



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, 2022

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

Members Absent: Michael Hodes, Minnie Foxx

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

Public Present: Verona Sutton-Dunn; Melissa Fleischman; Hasmig Karkouzian; Karen Klopfer (CCSD/ASHA); Nancy Kuhles (NSHA/NV Coalition); Leala Lierman; Alice Lilly; Kirsten Razzone; Kim Reddig (NSHA); Laura Thompson

Call to Order, Confirmation of Quorum

Tami Brancamp called the meeting to order at 4:38pm. A roll call confirmed a quorum was present.

Public Comment

There was no public comment.

Approval of the Minutes: Board Meeting and Public Workshop of January 19, 2022

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting and Public Workshop of January 19, 2022 and none were noted. Dr. Brancamp asked for a motion. Bonnie Lamping made a motion to approve the minutes of January 19, 2022 as written, and Andrea Menicucci seconded the motion. The motion passed.

Disciplinary Matters

Dr. Brancamp asked Ms. Pierce to introduce and summarize each item for separate consideration and action.

a. Recommendation for Approval of Consent Decree: Case No. H21-05 Alice Lilly, License #HAS-2703

Ms. Pierce summarized that the complaint alleged unprofessional conduct and making or providing false statements or omitting relevant information in connection with an application for a license or the renewal of a license. An investigation determined that there was sufficient evidence to file a formal complaint for hearing before the Board and the practitioner opted to settle the matter by entering into a Consent Decree which was presented to the Board in this meeting for review and approval. Board Counsel Henna Rasul directed the members to the separate email sent by Ms. Pierce and instructed the members to review the attached Consent Decree and ask questions as needed. Ms. Lilly was present on the call and invited to speak as desired, and members were invited to ask questions of her as well. There were no questions and Ms. Lilly stated that she was happy to resolve the matter.

Dr. Brancamp asked for a motion. Timothy Hunsaker made a motion to accept the Consent Decree as proposed, and Andrea Menicucci seconded the motion. The motion passed.

b. License Reinstatement Application: Kirsten Razzone, License # SP-2082 (Expired January 19, 2022)

Ms. Pierce summarized the reinstatement application as a result of Ms. Razzone's practice without a license between January 19, 2022, when the license expired, and March 25, 2022 when she was notified by her employer of the expired license and immediately ceased practice. Ms. Razzone apologized for the oversight and explained the circumstances that led to the lapse and unlicensed practice.

Dr. Brancamp asked for a motion. Timothy Hunsaker made a motion to reinstate the license without conditions and impose an administrative fine of \$200, and Bonnie Lamping seconded the motion. The motion passed.

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

Dr. Brancamp opened the Public Hearing on proposed regulations LCB File No. R064-21 and asked Ms. Pierce to summarize, who explained that the proposed regulations were revised on January 31, 2022 based on public comment received at the Public Workshop of January 19, 2022. The proposed regulations do the following: *Revise NAC 637B.400 to reduce, from 15 hours to 10 hours, the total number of hours of continuing education required for the renewal of a license. Of those 10 hours, the revision adds a requirement that at least 1 of the 10 hours relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion. If a licensee is a dispensing audiologist, at least 3 of the ten hours must relate directly to the practice of fitting and dispensing hearing aids.*

Ms. Pierce reported that the regulation was before the Joint Interim Standing Committee on Health and Human Services this morning, with one question posed regarding the availability of ethics training content.

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

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

- Letter (via email from Eileen Crowe, ASHA) from Judy Rich, ASHA President; Received February 15, 2022: *Dear Ms. Pierce, On behalf of the American Speech-Language-Hearing Association, I write to support the proposed continuing education regulations with amendments. The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 218,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Audiologists specialize in preventing and assessing hearing and balance disorders as well as providing audiologic treatment, including hearing aids. Speech-language pathologists (SLPs) identify, assess, and treat speech, language, and swallowing disorders. Over 900 ASHA members reside in Nevada. ASHA supports the language in Section 1. NAC 637B.400 with the following amendments in red: 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 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, **and at least 2 hours relating to** cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion. If the licensee is a dispensing audiologist, at least 3 of the 10 hours of continuing education must directly relate to the practice of fitting and dispensing hearing aids. Beginning with ASHA certificate holders in the January 1, 2020 – December 31, 2022*

