



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

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

October 20, 2021

Members Present: Tami Brancamp, Andrea Menicucci, Bonnie Lamping, Timothy Hunsaker, Minnie Foxx, Lynee Anderson

Members Absent: Michael Hodes

Staff Present: Jennifer Pierce, Executive Director
Stacey Whittaker, Licensing Coordinator
Henna Rasul, Sr. Deputy Attorney General, Board Counsel

Public Present: Wendy Bailes; Kim Reddig (NSHA); Shawna Ross.

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 Meeting of July 21, 2021

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

Welcome & Introduction of New Board Member, Lynee Anderson, HAS, Appointed 7/2/2021 to 7/1/2024

Ms. Pierce introduced Ms. Lynee Anderson, BC-HIS who was appointed to the Board to fill Tom Rainford's Hearing Aid Specialist seat. The Board welcomed Ms. Anderson.

Report Out and Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of August 11, 2021

Ms. Pierce shared that the Committee met on August 11, 2021 and made the following recommendations for the Board's consideration.

a. Discussion of Cerumen Management (Earwax Removal) by Hearing Aid Specialists

Ms. Pierce summarized that neither this Board's NRS or NAC specifically allow or prohibit cerumen management by Hearing Aid Specialists, nor is it included in the NRS definitions of a Hearing Aid

Specialist. This issue has been raised somewhat frequently as the Board Office receives requests for guidance and reviews related complaints, and recent, similar legislation proposed in Tennessee would allow a Hearing Aid Specialist to engage in cerumen management in the course of fitting hearing aids, provided they complete an approved cerumen management course. The Committee voted unanimously to recommend the Board add revisions to NRS and/or NAC to address cerumen management, including required training, performed by Hearing Aid Specialists as a future legislative priority.

Tami Brancamp asked for discussion/questions on this item. Lynee Anderson provided background information on the potential risks of cerumen management performed by Hearing Aid Specialists without proper education, training, and medical resources. Tami Brancamp noted that both of the Board's Dispensing Audiologists were not present in this meeting to provide additional feedback, and it was agreed that the item would be tabled for the Board's next meeting when both could be present.

b. Update and Discussion on FDA Approval of Over the Counter Hearing Aids

Ms. Pierce reported that FDA Reauthorization Act of 2017 directed the FDA to develop regulations that would make Over the Counter (OTC) hearing aids available to the public by 2020. The process was delayed due to COVID-19, but the FDA now plans to address the issue during the current rulemaking session. It is expected that new regulations will be published in 2022, at which time OTC hearing aids are expected to become available to the public. President Biden also signed an Executive Order on July 9, 2021, that included a directive to the Department of Health and Human Services to consider issuing proposed rules within 120 days for allowing hearing aids to be sold over the counter. The Committee surmised that support at the federal level, as evidenced by the Executive Order, will likely ensure the regulations pass, despite objections and caution that patients should still seek care from qualified hearing professionals. The Committee was provided with related position statements issued by several prominent organizations and voted unanimously to recommend the Board issue a position statement on the matter with a reference to the *Joint Statement on Consumer-Administered Hearing Tests and Direct-to-Consumer Hearing Aid Sales* issued by ADA, AAA, AAOHNS, and ASHA, provided to the Board for this meeting.

Tami Brancamp asked for discussion/questions on this item. Lynee Anderson provided background information on OTC hearing aids and the risks of consumers purchasing them without consulting with a hearing professional. As with the last agenda item, Ms. Brancamp noted that both of the Board's Dispensing Audiologists were not present in this meeting to provide additional feedback, and it was agreed that the item would be tabled for the Board's next meeting when both could be present.

Work Session to Review and Approve Proposed Revisions to NAC 637B.400 Licensee Continuing Education Requirements for Administrative Rulemaking During 2021-2022 Interim

Ms. Pierce summarized the Board's work to date on this item, including a vote during the Board's July 2021 meeting to draft revised language in NAC 637B.400 to lower the annual CE requirement to ten (10) hours and align with relevant certification requirements. Ms. Pierce directed the Board to the draft document with the proposed changes made to the NAC language and explained that, should the Board vote to approve moving forward, the draft would be sent to the Legislative Counsel Bureau (LCB) for formal drafting and scheduled for a Public Workshop during the next Board meeting in January 2022. Ms. Pierce also noted an error on the first line of item 1(c) that should read *"of the 10 hours of*

continuing education must directly relate to the practice of fitting and dispensing hearing aids” instead of “15” and stated that she would make the correction before sending to LCB.

