



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 19, 2022

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<b>Members Present:</b>	Tami Brancamp, Andrea Menicucci, Lynee Anderson, Minnie Foxx, Michael Hodes, Timothy Hunsaker, Adrienne Williams
<b>Members Absent:</b>	None
<b>Staff Present:</b>	Jennifer Pierce, Executive Director Stacey Whittaker, Licensing Coordinator Henna Rasul, Sr. Deputy Attorney General, Board Counsel
<b>Public Present:</b>	Wendy Bailes, Manu Chopora, Cheryl Clark, Christy Fleck, Hazmig Karkouzian, Karen Klopfer, Andre Lindsey, Aubry Meusy, Laura Murph, Kim Reddig, Shawna Ross, "So. NV"

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#### Call to Order, Confirmation of Quorum

Tami Brancamp 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 and Public Hearing of April 21, 2022 and Board Meeting of April 28, 2022

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting and Public Hearing of April 21, 2022 and none were noted. Dr. Brancamp asked for a motion. Michael Hodes made a motion to approve the minutes of April 21, 2022 as written, and Andrea Menicucci seconded the motion. The motion passed.

Dr. Brancamp then asked if there were any corrections or revisions to the minutes of the meeting of April 28, 2022 and none were noted. Dr. Brancamp asked for a motion. Andrea Menicucci made a motion to approve the minutes of April 28, 2022 as written, and Michael Hodes seconded the motion. The motion passed.

#### Welcome & Introduction of New Board Member: Adrienne Williams, MS, CCC-SLP, Appointed 7/2/2022 to 7/1/2025

Tami Brancamp introduced Adrienne Williams, MS, CCC-SLP as a newly appointed member to take the seat vacated by Bonnie Lamping. Jennifer Pierce read Ms. Williams' bio and she was welcomed to the Board.

#### Public Workshop on Proposed Regulations NAC 637B.036 to Require ASHA CCC-SLP for SLP License Renewal

Dr. Brancamp opened the Public Workshop on the proposed regulation NAC 637B.036 and asked Ms. Pierce to summarize. Ms. Pierce explained that the matter was initially raised at the January 19, 2022 Board meeting for discussion and possible action to consider revisions to NRS/NAC that would require a SLP to

maintain the CCC for license renewal, as it is currently only required at initial application. Drafted language has not yet been sent to LCB as the Board's intent for this Workshop was to gather feedback from the public, licensees, and stakeholders on the topic.

#### **Public Comment on Proposed Regulations NAC 637B.036 to Require ASHA CCC-SLP for SLP License Renewal**

Dr. Brancamp opened the meeting for public comment. There were no verbal public comments. Ms. Pierce reported that four written comments were received via email prior to the meeting. Three were received in advance and were included in the meeting packet and available to attendees, so they were not read into the record but were referenced by Ms. Pierce as follows:

- A comment in support of the proposed regulation from Linda Ganz, SLP received June 29, 2022 via email;
- A comment in support of the proposed regulation from Judy Rich of the American Speech-Language Association received July 9, 2022 via email;
- A comment with supporting documentation opposed to the proposed regulation from Linda Theresa Stempien, SLP received July 9, 2022 via email.

Ms. Pierce reported that a fourth comment was received via email just prior to the start of the meeting and read the letter into the record as follows:

- A comment in support of the proposed regulation from Nancy Kuhles, SLP, NSHA Coalition received via email on July 19, 2022: *Regarding Public comment on item #6. Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Agenda Item #6. July 19, 2022, Dear Chair Brancamp, Vice Chair Menicucci, Executive Director Pierce and Members of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, For the record, my name is Nancy Kuhles. I am a Speech-Language Pathologist, Co-Chair of the NSHA Coalition to Address Personnel Shortages and President of NLK Consulting. I would like to provide public comment on Agenda Item #6. I am in support of the Proposed Regulations NAC 637B.036 to require ASHA CCC-SLP for SLP License Renewal. Per the ASHA (www.asha.org) "the ASHA Certificate of Clinical Competence is a nationally recognized professional credential that represents a level of excellence in the field of Audiology (CCC-A) or Speech-Language Pathology (CCC-SLP). The standards for certification for audiology and speech-language pathology are established by audiologists and speech-language pathologists, respectively, who are members of ASHA's Council for Clinical Certification in Audiology and Speech-Language Pathology (CFCC). Certificate holders are expected to uphold these standards and abide by ASHA's Code of Ethics." Per the ASHA Code of Ethics: <https://www.asha.org/code-of-ethics/> "This Code of Ethics sets forth the fundamental principles and rules considered essential to this purpose and is applicable to the following individuals: a member of the American Speech-Language-Hearing Association holding the Certificate of Clinical Competence (CCC), a member of the Association not holding the Certificate of Clinical Competence (CCC), a nonmember of the Association holding the Certificate of Clinical Competence (CCC), an applicant for certification, or for membership and certification. By holding ASHA certification or membership, or through application for such, all individuals are automatically subject to the jurisdiction of the Board of Ethics for ethics complaint adjudication. Individuals who provide clinical services and who also desire membership in the Association must hold the CCC." The current regulation does not require the licensee to hold the ASHA CCC and if the licensee so chooses, does not need to be a member of ASHA. The ASHA CCC provides an additional level of professional credentialing for the practitioner and protection for citizens of Nevada. I am in support of the Proposed Regulations NAC 637B.036 to require ASHA CCC-SLP for SLP License Renewal. Thank you for your time and consideration. Sincerely, Nancy Kuhles, M.S. CCC-SLP, ASHA Fellow, NSHA Coalition, Co-Chair, NLK Consulting, Inc., President, SP-827, Nkuhles119@gmail.com.*