maintenance interval, practitioners will be required to complete the following: Out of 30 required professional development hours for certification maintenance, at least 1 hour must be in the area of ethics. Beginning with certificate holders in the January 1, 2023 – December 31, 2025 maintenance interval, practitioners will be required to complete the following: Out of 30 required professional development hours for certification maintenance, at least 2 hours must be in cultural competency, cultural humility, culturally responsive practice, or diversity, equity, and inclusion. Making these changes will further align Nevada's standards with ASHA's standards. Thank you for your consideration of ASHA's position to support the proposed regulations with amendments. If you or your staff have any questions, please contact Eileen Crowe, ASHA's director of state association relations, at ecrowe@asha.org. Sincerely, Judy Rich, EdD, CCC-SLP, BCS-CL, 2022 ASHA President

- Email from Linda Ganz; Received March 21, 2022: *Jennifer, So sorry that I see I made a typo and just reread this. Pls accept the following and disregard the previous email. 03.21.2022 Dear State of Nevada Speech-Language Pathology Board, I am NOT in support requiring that 1 of these hours to be on ethics, cultural competence, cultural humility etc... This will force each licensee to find a course of a small nature on for only 1 hour each year. This really does improve the reduction of hours bc then we will have to always find a course that relates to this topic. I don't agree at all. Most of us take courses where ethics and cultural are addressed but may not be listed in the title. I think this will limit us when renewing our license and force us to take courses only in this topic area which I think limits each one of us in our CEUS interest. Has the board looked into if 1 hr courses are even AVAILABLE? If that is the case then I don't agree with the reduction of hours and would then like to remain at the 1.5 CEUs required each year. Sincerely, Linda L. Ganz M.S. CCC-SLP, Speech-Language Pathologist & Owner, Vegas Voice Institute.*
- Email from Steve Romeo; Received March 18, 2022: *No disrespect intended, but how, exactly, does REDUCING the continuing education requirement ADVANCE patient care and well-being? I strongly oppose any reduction because the field is constantly changing and I have no problem setting aside time and money for about 20 hours of CEU.*

Dr. Brancamp next invited public comment from those in attendance and the following was received:

- Kim Reddig (NSHA) commented that she believed ASHA's written comment regarding the number of hours required was intended to align the Board's regulations with the Audiology and Speech Pathology Interstate Compact in the event the Board pursues compact participation in the future.
- Melissa Fleischman commented that she is in support of the change to the continuing education hours and the requirement to include content on ethics.

Dr. Brancamp thanked the commenters and closed the Public Hearing.

Consideration to Adopt Proposed Regulations LCB File No. R064-21 Based on Comments Received at Public Hearing

Dr. Brancamp opened the discussion for any additions, amendments, and consideration for adoption of the proposed regulations taking into consideration the comments from the public. Andrea Menicucci commented that often when content requirements are added, such as by ASHA, new training options become available. Timothy Hunsaker concurred that in his review of available CE content, ethics and cultural diversity options are fairly easy to find. Dr. Brancamp noted that the written comment from ASHA appeared to include an error in that it read as a recommendation for three hours annually on these topics, versus three in three years.

Tami Brancamp called for a motion. Andrea Menicucci made a motion to adopt the proposed regulations of January 31, 2022 as written, and Timothy Hunsaker 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 (SLPA)

Dr. Brancamp asked Ms. Pierce to summarize, who explained that as the matter had been inactive for a significant amount of time, and she updated the Board on current matters involving SLPAs, including national trends, potential need/support for this role in Nevada, reimbursement issues, and the ASHA Certification Program and 2014 Model Bill language. Ms. Pierce also summarized a number of NRS and NAC section revisions that the Board would need to consider and approve and detailed potential fiscal impacts.

Andrea Menicucci asked Tami Brancamp about the use of SLPAs in non-educational settings. Dr. Brancamp cited a recent conversation with an executive at Renown who confirmed that SLPA services are still not reimbursable by most insurances, so from a state licensing board perspective, Dr. Brancamp does not see a need for this as a licensed role at this time for the population of licensees this Board governs. Dr. Brancamp also stated that she is concerned about the cost of pursuing legislative action not knowing how many SLPAs would become licensed, as well as the capacity for Nevada's universities to support this educational path.

