



State of Nevada

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

## NOTICE OF PUBLIC MEETING

**Wednesday, July 19, 2023 ~ 4:30pm**

### Locations:

**RENO:** Board Office ~ 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523

AND

**LAS VEGAS:** Las Vegas Hears ~ 501 S. Rancho, Suite A8, Las Vegas, Nevada 89106

*Supporting materials relating to this meeting will be physically available but in an effort to reduce costs and preserve resources, attendees are encouraged to access electronic copies on the Board's website at <https://www.nvspeechhearing.org/about/Minutes.asp>*

### Teleconference Access

#### ZOOM VIDEO & AUDIO:

<https://us02web.zoom.us/j/84904768913?pwd=K1R6K3V0K3cwSkRBMGZiVE5VL0Rtdz09>

**AUDIO ONLY BY TELEPHONE:** (669) 900-6833

**Meeting ID:** 849 0476 8913

**Passcode:** 456966

If you are outside the United States or need **toll-free telephone access**, please contact the Board office at [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) or (775) 787-3421 to request a toll-free number no later than 3:00pm Pacific on the day of the meeting.

### Public Comment

Any person wishing to make public comment may attend the meeting and provide comment as follows:

- 1) In person at the physical location(s) listed above, 2) Virtually through the Zoom teleconference video link listed above, or 3) Telephonically through the Zoom telephone number listed above. Please see additional public comment instructions at the end of this agenda.

## AGENDA

The **STATE OF NEVADA SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD** may: (a) address agenda items out of sequence (b) combine agenda items or (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030).

Action by the Board on any item may be to approve, deny, amend, or table.

### 1. Call to Order, Confirmation of Quorum

### 2. Public Comment

*No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)*

3. **Welcome & Introduction of New Board Members** *(informational only)*
4. **Election of Board Chair & Vice Chair** *(for possible action)*
5. **Appointment of Bank Signatories/Financial Reviewer** *(for possible action)*
6. **Appointment of Dispensing Audiologist to Advisory Committee on Fitting and Dispensing Hearing Aids** *(for possible action)*
7. **Approval of the Minutes: Board Meeting and Public Hearing of April 26, 2023** *(for possible action)*
8. **Disciplinary Matters** *(for possible action)*
  - a. Case Recommended for Dismissal: Case # S22-02 *(for possible action)*
  - b. Case Recommended for Dismissal: Case # S23-01 *(for possible action)*
9. **Update on 2023 Legislative Session and Status of Governor's Executive Orders** *(for possible action)*
10. **Work Session on Future Legislative (NRS) Efforts** (Standing Agenda Item)
  - a. Add Licensing of Speech-Language Pathology Assistants *(for possible action)*
  - b. Add Licensing of Audiology Assistants *(for possible action)*
  - c. Add/Allow Cerumen Management by HAS to Scope of Practice *(for possible action)*
  - d. Remove NBC-HIS Certification Requirement for Standard HAS License *(for possible action)*
  - e. Address/Allow Telesupervision by AUD/SLP *(for possible action)*
11. **Executive Director's Report**
  - a. Licensure Statistics *(for possible action)*
  - b. FY23 Q4/End of Year Financial Report *(for possible action)*
  - c. Board Member Appointments/Reappointments *(for possible action)*
  - d. Complaints *(for possible action)*
12. **Consideration to Approve Revised FY24 Budget, Investigator Employment Agreement, Audit Contract, and Financial Reporting Election**
  - a. Revised FY24 Budget *(for possible action)*
  - b. Proposed/Draft Employment Agreement: Thomas Sharkey, Board Investigator *(for possible action)*
  - c. LCB Financial Reporting Election Form *(for possible action)*
  - d. Proposed/Draft Contract: Coulson & Associates, Financial Audit Services Pursuant to NRS 218G.400 *(for possible action)*
13. **Report from Legal Counsel and Overview of Disciplinary Hearing Process** *(informational only)*
14. **Reports from Board Chair and Members**
  - a. Report from Board Chair and Board Members *(for possible action)*
  - b. 2023 Proposed Meeting Schedule: Next meeting proposed: Wednesday, October 18, 2023 at 4:30pm. Teleconference hosted via Zoom and in-person at the Reno Board Office *(for possible action)*
  - c. Future Agenda Items *(for possible action)*
    - 1) Work Session: Continued work on Future Legislative Efforts (Standing Agenda Item):
      - (a) Licensing Speech-Language Pathology Assistants *(for possible action)*
      - (b) Licensing Audiology Assistants *(for possible action)*
      - (c) Address Cerumen Management Practice by HAS *(for possible action)*
      - (d) Removal of NBC-HIS Certification for Standard HAS License *(for possible action)*
      - (e) Telesupervision by AUD & SLP *(for possible action)*
    - 2) Other Items As Proposed *(for possible action)*

**15. Public Comment**

*No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)*

**16. Adjournment (for possible action)****PUBLIC COMMENT**

*Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. A public comment time will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the Board Chair, additional public comment may be heard when that item is reached. The Board Chair may allow additional time to be given a speaker as time allows and in their sole discretion. (NRS 241.020, NRS 241.030)*

*Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. (NRS 233B.126).*

**ACCOMMODATIONS**

*Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 787-3421 or email at [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org) no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.*

**AGENDA POSTING & DISSEMINATION**

This meeting has been properly noticed and posted in the following locations:

- Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
  - Board Office: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
  - Board Website: [www.nvspeechhearing.org](http://www.nvspeechhearing.org)
  - Las Vegas Hears ~ 501 S. Rancho, Suite A8, Las Vegas, Nevada 89106
- State of Nevada Public Notices Website: [www.notice.nv.gov](http://www.notice.nv.gov)

This agenda has been sent to all members of the Board and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

**SUPPORTING MATERIALS**

Supporting material relating to public meetings of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is available at the Board's administrative office located at 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523 on the Board's website at <https://www.nvspeechhearing.org/about/Minutes.asp> or by contacting Jennifer R. Pierce, Executive Director by phone at (775) 787-3421 or email at [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org).

Anyone desiring additional information regarding the meeting is invited to call the Board office at (775) 787-3421 or [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org).

## AGENDA ITEM 1

### Call to Order, Confirmation of Quorum

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Call to Order, Confirmation of Quorum.

**ACTION:** Meeting called to order.

**ATTACHMENT(S):** None.

## AGENDA ITEM 2

### Public Comment

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*No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020).*

**CHAIR/VICE CHAIR: PLEASE READ PRIOR TO CALLING FOR PUBLIC COMMENT:**

*I will now review the instructions for providing public comment during this meeting:*

*Any person wishing to make public comment may attend this meeting and provide public comment in one of the following ways:*

- 1. Attend the meeting and provide public comment in-person at the physical location; OR*
- 2. Attend the meeting and provide public comment virtually through the Zoom teleconference video link listed on the agenda; OR*
- 3. Attend the meeting and provide public comment telephonically through the Zoom telephone number listed above. Please see additional public comment instructions at the end of this agenda.*

*Public comment is welcomed by the Board.*

- Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted.*
- A public comment time will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda.*
- At the discretion of the Board Chair, additional public comment may be heard when that item is reached.*
- The Board Chair may allow additional time to be given a speaker as time allows and in their sole discretion.*
- Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment.*

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):** None.

## AGENDA ITEM 3

### Welcome & Introduction of New Board Members

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The Board is currently awaiting appointments from the Governor's Office to fill the SLP seat vacated by Tami Brancamp, and the Audiologist seat vacated by Michael Hodes.

As of the date this packet was disseminated, no appointments have been made but we will keep this agenda item in place in case appointments are received prior to the meeting.

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):** None.

## AGENDA ITEM 4

### Election of Board Chair & Vice Chair

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The Board is currently awaiting appointments from the Governor's Office to fill the SLP seat vacated by Tami Brancamp, and the Audiologist seat vacated by Michael Hodes.

As of the date this packet was disseminated, no appointments have been made but we will keep the agenda item in place in case appointments are received prior to the meeting.

Pursuant to NRS 637B.120, the Board is to elect a Chair and Vice Chair who serve at the pleasure of the Board. The Chair and Vice Chair are voting members of the Board.

Board members will be invited to nominate members for both positions during this meeting, and an election vote will be held.

#### Duties of the Chair

The Chair presides over all public meetings of the Board, calling meetings to order, leading and conducting the meeting.

- Decides if a quorum is present before the meeting is opened;
- Leads the Board members into discussion and attempts to have all sides presented;
- Sets the ground rules for time allocation, discussion limits, time of adjournment and keeps focus on the agenda;
- Has the agenda adopted at the start of the meeting and ensures motions are properly voted upon.
- Conducts hearings and may be called upon to make evidentiary rulings pursuant to legal obligations.

#### Requirements of a Good Chair:

- Knowledgeable of basic parliamentary procedures
- Leadership ability
- Ability to get along with people while remaining firm and orderly
- Ability to handle critical and controversial issues
- Maintains control of his/her emotions and convictions
- Impartial, exercising common sense and good judgment
- Ability to control ill will or negative thoughts about others in public.

#### Duties of the Vice Chair

The Vice Chair assumes the duties of the Chair in the absence of the Chair. The Vice Chair will assume the Chair position for the balance of the term/year, if for any reason the Chair is unable to continue in the position, such as long-term illness or resignation from the Board.

**ACTION:** Approve, table, or take no action on the matter.

**ATTACHMENT(S):** None.

## AGENDA ITEM 5

### Appointment of Bank Signatories & Financial Reviewer

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The Board is currently awaiting appointments from the Governor's Office to fill the SLP seat vacated by Tami Brancamp, and the Audiologist seat vacated by Michael Hodes.

As of the date this packet was disseminated, no appointments have been made but we will keep the agenda item in place in case appointments are received prior to the meeting.

#### **Banking Signatories**

The Board holds operating checking, savings, and Visa credit accounts at Wells Fargo Bank. The current signers on the account are two Board members consisting of the Chair, another Member and the Executive Director.

The current signatories are Tami Brancamp, Andrea Menicucci, and Jennifer Pierce.

It is recommended the Board authorize the execution of updated Board member signatories as designated by the Board.

#### **Financial Reviewer**

The Board Vice Chair, Andrea Menicucci, is currently designated as the Board's financial reviewer. Any member of the Board may serve as the reviewer. The reviewer receives monthly documentation of Board financial transactions including copies of bank statements, receipts and disbursements. The duties include reviewing the financial documents for discrepancies and approving the disbursements by signing the accounts payable listing as having been reviewed and approved.

**ACTION:** Approve, table, or take no action on the matter.

**ATTACHMENT(S):** None.



## AGENDA ITEM 6

### Appointment of Dispensing Audiologist to Advisory Committee on Fitting and Dispensing Hearing Aids

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The Board is currently awaiting appointments from the Governor's Office to fill the SLP seat vacated by Tami Brancamp, and the Audiologist seat vacated by Michael Hodes.

As of the date this packet was disseminated, no appointments have been made but we will keep the agenda item in place in case appointments are received prior to the meeting.

In accordance with NAC 637B.034, the Advisory Committee on Fitting and Dispensing Hearing Aids must include at least two members of the Board, one of whom must represent dispensing audiologists and one of whom must represent hearing aid specialists.

As Michael Hodes' term has ended, the Board must appoint a dispensing audiologist to the Committee in his place.

**ACTION:** Approve, table, or take no action on the matter.

**ATTACHMENT(S):** None.

## AGENDA ITEM 7

### Approval of the Minutes: Board Meeting and Public Hearing of April 26, 2023

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The minutes of the Board Meeting and Public Hearing of April 26, 2023 are presented for approval.

**ACTION:** Approve, table, or take no action on the matter.

**ATTACHMENT(S):**

1. *2023 4 26 Minutes Not Yet Approved*



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

**MINUTES OF PUBLIC MEETING**

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

**April 26, 2023**

|                         |   |
|-------------------------|---|
| <b>Members Present:</b> | Tami Brancamp, Lynee Anderson, Minnie Foxx, Michael Hodes, Timothy Hunsaker, Adrienne Williams  |
| <b>Members Absent:</b>  | Andrea Menicucci  |
| <b>Staff Present:</b>   | Jennifer Pierce, Executive Director<br>Stacey Whittaker, Licensing Coordinator<br>Henna Rasul, Sr. Deputy Attorney General, Board Counsel   |
| <b>Public Present:</b>  | Kjirsten Broughton, Mary Collins, Laura Fink, Melissa Fleischmann, Schelbea Gillingham, Mindy Johnson, Bridget Kelly, Nancy Kuhles, Holly Nguyen, Edyl Zarah Y. Peck, Kim Reddig, Shawna (no last name provided). |

**Call to Order, Confirmation of Quorum**

Tami Brancamp called the meeting to order at 4:30pm. A roll call confirmed a quorum was present.

**Public Comment**

There was no public comment.

**Approval of the Minutes: Board Meeting of January 25, 2023**

Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of January 25, 2023 and none were noted. Chair Brancamp asked for a motion. Michael Hodes made a motion to approve the minutes of January 25, 2023 as written. Minnie Foxx seconded the motion. The motion passed.

**Disciplinary Matters: License Reinstatement Application: Kjirsten Broughton, SLP License #SP-2141, Expired June 25, 2021**

Ms. Pierce summarized the reinstatement application before the Board as a result of Ms. Broughton's practice without a license between June 2021 and March 2023. Ms. Broughton indicated that she was previously employed by the Clark County School District and held the required DOE credential (for which she would not require a Board license) but left that position in May 2021, prior to the expiration of her license and was engaged full-time in her private SLP practice during the unlicensed period.

Ms. Broughton was present during this meeting, accompanied by her attorney Bridget Kelly. Tami Brancamp invited Ms. Broughton to speak to the Board and referred to the letters sent ahead of the meeting by Ms. Broughton explaining the lapse in licensure. Ms. Broughton admitted to not renewing her license, apologized for the oversight, and stated that she understood the seriousness of the situation. Minnie Foxx asked Ms. Broughton what services she had been providing, and Ms. Broughton stated she was providing speech-language therapy services, mostly to children diagnosed with autism, apraxia or related conditions. Adrienne Williams asked how many children she was treating, and Ms. Broughton estimated the total to be 30. Ms. Williams followed up by asking why Ms. Broughton overlooked the

Board's email reminders, and Ms. Broughton stated that they were going to her personal email address, and she overlooked them. Ms. Foxx asked whether she had corrected the email address and Ms. Broughton stated that she is now diligently checking all email accounts. Lynee Anderson asked how long Ms. Broughton was licensed and paying a renewal fee to this Board and why not paying the fee did not catch her attention, and Ms. Broughton stated it was approximately 5 years. Timothy Hunsaker asked whether she had maintained her continuing education and she stated that she did. There was lengthy discussion amongst the Board members regarding the amount of the administrative fine to assess and whether Ms. Broughton should be required, as a condition of reinstatement, to notify patients of her unlicensed status, as many were paying by cash and she was not billing insurance. On the advice of Board Counsel, consensus was to not impose the suggested condition on the reinstatement. Tami Brancamp asked for a motion. Michael Hodes made a motion to impose an administrative fine of \$700.00 and approve reinstatement of the license with no conditions. Minnie Foxx seconded the motion. The motion passed unanimously.