Tami Brancamp called for a motion. Bonnie Lamping made a motion to approve the draft with the needed correction and send to LCB with the intent to hold a Public Workshop in January 2022. Andrea Menicucci seconded the motion. The motion passed.

Work Session on Implementation of Licensee Jurisprudence Exam

Ms. Pierce summarized the Board’s work to date on this item and directed the Board to the drafted exam questions for review and discussion and explained the exam’s design, based on the NRS and NAC, with a set of 20 general/ethics questions for all licensees, and five specific questions for each license type. Ms. Pierce explained the plan to implement the exam as optional for all new applicants and renewals beginning January 2022, in an “open book” format, 100% score required, and unlimited attempts allowed. Board staff would then monitor the exam during 2022 with a tentative plan to begin requiring the exam for all new applicants and renewals in January 2023, using the same format, though the Board has not yet decided on a frequency to require the exam for renewals. It was agreed that there was not a need during this meeting to review each question and Board members agreed that the drafted questions appeared sufficient.

Tami Brancamp asked for a motion. Timothy Hunsaker made a motion to approve the exam draft and implement as optional in 2022 as planned. Lynee Anderson seconded the motion. The motion passed.

Following the vote, Andrea Menicucci asked a follow up question regarding whether many of the exam questions contained too many answer options. There was discussion about best practices in question design, and whether a multiple-choice question could be effective with too many (i.e. 6-8) answer choices, and whether work should be done to edit the questions. Ms. Pierce indicated that she could edit the questions, and it was agreed that the draft did not need to come back to the Board for approval, but the Board would need to formally delegate the work to Ms. Pierce. Henna Rasul, Board Counsel, advised that as the Board had just taken a vote, another vote would need to be taken to revoke the prior action, and then a new vote to delegate responsibility for the exam to Ms. Pierce.

Tami Brancamp asked for a motion. Timothy Hunsaker made a motion to revoke the prior action approving the exam draft and implementation plan. Lynee Anderson seconded the motion. The motion passed.

Tami Brancamp then asked for a motion on the new plan. Andrea Menicucci made a motion to delegate responsibility for editing, finalizing, and implementing the exam to the Executive Director, Ms. Pierce. Bonnie Lamping seconded the motion. The motion passed.

Work Session on Future Legislative Efforts (*Standing Agenda Item*):

a. Consideration to Revise NRS 637B to Add Licensing of Speech-Language Pathology Assistants

At 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 (NDE) to “sunset” Bachelor’s level SLP providers in school settings. Kim Reddig, NSHA President was present in this meeting and provided an update, sharing that a meeting was held recently between NSHA and NDE to continue the conversation around raising the requirement to the Master’s level, but no changes are imminent. NSHA is also

currently reviewing both NRS and NAC regarding speech-language practitioners to assess when and how proposed changes may need to be made and will continue to keep the Board apprised. No action was taken.

b. 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.

c. Consideration to Revise NRS 637B to Address Telehealth and Telesupervision

At the Board's July 21, 2021 meeting it was decided that this matter would be included as a standing agenda item in future meetings. No updates were provided, and no action was taken.

Disciplinary Matters: Cases Recommendation for Dismissal

a. Case No. A21-03

Ms. Pierce summarized that the 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 called for a motion. Andrea Menicucci made a motion to dismiss the case as recommended. Timothy Hunsaker seconded the motion. The motion passed.

b. Case No. H21-02

Ms. Pierce summarized that the Complaint alleged violation of federal and state law and/or regulations relating to the practice of a Hearing Aid Specialist, delegation of duties to an unlicensed office assistant outside of those allowed by NAC 637B.0442, 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 called for a motion. Andrea Menicucci made a motion to dismiss the case as recommended. Minnie Foxx seconded the motion. The motion passed.