Andrea Menicucci asked Kim Reddig to provide an update on NDE sunseting of bachelor's level staff. Ms. Reddig reported that she joined the NDE Commission on Professional Standards (COPS) meeting earlier this year and there was discussion on sunseting bachelor's level practitioners by July 1, 2025. Ms. Reddig stated that she does not believe this Board needs to add SLP Assistants immediately but encouraged it as a "bridge" for those in the field who cannot pursue graduate school in the near future. Ms. Reddig also confirmed that current employees will be grandfathered into this plan, as long as they keep their endorsement current. Ms. Pierce reiterated, and Board Counsel confirmed that this Board's statutes excludes school settings. Ms. Pierce suggested that NAC 391 is the more appropriate place for these revisions.

There was discussion and Board members cited concerns about the timeline and cost of pursuing legislative action to create a new license type, and consensus was to keep this as a standing agenda item. Ms. Pierce was asked to contact NDE to gather additional information for future meetings. No action was taken.

b. Work Session on Future Legislative Efforts to Consider Licensing Audiology Assistants (AuDA)

Dr. Brancamp asked Ms. Pierce to summarize, who explained that the matter had been inactive for a significant amount of time, and she updated the Board on current matters involving AuDAs, including national trends, potential need/support for this role in Nevada, reimbursement issues, and the ASHA Certification Program and 2014 Model Bill language. Ms. Pierce also summarized a number of NRS and NAC section revisions that the Board would need to consider and approve and detailed potential fiscal impacts.

Ms. Pierce suggested that as an alternative to AuDA licensing, the Board may consider revisions to NAC 637B.0442 which delineates duties that may be delegated to an unlicensed individual and recommended that the matter be referred to the Advisory Committee on Fitting and Dispensing Hearing Aids for recommendation to the Board on further action/revisions.

There was consensus that more work should be done on this matter and Ms. Pierce agreed to add it to a future Advisory Committee meeting agenda. It was also suggested that this matter should not be pursued on its own and should be coupled with any legislative action taken on SLPAs.

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

Ms. Pierce explained that as previously discussed, this Board's laws and regulations do not apply to an SLP employed by a public educational institution and working within the scope of that credential, therefore, this request is not within this Board's authority. Ms. Pierce suggested that these requests would be more appropriately directed to the Nevada Department of Education to consider revisions to NRS 391 as it relates to school-based SLPs. Additionally, this Board's laws and regulations do not provide authority or require this Board to oversee the supervision of Clinical Fellows and student interns. This Board also does not regulate billing, claims, or reimbursement, which aligns with the NRS/NAC of other Nevada Boards whose licensees may bill Medicaid. Ms. Pierce also cited ASHA data showing that most states do not have regulations allowing telesupervision, and in fact, some specifically prohibit the practice.

Ms. Pierce recommended that the Board take no action at this time and encourage those who continue to make these requests to contact the Nevada Department of Education instead. Should the Board consider licensing of SLP Assistants in the future, it may consider telesupervision of non-school-based SLP Assistants at that time.

Karen Klopfer, CCSD/ASHA commented that the matter continues to be an issue for "recruitment of staff" in Clark County School District and asked that the Board consider this as an urgent matter. She further stated that ASHA's allowance for students and clinical fellows to receive telesupervision would end in December 2022. This was corrected by Ms. Pierce who cited a March 2022 ASHA email clarifying that students and Clinical Fellows who began their programs prior to December 31, 2022 could utilize the 2022 COVID-19 accommodations. Ms. Pierce again reiterated that this Board's statutes exclude both students and public educational employees working within the scope of the NDE credential.

Bonnie Lamping stated that she feels this is a critical issue and if the Association thinks it's important, than the Board should consider addressing it. Nancy Kuhles commented that a lack of guidance on the matter may affect rural clinicians. There was discussion on the matter and whether a subcommittee would be useful, but consensus was to keep this matter as a standing agenda item before the full Board and revisit in future meetings. No action was taken.

d. Consideration to Revise NRS 637B to Remove NBC-HIS Certification Requirement for HAS License

Ms. Pierce directed the members to drafted revisions to the two sections of NRS 637B referencing NBC-HIS certification and explained the NAC revisions that would also be required if changes were made in NRS.