### **Public Hearing to Solicit Feedback on Regulations in NAC Chapter 637B per Governor's Executive Order 2023-003**

At the request of Chair Brancamp, Ms. Pierce provided an overview of the hearing's purpose to solicit comments from licensees, stakeholders, and other interested persons on the Board's regulations, NAC Chapter 637B. Per the Governor's Executive Order 2023-003, the Board is required to submit a report to the Governor's Office by May 1, 2023 with recommendations for regulations that may be modified and removed, and the report must include feedback solicited from key industry stakeholders at a public hearing. Ms. Pierce directed the Board and attendees to the draft version of the May 1, 2023 report with proposed drafted revisions and NAC 637B in its entirety included in the meeting packet.

Chair Brancamp opened the hearing for public comment; one oral comment was received:

- Kim Reddig, Nevada Speech-Hearing Association (NSHA) offered oral public comment, stating that she was concerned about the revision proposed in NAC 637B.0442 to expand the list of duties that may be delegated to an unlicensed assistant. Ms. Reddig stated that she felt this change in language would be confusing and create an issue similar to that of bachelor's level SLPs working for the Nevada Department of Education, where a person without the proper training and licensure is allowed to engage in the practice and may set a lower standard for the practice.

Ms. Pierce reported that two (2) written comments were received following dissemination of the meeting packet, and read each into the meeting record as follows:

- Letter Dated April 24, 2023 from the American Speech-Hearing Association (ASHA), Robert M. Augustine, PhD, CCC-SLP, 2023 ASHA President:  
*"RE: Opposition to Assistant Regulations*  
*Dear Ms. Brancamp: On behalf of the American Speech-Language-Hearing Association (ASHA), I write to oppose the proposed regulations which state that the use of unlicensed assistants is allowed with no requirement for licensure, certification, or registration by the Board and provides an expansive scope of practice. The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 228,000 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. Over 1,200 ASHA members reside in Nevada. ASHA believes that appropriately trained audiology assistants, who are licensed and supervised by an ASHA certified and licensed audiologist, can alleviate the burdens on practitioners and help ensure that more clients and patients receive services. However,*

ASHA believes that the requirements should first be addressed through the legislative process. Licensure of these individuals will ensure that the needed training, supervision, and scope are defined and that consumers are protected by having recourse through the Board if needed. ASHA does not support having a hearing aid specialist as a supervisor of the assistant because they do not have the necessary training and skills sets needed. The Nevada Speech-Language-Hearing Association also supports these recommendations and will be providing a comment letter to the Board. As you are aware, ASHA has a certification program for both audiology and speech-language pathology assistants which offers several education pathways and requires the passage of an exam.<sup>2</sup> Thank you for considering ASHA's comments on the proposed assistant regulations. If you or your staff have any questions, please contact Eileen Crowe, ASHA's director of state association relations, at [ecrowe@asha.org](mailto:ecrowe@asha.org)."

- Letter Dated April 26, 2023 from Nancy Kuhles, M.S. CCC-SLP, ASHA Fellow  
"Re: NAC 637B.0442

*Dear Board Chair Brancamp, Members of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, and Executive Director Pierce, For the record, my name is Nancy Kuhles. I am writing to oppose the proposed regulations which states that the use of unlicensed assistants, NAC 637B.0442. The proposed change of language within NAC 637B.0442 is misleading. The proposed change of language within the NAC 637B.0442 adds Audiologists to those who can delegate duties, which currently include Hearing Aid Specialists or Dispensing Audiologists. Furthermore, the proposed change of language within the NAC 637B.0442 removes "aides" and "technicians", and removes the word "office" to create an unlicensed assistant. This is could be misleading to the public. The proposed change of language within the NAC 637B.0442 creates unlicensed audiology assistants with no requirement of licensure, certification, or registration. The proposed change of language within the NAC 637B.0442 expands a list of duties allowable by the unlicensed assistant. There is no proposed guidance with regard to knowledge and skills of supervision by the Audiologist, Hearing Aid Specialist or Dispensing Audiologist to supervise an assistant with additional duties. There is no proposed guidance with regard to proof of competencies by the unlicensed assistant. There is no proposed guidance with regard to the number of unlicensed assistants allowed under the direction of the licensed Audiologist, Hearing Aid Specialist or Dispensing Audiologist. I oppose the proposed regulations which states that the use of unlicensed assistants. Thank you for your time and consideration."*

No further public comment was received and Chair Brancamp closed the public hearing.

#### **Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of April 12, 2023**

Ms. Pierce summarized the Committee's meeting and recommendations as follows:

##### **a. Review and Feedback on Regulation Review and Proposal for Revision/Modification and Draft Report for Executive Order 2023-003**

Ms. Pierce reported that the Board's regulations, NAC Chapter 637B and Adopted Revisions, and the 2023-003 Executive Order Report draft were presented to the Committee for review and the Committee recommended no changes. No action was taken by the Board.

##### **b. Review and Recommendation to the Board on Revisions to NRS 637B.050 "Practice of audiology" defined to Include Reference to Required Endorsement for Fitting and Dispensing Hearing Aids**

At its January 2023 meeting, the Board voted to draft revisions to NRS 637B.050 to clarify the practice of audiology and the required dispensing endorsement. At the April 2023 meeting, the Committee

reviewed drafted language and voted to recommend the revision to the Board. Chair Brancamp called for a motion. Michael Hodes made a motion to approve the drafted revision as written for inclusion in a future legislative session. Minnie Foxx seconded the motion. The motion passed unanimously.

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

Ms. Pierce summarized that the Committee was updated on a meeting held between Board staff and the International Hearing Society (IHS) in early April 2023 regarding revisions to the practical examination that IHS expects to release in the next few months. Ms. Pierce shared an overview of the exam changes and confirmed that IHS plans to increase the fee per exam to \$200.00. The Board currently pays \$50.00 per exam, so this increase will be significant, but IHS is willing to work with the Board on a graduated increase and the current agreement with IHS expires in October 2023. Ms. Pierce referenced Agenda Item 12 to be heard later in this meeting that will follow up on this matter and address the FY24 budget and consideration to renew/renege a contract with IHS. No action was taken by the Board.

**Review and Approval of Reports Due to Governor's Office on Executive Orders 2023-003 and 2023-004 with Inclusion of Feedback from Public Hearing**

**a. 2023-003 Executive Order Report Review and Approval with Discussion and Inclusion of Stakeholder Feedback from Public Hearing and Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids**

Ms. Pierce directed the Board back to the drafted report, the review by the Advisory Committee on Fitting and Dispensing Hearing Aids, and the public comments received in the earlier public hearing. Ms. Pierce also explained that the revisions proposed in the report are simply suggestions to the Governor's Office in accordance with the reporting requirements included in Executive Order 2023-003 and are not before the Board and the public as part of administrative rulemaking. Any actual changes to these regulations would need to occur during a separate, future process which would include notice to stakeholders of both workshops and hearings and ample opportunity for public comment. Per the current Executive Order 2023-003, the Board may not take action on its regulations.

There was a great deal of discussion on *NAC 637B.0442 Delegation of duties by hearing aid specialist, audiologist, or dispensing audiologist to an unlicensed office assistant, aide or technician*, specific to the public comments received. Two comments were received from Speech-Language Pathologists, though the regulation addresses the practice of Audiologists, Dispensing Audiologists, and Hearing Aid Specialists. The Board questioned the appropriateness of an SLP making specific recommendations for a practice they do not engage in. The written comment from ASHA recommends licensure of an assistant with supervision by an ASHA-certified Audiologist, however the Board believes that very few of its licensed Audiologists or Dispensing Audiologists hold the ASHA CCC-AUD certification, which is not required for initial or ongoing licensure by the Board. The written comment from ASHA also states that Hearing Aid Specialists (HAS) should not be allowed to supervise an assistant, which does not align with the Board's current practice or national trends allowing Hearing Aid Specialists to supervise and train HAS Apprentices. Further, other practitioners and services available in the community may provide similar services without licensing, such as videonystagmography (VNG) testing or newborn hearing screenings.

Ms. Pierce also shared that the American Audiology Association has taken an official position against assistant licensing, *stating that it "does not see a need for state licensing of audiology assistants since*

*these individuals should only work under the supervision of a state-licensed audiologist. The creation of a separate state licensure category for these types of support personnel is unnecessary and could prove confusing to consumers who may interpret such a separate licensure “category” as an indication that audiology assistants are independent practitioners”.*

Chair Brancamp asked for a motion. Michael Hodes made a motion to approve the report as drafted with the inclusion of public comments received and submission to the Governor’s Office pursuant to Executive Order 2023-003. Lynee Anderson seconded the motion. The motion passed.

**b. Review and Approval of Regulations to Request Exemption from Executive Order 2023-003**

Ms. Pierce explained that Executive Order 2023-003 allows Boards to request exemption from the Order to pursue revisions to regulations that meet specific criteria. Ms. Pierce recommended the Board approve submission of a request for exemption on the following NAC sections as they do not limit a person’s ability to enter the profession, and in many cases will expand or expedite licensing and practice regulations:

- 1) NAC 637B.0373(5): Revise to extend acceptance of passing score on Written ILE Dispensing Exam from previous 12 months to previous 24 months.
- 2) NAC 637B.0398(3): Revise subsection number referenced for NAC 637B.0442 in alignment with proposed revision to expand the list of duties that may be delegated.
- 3) NAC 637B.0442: Revise to expand allowable duties that may be delegated to an unlicensed assistant.
- 4) NAC 637B.0444: Replace reference to 21 C.F.R. § 801.421 (repealed) with NRS 637B.242.
- 5) NAC 637B.0365(1)(c): Remove requirement for ABA/ASHA/NBC-HIS certification at license reinstatement.

Chair Brancamp called for a motion. Michael Hodes made a motion to submit a request for exemption to the Governor’s Office on the listed NAC sections. Minnie Foxx seconded the motion. The motion passed unanimously.

**c. Review of Report on Executive Order 2023-004 Submitted March 28, 2023 per Board Delegation to Board Chair and Executive Director**

Ms. Pierce summarized the report submitted to the Governor’s Office on March 28, 2023 pursuant to Executive Order 2023-004. There was no discussion, and no action was taken.

**Update on 2023 Legislative Session and Consideration for Board Position(s) and/or Delegation of Authority to Represent Board on Legislation as Necessary**

Ms. Pierce directed the members to the legislative tracking document and summarized that Board staff continue to monitor legislation that may have a direct effect on the Board or any that is indirectly related, such as bills brought by other Boards. Ms. Pierce reported that the only bill of significance at this time is SB 431 which proposes moving this Board, along with many others, under the Nevada Department of Business and Industry. The first hearing on the bill began this afternoon just before this meeting commenced, so Ms. Pierce will review the hearing recording and send an update to the Board. Ms. Pierce had no recommendations for the Board to consider action to take a position on any legislation. No action was taken.

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

Ms. Pierce reported no updates on the following matters:

Consideration to revise NRS 637B to:

- a. Add Licensing of Speech-Language Pathology Assistants (SLPA)



- b. Add Licensing of Audiology Assistants (AuDA)
- c. Add/Allow Cerumen Management by HAS
- d. Address Telehealth and Telesupervision
- e. Remove NBC-HIS Certification Requirement for HAS License

No action was taken, and the matters will remain a standing agenda item.

#### **New Board Policy 08 - Language Access Plan: Review, Public Comment, and Proposed Approval in Accordance with NRS 232.0081**

Ms. Pierce summarized that NRS 232.0081, established by Senate Bill 318 of the 2021 Nevada Legislative Session, requires all state agencies to create a Language Access Plan (LAP) to improve access to government services, programs, and information for Nevadans with Limited English Proficiency (LEP). The Plan requires initial development and biennial review and revision, to include public comment, and must include the needs of persons served by the agency for language services, the degree to which the agency has met those needs, and recommendations to expand language services, if needed, to improve access to the services provided by the agency. Ms. Pierce shared that a follow-up bill to SB 318 is currently before the Legislature (SB 373) to add additional requirements to the current NRS.

Ms. Pierce directed the Board to the draft Language Access Plan presented for review and approval to integrate into the Board Policy Manual. Chair Brancamp called for comments or suggestions for revisions, and there were none. Chair Brancamp then opened the discussion for public comment on the plan. Laura Fink, Rehabilitation Counselor for the Deaf and Hard of Hearing at the Nevada Department of Employment, Training, & Rehabilitation (DETR) offered public comment, stating that she was happy to see the Plan as an item for discussion by the Board, as she has assisted in the development of DETR's plan and can attest to the quality of translators and interpreters available through the state contract. Ms. Fink further offered the Board any assistance needed to implement or revise the Plan. There was no additional public comment or suggestions from the Board members. Chair Brancamp called for a motion. Michael Hodes made a motion to approve the Plan as written and add it to the Board Policy Manual. Chair Brancamp seconded the motion. The motion passed unanimously.

#### **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 Q3 resulted in a net decrease of 10 licenses, a 1% decrease from the prior quarter. This decline is commensurate with prior years' third quarters, as historically at least one-half of Board licenses expire on December 31<sup>st</sup>, but due to the late renewal option, they are not counted as expired until the 3<sup>rd</sup> quarter. The licensee census has decreased between December 31<sup>st</sup> and March 31<sup>st</sup> in every fiscal year since FY16 except one (FY21). Notably, now only 38% of the Board's licenses expire on December 31<sup>st</sup>, resulting in a more even distribution of renewal activity and revenue throughout the year. Last quarter it was noted that HAS Apprentice licenses had decreased by four; this quarter they have increased by two. There was also significant turnover in SLP licensees, with almost 50 licenses expiring. Of these, 25 predated the iteration of this Board, with several issued in the 1980s and 1990s.

##### **b. FY23 Q3 Financial Report**

Ms. Pierce reviewed the FY23 Q3 Financial Summary, which resulted in net income higher than budgeted (79.6% of budget), and expenses lower than estimated (72.7% of budget). Reserves (equity) now total \$117,772.52, an additional savings of \$438.20 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. The draft FY24 budget is scheduled to be addressed in a later agenda item.