Dr. Brancamp thanked the commenters and closed the Public Hearing. Following the meeting, a fifth comment was received via email and is included in its entirety in these minutes as part of the public record:

- A comment opposed to the proposed regulation from Laura Murph, SLP received July 19, 2022 via email: My name is Laura Murph, SP-121. I am a graduate of UNR and have been speech language pathologist at Northern Nevada Medical Center in Sparks, NV for 20+ years. I am opposed to requiring ASHA certification for state licensure in Nevada. It's expensive to maintain ASHA certification and I don't believe necessary to assure clinical competency. Thanks- Laura Murph, MS, CCC-SLP

#### **Consideration of Proposed Regulations NAC 637B.036 Based on Comments Received at Public Workshop**

Dr. Brancamp opened the discussion for any additions, amendments, and/or repeal of regulations taking into consideration the comments from the public. Michael Hodes stated that he feels if certification by an association is voluntary, as ASHA is, then the Board should not require certification at license renewal. He further wondered whether it should be required for the initial license and stated that the current requirement is fine but does not believe the Board should require more. Andrea Menicucci agreed and indicated that she is unsure what the original intent was to require certification for an initial license but is not sure that requiring more is necessary now. Tami Brancamp explained that certification validates that an applicant has completed the required clinical training and is prepared to practice. She stated that she would support keeping the current requirement for the initial license but as certification is voluntary it should be left up to the individual to choose whether to keep it current. She further stated that the Board's mandate is to protect the public and requiring certification at initial licensure is an appropriate minimum standard to do so. Further, she stated that requiring certification at license renewal could negatively impact recruitment for SLPs in rural Nevada. Timothy Hunsaker agreed, stating he does not believe it is the Board's responsibility to require a voluntary certification. The consensus was to not move forward on this revision. Tami Brancamp called for a motion. Michael Hodes made a motion to take no action on the matter, and Andrea Menicucci seconded the motion. The motion passed.

#### **Appointments/Reappointments to the Advisory Committee on Fitting and Dispensing Hearing Aids**

Ms. Pierce explained that the terms of the following three non-Board members of the Advisory Committee are scheduled to expire on 7/19/2022: Nanci Campbell, AuD; Jennifer Joy-Cornejo, AuD, MA, CCC-A/FAAA; and Melissa Maestas, BC-HIS. All three members listed above requested reappointment in writing, and it was recommended that all three be reappointed per Board policy. Tami Brancamp called for a motion. Michael Hodes made a motion to reappoint all three members as recommended, and Timothy Hunsaker seconded the motion. The motion passed.

#### **Report Out and Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of June 21, 2022**

Tami Brancamp called on Ms. Pierce, who deferred to Michael Hodes, the Chair of the Advisory Committee to report out on the Committee's recommendations as follows:

##### **a. Draft Revisions to NRS 637B Related to NBC-HIS Certification for HAS License**

Dr. Hodes explained that draft revisions to two sections of NRS 637B removing the requirement for this certification were reviewed by the Committee with a vote to recommend the drafted language to the Board. There was no discussion by the Board and Tami Brancamp called for a motion. Michael Hodes made a motion to accept the drafted language as recommended, and Lynee Anderson seconded the motion. The motion passed.

