Rulemaking procedures, and include holding at least one Public Workshop and one Public Hearing for licensees, interested parties, and the public to have input on proposed changes. A letter in support of changing (lowering) the Board's CE requirements was received from a licensee and provided for the Board's review. Bonnie Lamping suggested aligning the new CE requirements with ASHA guidelines on supervision and ethics as well. Ms. Pierce stated that she could review all relevant guidelines (ASHA, AAA, IHS, etc.) and draft new NAC language accordingly.

Tami Brancamp asked for a motion. Andrea Menicucci made a motion to draft revised NAC language to lower the annual CE requirement to ten (10) hours and align with relevant certification requirements. Michael Hodes seconded the motion. The motion passed.

**Disciplinary Matters: Recommendation for Dismissal - Case No. A21-01**

Ms. Pierce reported that this Complaint alleged violation of federal and state law and/or regulations relating to the fitting and dispensing of hearing aids, and unprofessional conduct. 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. Michael Hodes made a motion to dismiss Case No A21-01 as recommended. Timothy Hunsaker seconded the motion. The motion passed.

**Executive Director's Report**

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

**a. Licensure Statistics**

Licensing totals for the period April 1, 2021 through June 30, 2021 resulted in a net increase of 77 licenses, a 5.8% increase. A total of 104 licenses were issued in FY21 Q4, compared to 65 in FY20 Q4, a 60% increase. The FY21 ending licensee census is 1400, a significant increase of 11% from our FY20 ending census of 1259 licensees.

**b. Fiscal Year 2021 Financial Report**

FY21 ended with positive net income, despite expectations for a significant deficit this year. FY21 4<sup>th</sup> Quarter/End of Year financials were reviewed, with total revenue at \$183,137.52 (117.40% of budget) and total expenses at \$169,829.58 (92.19% of budget), ending in a net Income for the year of \$13,307.94 and total equity of \$64,030.37. This result is likely a combination of cost-saving measures implemented during the year and higher revenue than initially projected, given the significant increase in new licenses between this year and FY20.

**c. Advisory Committee on Fitting and Dispensing Hearing Aids**

The Committee has not met since January 2020, partly due to COVID but also as no issues were identified as needing review. We now have a few issues requiring the Committee's attention and a

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meeting has been scheduled for Wednesday, August 11, 2021. Any recommendations that come out of the Committee will be brought to the Board's October 2021 meeting.

**d. Board Member Appointments/Reappointments**

Andrea Menicucci's first term expired on 7/1/2021 and the Governor's Office reports her reappointment application has been received and is pending review. Thomas Rainford's final term expired on 7/1/2021 and the Board is awaiting news of an appointment from the Governor's Office which has received several applications that are pending review.

**e. Complaints**

There were seven (7) outstanding complaints open at the April 2021 meeting. One (1) was presented and approved for dismissal at the 4/21/2021 meeting; three (3) were closed without opening a formal investigation; two (2) additional complaints were received in June 2021; one (1) June complaint was closed without opening a formal investigation; and one (1) case has been presented at this meeting for dismissal. Following this meeting, it is anticipated there will be three (3) open complaint cases 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. Report from Board Chair and Board Members**

There were no reports from the Chair or Members.

**b. 2021 Proposed Meeting Schedule**

The next regular Board Meeting was confirmed for Wednesday, October 20, 2021, at 4:30pm, hosted at the Board Office and offered virtually through ZOOM.

**c. 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. NAC Revisions for Public Workshop/Hearing Process;
5. Consideration of Recommendations from *Advisory Committee on Fitting and Dispensing Hearing Aids* meeting of August 11, 2021;
6. Continued work on telehealth/telesupervision laws and regulations.

**Public Comment**

There was no public comment.

**Adjournment**

Tami Brancamp adjourned the meeting at 6:38pm.