**c. Board Member Appointments/Reappointments**

Ms. Pierce reported that the Board office has not yet received information on new appointments for Tami Brancamp and Michael Hodes' seats, whose terms both expire in July 2023. The Board office has been contacted by several interested persons so it is hoped there will not be a gap in membership. Minnie Foxx is eligible for reappointment in July 2023 and is awaiting word from the Governor's Office on her reappointment application. Ms. Pierce reminded the Board that an agenda item will be included in the July 2023 meeting for nominations/election of a new Board Chair and Vice-Chair, 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.

**d. Complaints**

Ms. Pierce reported that there were four open complaint cases following the January 2023 Board Meeting. Two new complaints were received in February 2023, resulting in six open cases. Ms. Pierce also reported that the Board received two reports of unlicensed practice this past quarter, one of which was heard and resolved by the Board earlier in this meeting.

**Review and Approval of Draft FY24 Budget and Approval to Solicit and Develop Service Contracts for Financial Audit Services and Dispensing Examinations**

Ms. Pierce directed the Board to the draft FY24 budget for review/approval and summarized the proposed revenue and expenses. Projected revenue was calculated based on average annual increases in actual revenue from FY20-FY22. Expenses have remained largely the same, though expense line items of note were discussed. These included keeping the Executive Director position at full-time status for FY24 with reconsideration in FY25 when the Board may need to hire a lobbyist to support a BDR. Additionally, it is expected that FY23 Board revenue will exceed \$200,000, so funds have been included to cover the cost of a formal financial audit which will be required by NRS 218G.400. Chair Brancamp suggested that currently proposed COLA and salary increases for state employees should be considered as they may impact the proposed budget. Ms. Pierce agreed to monitor the current budget/legislative proposals and bring the budget back before the Board if adjustments are necessary. Chair Brancamp called for a motion. Lynee Anderson made a motion to approve the FY24 budget as proposed. Michael Hodes seconded the motion. The motion passed unanimously.

Ms. Pierce explained the request for the Board to delegate authority to the Executive Director to solicit/draft contracts with vendors for both financial audit services and the International Hearing Society for final review and approval by the Board at its July 2023 meeting. As noted earlier in this agenda item, NRS 218G.400 requires the Board to be audited annually or biennially by a certified public accountant or public accountant if revenue from all sources exceeds \$200,000 in a fiscal year. The Board's total FY23 revenue is expected to exceed \$200,000, and it is recommended the Board seek a provider for audit services, as per state contract rules, hiring an accountant to perform an audit does not require a competitive solicitation. Additionally, the Board has a current agreement with the International Hearing Society (IHS) set to expire on October 31, 2023 for use of both the IHS written ILE and practical examinations for fitting and dispensing hearing aids. IHS is currently revising its procedures for authorizing and administering the written ILE examination and has revised the content of the practical examination with a proposed rate increase for exam materials. IHS has indicated that it could consider a graduated increase in practical exam costs given the Board's current fee position and suspension of regulation changes due to the Governor's Executive Orders. It is recommended the Board delegate authority to the

Executive Director to work with IHS to develop new contract terms through the state contracting process, which will require submission of a solicitation waiver as IHS is a sole-source provider.

Chair Brancamp called for a motion. Michael Hodes made a motion to delegate authority to the Executive Director to solicit/draft contracts with vendors for both financial audit services and the International Hearing Society for final review and approval by the Board at its July 2023 meeting. Minnie Foxx seconded the motion. The motion passed unanimously.

### **Report from Legal Counsel and Training/Overview on Disciplinary Hearing Process**

Henna Rasul, Board Counsel reminded the Board of the scheduled Public Hearing on a disciplinary case scheduled for June 2023. DAG Rasul then provided the Board with an overview of the Disciplinary Hearing Process and walked through what members can expect on the day of the Hearing. Members were reminded that the Respondent may choose to enter a Consent Decree at any time, in which case the Board will still meet on the scheduled date to review and approve the Consent Decree.

### **Reports from Board Chair and Board Members**

#### **a. Recognition of Board Service: Tami Brancamp, SLP and Michael Hodes, AuD**

Ms. Pierce asked the Board and attendees to join her in acknowledging both Tami Brancamp and Michael Hodes' service to this Board and presented both with service awards. Members and staff thanked them for their work and wished them well.

#### **b. Report from Board Chair and Board Members:** There were no reports from the Board Chair or members.

#### **c. 2023 Proposed Meeting Schedule:** The next meeting was scheduled for Wednesday, July 26, 2023 at 4:30pm and will be hosted from both the Board Office in Reno and Las Vegas.

#### **d. Future Agenda Items:** The following matters were identified for the July 2023 meeting 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) Response to Governor's Executive Orders
- 3) Review of 2023 Legislative Session
- 4) Election of Board Chair & Vice Chair, and Bank Signatories/Financial Reviewer Appointments
- 5) Appointment of Dispensing Audiologist to Advisory Committee
- 6) Revised FY24 Budget with COLA Changes If Necessary
- 7) Other Items As Proposed

### **Public Comment**

There was no public comment.

### **Adjournment**

Tami Brancamp adjourned the meeting at 6:38pm.

## AGENDA ITEM 8

### Disciplinary Matters

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a. **Recommendation for Dismissal: Case # S22-02**

The Complaint alleged unprofessional conduct, fraudulent billing, and conduct that is harmful to the public health and safety. After investigation and review of all documentation received on this complaint, it has been determined that there is insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. This case is recommended for dismissal.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):** None.

b. **Recommendation for Dismissal: Case # S23-01**

The Complaint alleged unprofessional conduct, fraudulent billing, and conduct that is harmful to the public health and safety. After investigation and review of all documentation received on this complaint, it has been determined that there is insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. This case is recommended for dismissal.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):** None.

## AGENDA ITEM 9

### Update on 2023 Legislative Session and Status of Governor's Executive Orders

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#### a. Summary of 82<sup>nd</sup> (2023) Legislative Session

The tracking document reviewed in the April 2023 meeting is attached and displays the final outcome of the bills that were tracked as being relevant to the Board either directly or indirectly.

The most notable legislation directly affecting this Board is AB431, which establishes the new Office of Nevada Boards, Commissions and Councils Standards and will be responsible for the following: Centralized administration; A uniform set of standards for investigations, licensing and discipline, including, without limitation, separating the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline; A uniform set of standards for internal controls; uniform set of standards for legal representation; A consistent set of structural standards for boards and commissions; Transparency and consumer protection; Efficacy and efficiency.

During the initial hearing on the bill, Governor's Office staff stated that they did not anticipate major changes to Board structures and operations, and it is unknown how this change will operationalize. The Board office was contacted by the Department of Business & Industry in early June for staff contact information. No further information has been received to date.

Other bills that passed with a direct impact to the Board include AB52 & AB219 which address the Open Meeting Law (see attachment), and AB522, which provides for state employee COLA increases.

Notably, three Board bills that sought to join Nevada to professional licensing compacts did not make it out of the session, which may have implications for future efforts by this Board should it choose to pursue the ASLP-IC compact: AB108 (Nursing), SB270 (Massage Therapists), and SB97 (Physical Therapy).

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):**

1. *Legislation Tracker 2023*
2. *OML 2023 Update Memo*

#### b. Status of Governor's Executive Orders 2023-003, 2023-004, & 2023-008

The Governor's Executive Order 2023-008 was issued on July 1, 2023, lifting the freeze on the regulatory process. As a result, the October 2023 meeting agenda will include items to begin revisiting proposed future regulation and legislative changes.

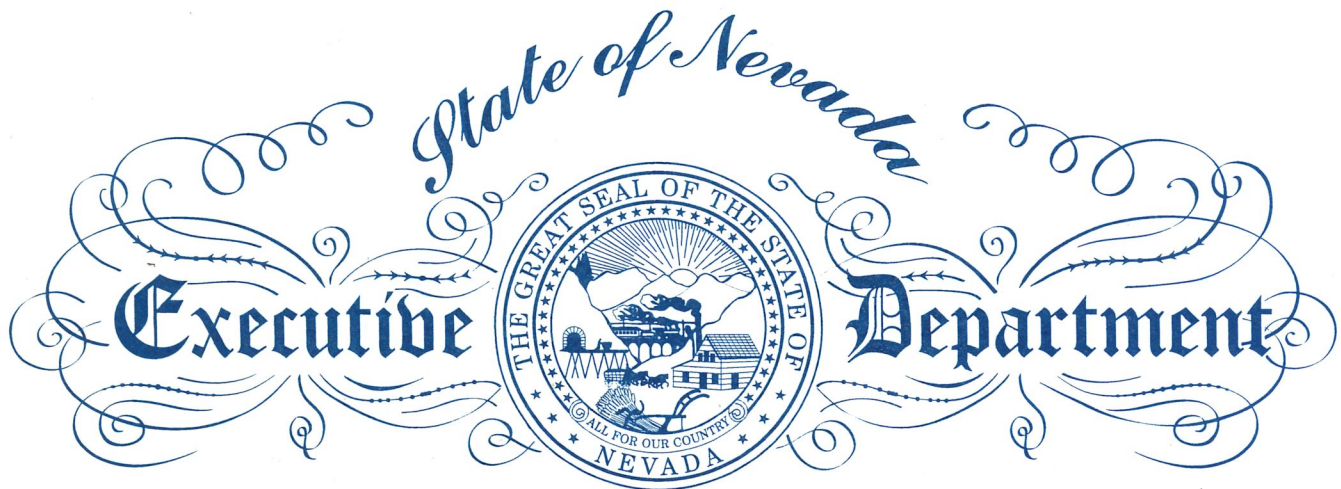
The report required by Executive Order 2023-003 (due May 1) with stakeholder feedback from the April 2023 meeting/public hearing was submitted and no feedback has been received to date. The request for an exemption from EO 2023-003 was submitted but the Governor's Office recommended waiting until the Orders were lifted, as none of the regulations were urgent.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):**

1. *Governor's Executive Order 2023-008*





## EXECUTIVE ORDER 2023-008

### Order Lifting the Freeze on the Regulatory Process

**WHEREAS**, state regulations should protect workers, consumers, and the environment, while promoting entrepreneurship and economic growth; and

**WHEREAS**, Nevada has been identified nationally as having among the nation's most onerous occupational licensing requirements, and it is in the State's best long-term economic interest to have a fair, open, competitive and inclusive economy; and

**WHEREAS**, state regulations can become outdated, result in unintended consequences, create conflicts and/or impose unnecessary burdens on citizens, businesses, professions, or government entities; and

**WHEREAS**, it is in the best interest of the State of Nevada that its regulatory environment be concise, transparent, stable, balanced, predictable, and thoughtfully constructed; and

**WHEREAS**, regulatory agencies and occupational or professional licensing boards have submitted responses to Executive Order 2023-003 and 2023-004 that have, among other things, identified regulations that need to be repealed or amended; and

**WHEREAS**, Article 5, Section 1 of the Nevada Constitution provides that, "The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada";

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

#### SECTION 1:

On July 1, 2023, pursuant to Nevada Revised Statutes Chapter 233B (or other applicable regulatory rules) and the processes set forth therein, all agencies, boards, and commissions that were subject to Executive Order 2023-003 and/or Executive Order 2023-004 shall begin the process of repealing, streamlining, clarifying, reducing, or otherwise improving those regulations, thereby minimizing barriers to economic efficiency, which were identified in the responses received from each agency, board, or commission pursuant to Sections 1 and 2 of Executive Order 2023-003, and/or Section 2 of Executive Order 2023-004, subject to collaboration with the Governor's Office.

#### SECTION 2:

On July 1, 2023, agencies, boards, and commissions shall begin to promulgate new regulations as required by laws adopted during the 82nd Legislative Session in accordance with Nevada Revised Statutes Chapter 233B or other applicable rules.

#### SECTION 3:

All regulations adopted or implemented in accordance with Sections 1 or 2 of this Executive Order shall be concise and easily understandable to ensure greater access and transparency in the regulatory process.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 30th day of June, in the year two thousand twenty-three.



*[Handwritten signature]*

Governor

*F. V. Aguilan*

Secretary of State

*Debbie Bowman*

Deputy

| Bill                             | Topic   | Effective Date   | Summary  |
|----------------------------------|---|------------------|--|
| DIRECT IMPACT                    |   |                  |  |
| AB52                             | Open Meeting Law  | 7/1/2023         | Changes to quorum/votes during vacancy; notice requirements; use of remote technology system; notice by email.   |
| AB140                            | Juneteenth Holiday  | 6/8/2023         | Makes Juneteenth a legal holiday; 6/19 or observed Friday/Monday.  |
| AB219                            | Open Meeting Law  | 7/1/2023         | Public comment for multi-day mtgs; read instructions verbally; <del>members attend 25% of mtgs yearly.</del> Removed in amendment.   |
| AB503                            | Background Checks   | 6/15/2023        | Originally required background checks for occupational/professional licensing - deleted in amendment.  |
| AB522                            | State Employee Pay  | Various          | State employee COLA increases: 12% eff 7/1/2023; 7% eff 7/1/2024.  |
| SB25                             | Office Space  | 7/1/2023         | Implements process for long-term state office space planning.  |
| SB283                            | Healthcare Records  | Various          | Requires electronic healthcare records be sent electronically on request/subpoena at no cost.  |
| SB431                            | Office of Nevada Boards, Commissions and Councils Standards | 7/1/2023         | Moves Board under new office in Dept of Business & Industry:<br><i>Sec. 19. 1. The Office of Nevada Boards, Commissions and Councils Standards is hereby created within the Department of Business and Industry. 2. The Director shall appoint a Deputy Director of the Office and shall retain the required staff and adopt the necessary regulations and procedures to effectively administer the responsibilities of the Office. Sec. 20. 1. The Office of Nevada Boards, Commissions and Councils Standards shall be responsible for: (a) Centralized administration; (b) A uniform set of standards for investigations, licensing and discipline, including, without limitation, separating the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline; (c) A uniform set of standards for internal controls; (d) A uniform set of standards for legal representation; (e) A consistent set of structural standards for boards and commissions; (f) Transparency and consumer protection; and (g) Efficacy and efficiency. 2. To the extent permitted by the Nevada Constitution and federal law, all professional and occupational licensing boards created by the Legislature shall be under the purview of the Office, including, without limitation: (jj) The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100.</i> |
| SB210                            | Board Diversity   | Vetoed 5/31/2023 | Req diversity in Governor's appointments; recs for vacancies; no reports on prelicensing determinations.   |
| SB440                            | State Employee Pay  | Vetoed 6/16/2023 | Makes appropriations requiring certain one-time payments and salary increases for state officers and employees.  |
| SB302                            | Licensing & Gender-Affirming Care                           | Vetoed 6/3/2023  | Prohibits disqualification/ discipline re: gender-affirming services.  |
| AB31                             | Juneteenth Holiday  | Failed Deadline  | Makes Juneteenth a legal holiday in this State.  |
| AB198                            | Telehealth  | Failed Deadline  | Addresses certified registered nurse anesthetists. Enacts "Uniform Telehealth Act". Removed in amendment.  |
| AB312                            | Environmental Justice                                       | Failed Deadline  | Creates Office of Minority Health & Equity; impact of proposed regs on historically underserved communities.   |
| AB363                            | Pre-Licensing Determinations                                | Failed Deadline  | Addresses history & denials. Adds Contractor & PI Boards.  |
| AB402                            | Biennial Reciprocity/Licensing Reports                      | Failed Deadline  | Reports on licensing, regs, & reciprocity (see EO Report 2003-004).  |
| SB142                            | Homeless Persons' Bill of Rights                            | Failed Deadline  | Provisions related to homelessness & equal treatment by agencies, etc.   |
| SB373                            | Language Access Plan  | Failed Deadline  | Requires documents be translated/ available in 12 most common languages spoken in NV; requires reporting.  |
| SB399                            | License by Endorsement                                      | Failed Deadline  | Allows issuance of LBE without separate laws/regulations.  |
| INDIRECT IMPACT - ADMINISTRATIVE |   |                  |  |
| AB276                            | Telehealth  | 7/1/2023         | Defines "telehealth" as communication between healthcare providers in-person & at a different location.  |
| SB131                            | Licensing & Repro Health/Abortion Care                      | 5/30/2023        | Prohibits disqualification/sanction for providing reproductive health/abortion care.   |
| SB214                            | Board Sunsetting  | 7/1/2023         | Provides for the termination of certain state boards and commissions.  |
| AB423                            | Open Meetings   | Failed Deadline  | Revises provisions governing meetings of school boards (public bodies).  |
| SB156                            | Open Meeting Law  | Failed Deadline  | Enacts the Model Public Meetings During Emergencies Act.   |
| SJR6                             | Annual Legislature  | Failed Deadline  | Amends Nevada Constitution to provide for annual sessions of the Legislature.  |