**b. Consideration for Revisions to NAC 637B.0391(2) Regarding In-Service Training for Hearing Aid Specialist Apprentices**

Dr. Hodes explained that the Committee considered the 2 year in-service training requirement (which mirrors NBC-HIS requirements) in the context of the Board's decision to pursue future legislation to remove NBC-HIS certification as a requirement for a Standard HAS License. All Committee members were in consensus that in order to ensure the safety of the public and consumers and uphold high training standards, 2 years is an appropriate minimum to maintain. No action was taken as the Committee agreed that no recommendation for change was necessary. There was no discussion by the Board and Tami Brancamp called for a motion. Michael Hodes made a motion to take no action on this item, and Lynee Anderson seconded the motion. The motion passed

**c. Consideration for Licensing Audiology Assistants or Revision to NAC 637B.0442**

The Committee considered whether to recommend either licensing of Audiology Assistants, or a NAC revision to allow a supervising Audiologist or Hearing Aid Specialist to oversee an expanded list of allowable duties performed by an unlicensed office assistant, aide, or technician. The Committee voted to pursue a NAC revision and bring the matter back to the next Committee meeting for a work session to work on drafted language. There was no discussion by the Board, and it was agreed that the matter would be tabled until such time a recommendation was brought forth from the Committee.

**d. Consideration of Examinations Required for Dispensing Audiologists and Hearing Aid Specialists**

The Committee considered this as a new matter raised at the Board's April 2022 meeting related to reciprocal licensing for applicants licensed in another state. Discussion resulted in a unanimous consensus that no changes should be made to the current examination requirements. Citing the safety of the public and consumers, it was agreed that both examinations serve important protective functions to ensure that only qualified and skilled practitioners are licensed in Nevada. The Committee asked Board staff to gather more information on the use of out-of-state proctors/testing companies for consideration at its next meeting. There was no discussion by the Board, and it was agreed that the matter would be tabled until such time a recommendation may be brought forth from the Committee regarding the use of outside proctors.

**e. Consideration of Cerumen (Earwax) Management by Hearing Aid Specialists**

The Committee reconsidered the matter with discussion on current legislative trends, training to perform the services, and alternative providers who patients can seek out for care, resulting in agreement that the practice should be allowed by Hearing Aid Specialists, and reaffirmed its prior recommendation that the Board pursue a revision to NRS 637B to specifically allow it. Timothy Hunsaker asked whether this procedure is included in the scope of practice for Hearing Aid Specialists and Michael Hodes confirmed that it is, specifically by the International Hearing Society and is allowed by many states. Tami Brancamp called for a motion. Michael Hodes made a motion to pursue revision to NRS 637B to allow cerumen management by Hearing Aid Specialists and Lynee Anderson 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 and Ms. Pierce reported out on a June 15, 2022 meeting they attended with Jeff Briske, Director of the Office of Educator Development, Licensure and Family Engagement for the Nevada Department of Education, initiated at the Board's request in April 2022 to gather more information on NDE's sunseting of bachelor's level practitioners. Mr. Briske confirmed NDE's sunseting plan that includes revisions to NAC 391.370 that are proposed to take effect in October 2026. Mr. Briske further

shared that NDE does not need this Board to pursue SLPA licensing or related regulation changes. He was not aware of the Board's ongoing discussions around SLPA licensing.

Ms. Pierce shared that following this meeting, a Public Workshop was held on June 22, 2022 by NDE's Commission on Public Standards (COPS) to hear feedback on the proposed sunset revisions to NAC 391.370. The Commission voted to approve the proposed regulation and move to a Public Hearing. Dr. Brancamp asked for discussion from the Board members. Adrienne Williams shared that as an employer, she could see SLPAs assisting in private practice settings, given the critical shortage of practitioners in the state. Tami Brancamp shared that the Board's 2020 survey of licensees did not result in responses that were overwhelmingly in favor of pursuing SLPA licensing. She also shared that Nevada universities would likely have to consider creating curricula and programming for students to be prepared as SLPAs. Christy Fleck, public attendee, shared that in her experience in Texas, SLPAs were used in many settings and able to bill Medicaid. There was discussion around Medicaid billing and Ms. Pierce was asked to conduct research on Nevada Medicaid and current "under the direction of" billing for future discussions. No action was taken.

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

Ms. Pierce referred back to the prior agenda item wherein the Advisory Committee reported out on this matter. There was no discussion, and no action was taken.

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

Ms. Pierce reported no new information on this item and suggested that this matter may be relevant if the Board pursues SLPA licensing in the future. There was discussion around Medicaid billing and suggestion to partner with Nevada Medicaid if/when the Board pursues changes on this. Ms. Pierce was also asked to research Medicaid billing by Physical Therapy Assistants and Occupational Therapy Assistants for future discussions. Consensus was to keep this matter as a standing agenda item and no action was taken.

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

Ms. Pierce referred back to the prior agenda item wherein the Advisory Committee reported out on this matter. There was no discussion, and no action was taken.

