



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

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

January 19, 2022

Members Present:	Andrea Menicucci, Michael Hodes, Bonnie Lamping, Timothy Hunsaker, Minnie Foxx, Lynee Anderson
Members Absent:	Tami Brancamp
Staff Present:	Jennifer Pierce, Executive Director Stacey Whittaker, Licensing Coordinator Henna Rasul, Sr. Deputy Attorney General, Board Counsel
Public Present:	Heather Castellano; Laura Fink; Mindy Johnson; Karen Klopfer (CCSD/ASHA); Nancy Kuhles (NSHA/NV Coalition); Glenn Martin; Brant Neider; Kim Reddig (NSHA); Jennifer Young

Call to Order, Confirmation of Quorum

Tami Brancamp was unable to attend with prior notice and Vice Chair Andrea Menicucci agreed to chair the meeting in her absence. Ms. Menicucci called the meeting to order at 4:31pm. A roll call confirmed a quorum was present.

Public Comment

There was no public comment.

Approval of the Minutes: Board Meeting of October 20, 2021

Ms. Menicucci asked if there were any corrections or revisions to the minutes of the meeting of October 20, 2021 and none were noted. Ms. Menicucci asked for a motion. Bonnie Lamping made a motion to approve the minutes of October 20, 2021 as written and Timothy Hunsaker seconded the motion. The motion passed.

Public Workshop: Proposed Regulations LCB File No. R064-21

Ms. Menicucci opened the Public Workshop on proposed regulations LCB File No. R064-21. Ms. Menicucci asked Ms. Pierce to summarize. Ms. Pierce reviewed the proposed regulations, which revises the required number of annual Continuing Education (CE) hours for all licensees to ten (lowered from the current 15) and adds a requirement that one (1) CE hour relate to ethics. Ms. Pierce also reported that the regulation has been placed on the January 20, 2022 agenda of the Joint Interim Standing Committee on Health and Human Services. This item was informational only and no action was taken.

Public Comment: Proposed Regulations LCB File No. R064-21

Ms. Menicucci opened the meeting for public comment. Ms. Pierce reported that three written comments were received via email and read each into the record:

- **Email from Stephanie Rich; Received January 3, 2022:**

Dear Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, My name is Stephanie Rich. I am a speech pathologist in Las Vegas. On January 19, I have a conflict at 4:00, and will unlikely be able to make the meeting. I wanted to write to say that I support making the change to 10 credits of continuing education classes from 15. With the decrease of the number of credits, this would allow me more flexibility to spend money on choice courses which don't always provide many credits, but are highly relevant to what I would like to study more in depth. Thank you for proposing this change. Sincerely, Stephanie

- **Email from Amy Stoel; Received January 3, 2022:**

Yay! I'm all for this and it's more in line with our national standards! Yay!

- **Email from Angel L. Ball, Ph.D. CCC/SLP, Professor and Program Director of Speech Pathology, Nevada State College; Received January 4, 2022:**

Hello:

I sincerely appreciate the effort to amend this continuing education to align with ASHA requirements. Most particularly, I am in support of reducing the annual continuing education from the current 15 hours to the 10 hours (which is the ASHA requirement). Reasons for support: 1. Aligns with national accreditation requirements. 2. Helps the NV Speech-Language Pathologists and Audiologists reduce costs. However, as of Jan 1, 2020, ASHA requires 1 hour out of the 30 hours (in 3 year period) to be in the area of ethics, and as of Jan 1, 2023, ASHA is making a change to continuing education and will be requiring 2 of the 30 hours (in 3 year period) to be in areas of "cultural competency, cultural humility, culturally responsive practice, or diversity, equity, and inclusion (DEI)" (<https://www.asha.org/certification/maintain-ccc/>)

How could Nevada continue to remain closer to ASHA changes, and support training for quality of service the SLPs provide? We seem to be behind the national goals. The upcoming ASHA change reflects improving cultural competency and responsiveness, which is critical to our service delivery. So if we are going to make a change, why not address these areas as well?