| Bill                                    | Topic                                | Effective Date   | Summary  |
|---|--------------------------------------|------------------|--|
| RELATED - OTHER BOARDS/LICENSING        |                                      |                  |  |
| AB29                                    | Contractor's Board                   | 5/23/2023        | Prohibits a licensed contractor from submitting false or misleading information about an applicant for a license.              |
| AB124                                   | Board of Osteopathic Medicine        | 5/31/2023        | Addresses renewal/Continuing Education.  |
| AB364                                   | Board of Medical Examiners           | 6/9/2023         | Various provisions governing Physician Assistants.   |
| SB91                                    | A&D and Gambling Counselors Board    | 7/1/2023         | Allows licensed clinical A/D counselor to supervise certified problem gambling counselor intern.                               |
| SB386                                   | Barber's Board                       | 7/1/2023         | Addresses examination retakes.   |
| AB22                                    | Contractor's Board                   | 10/1/2023        | Revises provisions relating to acting as a contractor without a license.   |
| AB23                                    | Contractor's Board                   | 10/1/2023        | Revises provisions relating to resolution of administrative citations.   |
| AB147                                   | Dental Board                         | Various          | Various revisions to dental practice.  |
| AB206                                   | NV Comm for Persons Who Are Deaf HoH | 7/1/2023         | Revises membership.  |
| AB432                                   | Optometry Board                      | 10/1/2023        | Various revisions.   |
| AB153                                   | Naprapathic Practice                 | Various          | Establishes Naprapathic Practice Advisory Board under Medical Board to regulate practice.                                      |
| AB158                                   | EMS Compact                          | Various          | Ratifies the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.                                 |
| AB236                                   | Psychology Board                     | Various          | Various revisions governing the practice of psychology.  |
| AB270                                   | Medical & Osteopathic Boards         | Various          | Provides for the licensure and regulation of anesthesiologist assistants.  |
| AB318                                   | Medical Board                        | Various          | Various revisions governing the Board of Medical Examiners.  |
| AB343                                   | Occupational Therapy Board           | Various          | Various revisions relating to occupational therapy licensing.  |
| AB415                                   | Dispensing Opticians                 | Various          | Revises provisions relating to dispensing opticians.   |
| SB106                                   | Board of Dispensing Opticians        | 10/1/2023        | Various revisions relating to ophthalmic dispensing.   |
| SB191                                   | Applied Behavior Analysis Board      | Various          | Various revisions including licensing fees & Medicaid reimbursement.   |
| SB249                                   | Cosmetology Board                    | Various          | Revises provisions relating to cosmetology.  |
| SB310                                   | Dental Board                         | Various          | Revises provisions relating to dental assistants & hygienists.   |
| AB108                                   | Nursing Board                        | Failed Deadline  | Ratifies the Nurse Licensure <b>**COMPACT**</b>  |
| AB134                                   | Pharmaceutical Sales                 | Failed Deadline  | Licensing of pharmaceutical sales representatives.   |
| AB199                                   | Chiropractic Board                   | Failed Deadline  | Authorizing practice following head injury.  |
| AB386                                   | Board of Professional Midwives       | Failed Deadline  | Establishes new Board.   |
| AB442                                   | Board of Medical Examiners           | Failed Deadline  | Revisions regarding complaints/felonies.   |
| SB120                                   | Cosmetology Board                    | Failed Deadline  | Various revisions relating to esthetic procedures.   |
| SB201                                   | Pharmacy Board                       | Failed Deadline  | Various revisions governing pharmacists.   |
| SB204                                   | Medical & Osteopathic Boards         | Failed Deadline  | Provides for the limited practice of medicine by certain medical school graduates.   |
| SB229                                   | Veterinary Board                     | Failed Deadline  | Exemptions for dental services on equines and livestock.   |
| SB265                                   | Barber's Board                       | Failed Deadline  | Various revisions relating to barbering.   |
| SB270                                   | Board of Massage Therapy             | Failed Deadline  | Various revisions including <b>**COMPACT**</b> , membership/quorum, and licensing.   |
| SB97                                    | Physical Therapy Board               | Failed Deadline  | Enacts provisions governing the <b>PT **COMPACT**</b> .  |
| FISCAL NOTE ONLY - NO IMPACT IDENTIFIED |                                      |                  |  |
| AB139                                   | Ethnicity/Demographics               | Various          | Add Middle Eastern/ North African to collected demographics.   |
| AB258                                   | Privacy Protection                   | Vetoed 6/16/2023 | May not require self-ID as non-profit donor, member, volunteer; release this info; or require disclosure of financial support. |
| AB14                                    | Business Licensing                   | Failed Deadline  | Business license integration with state business portal.   |
| AB365                                   | Grant Funding                        | Failed Deadline  | Distribution proportionate to % of state population in each county.  |



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## MEMORANDUM

**To:** Nevada State Agency Public Bodies

**From:** Rosalie Bordelove, Chief Deputy Attorney General, Boards and Open Government Division

**Date:** June 20, 2023

**Subject:** Legislative Updates to the OML from the 2023 Session

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The 82nd Session of the Nevada Legislature adjourned on June 6, 2023. This session included two bills making changes to Nevada's Open Meeting Law ("OML"), Assembly Bills 52 and 219.<sup>1</sup> Both bills will go into effect on July 1, 2023. The Office of the Attorney General ("OAG") offers the following summary and guidance regarding changes to the OML.

The general guidance provided below is intended to assist public body members and staff in complying with the law. However, this general guidance does not alter or supersede existing law, regulation or precedent and is not an official attorney general opinion. It is not a substitute for legal advice from the public body's own legal counsel. Public body members and staff should consult with their legal counsel if they have any questions or concerns regarding the applicability of or compliance with the OML.

**"Quorum" Definition:** For bodies not comprised entirely of elected officials, AB52 changes the general definition of a quorum to exclude vacancies. For example, if a 9-member body has two vacancies, it's treated as a 7-member body for the quorum calculation and a meeting can be held with only 4 members present. The quorum definition was further changed to specify that only *voting* members of a public body count when making a quorum calculation. Note that quorum statutes specific to a particular public body would still control over this general statute.

**"Meeting" Definition:** AB52 cleans up the language in the definition of a meeting to clarify that a meeting must include a gathering of a quorum of members of the body together with deliberation and/or action. The only

<sup>1</sup> Bill text can be found at <https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/9581/Text> and <https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/9948/Text>, respectively.

exception provided in the OML is for attorney client conferences. This comports with the OAG's existing interpretation of the definition.

**“Administrative Action Against a Person” Definition:** AB52 adds a definition of the term for purposes of determining who is required to receive notice under NRS 241.034 (note that this provision will be moved after AB52 is codified). The new definition is “an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of an application where the denial does not change the present circumstance or situation of the person.” This definition comports with the OAG's prior interpretation of the term.

**Notice to Individuals:** Existing law required notice to be sent to individuals if a body may discuss their character or take administrative action against them. AB52 shortens the notice period required and adds additional service options.

- If the notice is delivered by personal service, the notice is now 7 calendar days instead of 5 working days.
- If the notice is delivered by certified mail, the notice is now 14 calendar days instead of 21 working days.
- Service may now be completed on the individual's attorney if the individual is represented in the matter.
- If the individual is a direct employee of the body, personal service can be delivered to the person at a time in which they are required to report to work.
- Written notice to an individual is no longer required if a public body may take administrative action against them in an emergency.

**Public Comment During Multi-Day Meetings:** AB219 adds a requirement that if a public body has a meeting agendized to continue to one or more calendar days and utilizes the public comment option of having a period at the beginning of the meeting and one at the end, at least two public comment periods must be held on *each day* of the meeting.

**Public Comment During Virtual Meetings:** AB219 adds a requirement for entirely virtual meetings that clear and complete instructions for how to call in to provide public comment must be included on the agenda. In addition, if a meeting is conducted via virtual means and public comment is accepted via the remote technology system, AB219 requires that clear and complete instructions for a member of the public to call in to make public comment must be read verbally prior to the first public comment period of the meeting. Note that AB219's provision requires a body to offer a telephonic public comment option if *any* member will make use of a remote technology system to attend the meeting.

**Agenda Posting:** AB253 of the 2021 legislative session reduced posting location requirements to the principal office of the public body, its website and notice.nv.gov. AB219 adds the building in which the meeting is to be held, if there is a physical location, as an alternative posting location.

**Meetings to Consider Regulations or Contested Cases:** AB219 creates an exception to virtual meeting provisions in the OML and requires a physical location for public to attend and participate for meetings to consider a contested case or a regulation, as defined in NRS Chapter 233B.

**Ethical Standard for Elected Bodies:** Existing law required bodies comprised entirely of elected officials to have a majority of their total membership vote in favor of a motion in order for it to pass and allowed certain of those bodies to take advantage of NRS 281A.420(5)'s quorum reduction provision in cases of ethical abstentions. AB52 changes the OML so that all elected bodies may take advantage of NRS 281A.420(5).

**University, Library and Educational Foundations:** AB52 clarifies that library and educational foundations, including parent-teacher associations, are not public bodies unless they otherwise meet the definition of a public body contained in NRS 241.015(4). AB52 further specifically includes university foundations in the definition of public body.

## AGENDA ITEM 10

### Work Session on Future Legislative (NRS) Efforts (Standing Agenda Item)

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#### a. SLP Assistants

|   |  |
|---|--|
| <b>Overview</b>   | Add new licensing type for SLP Assistants.   |
| <b>NRS Section(s)</b>   | New  |
| <b>Status</b>   | Under discussion.  |
| <b>Update</b>   | No updates. NDE/bachelor's SLP sunseting is on hold per Governor's Executive Orders. |
| <b>Action:</b> Take action, table the matter, or take no action on the request. |  |
| <b>Attachment(s):</b> None.   |  |

#### b. Audiology Assistants

|   |   |
|---|---|
| <b>Overview</b>   | Add new licensing type for Audiology Assistants.                            |
| <b>NRS Section(s)</b>   | New   |
| <b>Status</b>   | Under discussion.   |
| <b>Update</b>   | No updates. Proposed NAC revisions on hold per Governor's Executive Orders. |
| <b>Action:</b> Take action, table the matter, or take no action on the request. |   |
| <b>Attachment(s):</b> None.   |   |

#### c. Cerumen Management

|   |   |
|---|---|
| <b>Overview</b>   | Add/allow cerumen management by HAS to Scope of Practice. |
| <b>NRS Section(s)</b>   | NRS 637B.045; NRS 637B.055                                |
| <b>Status</b>   | Approved (July 2022) to pursue BDR.                       |
| <b>Update</b>   | No updates. Drafted language is pending.                  |
| <b>Action:</b> Take action, table the matter, or take no action on the request. |   |
| <b>Attachment(s):</b> None.   |   |

#### d. NBC-HIS Certification for HAS License

|   |  |
|---|--|
| <b>Overview</b>   | Remove NBC-HIS certification requirement for HAS Standard license. |
| <b>NRS Section(s)</b>   | NRS 637B.193(2) & NRS 637B.201                                     |
| <b>Status</b>   | Approved (July 2022) to pursue BDR.                                |
| <b>Update</b>   | No updates. Drafted language is ready for inclusion in future BDR. |
| <b>Action:</b> Take action, table the matter, or take no action on the request. |  |
| <b>Attachment(s):</b> None.   |  |

#### e. Telehealth & Telesupervision

|   |   |
|---|---|
| <b>Overview</b>   | Address/allow telesupervision by AUD/SLP.                       |
| <b>NRS Section(s)</b>   | New   |
| <b>Status</b>   | Under discussion  |
| <b>Update</b>   | No updates. Recommend considering in context of SLP Assistants. |
| <b>Action:</b> Take action, table the matter, or take no action on the request. |   |
| <b>Attachment(s):</b> None.   |   |

## AGENDA ITEM 11

### Executive Director's Report

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Please see the Written Executive Director's Report.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):**

1. *ED Report 7 19 2023*
2. *FY23 Q4/End of Year Financial Reports*



State of Nevada

**Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board**

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

[www.nvspeechhearing.org](http://www.nvspeechhearing.org) Email [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org)**EXECUTIVE DIRECTOR'S REPORT**

July 19, 2023

**a. Licensure Statistics**

The following chart provides licensing statistics for the period April 1, 2023 through June 30, 2023 with a net increase of 72 licenses (136 issued/64 expired), a 5% increase from the prior quarter. This increase is commensurate with prior years' 4<sup>th</sup> quarters and represents the most licenses issued in any quarter to date.

| Description          | Total Licensees | Speech Pathologists | Audiologists | Dispensing Audiologists | Hearing Aid Specialists | Apprentices |
|----------------------|-----------------|---------------------|--------------|-------------------------|-------------------------|-------------|
| <b>Mar 31, 2023</b>  | <b>1504</b>     | <b>1233</b>         | <b>67</b>    | <b>106</b>              | <b>81</b>               | <b>17</b>   |
| Issued               | 136             | 119                 | 6            | 7                       | 4                       | 0           |
| Expired              | 64              | 51                  | 4            | 3                       | 3                       | 3           |
| <b>June 30, 2023</b> | <b>1576</b>     | <b>1301</b>         | <b>69</b>    | <b>110</b>              | <b>82</b>               | <b>14</b>   |
| Net Change           | +72             | +68                 | +2           | +4                      | +1                      | -3          |
|                      | +5%             | +6%                 | +3%          | +4%                     | +1%                     | -18%        |

**b. FY23 Q4/End of Year Financial Report**

The FY23 Q4/End of Year Financial Summary is attached for the Board's review, with FY23 income ending higher than budgeted (110.37% of budget) and expenses slightly higher than expected (101.31% of budget).

