



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

January 25, 2023

Members Present:	Tami Brancamp, Andrea Menicucci, Lynee Anderson, Minnie Foxx, Michael Hodes, Timothy Hunsaker, Adrienne Williams
Members Absent:	None
Staff Present:	Jennifer Pierce, Executive Director Stacey Whittaker, Licensing Coordinator Henna Rasul, Sr. Deputy Attorney General, Board Counsel
Public Present:	Jeanette Belz, Hana Fahmi, Laura Fink, Melissa Fleischmann, Mindy Johnson, Nancy Kuhles, Jaclyn Owens, Kim Reddig.

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 of October 19, 2022

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

Disciplinary Matters: License Reinstatement Application: Jaclyn Owens (formerly Jaclyn Tourin), SLP License #SP-2624, Expired August 22, 2021

Ms. Pierce summarized the reinstatement application before the Board as a result of Ms. Owens' practice without a license between August 2021 and October 2022. Ms. Owens was employed by the Washoe County School District and held the required DOE credential (for which she would not require a Board license) but disclosed that she had also engaged in the private practice of Speech-Language Pathology during the 14 months since her license expired. Ms. Owens was asked where she engaged in the private practice and reported that she engaged in contract work for Nevada Speech and Therapy Group between June 2021 and September 2022. She clarified that this was not a full-time position, and she frequently worked on a per diem basis. She explained that the lapse in her license was an oversight, and she did not receive reminder emails as she was no longer accessing the address they were sent to. She further explained that during this time she was studying for the PRAXIS Exam and was not focused on her state license. When asked why she finally submitted the reinstatement application, she stated she was notified by the school district supervisor that it had expired and thus did not activate her salary bonus. Ms. Owens was asked if she had notified her former employer of the license lapse and she admitted she has not done so to date. There was discussion around this and the potential ramifications for herself and the employer,

with a recommendation that she should do so. A question was raised as to whether she should also notify Medicaid, and consensus was that doing so would be the employer's responsibility. There was additional discussion around the circumstances leading to the lapse and potential fine amounts based on past cases.

Dr. Brancamp asked for a motion. Michael Hodes made a motion to impose an administrative fine of \$300.00 and approve reinstatement of the license on the following condition: the reinstatement may be approved once Ms. Owens provides proof to the Board that she has contacted her former employer to inform them of her unlicensed practice and related unlicensed billing activity. Andrea Menicucci seconded the motion. The motion passed unanimously.

Response to Governor's Executive Orders and Update on 2023 Legislative Session

a. Governor's Executive Orders

Ms. Pierce summarized the three executive orders issued since January 1, 2023 by Governor Lombardo that impact Boards and Commissions and include multiple deliverables as follows:

- Executive Order 2023-002: Directs the Department of Administration to review and make recommendations with respect to hiring, retention and promotional rules and procedures related to State employment and to work with executive branch agencies to transition the State workforce to pre-pandemic, normal and customary office conditions (due July 1, 2023).
- Executive Order 2023-003: Suspends proposal, approval, or action on any new regulations (with allowable exceptions) by any executive branch agency, department, board or commission until such time as the Order is rescinded. Requires comprehensive review of current regulations with feedback from a public hearing, and submission of a report to the Governor that includes ten regulations recommended for removal (due May 1, 2023).
- Executive Order 2023-004: Suspends creation of new regulations that limit entry to occupations and requires a report/recommendation on current restrictive requirements (due April 1, 2023), and a second report detailing proposals to phase out unnecessary requirements and implement reciprocity options (due July 1, 2023).

Ms. Pierce shared a proposed work plan for completing the required reports, suggesting the following:

- April 1, 2023 Report: The Board is not scheduled to meet again until April 2023 but may choose to either hold an interim meeting to review/approve this report or delegate authority to the Board Chair and Executive Director to complete this task.
- May 1, 2023 Report: The Executive Director proposes drafting this report for review and approval at the April 2023 Board Meeting which will also include the required public hearing.
- July 1, 2023 Report: The Executive Director proposes drafting this report for review and approval at the April 2023 Board Meeting.

Tami Brancamp called for discussion and consensus was to follow the proposed workplan and delegate responsibility for the April 1, 2023 report as described. Dr. Brancamp called for a motion. Andrea Menicucci made a motion to delegate responsibility for drafting, approving, and submitting the April 1, 2023 report to the Board Chair and Executive Director. Michael Hodes seconded the motion. The motion passed.

b. 2023 Legislative Session Update

Ms. Pierce summarized that the 82nd (2023) Legislative Session will begin on Monday, February 6, 2023. To date, 17 Bill Draft Requests (BDRs) have been filed which appear to include content that is directly or indirectly relevant to our Board and/or licensees, however of the 147 Bills introduced to date, only one, related to the Open Meeting Law, appears relevant. The Executive Director will

monitor legislative activities and provide updates to the Board throughout the session. No action was taken.

Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of January 18, 2023

Tami Brancamp asked Michael Hodes, Committee Chair to summarize, who shared the following:

a. Consideration for Recommendation to the Board on Proposed Revision to NAC 637B.0442

Dr. Hodes summarized that language was revised and drafted for approval in advance of the January 2023 meeting to review and recommend regulation revisions in lieu of licensing Assistants, however the matter was not discussed and instead tabled per the Governor's Executive Orders 2023-003 and 2023-004.

b. Consideration for Recommendation to the Board on Revisions to NRS 637B.050 "Practice of audiology" defined. and/or NRS 637B.055 "Practice of fitting and dispensing hearing aids" defined.

Dr. Hodes explained that an overlap was identified between the two sections of NRS that define the "practice of Audiology" and "practice of fitting and dispensing hearing aids", as fitting and dispensing activities are currently included in the "practice of audiology" despite not being allowed without the required endorsement. The Committee voted unanimously to recommend the Board consider a revision to NRS 637B.050 that clarifies/cites the dispensing endorsement requirement in NRS 637B.205.

Tami Brancamp made a motion to approve drafting a revision to NRS 637B.050 to clarify the practice of audiology and the required dispensing endorsement. Michael Hodes seconded the motion. The motion passed unanimously.

c. Update on FDA Final Rule on Over-the-Counter Hearing Aids and Consideration to Recommend Revisions to NRS and/or NAC to Align with Federal Law

Dr. Hodes summarized that one section of NRS (637B.242), and two sections of NAC (637B.0444 and 637B.045) remain in effect following the Final Rule, but only apply to the sale of hearing aids by catalog, mail, or Internet. These were presented to the Committee and there was no discussion of proposed NAC revisions per the Governor's Executive Orders 2023-003 and 2023-004. Regarding NRS 637B.242, the Committee voted to affirm the law as is with no changes recommended to the Board. No action was taken by the Board.

d. Update on IHS Practical Exam Revisions and Consideration for Recommendation to the Board for Revision to NAC 637B.030 to Increase Exam Fee

Dr. Hodes shared that IHS will be rolling out revisions to the Dispensing Practical Examination in the near future, which may increase costs for the Board in purchasing exam booklets. Staff have not been contacted by IHS to discuss this and updates will be provided at future meetings as more information is available. There was no discussion of proposed NAC revision per the Governor's Executive Orders 2023-003 and 2023-004 and no action was taken.

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

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

Ms. Pierce reported that the NDE revisions to NAC 391.370 to "sunset" bachelor's level SLP staff were not taken before the Legislative Commission in December as anticipated and instead are on hold per the

Governor's Executive Orders. Ms. Pierce has received word from NDE that it would be open to partnering with the Board on SLP Assistant work in the future as appropriate. No action was taken, and the matter will remain a standing agenda item.

- 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 was previously considering recommended NAC revisions in lieu of licensing Audiology Assistants, which has now been tabled per the Governor's Executive Orders. No action was taken, and the matter will remain a standing agenda item.
- c. Consideration to Revise NRS 637B to Address Telehealth and Telesupervision**
Ms. Pierce reported no new information on this item and reiterated that this matter may be relevant if the Board pursues SLPA licensing in the future. No action was taken, and the matter will remain a standing agenda item.
- d. Consideration to Revise NRS 637B to Remove NBC-HIS Certification Requirement for HAS License**
Ms. Pierce reported no updates on this item, as drafted language is approved and ready for inclusion in a future BDR. No action was taken, and the matter will remain a standing agenda item.

Recommendation to Table Work on Board Jurisprudence Exam Per Governor's Executive Orders

This matter was discussed at the Board's October 2022 meeting with consideration to make the examination mandatory, however at that time a revision to NAC 637B was recommended to clarify the Board's authority. The Board formally tabled this matter per the Governor's Executive Orders 2023-003 and 2023-004.

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 FY23 Q2 resulted in a net increase of 13 licenses, a less-than 1% increase from the prior quarter. These totals are commensurate with FY21 Q2, where 42 licenses were added and 41 expired. Notably, the HAS Apprentice census decreased this quarter, with four licenses expiring without conversion to a Standard HAS license.
- b. FY23 Q2 Financial Report**
Ms. Pierce summarized the FY23 Q2 Financial Summary, which resulted in net income higher than budgeted (54% of budget), and expenses lower than estimated (47% of budget). Reserves (equity) now total \$117,334.32 which is additional savings of \$5,531 since the end of the last quarter. There were no major deviations from the budget during this quarter.