May I suggest that instead of the proposed:

Section 1. NAC 637B.400 is hereby amended to read as follows: 637B.400 1. Except as otherwise provided in subsection 2 of NAC 637B.403 and NAC 637B.430, as a prerequisite for each renewal of a standard license or provisional license, a licensee must complete, during the annual period immediately preceding the renewal, at least [15] 10 hours of continuing education approved by the Board that directly pertains to the profession in which he or she holds a license issued by the Board [.] , including at least 1 hour of continuing education relating to ethics. That we consider the following proposal: Section 1. NAC 637B.400 is hereby amended to read as follows: 637B.400 1. Except as otherwise provided in subsection 2 of NAC 637B.403 and NAC 637B.430, as a prerequisite for each renewal of a standard license or provisional license, a licensee must complete, during the annual period immediately preceding the renewal, at least [15] 10 hours of continuing education approved by the Board that directly pertains to the profession in which he or she holds a license issued by the Board [.] , including at least 1 hour of continuing education relating to ethics OR in areas of cultural competency, cultural humility, culturally responsive

practice, or diversity, equity, and inclusion (DEI). In addition, 1 hour of ethics must be obtained every 3 years. The dark green italicized is my suggested change. Thank you for allowing my input to the conversation.

Sincerely, Angel L. Ball, Ph.D. CCC/SLP, Professor and Program Director of Speech Pathology

There was no verbal public comment from anyone in attendance. This item was informational only and no action was taken. Ms. Menicucci closed the Workshop.

Consideration of Proposed Regulations LCB File No. R064-21 Based on Comments Received at Public Workshop

Ms. Menicucci opened the discussion for any additions, amendments, and/or repeal of regulations taking into consideration the comments from the public.

Bonnie Lamping stated that she agreed with Dr. Ball's suggestion for revisions. Andrea Menicucci and Michael Hodes indicated agreement, suggesting that the language require that at least one of the ten hours required annually be in ethics "or" cultural competency. Ms. Pierce confirmed that the Board was comfortable with not including Dr. Ball's suggestion for at least one hour of ethics every three years through the use of "or", such that a licensee may not ever take an ethics course. There was discussion about how these hours would be tracked and audited and Ms. Pierce reported that the current audit process could remain the same, with the addition of asking licensees to also submit proof of the ethics and/or cultural competency course(s).

Andrea Menicucci called for a motion. Bonnie Lamping made a motion to revise the drafted language to require *"at least 10 hours of continuing education approved by the Board that directly pertains to the profession in which he or she holds a license issued by the Board, including at least 1 hour of continuing education relating to ethics OR in areas of cultural competency, cultural humility, culturally responsive practice, or diversity, equity, and inclusion (DEI)."* Minnie Foxx seconded the motion. The motion passed.

Ms. Pierce reported that she would send the change back to LCB for revision and schedule a Public Hearing during the Board's next meeting in April 2022.

Report Out and Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meetings of August 11, 2021 and January 12, 2022

Ms. Pierce recalled that the Committee met on August 11, 2021 and made several recommendations for the Board's consideration which were included on the Board's October 2021 agenda but tabled to this meeting. Since then, the Committee met again on January 12, 2022. The following items have been recommended to the Board for action:

a. Recommendation that the Board add the following as a future legislative priority: revisions to NRS and/or NAC to address cerumen management, including required training, performed by Hearing Aid Specialists.

Ms. Pierce explained 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. It is known that many Hearing Aid Specialists engage in the practice, while others decline to do so. 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.

Michael Hodes suggested that it would be appropriate to consider a revision as it would give clear authority and guidance in the NRS for Hearing Aid Specialists to engage in this practice. Lynee Anderson countered with concerns around formally sanctioning this practice, given the risks involved in the procedure. The discussion resulted in agreement that the matter needed further consideration.