**Consideration to Issue Public Comment in Support of Proposed Amendments to NAC Chapter 391.370 – Qualifications for teaching pupils who have speech and language impairments**

Ms. Pierce referenced the prior agenda item on SLPAs and NDE's intent to sunset bachelor's level practitioners. Ms. Pierce recommended that the Board approve development and delivery of public comment in support of the proposed revision to NAC Chapter 391.370 by the Board Chair and Executive Director for future public meetings on the regulation. Tami Brancamp asked for guidance from Board Counsel Henna Rasul who confirmed that it was within the Board's purview to issue public comment. Tami Brancamp made a motion for the Board to delegate development/delivery of public comment in support of the proposed revision to NAC Chapter 391.370 to herself and Ms. Pierce for future public meetings on the regulation. Andrea Menicucci 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 Q4 resulted in a net increase of 41 licenses, a 3% increase from the prior quarter, explaining that this was a smaller increase from the 6% increase in FY21 Q4, but this fiscal year saw a higher renewal rate at 81% compared to 79% for FY21.

**b. FY22 Q4 Financial Report**

Ms. Pierce explained that due to the end of the fiscal year, the Q4/End of Year financial statements were not ready in time for this meeting and will be provided at the October 2022 meeting. Ms. Pierce further reported that revenue and expenses have remained stable and cash accounts total over \$200,000. Two notable expenses were incurred for closure of the storage account with Vital Records Control that required assistance from Board Counsel. The account has now been closed and paid in full, and despite one-time charges for delivery and destruction of records, the termination of this ongoing expense will support future cost savings.

**c. Update on Proposed Regulations LCB File No. R064-21 (NAC 637B.400 Licensee CE Requirements)**

Ms. Pierce reported that the proposed regulation, LCB File R064-21 which revised annual CE requirements, became effective on June 13, 2022 upon filing with the Secretary of State. That same day the online renewal application and Board website were updated, and licensees were notified with instructions for requesting an extension if additional time was needed to complete the required 1 hour in ethics/cultural competence. To date no problems or complaints have been reported.

**d. Update on Implementation of License by Endorsement Application Process**

Ms. Pierce updated the Board on revisions to the online application to allow an Audiologist or SLP applying for a Standard license to request expedited license by endorsement. A few issues found in testing are being addressed and it is hoped the applications will go live later this week.

**e. Legislative Update**

Ms. Pierce directed the members to the summary of relevant interim committees in the Executive Director's report. There are no updates from the Joint Interim Standing Committee on Commerce and Labor or the anticipated Governor's Bipartisan Task Force on Occupational Licensing. Ms. Pierce reported on three items recently discussed by the Sunset Subcommittee of the Legislative Commission, including increasing the diversity of members of certain boards and commissions; requiring certain boards and commissions to submit a list of persons qualified to be appointed to vacancies; and requirements for agencies to report on pre-licensing determination requests.

**f. Introduction of the Nevada Commission for Persons who are Deaf and Hard of Hearing**

Ms. Pierce took this opportunity to inform the Board on this Commission, whose members are appointed by the Governor and makes recommendations on services for persons with disabilities. The Commission *"advocates for and support the goal that all Nevada citizens have equal and full access to resources, services and opportunities in all aspects of community life."* As a collaborative effort with state partners, Ms. Pierce has begun attending the Commission's meetings and networking with its Executive Director on shared issues.

**g. 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.

**h. Board Member Appointments/Reappointments**

Ms. Pierce reported that Timothy Hunsaker was reappointed for his second term and Adrienne Williams to her first term, both through 7/1/2025. Ms. Pierce pointed out that Tami Brancamp's second term will expire in July 2023, and an error was noted in the roster regarding Michael Hodes' term expiration, which will be corrected.

**i. Complaints**

Ms. Pierce reported that there were three open complaint cases following the April 2022 Board meeting. No new complaints have been received, leaving three open cases.

**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. Report from Board Chair and Board Members**

There were no reports from the Board Chair or members.

**b. 2022 Proposed Meeting Schedule**

The next meeting was scheduled for Wednesday, October 19, 2022 at 4:30pm.

**c. Future Agenda Items**

The following matters were identified for the October 2022 agenda:

1. 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
  - e) Cerumen Management by Hearing Aid Specialists
2. Work Session on Jurisprudence Exam

**Public Comment**

Kim Reddig shared that she recently received an email from ASHA to gather information on Nevada's interest in joining the Audiology & Speech-Pathology Interstate Compact (ASLP-IC). Tami Brancamp commented that the compact is intended to expedite reciprocal licensing and the Board's current process is very efficient in issuing licenses and she is not aware of complaints from military families. Kim Reddig further commented that part of the draw for military applicants is not being required to keep up with multiple license renewal dates. Tami Brancamp thanked her for her comments.

**Adjournment**

Tami Brancamp adjourned the meeting at 5:51pm.