Ms. Pierce also noted as revenue continues to increase, it is quite likely that the Board's FY23 revenue may exceed \$200,000, which will require a formal audit instead of a balance sheet submission to LCB. As a result, a line item will be added to the draft FY24 budget for consideration to approve funds and solicit a vendor for this service if required.
- c. Personnel Update: Resignation of and Recruitment for Part-Time Board Investigator**
Ms. Pierce reported that the Board office received and accepted Wayne Springmeyer's two-week notice of resignation effective January 25, 2023. Per the Board's Personnel Policy manual, an open,

competitive announcement will be posted to find a replacement and any subsequent employment contract will be brought before the Board for final review and approval.

d. Board Member Appointments/Reappointments

Ms. Pierce summarized that the Board is fully appointed through July 2023 when both Tami Brancamp and Michael Hodes' terms will expire, and neither are eligible for reappointment. Minnie Foxx's first term will also expire in July 2023 and she is eligible to apply for reappointment. Board staff will begin recruitment efforts, including an email to all licensees and posting on the Board website for the following: One (1) Audiologist OR Dispensing Audiologist; and One (1) Speech-Language Pathologist working/practicing in a University or Hospital setting.

As Tami Brancamp is currently the Board Chair, and Michael Hodes chairs the Advisory Committee, an agenda item will be included in the Board's July 2023 meeting to include election of a new Board Chair and Vice-Chair based on nominations made by Board Members; appointments of Bank Signatories & Financial Reviewers; appointment of a Dispensing Audiologist to the Advisory Committee on Fitting and Dispensing Hearing Aids; and appointment/reappointment of non-Board members to the Advisory Committee on Fitting and Dispensing Hearing Aids. At its next meeting following these appointments, the Advisory Committee on Fitting and Dispensing Hearing Aids will also be tasked with electing a new Committee Chair from its appointed Board members.

e. Complaints

Ms. Pierce reported that there was one open complaint case following the October 19, 2022 Board Meeting. Three new complaints have been received since then (one in November 2022 and two in January 2023), resulting in four open cases.

Request for Approval of Proposed Revision to FY23 Budget to Compensate Expert Reviewers for Complaint Cases

Ms. Pierce requested the Board review and consider the proposed revised FY23 budget with a recommendation to approve the addition of up to \$1,000.00 for compensation to Expert Reviewers for complaint cases. Ms. Pierce explained that typically, if an Expert Reviewer is used, a Non-Disclosure Agreement is executed, and the review is completed without compensation. However, some cases demand review of copious amounts of medical and other records and it would be appropriate and fair to reimburse these professionals for their time.

There was some discussion on how this is handled by other Boards, as any current Board member who engaged in these reviews would subsequently be required to recuse themselves from a future hearing on the case. The consensus was that reimbursing these reviewers is very fair and appropriate. Tami Brancamp called for a motion. Andrea Menicucci made a motion to approve the revised budget with \$1,000.00 in additional funds to compensate expert reviewers as needed. Minnie Foxx seconded the motion. The motion passed unanimously.

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. **2023 Proposed Meeting Schedule:** The next meeting was scheduled for Wednesday, April 26, 2023 at 4:30pm.
- c. **Future Agenda Items:** The following matters were identified for the April 2023 and future agendas:
 - 1) **Work Session: Continued Work on Future Legislative Efforts (Standing Agenda Item):**
 - (a) Licensing Speech-Language Pathology Assistants
 - (b) Licensing Audiology Assistants
 - (c) Address Cerumen Management Practice by HAS
 - (d) Removal of NBC-HIS Certification for Standard HAS License
 - (e) Telesupervision by AUD & SLP
 - 2) Review and Approval of Draft FY24 Budget
 - 3) Response to Governor's Executive Orders, Including Public Hearing for Executive Order 2023-003
 - 4) Election of Board Chair & Vice Chair; Bank Signatories & Financial Reviewer Appointments (July 2023)

Public Comment

Nancy Kuhles shared the following public comment specific to Agenda Items 7a and 7b from this meeting regarding SLP and Audiology Assistants: "The licensing of SLP and Audiology Assistants by our State of Nevada Speech-Language-Pathology, Audiology and Hearing Aid Dispensing Board would benefit the State of Nevada. ASHA's 2021 survey of ratio data revealed Nevada to be 50th in the number of Audiologists per 100,000 citizens (2.4 per 100,000), and 51st in the number of SLPS per 100,000 citizens (30 per 100,000). The benefits of licensing Assistants by our state Board is twofold: meeting the needs of Nevada's citizens who need Audiology and Speech Language Pathology services throughout our state, and it also supports the services of Nevada SLPs and Audiologists." Ms. Kuhles thanked the Board for its time.

Minnie Foxx commented from her role as the public member of the Board regarding the disciplinary case heard earlier in the meeting, sharing that she felt the decision made was fair and just. She further shared her appreciation for the licensees on the Board and their thoughtfulness in handling the case.

Adjournment

Tami Brancamp adjourned the meeting at 5:28pm.