Andrea Menicucci called for a motion. Michael Hodes made a motion to send the matter back to the Advisory Committee on Fitting and Dispensing Hearing Aids for additional deliberation. Lynee Anderson seconded the motion. The motion passed.

b. Recommendation that the Board issue a position statement on Over the Counter Hearing Aids 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

Ms. Pierce explained that the 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 Advisory Committee originally recommended the Board adopt the joint position statement and the matter was tabled at the Board's October 2021 meeting. On October 20, 2021, the FDA released *Proposed rules for Over the Counter Hearing Aids* and Draft Guidance "*Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products*", with public comments due on each by January 18, 2022, 11:59pm ET. While the timing would not allow Board approval of public comments for submission, the matter was brought back before the Committee for an update at its January 12, 2022 meeting. Michael Hodes summarized the Committee's decision to affirm the earlier recommendation for the Board to adopt the joint statement.

Andrea Menicucci called for a motion. Michael Hodes made a motion to adopt the *Joint Statement on Consumer-Administered Hearing Tests and Direct-to-Consumer Hearing Aid Sales* issued by ADA, AAA, AAOHNS, and ASHA as presented. Minnie Foxx seconded the motion. The motion passed.

c. Recommendation that the Board add the following as a future legislative priority: Revisions to NRS 637B Related to NBC-HIS Certification for HAS License

Ms. Pierce explained that this matter was heard by the Advisory Committee in both August 2021 and January 2022. Ms. Pierce cited NRS 637B.193(2), which states, "*An applicant for a license to engage in the practice of fitting and dispensing hearing aids must: 2. Except as otherwise provided in NRS 637B.201, be certified by the National Board for Certification in Hearing Instrument Sciences.*" This certification is a requirement in Nevada for both HAS Standard and Temporary licenses. This matter was brought to the Advisory Committee's attention as there have been a handful of recent HAS Apprentices whose licenses have expired and as a result, were unable to continue pursuit of a Standard HAS License per NRS 637B.238, which limits the apprenticeship to three years. NBC-HIS certification candidates must hold a current state license in addition to other requirements to be eligible to sit for the certification exam. Once the Apprentice license expires, the candidate is no longer eligible to sit for the exam, even if they have completed the apprenticeship and passed the written ILE exam. Board staff have also received feedback from out-of-state HAS applicants that the requirement is not common in other states.

Board staff sent an inquiry to NBC-HIS and confirmed via email from Mary Stone, NBC-HIS Certification Coordinator (September 9, 2021) that we are only one of two states with this requirement: "*Utah is the only state that requires Board Certification in Hearing Instrument Sciences*

(BC-HIS) for initial licensure, outside of the nuanced Nevada law. IHS does not support using Board Certification as the entry level examination/ credential, as it is meant to be an optional pursuit for the advanced hearing aid dispensing professional. IHS would be happy to engage with the Nevada board about modifying their standard to bring it in line with national standards for licensure."

The Committee voted unanimously to ask the Board to consider a revision to this requirement. Bonnie Lamping commented that the requirement sounds like a potential barrier to licensure. Timothy Hunsaker agreed and pointed out that Audiologist applicants are not required to hold the ASHA CCC, so why require an HAS applicant to hold NBC-HIS certification. Lynee Anderson added that there are many similarities between the written ILE and NBC-HIS certification examinations, which seems redundant.

Andrea Menicucci called for a motion. Michael Hodes made a motion to adopt revisions to NRS 637B related to NBC-HIS Certification for HAS License as a future legislative priority. Bonnie Lamping seconded the motion. The motion passed.

Disciplinary Matters: Cases Recommended for Dismissal

Ms. Pierce reviewed three complaint cases presented to the Board with recommendations for dismissal:

- a. **Case No. S21-02:** The Complaint alleged violation of federal and state law and/or regulations relating to supervision and unprofessional conduct.
- b. **Case No. S21-03:** The Complaint alleged violation of federal and state law and/or regulations relating to scope of practice and unprofessional conduct.
- c. **Case No. S21-04:** The complaint alleged unprofessional conduct.