It should be noted that billing from the Attorney General's Office is typically a month or two behind, and the last invoice paid to date is from April 2023. May and June 2023 expenses were estimated and expected to be higher than usual given current work on complaint cases. These numbers may change slightly once all FY23 invoices have been received and the balance sheet is adjusted.

**Reserves (equity) now total \$121,752.58 which is additional savings of \$3,980.06 since the end of last quarter.**

**Profit and Loss Through Q4**

- Total Revenue: \$204,405.94      Percent of Budget: 110.37%
- Deferred Revenue: \$90,523.56
- Total Expenses: \$186,253.69      Percent of Budget: 101.31%
- **Net Income: \$18,152.25**

**FY23 Q4 Balance Sheet**

- Total Cash Assets: \$233,327.56
- Total Liabilities: \$115,818.41
- **Total Equity: \$121,752.58** (Increase of \$3,980.06 from last quarter; \$18,227.25 from FY22 Q4)

**FY23 Q4 Deviations from Budget**

As noted earlier, Attorney General fees have been high this year due to a number of complaints resulting in formal investigations/hearings. Final invoices have not yet been received for May & June 2023, but estimated expenses have been included and will be updated. Should any case proceed to a

hearing or consent decree in which sanctions are administered, it is anticipated that the Board may recoup some of these costs.

**c. Board Member Appointments/Reappointments**

| Name                       | Credential/Role      | Location  | Term | Term Expires | Eligible for Reappointment |
|----------------------------|----------------------|-----------|------|--------------|----------------------------|
| Andrea Menicucci           | SLP/Board Vice Chair | Reno      | 2    | 7/1/2024     | No                         |
| Lynee Anderson             | BC-HIS/Board Member  | Reno      | 1    | 7/1/2024     | Yes                        |
| Minnie Foxx                | Public Member        | Las Vegas | 1    | 7/1/2023     | Yes                        |
| Timothy Hunsaker           | AuD-D/Board Member   | Las Vegas | 2    | 7/1/2025     | No                         |
| Adrienne Williams          | SLP/Board Member     | Las Vegas | 1    | 7/1/2025     | Yes                        |
| Vacant (formerly Brancamp) | SLP                  | -         | -    | -            | -                          |
| Vacant (formerly Hodes)    | AuD or AuD-D         | -         | -    | -            | -                          |

Both Tami Brancamp and Michael Hodes' terms ended on 7/1/2023 and we are still awaiting new appointments from the Governor's Office, who advised a few weeks ago that a decision had not yet been made. Minnie Foxx has also applied for reappointment to a second term and is awaiting a response.

Andrea Menicucci, Vice Chair will take on Board Chair duties until the Board is again fully appointed and can meet to elect a new Chair and Vice Chair and appoint an Audiologist to the Advisory Committee on Fitting and Dispensing Hearing Aids. That Committee will then be tasked with electing a new Committee Chair from its appointed Board members at its next meeting

**d. Complaints**

There were **six** open complaint cases following the April 26, 2023 Board Meeting. No new complaints have been received to date, so **six** open cases remain as follows:

- Two cases were presented earlier in this meeting with a recommendation for dismissal.
- Four cases remain open for investigation.

The Board received no reports of unlicensed practice since the April 2023 meeting.

**Profit Loss Budget vs. Actual**  
**July 2022 through June 2023**

|                                | Revised<br>Budget | Actuals July 22<br>- June 23 | Remaining<br>Balance | % of Budget<br>Spent |
|--------------------------------|-------------------|------------------------------|----------------------|----------------------|
| <b>Ordinary Income/Expense</b> |                   |                              |                      |                      |
| <b>Income</b>                  |                   |                              |                      |                      |
| Fees                           | 29,000.00         | 37,350.00                    | -8,350.00            | 128.79%              |
| License Fees                   | 148,650.00        | 157,663.02                   | -9,013.02            | 106.06%              |
| Exams, List and Interest       | 7,550.00          | 9,392.92                     | -1,842.92            | 124.41%              |
| <b>Total Income</b>            | <b>185,200.00</b> | <b>204,405.94</b>            | <b>-19,205.94</b>    | <b>110.37%</b>       |
| <b>Expense</b>                 |                   |                              |                      |                      |
| Personnel Cost                 | 144,913.00        | 144,375.68                   | 537.32               | 99.63%               |
| Attorney General / Legal Fees  | 8,000.00          | 12,074.69                    | -4,074.69            | 150.93%              |
| Audit Fees                     | 0.00              | 0.00                         | 0.00                 | 0.00%                |
| Bank Service Charges           | 4,500.00          | 5,236.23                     | -736.23              | 116.36%              |
| Board Compensation             | 2,700.00          | 2,400.00                     | 300.00               | 88.89%               |
| Dues                           | 700.00            | 325.00                       | 375.00               | 46.43%               |
| Equipment Purchase             | 200.00            | 0.00                         | 200.00               | 0.00%                |
| Examinations                   | 3,630.00          | 3,636.26                     | -6.26                | 100.17%              |
| Insurance                      | 1,350.00          | 600.00                       | 750.00               | 44.44%               |
| Licensing Program Subscription | 7,650.00          | 9,223.10                     | -1,573.10            | 120.56%              |
| Meeting Expenses               | 100.00            | 0.00                         | 100.00               | 0.00%                |
| Office Lease                   | 3,360.00          | 2,851.64                     | 508.36               | 84.87%               |
| Office Supplies                | 850.00            | 335.44                       | 514.56               | 39.46%               |
| Postage                        | 400.00            | 606.79                       | -206.79              | 151.70%              |
| Printing                       | 200.00            | 0.00                         | 200.00               | 0.00%                |
| <b>Professional Fees</b>       |                   |                              |                      |                      |
| Investigation Fees             | 1,000.00          | 1,000.00                     | 0.00                 | 100.00%              |
| Accounting                     | 3,000.00          | 3,000.00                     | 0.00                 | 100.00%              |
| IT / Technical Support         | 500.00            | 0.00                         | 500.00               | 0.00%                |
| <b>Total Professional Fees</b> | <b>4,500.00</b>   | <b>4,000.00</b>              | <b>500.00</b>        | <b>88.89%</b>        |
| Telephone                      | 600.00            | 588.86                       | 11.14                | 98.14%               |
| <b>Travel</b>                  |                   |                              |                      |                      |
| In-state Travel                | 200.00            | 0.00                         | 200.00               | 0.00%                |
| Out of State Travel            | 0.00              | 0.00                         | 0.00                 | 0.00%                |
| <b>Total Travel</b>            | <b>200.00</b>     | <b>0.00</b>                  | <b>200.00</b>        | <b>0.00%</b>         |
| <b>Total Expense</b>           | <b>183,853.00</b> | <b>186,253.69</b>            | <b>-2,400.69</b>     | <b>101.31%</b>       |
| <b>Net Ordinary Income</b>     | <b>1,347.00</b>   | <b>18,152.25</b>             | <b>-16,805.25</b>    | <b>1347.61%</b>      |
| <b>Net Income</b>              | <b>1,347.00</b>   | <b>18,152.25</b>             | <b>-16,805.25</b>    | <b>1347.61%</b>      |



**Balance Sheet**  
**As of June 30, 2023**

|                                       | <u>June 30, 2023</u>     |
|---------------------------------------|--------------------------|
| <b>ASSETS</b>                         |                          |
| <b>Current Assets</b>                 |                          |
| Checking/Savings                      |                          |
| Wells Fargo Bank - Checking           | 130,397.71               |
| Wells Fargo Bank - Savings            | 102,929.85               |
| Total Checking/Savings                | <u>233,327.56</u>        |
| Other Current Assets                  |                          |
| Accounts Receivable                   | 0.00                     |
| Prepaid Expenses                      | 2,907.44                 |
| Total Other Current Assets            | <u>236,235.00</u>        |
| Fixed Assets                          |                          |
| Capital Assets                        | 1,335.99                 |
| Total Fixed Assets                    | <u>1,335.99</u>          |
| <b>TOTAL ASSETS</b>                   | <b><u>237,570.99</u></b> |
| <b>LIABILITIES &amp; EQUITY</b>       |                          |
| <b>Liabilities</b>                    |                          |
| Current Liabilities                   |                          |
| Accounts Payable                      |                          |
| Accounts Payable                      | 4,995.18                 |
| Total Accounts Payable                | <u>4,995.18</u>          |
| Other Current Liabilities             |                          |
| Deferred Revenue                      | 90,523.56                |
| Paid Time Off                         | 15,130.08                |
| Payroll Liabilities                   | 4,804.45                 |
| Payroll Tax Liability                 | 365.14                   |
| Total Other Current Liabilities       | <u>110,823.23</u>        |
| Total Current Liabilities             | <u>115,818.41</u>        |
| Total Liabilities                     | 115,818.41               |
| Equity                                |                          |
| Invested in Capital Assets            | 1,335.99                 |
| Retained Earnings                     | 102,264.34               |
| Net Income                            | 18,152.25                |
| Total Equity                          | <u>121,752.58</u>        |
| <b>TOTAL LIABILITIES &amp; EQUITY</b> | <b><u>237,570.99</u></b> |

**BEASP**  
**Transaction Detail by Account**  
 April through June 2023

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| Type                               | Date       | Num    | Name                          | Memo                  | Amount    |
|------------------------------------|------------|--------|-------------------------------|-----------------------|-----------|
| <b>Wells Fargo Bank - Checking</b> |            |        |                               |                       |           |
| Deposit                            | 04/01/2023 |        |                               | Deposit               | 25.00     |
| Deposit                            | 04/03/2023 |        |                               | Deposit               | 825.00    |
| Check                              | 04/03/2023 | 1791   | Numbers, Inc.                 | Bookkeeping services  | -750.00   |
| Deposit                            | 04/04/2023 |        |                               | Deposit               | 450.00    |
| Deposit                            | 04/05/2023 |        |                               | Deposit               | 600.00    |
| Check                              | 04/05/2023 | 1792   | State of Nevada IT            | Long distance         | -1.42     |
| Deposit                            | 04/06/2023 |        |                               | Deposit               | 575.00    |
| Deposit                            | 04/07/2023 |        |                               | Deposit               | 700.00    |
| Deposit                            | 04/08/2023 |        |                               | Deposit               | 50.00     |
| Deposit                            | 04/09/2023 |        |                               | Deposit               | 500.00    |
| Deposit                            | 04/10/2023 |        |                               | Deposit               | 175.00    |
| Check                              | 04/10/2023 |        | AT&T                          | Telephone expense     | -24.67    |
| Check                              | 04/10/2023 | 1793   | International Hearing Society | Exam materials        | -618.62   |
| Deposit                            | 04/11/2023 |        |                               | Deposit               | 650.00    |
| Liability Check                    | 04/12/2023 |        | QuickBooks Payroll Service    | Payroll expense       | -3,835.39 |
| Deposit                            | 04/12/2023 |        |                               | Deposit               | 400.00    |
| Check                              | 04/12/2023 | 1794   | Board of Occupational Therapy | Postage reimbursement | -52.00    |
| Check                              | 04/12/2023 |        |                               | Service Charge        | -216.89   |
| Paycheck                           | 04/13/2023 | DD1262 | Jennifer Pierce               | Direct Deposit        | 0.00      |
| Paycheck                           | 04/13/2023 | DD1263 | Stacey Whittaker              | Direct Deposit        | 0.00      |
| Deposit                            | 04/13/2023 |        |                               | Deposit               | 575.00    |
| Check                              | 04/13/2023 |        | Voya                          | Payroll expense       | -363.93   |
| Check                              | 04/13/2023 |        | Anderson, Lynee               | Board compensation    | -75.00    |
| Deposit                            | 04/14/2023 |        |                               | Deposit               | 400.00    |
| Deposit                            | 04/15/2023 |        |                               | Deposit               | 225.00    |
| Deposit                            | 04/16/2023 |        |                               | Deposit               | 100.00    |
| Deposit                            | 04/17/2023 |        |                               | Deposit               | 750.00    |
| Deposit                            | 04/18/2023 |        |                               | Deposit               | 300.00    |
| Check                              | 04/18/2023 |        | Tim Hunsaker                  | Exam proctor          | -100.00   |
| Deposit                            | 04/19/2023 |        |                               | Deposit               | 1,050.00  |
| Deposit                            | 04/20/2023 |        |                               | Deposit               | 600.00    |
| Deposit                            | 04/21/2023 |        |                               | Deposit               | 50.00     |
| Deposit                            | 04/22/2023 |        |                               | Deposit               | 350.00    |
| Deposit                            | 04/24/2023 |        |                               | Deposit               | 700.00    |
| Check                              | 04/24/2023 |        | Wells Fargo                   | USPS                  | -8.13     |
| Liability Check                    | 04/25/2023 | E-pay  | US Treasury                   | Payroll expense       | -2,628.22 |
| Deposit                            | 04/25/2023 |        |                               | Deposit               | 900.00    |
| Liability Check                    | 04/26/2023 |        | QuickBooks Payroll Service    | Payroll expense       | -3,835.40 |
| Deposit                            | 04/26/2023 |        |                               | Deposit               | 350.00    |
| Paycheck                           | 04/27/2023 | DD1264 | Jennifer Pierce               | Direct Deposit        | 0.00      |
| Paycheck                           | 04/27/2023 | DD1265 | Stacey Whittaker              | Direct Deposit        | 0.00      |
| Deposit                            | 04/27/2023 |        |                               | Deposit               | 1,200.00  |
| Check                              | 04/27/2023 |        | Voya                          | Payroll expense       | -363.93   |