Lynne Anderson shared that there is quite a bit of overlap between the ILE Written and NBC-HIS exams, so requiring both extends the time it takes to become licensed. Timothy Hunsaker suggested that removing this would also align with audiologists, who have no requirement to hold professional certification. Lynne Anderson pointed that once certified and licensed, the HAS could drop the certification as it is not required for renewal. Stacey Whittaker explained that the Board's current requirement for two years of on-site training aligns with NBC-HIS requirements to sit for their exam, which is more than required in other states. Andrea Menicucci asked how many individuals may be impacted and Ms. Pierce confirmed that it only applies to the 20 currently licensed apprentices, new apprentices, and new HAS applicants, as current HAS licensees have already met this requirement. Ms. Pierce and Ms. Whittaker reported no evidence of this impacting the workforce or limiting access to services. Ms. Whittaker clarified that apprentices are given three years to complete all training and exams, which is ample time for most individuals.

There was consensus that this change could remove a barrier for HAS applicants and reduce the cost of their pursuit of licensure but that more information would be helpful. Ms. Pierce also suggested that she would bring the matter back to the Advisory Committee on Fitting and Dispensing Hearing Aids for further discussion. Tami Brancamp called for a motion. Bonnie Lamping made a motion to keep this matter as a standing agenda item with continued work, and Andrea Menicucci seconded the motion. The motion passed.

Work Session to Consider New/Potential Future Legislative Efforts

a. NRS/NAC Requirements for an SLP to Hold ASHA Certificate of Clinical Competence (CCC) at Both Initial Licensure and Renewal

Ms. Pierce explained that license renewal language is included in NAC 637B which does not require a legislative change, so if approved, the Board may pursue a revision to NAC 637B through the Administrative Rulemaking process. There is still enough time to propose and adopt changes in the current interim, or the Board could wait and pursue revisions in 2024. Both Timothy Hunsaker and Bonnie Lamping commented that it is unclear how continuing to hold the CCC enhances SLP practice, especially if continued certification only involves completing continuing education, which our Board already requires, and paying a fee. There was a suggestion to hold a public workshop to get feedback from licensees and the public, and Ms. Pierce confirmed that the Board could do so without drafted language and no requirement to proceed with revisions if so desired.

Andrea Menicucci made a motion to schedule a Public Workshop in July 2022 to gather feedback on this as a proposed regulation change, and Tami Brancamp seconded the motion. The motion passed.

b. Licensing Reciprocity Options: Current NRS Authority for License by Endorsement and Reciprocity by Interstate Compact or Alternatives

Ms. Pierce explained that this is a new matter raised for the Board's consideration to streamline reciprocal licensing for practitioners already licensed in another state, and who may or may not be military-affiliated. Ms. Pierce explained that the Board has several options to consider, including, but not limited to license by endorsement, the ASLP-Interstate Compact, and universal license recognition (ULR). Ms. Pierce recommended that the Board exercise the authority already granted in NRS 637B to issue expedited licenses by endorsement by delegating authority to the Executive Director to develop an application/approval process. Ms. Pierce also recommended that the Board refer this matter to the Advisory Committee on Fitting and Dispensing Hearing Aids to consider current dispensing exam requirements for both dispensing audiologists and hearing aid specialists, as Nevada is just 1 of 4 states requiring the practical exam for a dispensing audiologist, and 1 of 16 for a hearing aid specialist.

There was consensus that the Board should improve reciprocity options. Tami Brancamp called for a motion. Andrea Menicucci made a motion to 1) delegate authority to the Executive Director to develop an application/approval process which would include approval of applications by the Board Chair in between meetings of the Board, as allowed in NRS; and 2) refer this matter to the Advisory Committee on Fitting and Dispensing Hearing Aids to consider current dispensing exam requirements for both dispensing audiologists and hearing aid specialists. Tami Brancamp 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 Q3 resulted in a net increase of nine licenses, a 1% increase from the prior quarter. Ms. Pierce stated that this a notable change, as it is the first Q3 since FY16 where there was an increase in licenses from Q2 to Q3 rather than a decrease.