After investigation and review of all documentation received on these complaints, it has been determined that there is insufficient evidence to file formal complaints for hearings before the Board and the facts set forth in the accusations are insufficient to establish violations of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. All three cases are recommended for dismissal.

Ms. Menicucci called for a motion. Michael Hodes made a motion to dismiss all three cases as recommended. Bonnie Lamping 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 FY22 Q2 resulted in a net increase of just 2 licenses, a less-than-1% increase from the prior quarter. This is a decrease from the 2% increase we saw in this same quarter last year (FY21 Q2), when we notably had roughly the same number of new licenses issued (42 vs 47), but many more licenses expired (40 vs 18). As over half of our licenses expire on 12/31, this is our largest renewal quarter, though only 35 December licenses remained eligible for late renewal as of 1/3/2022.

b. FY22 Q2 Financial Report

Ms. Pierce directed the Board to the FY22 Q2 Financial Summary, reporting that income and expenses are both slightly lower than projected in the budget. It is hoped that expenses will

continue to stay low, and income will increase if trends continue toward an influx in new applications at the end of the academic year.

There were no major deviations from the budget in expenses, though legal fees are lower than normal due to anticipation of an overdue invoice from the Attorney General's office due to a billing system change, but the total should fall within expected range. It should be noted that we have paid the annual license fee for the database and the expense will be spread over the course of the year. Reserves (equity) now total \$92,403.18 which is an increase of almost \$23,000 since this quarter last year.

Ms. Pierce also directed the Board to the FY21 Balance Sheet packet submitted to the Legislative Counsel Bureau on November 18, 2021, 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 Implementation of Optional Licensee Jurisprudence Exam

Ms. Pierce reported that the optional jurisprudence exams have been finalized in Google forms, which will capture exam attempts and allow us to analyze results over the next year. This is a free method, and she suggested that the Board may want to consider purchasing integration through the database/website once the exams become required. A new informational page has been added to the Board website which explains and provides a link to each licensee-specific exam. Language has also been added to the new application and renewal webpages directing practitioners to test their knowledge.

d. Complaints

Ms. Pierce reported that following the October 2021 meeting, there were four complaint cases open for investigation. Two new complaints have since been received, totaling six. Three cases were presented and approved for dismissal earlier in this meeting, leaving three open cases. Ms. Pierce noted this is a verbal correction to the ED Report which incorrectly listed two cases presented for dismissal.

Ms. Pierce further explained that a recent review of the complaint process and guidance from Board Counsel identified a need to clearly differentiate between a complaint, which can only be made against a Board licensee, and a report of unlicensed practice, which can be made against any person allegedly engaging in practice without a license. The NRS and NAC rules for handling each are different, as the Board only has jurisdiction to take disciplinary action against a licensee. Board response to unlicensed practice is considered administrative action, as the Board's jurisdiction is over the subject matter/practice.

Ms. Pierce reported that as a result, revised language has been drafted for the website with a new webpage specific to unlicensed practice, so that the public/consumers may better understand these processes and report appropriately. To support this, Ms. Pierce has also revised the complaint form and created a new form to report unlicensed practice and is presenting both today for the Board's review and approval. These forms, along with the new website language have been reviewed and approved by Board Counsel.

Andrea Menicucci asked whether the Board may accept complaints anonymously. Ms. Rasul and Ms. Pierce confirmed that the Board's NRS does allow this but also states that the Board may refuse to consider the complaint if anonymity makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

Bonnie Lamping made a motion to approve the new complaint and unlicensed practice report forms as drafted. Timothy Hunsaker seconded the motion. The motion passed.