**BEASP**  
**Transaction Detail by Account**  
**April through June 2023**

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|                 |                   |                            |                    |           |
|-----------------|-------------------|----------------------------|--------------------|-----------|
| Check           | 04/27/2023        | Melissa Maestas            | Examination fees   | -100.00   |
| Check           | 04/27/2023 1795   | Greenbrae Trophy           | Service award      | -140.00   |
| Check           | 04/27/2023        | Anderson, Lynee            | Board compensation | -75.00    |
| Check           | 04/27/2023 1797   | Michael Hodes              | Examination fees   | -150.00   |
| Check           | 04/27/2023 1797   | Michael Hodes              | Examination fees   | -200.00   |
| Check           | 04/27/2023        | Tami Brancamp              | Board compensation | -75.00    |
| Check           | 04/27/2023        | Minnie Foxx                | Board compensation | -75.00    |
| Check           | 04/27/2023        | Tim Hunsaker               | Board compensation | -75.00    |
| Check           | 04/27/2023        | Adrienne Williams          | Board compensation | -75.00    |
| Deposit         | 04/28/2023        |                            | Deposit            | 1,475.00  |
| Deposit         | 04/28/2023        |                            | Interest           | 9.29      |
| Deposit         | 04/29/2023        |                            | Deposit            | 525.00    |
| Deposit         | 04/30/2023        |                            | Deposit            | 225.00    |
| Deposit         | 05/01/2023        |                            | Deposit            | 1,500.00  |
| Deposit         | 05/02/2023        |                            | Deposit            | 850.00    |
| Deposit         | 05/03/2023        |                            | Deposit            | 1,525.00  |
| Deposit         | 05/04/2023        |                            | Deposit            | 1,075.00  |
| Check           | 05/04/2023 1798   | State of Nevada IT         | Long distance      | -1.11     |
| Deposit         | 05/05/2023        |                            | Deposit            | 750.00    |
| Deposit         | 05/06/2023        |                            | Deposit            | 200.00    |
| Deposit         | 05/07/2023        |                            | Deposit            | 275.00    |
| Deposit         | 05/08/2023        |                            | Deposit            | 1,400.00  |
| Check           | 05/08/2023        | AT&T                       | Telephone expense  | -24.67    |
| Deposit         | 05/09/2023        |                            | Deposit            | 1,175.00  |
| Liability Check | 05/10/2023        | QuickBooks Payroll Service | Payroll expense    | -3,835.40 |
| Deposit         | 05/10/2023        |                            | Deposit            | 750.00    |
| Check           | 05/10/2023        |                            | Merchant fees      | -348.98   |
| Paycheck        | 05/11/2023 DD1266 | Jennifer Pierce            | Direct Deposit     | 0.00      |
| Paycheck        | 05/11/2023 DD1267 | Stacey Whittaker           | Direct Deposit     | 0.00      |
| Deposit         | 05/11/2023        |                            | Deposit            | 700.00    |
| Check           | 05/11/2023        | Voya                       | Payroll expense    | -363.93   |
| Deposit         | 05/12/2023        |                            | Deposit            | 375.00    |
| Deposit         | 05/13/2023        |                            | Deposit            | 550.00    |
| Deposit         | 05/14/2023        |                            | Deposit            | 350.00    |
| Deposit         | 05/15/2023        |                            | Deposit            | 1,100.00  |
| Check           | 05/15/2023 1799   | Attorney General           | Legal fees         | -1,798.70 |
| Deposit         | 05/16/2023        |                            | Deposit            | 575.00    |
| Deposit         | 05/17/2023        |                            | Deposit            | 275.00    |
| Deposit         | 05/18/2023        |                            | Deposit            | 300.00    |
| Deposit         | 05/19/2023        |                            | Deposit            | 1,300.00  |
| Deposit         | 05/20/2023        |                            | Deposit            | 425.00    |
| Deposit         | 05/21/2023        |                            | Deposit            | 625.00    |
| Deposit         | 05/22/2023        |                            | Deposit            | 625.00    |
| Deposit         | 05/23/2023        |                            | Deposit            | 600.00    |
| Liability Check | 05/24/2023        | QuickBooks Payroll Service | Payroll expense    | -3,835.38 |

**BEASP**  
**Transaction Detail by Account**  
**April through June 2023**

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|                 |            |                              |                            |           |
|-----------------|------------|------------------------------|----------------------------|-----------|
| Deposit         | 05/24/2023 |                              | Deposit                    | 400.00    |
| Paycheck        | 05/25/2023 | DD1268 Jennifer Pierce       | Direct Deposit             | 0.00      |
| Paycheck        | 05/25/2023 | DD1269 Stacey Whittaker      | Direct Deposit             | 0.00      |
| Liability Check | 05/25/2023 | E-pay US Treasury            | Payroll expense            | -2,628.24 |
| Deposit         | 05/25/2023 |                              | Deposit                    | 1,225.00  |
| Check           | 05/25/2023 | Voya                         | Payroll expense            | -363.93   |
| Check           | 05/25/2023 | Wells Fargo                  | Albertson Consulting, USPS | -421.26   |
| Deposit         | 05/26/2023 |                              | Deposit                    | 475.00    |
| Deposit         | 05/28/2023 |                              | Deposit                    | 200.00    |
| Deposit         | 05/29/2023 |                              | Deposit                    | 375.00    |
| Deposit         | 05/30/2023 |                              | Deposit                    | 600.00    |
| Check           | 05/30/2023 | 1800 State of Nevada IT      | Long distance              | -3.04     |
| Deposit         | 05/31/2023 |                              | Deposit                    | 1,125.00  |
| Deposit         | 05/31/2023 |                              | Deposit                    | 10.04     |
| Deposit         | 06/01/2023 |                              | Deposit                    | 1,100.00  |
| Check           | 06/01/2023 | 1801 Nevada State Controller | Admin Fine pass-through    | -700.00   |
| Deposit         | 06/02/2023 |                              | Deposit                    | 1,075.00  |
| Deposit         | 06/03/2023 |                              | Deposit                    | 450.00    |
| Deposit         | 06/04/2023 |                              | Deposit                    | 775.00    |
| Deposit         | 06/05/2023 |                              | Deposit                    | 1,125.00  |
| Deposit         | 06/06/2023 |                              | Deposit                    | 1,000.00  |
| Check           | 06/06/2023 | Tim Hunsaker                 | Exam proctor               | -200.00   |
| Liability Check | 06/07/2023 | QuickBooks Payroll Service   | Payroll expense            | -3,835.40 |
| Check           | 06/07/2023 | QuickBooks Payroll Service   | Payroll expense            | -1.75     |
| Deposit         | 06/07/2023 |                              | Deposit                    | 1,575.00  |
| Check           | 06/08/2023 | Nancy Campbell V             | Exam proctor               | -100.00   |
| Paycheck        | 06/08/2023 | DD1271 Stacey Whittaker      | Direct Deposit             | 0.00      |
| Paycheck        | 06/08/2023 | DD1270 Jennifer Pierce       | Direct Deposit             | 0.00      |
| Deposit         | 06/08/2023 |                              | Deposit                    | 400.00    |
| Check           | 06/08/2023 | Voya                         | Payroll expense            | -363.93   |
| Deposit         | 06/09/2023 |                              | Deposit                    | 1,450.00  |
| Deposit         | 06/10/2023 |                              | Deposit                    | 1,000.00  |
| Deposit         | 06/11/2023 |                              | Deposit                    | 275.00    |
| Deposit         | 06/12/2023 |                              | Deposit                    | 875.00    |
| Check           | 06/12/2023 | AT&T                         | Telephone expense          | -24.67    |
| Check           | 06/12/2023 |                              | Merchant fees              | -451.37   |
| Deposit         | 06/13/2023 |                              | Deposit                    | 850.00    |
| Deposit         | 06/14/2023 |                              | Deposit                    | 525.00    |
| Check           | 06/14/2023 | Melissa Maestas              | Examination fees           | -100.00   |
| Deposit         | 06/15/2023 |                              | Deposit                    | 100.00    |
| Deposit         | 06/16/2023 |                              | Deposit                    | 1,225.00  |
| Deposit         | 06/16/2023 |                              | Deposit                    | 50.00     |
| Deposit         | 06/17/2023 |                              | Deposit                    | 350.00    |
| Deposit         | 06/18/2023 |                              | Deposit                    | 100.00    |
| Deposit         | 06/19/2023 |                              | Deposit                    | 450.00    |

**BEASP**  
**Transaction Detail by Account**  
**April through June 2023**

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|                                   |            |                            |                             |                  |
|-----------------------------------|------------|----------------------------|-----------------------------|------------------|
| Deposit                           | 06/20/2023 |                            | Deposit                     | 600.00           |
| Liability Check                   | 06/21/2023 | QuickBooks Payroll Service | Payroll expense             | -3,835.40        |
| Deposit                           | 06/21/2023 |                            | Deposit                     | 1,025.00         |
| Paycheck                          | 06/22/2023 | DD1272 Jennifer Pierce     | Direct Deposit              | 0.00             |
| Paycheck                          | 06/22/2023 | DD1273 Stacey Whittaker    | Direct Deposit              | 0.00             |
| Deposit                           | 06/22/2023 |                            | Deposit                     | 400.00           |
| Check                             | 06/22/2023 | Voya                       | Payroll expense             | -363.93          |
| Liability Check                   | 06/23/2023 | E-pay US Treasury          | Payroll expense             | -2,628.20        |
| Deposit                           | 06/23/2023 |                            | Deposit                     | 1,150.00         |
| Deposit                           | 06/24/2023 |                            | Deposit                     | 675.00           |
| Deposit                           | 06/25/2023 |                            | Deposit                     | 350.00           |
| Deposit                           | 06/26/2023 |                            | Deposit                     | 650.00           |
| Check                             | 06/26/2023 | Tim Hunsaker               | Exam proctor                | -100.00          |
| Check                             | 06/26/2023 | Wells Fargo                | Albertson Consulting, FedEx | -475.80          |
| Deposit                           | 06/27/2023 |                            | Deposit                     | 1,550.00         |
| Deposit                           | 06/28/2023 |                            | Deposit                     | 1,050.00         |
| Deposit                           | 06/29/2023 |                            | Deposit                     | 1,050.00         |
| Deposit                           | 06/30/2023 |                            | Deposit                     | 575.00           |
| Deposit                           | 06/30/2023 |                            | Interest                    | 10.29            |
| Check                             | 06/30/2023 |                            | Merchant fees               | -531.51          |
| Total Wells Fargo Bank - Checking |            |                            |                             | 19,104.42        |
| <b>TOTAL</b>                      |            |                            |                             | <b>19,104.42</b> |

## AGENDA ITEM 12

### Consideration to Approve Revised FY24 Budget, Investigator Employment Agreement, and Service Contracts

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#### a. Revised FY24 Budget

At its April 2023 meeting, the Board reviewed and approved the FY24 budget, with direction to bring a revision back pending the outcome of several legislative bills proposing increases to state employee salaries, so the Board could align staff salaries with any changes that were made. Additionally, the Board approved a line item for \$10,000 to cover a financial audit required by NRS 214G.400 should the Board's FY23 revenue total \$200,000 or more. The budget was revised to reflect the following, indicated in **RED** on the attached budget document:

- **Increase in projected revenue** based on average increases between FY20-FY23.
- **Increase** in personnel salaries via **COLA** pursuant to AB522 (2023) which includes provisions for state employee COLA increases of 12% effective July 1, 2023, with a second increase of 7% effective July 1, 2024. The proposed increase is retroactive to July 1, 2023 and will be paid out in the next payroll cycle to catch up.

*Additionally, Board Personnel Policies state that "The Board shall approve any general salary adjustment or change to the Compensation Plan. A general salary adjustment to the compensation ranges, for cost of living (COLA) increases approved by the Nevada State Legislature for state employees, shall automatically be approved without further action of the Board. All cost-of-living (COLA) increases for Board staff within a pay range as a result of a general salary adjustment to the pay range shall be approved by the Board. (140 GENERAL SALARY ADJUSTMENT)"*

- **Increase in Investigator hourly pay rate** per proposed Employment Contract with Thomas Sharkey included in a later agenda item.
- **Increase in Audit Services cost** per proposed contract with Coulson & Associates included in a later agenda item.
- **Increase in Equipment** to purchase Chromebook for Investigator.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):** Revised/Proposed FY24 Budget

#### b. Proposed/Draft Employment Agreement: Thomas Sharkey, Board Investigator

Board staff have conducted recruitment and hiring activities to fill the Board Investigator vacancy and are pleased to propose Thomas Sharkey as the selected candidate to join the Board. Mr. Sharkey comes with over 30 years of federal government investigation experience and will be an excellent asset to the Board.

The attached draft Employment Agreement is presented for the Board's review and approval.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):** Draft Employment Agreement: Thomas Sharkey

**c. LCB Financial Reporting Election Form**

[NRS 218G.400](#) requires the Board to be audited annually or biennially by a certified public accountant or public accountant, or alternative submission of a balance sheet if revenue from all sources is less than \$200,000 for any fiscal year. These reports are due by December 1 each year. The Board's revenue for FY23 ended just over \$204,000, requiring an audit.

As our Board has historically submitted a balance sheet, we must notify LCB of the Board's preference for financial reporting by August 1, 2023, i.e. annual or biennial audit. Each has benefits and drawbacks, as a biennial audit can double the work and cost which does not necessarily save time or money.

As we anticipated revenue exceeding \$200,000 we are already in contact with a CPA firm (see next agenda item) and recommend that the Board elect the annual audit option (see attachment) to proceed with completing the FY23 audit for submission by December 1.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):**

1. *LCB Financial Reporting Election Form*

**d. Proposed/Draft Contract with Coulson & Associates for Financial Audit Services and LCB Audit Election Pursuant to NRS 218G.400**

Per the above agenda item and prior discussion/approval at the April 26, 2023 meeting, we have selected the Certified Public Accounting firm Coulson & Associates to contract for audit services. A draft contract and Tentative Engagement Letter are attached for the Board's review and approval. Additionally, the Board must review and approve election of either an annual or biennial audit for submission to LCB.

The Board originally approved up to \$10,000 for audit services, but the contract reflects a maximum cost of \$15,000.00 to cover any unanticipated expenses. This revised amount is reflected in the revised budget proposed for review and approval in a later agenda item.