b. FY22 Q2 Financial Report

Ms. Pierce directed the Board to the FY22 Q3 Financial Summary, reporting that income is slightly lower and expenses slightly higher than budgeted. This is not surprising, as a large legal bill was paid in Q3, historically revenue is lowest in Q2 and Q3, and Q4 typically adds the most licenses as the academic year concludes. Net income through Q3 is \$23,036.43 and reserves now total \$94,173.11, an approximate \$30,000 increase since this quarter last year. There were no major budget deviations during this quarter.

c. Legislative Update

Ms. Pierce directed the members to the summary of relevant interim committees in the Executive Director's report, explaining that the Joint Interim Standing Committee on Commerce and Labor is reviewing occupational licensing boards this interim. Ms. Pierce also noted Governor Sisolak's plan to assemble a Bipartisan Task Force on Occupational Licensing, though there have been no further updates.

d. Update on FDA Rulemaking for Over-the-Counter Hearing Aids

Ms. Pierce reported that public comments on the FDA's Proposed Rules for Over the Counter Hearing Aids were due by January 18, 2022 and there have been no updates since then.

e. Update on Implementation of Optional Licensee Jurisprudence Exam

Ms. Pierce reported that the optional jurisprudence exam links are posted on the license renewal webpage and included in renewal reminder emails. The exam has been listed as a future agenda item for a work session and the 2023 Draft Budget includes a cost to integrate the exam with the licensing database.

f. Board Member Appointments/Reappointments

Ms. Pierce reported that as of July 2022, Bonnie Lamping's second term will expire, and she is not eligible for reappointment. Timothy Hunsaker's first term also expires in July, and he has already submitted his reappointment application. Anyone interested in the SLP seat may apply on the Governor's Office website.

g. Complaints

Ms. Pierce reported that there were six open complaint cases at the January 2022 meeting, during which three cases were dismissed, leaving three remaining. One new complaint was received in March 2022, totaling four cases. One case was closed earlier in this meeting via Consent Decree approval, leaving three open cases.

h. Review of FY23 DRAFT Budget

Ms. Pierce directed the members to a draft FY23 budget presented for approval, with a proposal to convert the Executive Director's employment status from part-time to full-time with a commensurate salary increase for FY23 and the remainder of FY22. This will support increased work on legislative issues that may result in a BDR during the 2023 or 2025 legislative sessions. It was confirmed that the Board could not take action at this time since the matter was not properly listed on this agenda, and it was agreed that a follow-up meeting would be scheduled for next week to hear the matter.

Report from Legal Counsel

Henna Rasul, Board Counsel had no new information to report on legal matters.

Reports from Board Chair and Board Members

a. Recognition of Board Service: Bonnie Lamping, SLP

Tami Brancamp asked the Board to join her in thanking Bonnie Lamping for her 6.5 years of service as an original member of this Board. Ms. Lamping was originally appointed on October 1, 2015 following the merger of the former Audiology/Speech-Pathology and Hearing Aid Specialists Boards. Ms. Lamping was presented with a service award and thanked the Board, expressing her gratitude for the experience.

b. Report from Board Chair and Board Members

There were no reports from the Board Chair or members.

c. 2022 Proposed Meeting Schedule

Conflicts were noted for the proposed July meeting date and Ms. Pierce was asked to poll members for alternative dates.

d. Future Agenda Items

Dr. Brancamp summarized the items already identified for the next Board meeting and recommended that the Jurisprudence Exam not be included in the next meeting due to the number of other matters to be addressed. Dr. Brancamp asked for suggestions on additional matters. The following matters were identified for the July 2022 agenda:

1. Public Workshop on Proposed Changes to NAC 637B to Require an SLP to Hold ASHA Certificate of Clinical Competence (CCC) at License Renewal
2. Work Session: Continued work on Future Legislative Efforts (Standing Agenda Item):
 - a) Licensing Speech-Language Pathology Assistants
 - b) Licensing Audiology Assistants
 - c) Telehealth and Telesupervision
 - d) NBC-HIS Certification for HAS License

Public Comment

There was no public comment.

Adjournment

Tami Brancamp adjourned the meeting at 7:56pm.