Review of FY22 Budget to Consider and Approve Board Staff COLA/Merit Raises

Ms. Menicucci asked Ms. Pierce to summarize, who recalled a suggestion in the October 2021 meeting to consider COLA/merit raises for Board staff following Ms. Pierce's performance evaluation. Ms. Pierce explained that after analyzing the Board's current FY22 budget and positive financial position at the end of FY22 Q2, she is respectfully requesting a 6% COLA increase for both the Executive Director and Licensing Coordinator, as well as a one-time merit bonus to the Executive Director in the amount of \$3,000, both to take effect immediately. The merit bonus reflects two years of service, at a rate of 2.5% salary per year, with excellent performance reviews and no increases since her hire in 2019. The bonus is proposed as a one-time event to allow future bonuses to be considered in the context of the Board's current financial position at that time. The COLA increase is based on recent, significant increases in inflation and aligns with a federal COLA increase of 5.9% taking effect in 2022.

Several members indicated their agreement with the proposal, and Andrea Menicucci asked for a motion. Minnie Foxx made a motion to approve the COLA increases and merit bonus as proposed. Michael Hodes 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 work continues between NSHA and NDE. Ms. Reddig reported that NSHA has received several inquiries about SLPA licensing in Nevada and encouraged the Board to pursue a licensing path, with an offer for support and collaboration from NSHA. Bonnie Lamping suggested conducting updated research and drafting potential NRS language. The Board asked the Executive Director to compile information and drafted language for the next meeting.

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. Given the prior discussion regarding SLPA Assistants, there was agreement to task the Executive Director with drafting NRS language and pursue this as a possible licensing path concurrently with SLP Assistants.

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. Kim Reddig, NSHA President deferred to Karen Klopfer,

FINAL - Minutes approved at the April 21, 2022 Board Meeting.

ASHA co-SEAL, who provided an update on telepractice and telesupervision challenges in Clark County School District . Ms. Klopfer asked that the Board consider revision of regulations that will give clear allowance to SLP telesupervision in Nevada. There was discussion amongst the Board resulting in agreement to task the Executive Director to conduct further research and information-gathering on the matter and trends in other states for the next meeting.

Report from Legal Counsel

Henna Rasul, Board Counsel had no new information to report on legal matters and stated that she continues to work closely with the Executive Director on complaints and reports of unlicensed practice.

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 Thursday, April 21, 2022, at 4:30pm, changed from the proposed date to accommodate Bonnie Lamping for whom this will be the last meeting before her terms ends in early July 2022. It was also noted that Timothy Hunsaker's first term will end in July 2022, but he is eligible to apply for reappointment to a second term. The meeting will be hosted at the Board Office and offered virtually through ZOOM.

c. Future Agenda Items

Ms. Menicucci summarized the items already identified for the next Board meeting and asked for suggestions on additional matters, suggesting the addition of an item to discuss NRS/NAC requirements for an SLP to hold the ASHA Certificate of Clinical Competence (CCC) at initial licensure but not at the time of renewal. The following matters were identified for the April 2022 agenda:

1. Public Hearing 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;
 - d. Consideration to Revise NRS 637B Related to NBC-HIS Certification for HAS License;
3. Consideration of NRS/NAC requirements for an SLP to hold the ASHA Certificate of Clinical Competence (CCC) at initial licensure but not at the time of renewal.

Public Comment

Laura Fink introduced herself as a Vocational Rehabilitation Counselor for the Deaf/Hard of Hearing from the Nevada Department of Employment, Training and Rehabilitation, and member of the Commission for Persons Who Are Deaf and Hard of Hearing. Ms. Fink stated that she would like to share weblinks to those organizations with the members in the chat and answer questions that may arise. Ms. Pierce advised her that the chat feature was disabled in the ZOOM meeting to adhere to Open Meeting Law requirements but asked her to email the Board with her information and we would be happy to share it.

Adjournment

Ms. Menicucci adjourned the meeting at 6:17pm.