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):**

2. *Draft Contract: Coulson & Associates*
3. *Tentative Engagement Letter: Coulson & Associates*
4. *LCB Financial Reporting Election Form*

**State of Nevada**  
**Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board**  
**Approved 4/26/2023; DRAFT REVISED 7/19/2023**

| REVENUE                      |                                       |                      |   |
|------------------------------|---------------------------------------|----------------------|---|
| <b>Fees</b>                  | New apps; late renewals               | <b>\$ 41,832.00</b>  | Increase of 12% from FY23 based on FY20-FY23 average. |
| <b>License Fees</b>          | New; renewals; reinstate; conversions | <b>\$ 167,122.80</b> | Increase of 6% from FY23 based on FY20-FY23 average.  |
| <b>Exams, List, Interest</b> | Exams; lists; verifications; interest | <b>\$ 10,050.42</b>  | Increase of 7% from FY23 based on FY20-FY23 average.  |
| <b>Total Revenue</b>         |                                       | <b>\$ 219,005.22</b> |   |

| EXPENSES                        |                                |                          | Expense Narrative  |
|---------------------------------|--------------------------------|--------------------------|--|
| <b>Personnel/Payroll</b>        |                                | <b>\$ 162,922.53</b>     |  |
|                                 | Executive Director             | \$101,012.91             | 12% COLA increase (\$10,822.81) per AB522, effective 7/1/2023.                       |
|                                 | Licensing Coordinator          | \$ 38,892.67             | 12% COLA increase (\$4,167.07) per AB522, effective 7/1/2023.                        |
|                                 | Investigator                   | \$ 3,000.00              | Hourly at \$40/hour not to exceed \$3,000.   |
|                                 | Payroll Taxes                  | \$ 10,731.78             | Change per COLA increase.  |
|                                 | Deferred Comp                  | \$ 9,141.67              | ED Salary @ 9.05%. Change per COLA increase.   |
|                                 | Direct Deposit Fees            | \$ 143.50                | \$1.75 per DD (JP/SW @ 52 = \$91; Investigator/Exam Proctors @ 30 = \$52.50)         |
| <b>Legal Fees</b>               | Attorney General               | <b>\$ 8,000.00</b>       | Est \$154.36/hr: 9 mtgs @ 2 hrs ea= \$2,778.48 + \$5,221.52 complaints               |
| <b>Audit Fees</b>               | Coulson & Associates           | <b>\$ 15,000.00</b>      | \$10,000 proposed base rate; \$5,000 to cover unanticipated issues.                  |
| <b>Bank Fees</b>                | Merchant Svcs/Checking         | <b>\$ 4,600.00</b>       |  |
| <b>Board Compensation</b>       | Salary                         | <b>\$ 2,925.00</b>       | Board 5 mtg @ \$75 x 7 members = \$2,625; Committee 4 mtg @ \$75 x 2 members = \$300 |
| <b>Dues</b>                     | NCSB; RAN                      | <b>\$ 550.00</b>         | NCSB \$450; RAN \$100  |
| <b>Equipment</b>                |                                | <b>\$ 500.00</b>         | Added \$300 for Investigator Chromebook. No other equipment anticipated.             |
| <b>Examinations</b>             |                                | <b>\$ 4,240.00</b>       |  |
|                                 | Exam Proctors                  | Various \$ 2,400.00      | 24 exams @ \$100/proctor (Avg FY20-FY23 = 19)  |
|                                 | Exam Materials                 | IHS \$ 1,840.00          | 12 exams @ \$50 each; 12 exams @ \$100 each + \$40 shipping (Avg FY20-FY23 = 19)     |
| <b>Insurance</b>                | Tort & Liability/Worker's Comp | <b>\$ 1,350.00</b>       | Tort Liability \$750; Worker's Comp \$600  |
| <b>Database/Website</b>         | Albertson Consulting           | <b>\$ 7,650.00</b>       | Annual \$7,200; Support Overage \$405 (3 hrs @ \$135/hr)                             |
| <b>Meeting Expense</b>          | Rooms/lunches                  | <b>\$ 100.00</b>         | Recommend no-cost in-person meetings if held.  |
| <b>Ofc Lease/Cost Share</b>     | OT Board                       | <b>\$ 3,400.00</b>       | Shared office, supplies, equipment, & internet.                                      |
| <b>Office Supplies</b>          | ZOOM, Office365, Staples       | <b>\$ 750.00</b>         | Zoom \$150; Office365 \$400; Misc \$200  |
| <b>Postage</b>                  | USPS/OT Board                  | <b>\$ 400.00</b>         |  |
| <b>Printing</b>                 | State Printer                  | <b>\$ 200.00</b>         | Envelopes, misc.   |
| <b>Professional Fees</b>        |                                | <b>\$ 4,500.00</b>       |  |
|                                 | Accounting                     | Numbers Inc. \$ 3,000.00 | \$750/quarter  |
|                                 | Investigation Fees             | Various \$ 1,000.00      | Expert reviewer services.  |
|                                 | Leg Services                   | None \$ -                | Recommend adding to FY25 budget  |
|                                 | IT/Tech Support                | Various \$ 500.00        | None used in FY21/FY22   |
| <b>Telephone/Tech</b>           | AT&T; State of NV IT           | <b>\$ 525.00</b>         | Local \$300 (\$25/mo). LD \$25 (\$2/month). Teleconference (if needed) \$200.        |
| <b>Travel</b>                   |                                |                          |  |
|                                 | Travel - In State              | \$ 200.00                | Local mileage. Reduce & hold all meetings via Zoom.                                  |
|                                 | Travel - Out of State          | \$ -                     | None planned.  |
| <b>Total Operating Expenses</b> |                                | <b>\$ 217,612.53</b>     |  |

|   |                    |
|---|--------------------|
| <b>Revenue in Excess of Operating Expense</b> | <b>\$ 1,392.69</b> |
|---|--------------------|





State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## EMPLOYMENT AGREEMENT

This Employment Agreement ("Agreement") is entered into by and between the **State of Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board** ("Employer") and **Thomas D. Sharkey**, hereinafter referred to as Employee, (collectively referred to as "Parties").

- 1) **Employment:** Employer hereby employs Employee, and Employee hereby accepts employment by Employer to serve as an **Investigator** for the State of Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board with all duties, powers and authorities provided by law, and to perform such duties as Employer may specify during the term of this Agreement.
- 2) **Term:** The term of employment under this Agreement is from **August 1, 2023** continuing thereafter until terminated pursuant to the provisions of Section 5, Termination herein.
- 3) **Work Assignments:** Employer will assign work to employee on a **part-time/as-needed basis only** with no guaranteed minimum number of hours assigned. Work assignments may vary and will depend on the volume of complaint cases received by the Board.
- 4) **Compensation:** As compensation for services, Employer authorizes payment to Employee in an amount equal to **\$40.00 per hour** in base salary, less required and/or requested withholdings, payable in biweekly installments consistent with Employer's customary payroll practices. Employer will assign investigative cases on an as-needed basis and does not guarantee regular or minimum
- 5) **Benefits:** No benefits provided as this employee will work on a part-time/as-needed basis.
- 6) **Termination:** Employer may terminate this Agreement at any time with or without cause.
  - a) **Termination with Cause.** Termination with cause means termination of employment because of: i) fraud, misappropriation, or embezzlement of Board property or funds; ii) conviction of, or pleading nolo contendere to, any felony; iii) failure to perform the duties required of Employee; iv) material breach of this Agreement, or v) any other reason constituting cause for discharge. A determination of cause is within the Employer's sole discretion provided that such discretion is exercised in good faith.
  - b) **Termination without Cause.** Employer may terminate this Agreement without cause upon one (1)-month's written notice to Employee. Employer's sole liability to Employee upon such termination will be as follows: Employee shall receive normal compensation for actual time worked by mutual agreement after any such notice of termination.
- 7) **Employee Resignation:** In the event Employee voluntarily resigns his position as **Investigator**, unless the parties otherwise agree, Employee shall give Employer two weeks advance written notice. Employee shall be paid for all hours worked through the effective date of resignation.

- 8) Notice: All notices and other communications under this Agreement shall be in writing and shall be given by hand delivery to the other party or by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to Employee: Thomas D. Sharkey



If to Employer: Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board  
Attn: Board Chair  
6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523

9) General Provisions:

- a) Governing Law. The laws of the state of Nevada shall govern this Agreement.
- b) Entire Agreement; Modification. This Agreement constitutes the entire Agreement between the Parties and may only be amended by written documentation signed by both Parties.
- c) Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Employer's successors and assigns.
- d) Severability. If any provision(s), or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, Employer and Employee have caused this Agreement to be executed on the 19<sup>th</sup> day of July, 2023.

Employee:

Thomas D. Sharkey

Employer:

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

\_\_\_\_\_  
Thomas D. Sharkey

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Andrea Menicucci, Vice Chair

\_\_\_\_\_  
Dated

LEGISLATIVE COUNSEL BUREAU  
AUDIT DIVISIONAUDITS OF CERTAIN BOARDS  
FINANCIAL REPORTING ELECTION FORM

Please indicate to us by checking the box below if your board plans to have an audit or will be submitting a balance sheet on a form provided by the Legislative Auditor. Please respond by \_\_\_\_\_.

- ☐ Annual audit.
- ☐ Biennial audit.
- ☐ Annual balance sheet on a form provided by Legislative Auditor (Revenues less than \$200,000).

Board name: \_\_\_\_\_ Date: \_\_\_\_\_

Form completed by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_

For audit staff only:

- ☐ Board is compliant with NRS 218G.400.
- ☐ Board is compliant with NRS 622.100.
- ☐ Received evidence (minutes, etc) that the decision to change the financial reporting was approved by the Board of Directors. Request from the Executive Director is not sufficient.

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
FOR LESS THAN \$50,000**

A Contract Between the State of Nevada  
Acting by and Through its

|                        |   |
|------------------------|---|
| Agency Name:           | Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board |
| Address:               | 6170 Mae Anne Avenue, Suite 1   |
| City, State, Zip Code: | Reno, NV 89523  |
| Contact:               | Jennifer R. Pierce, Executive Director                                |
| Phone:                 | (775) 787-3421  |
| Fax:                   | (775) 746-4105  |
| Email:                 | execdirector@nvspeechhearing.org                                      |

|                        |                               |
|------------------------|-------------------------------|
| Contractor Name:       | Coulson & Associates          |
| Address:               | 6170 Ridgeview Court, Suite D |
| City, State, Zip Code: | Reno, NV 89519                |
| Contact:               | Michael Coulson, CPA          |
| Phone:                 | (775) 825-4444                |
| Fax:                   |                               |
| Email:                 | michael@coulsoncpa.com        |

WHEREAS, NRS 333.700 authorizes officers, departments, institutions, boards, commissions, and other agencies in the Executive Branch of the State Government which derive their support from public money in whole or in part to engage services of persons as independent contractors; and

WHEREAS, it is deemed that the service of Contractor is both necessary and in the best interests of the State of Nevada.

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified in **Section 7, Contract Termination**. Contracts requiring approval of the Nevada Board of Examiners or the Clerk of the Board are not effective until such approval has occurred, however, after such approval, the effective date will be the date noted below.

|                 |          |     |           |
|-----------------|----------|-----|-----------|
| Effective from: | 9/1/2023 | To: | 6/30/2024 |
|-----------------|----------|-----|-----------|

2. **NOTICE.** All communications, including notices, required or permitted to be given under this Contract shall be in writing and directed to the parties at the addresses stated above. Notices may be given: (a) by delivery in person; (b) by a nationally recognized next day courier service, return receipt requested; or (c) by certified mail, return receipt requested. If specifically requested by the party to be notified, valid notice may be given by facsimile transmission or email to the address(es) such party has specified in writing.

3. **SCOPE OF WORK.** The Scope of Work is described below, which is incorporated herein by reference:

| DESCRIPTION OF SCOPE OF WORK:   |  |
|---|--|
| Contractor will conduct the annual audit of the Speech-Language Pathology Audiology and Hearing Aid Dispensing Board financial statements for Fiscal Year 2023 pursuant to the requirements of NRS 218G.400.  |  |
| Contractor proposes a fee for these services at a standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) with agreement that the gross fee, including expenses, will not exceed \$10,000. This fee is based on anticipated cooperation from Board staff and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, Contractor will discuss this with the Board prior to conducting additional work to negotiate an additional fee not to exceed \$5,000.00. |  |

An Attachment must be limited to the Scope of Work to be performed by Contractor. Any provision, term or condition of an Attachment that contradicts the terms of this Contract, or that would change the obligations of the State under this Contract, shall be void and unenforceable.

4. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 3, Scope of Work* at a cost as noted below:

|  |                                    |       |
|--|------------------------------------|-------|
| \$10,000.00                                | per                                | Audit |
| Total Contract or installments payable at: | Upon invoice as work is completed. |       |
| Total Contract Not to Exceed:              | \$15,000.00                        |       |

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the Scope of Work or incorporated Attachments (if any). Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the result of legislative appropriation may require.

5. **BILLING SUBMISSION: TIMELINESS.** The parties agree that timeliness of billing is of the essence to the Contract and recognize that the State is on a Fiscal Year. All billings for dates of service prior to July 1 must be submitted to the State no later than the first Friday in August of the same calendar year. A billing submitted after the first Friday in August, which forces the State to process the billing as a stale claim pursuant to NRS 353.097, will subject Contractor to an administrative fee not to exceed one hundred dollars (\$100.00). The parties hereby agree this is a reasonable estimate of the additional costs to the State of processing the billing as a stale claim and that this amount will be deducted from the stale claim payment due to Contractor.
6. **INSPECTION & AUDIT.** Contractor agrees to keep and maintain under generally accepted accounting principles (GAAP) and as required by State and federal law, complete and accurate records as are necessary to fully disclose to the State or United States Government, sufficient information to determine compliance with all State and federal regulations and statutes, and compliance with the terms of this contract, and agrees that such documents will be made available for inspection upon reasonable notice from authorized representatives of the State or Federal Government.
7. **CONTRACT TERMINATION.**
- A. Termination Without Cause. Regardless of any terms to the contrary, this Contract may be terminated upon written notice by mutual consent of both parties. The State unilaterally may terminate this contract without cause by giving not less than thirty (30) days' notice in the manner specified in *Section 2, Notice*. If this Contract is unilaterally terminated by the State, Contractor shall use its best efforts to minimize cost to the State and Contractor will not be paid for any cost that Contractor could have avoided.