Executive Director's Report

Ms. Pierce directed the Board to the written Executive Director's Report and summarized as follows:

a. Licensure Statistics

Ms. Pierce reported that the end of FY22 Q1 resulted in a net increase of 22 licenses, a 2% increase from the prior quarter. This is a small decrease but fairly consistent from this same quarter last year (FY21 Q1) where we saw a 3% increase with a total of 94 licenses issued, compared to 88 this past quarter.

b. FY22 Q1 Financial Report

FINAL - Minutes approved at the January 19, 2022 Board Meeting

The FY22 Q1 Financial Summary resulted in income and expenses that are commensurate with first-quarter estimates, with income slightly higher than projected. Total revenue was \$49,097.75 (32.74% of budget), and expenses were \$35,796.56 (23.58% of budget), resulting in net income of \$13,307.94. Total Equity (reserves) are \$87,212.85 at the end of Q1, which has increased \$11,964.36 from FY21 Q4. There were no major deviations from the budget in expenses, however income from both license fees and exams are higher than projected at 28.04% and 33.68% respectively and may even out as the year progresses.

c. Recognition of Tami Brancamp's Appointment as Interim Chair at UNR School of Medicine, Department of Speech Pathology and Audiology

Ms. Pierce announced Tami Brancamp's appointment as the Interim Chair at UNR School of Medicine, Department of Speech Pathology and Audiology on August 11, 2021. Board members and staff acknowledged and congratulated Dr. Brancamp on this achievement.

d. Board Member Appointments/Reappointments

Ms. Pierce summarized Board changes, including the previously announced appointment of Lynee Anderson to the HAS seat vacated by Tom Rainford in July 2021. Ms. Anderson will also sit on the Advisory Committee for Fitting and Dispensing Hearing Aids. Andrea Menicucci was also reappointed to 7/1/2024, resulting in a full Board. The next appointments to expire are Timothy Hunsaker (eligible for reappointment) and Bonnie Lamping (termining out/not eligible for reappointment) in July 2022.

e. Complaints

Ms. Pierce reported that following the July 2021 meeting, there were three (3) complaint cases open for investigation. Two (2) cases were presented and approved for dismissal at this meeting, leaving one (1) open case. Ms. Pierce verbally corrected the written report which stated one (1) complaint was received in October 2021, when in fact that complaint included two practitioners, and further reported that another complaint was received earlier today, leaving four (4) open complaint cases.

Executive Director Annual Evaluation

Tami Brancamp introduced this item, and the Board was directed to the performance evaluation form they had been asked to review and score prior to the meeting. Ms. Pierce also provided a summary of her work during the period between September 2020 and September 2021. The Board Chair and members discussed each item and provided their individual scores in each area. Tami Brancamp will total and finalize the evaluation scores following the meeting. The Board was complimentary of Ms. Pierce's work and thanked her for her efforts. There was additional discussion around the Executive Director's compensation and whether staff salary increases could be considered. Given budgetary constraints, staff have not received any salary increase in the last two fiscal years, and Ms. Brancamp suggested an agenda item for January 2022 to review the Board's budget and propose staff salary or cost-of-living increases for FY23.

Report from Legal Counsel

Henna Rasul, Board Counsel had no new information to report on legal matters. She also shared that she supports the Board's findings and recommendations for the Executive Director's Evaluation.

Reports from Board Chair and Board Members

FINAL - Minutes approved at the January 19, 2022 Board Meeting

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, January 19, 2022, 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. Public Workshop on proposed Regulation Change to *NAC 637B.400 Licensee Continuing Education Requirements*;
2. Work Session on Future Legislative Efforts (Standing Agenda Item):
 - a. Continued work on Future Legislative Efforts to Consider Licensing Speech-Language Pathology Assistants;
 - b. Continued work on Future Legislative Efforts to Consider Licensing Audiology Assistants;
 - c. Consideration to Revise NRS 637B to Address Telehealth and Telesupervision
3. Consideration of Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids meeting of August 11, 2021 (Tabled from October 20, 2021):
 - a. Cerumen Management (Earwax Removal) by Hearing Aid Specialists;
 - b. FDA Approval of Over-the-Counter Hearing Aids;
4. Update on Jurisprudence Exam development and implementation;
5. Review of FY22 Budget and Discussion on Staff Salary/COLA Increases in FY23 Budget.

Public Comment

There was no public comment.

Adjournment

Tami Brancamp adjourned the meeting at 6:09pm.