- B. State Termination for Non-Appropriation. The continuation of this Contract beyond the current biennium is subject to and contingent upon sufficient funds being appropriated, budgeted, and otherwise made available by the State Legislature and/or federal sources. The State may terminate this Contract, and Contractor waives any and all claims(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the Contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired.
- C. Termination with Cause for Breach. A breach may be declared with or without termination. A notice of breach and termination shall specify the date of termination of the Contract, which shall not be sooner than the expiration of the Time to Correct, if applicable, allowed under **Subsection 7D**. This Contract may be terminated by either party upon written notice of breach to the other party on the following grounds:
- 1) If Contractor fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, or services called for by this Contract within the time requirements specified in this Contract or within any granted extension of those time requirements; or
  - 2) If any state, county, city, or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
  - 3) If Contractor becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the Bankruptcy Court; or
  - 4) If the State materially breaches any material duty under this Contract and any such breach impairs Contractor's ability to perform; or
  - 5) If it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Contractor, or any agent or representative of Contractor, to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment with respect to awarding, extending, amending, or making any determination with respect to the performing of such contract; or
  - 6) If it is found by the State that Contractor has failed to disclose any material conflict of interest relative to the performance of this Contract.
- D. Time to Correct. Unless the breach is not curable, or unless circumstances do not permit an opportunity to cure, termination upon declared breach may be exercised only after service of formal written notice as specified in **Section 2, Notice**, and the subsequent failure of the breaching party within fifteen (15) calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared breach has been corrected. Upon a notice of breach, the time to correct and the time for termination of the contract upon breach under **Subsection 7C**, above, shall run concurrently, unless the notice expressly states otherwise.
8. **REMEDIES.** Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. For purposes of an award of attorneys' fees to either party, the parties stipulate and agree that a reasonable hourly rate of attorneys' fees shall be one hundred and fifty dollars (\$150.00) per hour. The State may set off consideration against any unpaid obligation of Contractor to any State agency in accordance with NRS 353C.190. In the event that Contractor voluntarily or involuntarily becomes subject to the jurisdiction of the Bankruptcy Court, the State may set off consideration against any unpaid obligation of Contractor to the State or its agencies, to the extent allowed by bankruptcy law, without regard to whether the procedures of NRS 353C.190 have been utilized.
9. **LIMITED LIABILITY.** The State will not waive and intends to assert available NRS Chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. Damages for any State breach shall never exceed the amount of funds appropriated for payment under this Contract, but not yet paid to Contractor, for the Fiscal Year budget in existence at the time of the breach. Contractor's tort liability shall not be limited.



10. **INDEMNIFICATION AND DEFENSE.** To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Contractor under this Contract, or any alleged negligent or willful acts or omissions of Contractor, its officers, employees and agents. Contractor's obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. Contractor waives any rights of subrogation against the State. Contractor's duty to defend begins when the State requests defense of any claim arising from this Contract.
11. **REPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS.** Contractor represents that it is an independent contractor, as defined in NRS 333.700(2) and 616A.255, warrants that it will perform all work under this contract as an independent contractor, and warrants that the State of Nevada will not incur any employment liability by reason of this Contract or the work to be performed under this Contract. To the extent the State incurs any employment liability for the work under this Contract; Contractor will reimburse the State for that liability.
12. **INSURANCE SCHEDULE.** Unless expressly waived in writing by the Contracting Agency, Contractor must procure, maintain and keep in force for the duration of the Contract insurance conforming to the minimum requirements specified below. Each insurance policy shall provide for a waiver of subrogation against the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307, for losses arising from work/materials/equipment performed or provided by or on behalf of Contractor. By endorsement to Contractor's automobile and general liability policies, the State of Nevada shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of Contractor. Contractor shall not commence work before Contractor has provided evidence of the required insurance in the form of a certificate of insurance and endorsement to the Contracting Agency of the State.

A. Workers' Compensation and Employer's Liability Insurance.

- 1) Contractor shall provide proof of worker's compensation insurance as required per Nevada Revised Statutes Chapters 616A through 616D inclusive.
- 2) If Contractor qualifies as a sole proprietor as defined in NRS Chapter 616A.310 and has elected to not purchase industrial insurance for himself/herself, the sole proprietor must submit to the contracting State agency a fully executed "Affidavit of Rejection of Coverage" form under NRS 616B.627 and NRS 617.210.

B. Commercial General Liability – Occurrence Form. The Policy shall include bodily injury, property damage and broad form contractual liability coverage.

- |  |             |
|--|-------------|
| 1) General Aggregate                         | \$2,000,000 |
| 2) Products – Completed Operations Aggregate | \$1,000,000 |
| 3) Personal and Advertising Injury           | \$1,000,000 |
| 4) Each Occurrence                           | \$1,000,000 |

C. Professional Liability/Errors and Omissions Liability The policy shall cover professional misconduct or lack of ordinary skill for those positions defined in the Scope of Work of this contract. In the event that the professional liability insurance required by this Contract is written on a claims-made basis, Contractor warrants that any retroactive date under the policy shall precede the effective date of this Contract; and that either continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning at the time work under this Contract is completed.

- |                     |             |
|---------------------|-------------|
| 1) Each Claim       | \$1,000,000 |
| 2) Annual Aggregate | \$2,000,000 |

*Mail all required insurance documents to the Contracting Agency identified on page one of the Contract.*

13. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

14. **SEVERABILITY.** If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.
15. **STATE OWNERSHIP OF PROPRIETARY INFORMATION.** Any data or information provided by the State to Contractor and any documents or materials provided by the State to Contractor in the course of this Contract ("State Materials") shall be and remain the exclusive property of the State and all such State Materials shall be delivered into State possession by Contractor upon completion, termination, or cancellation of this Contract.
16. **PUBLIC RECORDS.** Pursuant to NRS 239.010, information or documents received from Contractor may be open to public inspection and copying. The State may have the duty to disclose unless a particular record is made confidential by law or a common law balance of interests.
17. **GENERAL WARRANTY.** Contractor warrants that all services, deliverables, and/or work products under this Contract shall be completed in a workmanlike manner consistent with standards in the trade, profession, or industry; shall conform to or exceed the specifications set forth in the incorporated attachments; and shall be fit for ordinary use, of good quality, with no material defects.
18. **DISCLOSURES REGARDING CURRENT OR FORMER STATE EMPLOYEES.** For the purpose of State compliance with NRS 333.705, Contractor represents and warrants that if Contractor, or any employee of Contractor who will be performing services under this Contract, is a current employee of the State or was employed by the State within the preceding 24 months, Contractor has disclosed the identity of such persons, and the services that each such person will perform, to the Contracting Agency.
19. **GOVERNING LAW: JURISDICTION.** This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada, without giving effect to any principle of conflict-of-law that would require the application of the law of any other jurisdiction. The parties consent to the exclusive jurisdiction of and venue in the First Judicial District Court, Carson City, Nevada for enforcement of this Contract, and consent to personal jurisdiction in such court for any action or proceeding arising out of this Contract.



20. **ENTIRE CONTRACT AND MODIFICATION.** This Contract and its Scope of Work constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Office of the Attorney General and the State Board of Examiners, as required. This form of Contract, including any amendments to the Contract, is not authorized for use if the “not to exceed” value **Section 4, Consideration** equals or exceeds \$50,000. This Contract, and any amendments, may be executed in counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

\_\_\_\_\_  
Independent Contractor’s Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Independent Contractor’s Title

\_\_\_\_\_  
State of Nevada Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
State of Nevada Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
State of Nevada Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

APPROVED BY BOARD OF EXAMINERS

\_\_\_\_\_  
Signature – Clerk of the Board of Examiners

On: \_\_\_\_\_

\_\_\_\_\_  
Date

Approved as to form by:

On: \_\_\_\_\_

\_\_\_\_\_  
Deputy Attorney General for Attorney General

\_\_\_\_\_  
Date

Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board  
Reno, NV 89502

We are pleased to confirm our understanding of the services we are to provide Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board for the year ended June 30, 2023 ended. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board as of and for the year ended June 30, 2023 ended. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison
- 3) Supplementary Pension Information

#### **Audit Objective**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion

of our audit of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board's financial statements. Our report will be addressed to the Board of Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with

governance internal control related matters that are required to be communicated under AICPA professional standards.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Other Services**

We will also prepare the financial statements of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for designing, implementing, and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary

information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other non-attest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

### **Engagement Administration, Fees, and Other**

We may from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We expect to begin our audit on approximately October 1, 2023 and to issue our reports no later than November 15, 2023. Michael Coulson is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will not exceed \$10,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated

cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Coulson & Associates, Ltd.

Michael Coulson, CPA

RESPONSE:

This letter correctly sets forth the understanding of the Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## AGENDA ITEM 13

### Report from Legal Counsel and Overview of Disciplinary Hearing Process

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Henna Rasul, Board Counsel will provide the Board with a general update on legal activities, and a training/overview on the Disciplinary Hearing Process. An excerpt from the Board Handbook on Disciplinary Hearings and Consent Decrees is attached for review.

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):**

*1. Disciplinary Hearing & Consent Decree Overview*

## DISCIPLINARY HEARING & CONSENT DECREE OVERVIEW

If a formal investigation determines a potential violation of the Board's laws or regulations may have occurred, warranting consideration of disciplinary action, a formal public hearing may be held. In lieu of a public hearing, the practitioner may agree to resolve the case by entering into a consent decree. Both are explained below.

### Consent Decree

As an alternative to a public hearing, a Consent Decree is a binding agreement with the Board wherein the practitioner stipulates to facts of the case and agrees to proposed discipline. The terms of the Consent Decree are typically negotiated between Board Counsel, the Executive Director, and the practitioner, and presented to the Board for review and approval. The practitioner may ask for a Consent Decree at any time, even during the public hearing.

### Formal Public Hearing

#### Scheduling & Notice to the Person Being Considered

A Hearing may be an item on a regular Board meeting agenda or scheduled as a special meeting for the Hearing only. It is most appropriate for the full Board to be present during a Public Hearing. Proper notice must be given to the person being considered by certified mail at least 30 calendar days or in-person service within 5 calendar days in advance of the Hearing unless a *Waiver of Notice* is signed.

#### Hearing Process

A Hearing is not as formal as a court proceeding but must provide the licensee an opportunity for due process and conduct its proceedings in consideration of and in accordance with fair play. Board members will hear the case and take testimony from both sides: Board staff, represented by the Deputy Attorney General, and the practitioner and their Counsel, if represented.

#### Hearing Purpose

The purpose of the Hearing is to determine contested issues related to the practice law(s) allegedly violated by the licensee, specifically:

- A FINDING OF:
  - Whether the licensee engaged in certain acts; and
  - If so, whether those acts violate the Board's practice act and regulations; and
- IF A FINDING IS MADE:
  - To determine the appropriate disciplinary action.

#### Recusal & Abstention Due to Conflict of Interest

A Board Member who identifies a potential conflict of interest on a case, whether through prior knowledge of the investigation, a past/present personal or professional relationship with the licensee, or some other reason for which they feel they could not be impartial, should consult with Board Counsel and consider recusing themselves from the Hearing or Consent Decree review.

The member may still be present in the meeting, as their presence contributes to meeting the overall quorum requirement but can then recuse (withdraw) themselves from the discussion and deliberation and abstain (decline to vote) on the findings and discipline.



## Disciplinary Action

If the Board makes a finding and imposes discipline, a legal Order will be issued by the Deputy Attorney General, and all disciplinary actions taken as a result of the Hearing will become public information.

The Board may impose disciplinary action per [NRS 637B.280](#) as follows:

1. *If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:*
  - (a) *Refuse to renew a license;*
  - (b) *Revoke a license;*
  - (c) *Suspend a license;*
  - (d) *Administer to the licensee a public reprimand;*
  - (e) *Impose conditions on the practice of the licensee;*
  - (f) *Impose a civil penalty not to exceed \$5,000 for each act constituting grounds for disciplinary action; or*
  - (g) *Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.*
2. *The Board shall not administer a private reprimand.*
3. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

## Considerations for Imposing Sanctions

The *National Council of State Boards of Examiners for Speech-Language Pathology and Audiology* offers the following guidance for Board members when considering sanctions:

- *Degree of harm to the consumer*
- *Severity of offense*
- *First or repeated offense for same violation*
- *Repeat offender for various violations*
- *Extenuating circumstances*
- *Self-report vs. consumer complaint*
- *Efforts to correct the violation*
- *Severity level necessary to deter future violations*
- *Consistency with previous Board actions (precedents)*

## Disciplinary Reporting

As noted in NRS 637B.280 (3) an order that imposes discipline and the findings of fact and conclusions of law supporting that order are **public records**. The Board may release a copy of a disciplinary order to anyone upon request and will send a copy of a final order to the original complainant when the case is concluded.

- [Nevada Legislative Counsel Bureau \(LCB\)](#): The Board is mandated to report licensing statistics and disciplinary actions on all licensed practitioners to the LCB on a quarterly basis. These reports are publicly available on the LCB website.
- [National Practitioner Data Bank \(NPDB\)](#): The Board must report disciplinary action to the NPDB within 30 days of the final action. The NPDB is an online database administered by the U.S. Department of Health and Human Services that houses information on medical malpractice payments and certain adverse actions related to health care practitioners, providers, and suppliers. The NPDB is intended to prevent practitioners from moving state to state without disclosure or discovery of previous performance issues. Individuals and organizations who are subjects of these reports have access to their own information, and these reports are confidential and not available to the public.

## AGENDA ITEM 14

### Reports from Board Chair and Board Members

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

- b. 2023 Proposed Meeting Schedule:** Next meeting proposed: Wednesday, October 18, 2023 at 4:30pm.  
Teleconference hosted via Zoom and in-person at the Reno Board Office.

**c. Future Agenda Items**

- 1) Work Session: Continued work on Future Legislative Efforts (Standing Agenda Item):
  - (a) Licensing Speech-Language Pathology Assistants *(for possible action)*
  - (b) Licensing Audiology Assistants *(for possible action)*
  - (c) Address Cerumen Management Practice by HAS *(for possible action)*
  - (d) Removal of NBC-HIS Certification for Standard HAS License *(for possible action)*
  - (e) Telesupervision by AUD & SLP *(for possible action)*
- 2) Other Items As Proposed *(for possible action)*

**ACTION:** Take action, table the matter, or take no action on the request.

**ATTACHMENT(S):** None.

## AGENDA ITEM 15

### Public Comment

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*No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)*

**ACTION:** None – INFORMATIONAL ONLY

**ATTACHMENT(S):** None.

## AGENDA ITEM 16

### Adjournment

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**ACTION:** Meeting adjourned.

**ATTACHMENT(S):** None.