



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

July 19, 2023

Members Present: Andrea Menicucci, Lynee Anderson, Minnie Foxx, Timothy Hunsaker, Adrienne Williams

Members Absent: None (Two current vacancies)

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

Public Present: Adam Dalton, Morgan Foster, Karen Klopfer, Kim Reddig, Shawna Ross

Call to Order, Confirmation of Quorum

Andrea Menicucci called the meeting to order at 4:30pm. A roll call confirmed a quorum was present. It was noted that there are two current vacancies, however the recent passage of AB52 (2023) allows the Board to meet quorum requirements from the currently filled positions.

Public Comment

Andrea Menicucci introduced this agenda item and read the following statement pursuant to AB219 (2023): "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."

Ms. Menicucci then called for public comment. Kim Reddig, SLP shared the following public comment: "I am Kim Reddig, speaking on behalf of myself today. I just wanted to make a comment related to being a license holder. I have a few comments related to the regulation components that this board has been willing to support and the value of my own personal voice as a license holder. Over the last few years, the state association as well as individual practitioners have repeatedly asked the licensing board to consider supporting or initiating regulations related to both assistants for workload relief as well as regulations relating to telesupervision which Nevada does not currently have. These requests are frequently made by the practitioners that choose to work in a school setting and so regulation 637.080 is quoted and the items remain on the agenda for discussion but

with not a lot of movement in the workgroups. It sure does make me feel like this Board does not value my opinion or that of my colleagues that choose to work in school buildings under a Nevada Department of Education license. Many SLPs that work in school buildings have a Master's degree like private practitioners, university personnel, hospital, medical SLPs etc. By having a regulation that specifically says this Board does not have purview over my actions and practice because I hold an NDE license perpetuates the perspective that as an SLP the school is somehow less of a job than that of other practice settings. I still must uphold the ASHA Board of Ethics as well as NDE criteria and I deserve the support, acknowledgment, and acceptance of this licensing board just as much as any other SLP that may work in different practice settings. I encourage the Board to consider looking at this language and what regulations they are willing to consider to be inclusive to all SLPs that work in Nevada. There are times that practitioners need the licensing board support related to their practice settings and as a school-based provider this Board does not support me. Thank you."

Ms. Pierce then reported that a letter was received from Jessica Garrett, SLP, with a request to include it as public comment and asked Stacey Whittaker to read it into the record. She did so as follows: "Dear Board of Examiners, I hope this letter finds you in good health and high spirits. I am writing to express my wholehearted support for the licensing of Speech Language Pathologist (SLP) assistants in the state of Nevada. As a speech language pathologist, I believe this step would greatly benefit both the professionals in the field and the individuals they serve. Speech Language Pathologist assistants play a critical role in supporting SLPs and helping individuals with speech and language disorders achieve their communication goals. These dedicated professionals work under the supervision of licensed SLPs, assisting in assessments, therapy sessions, and the implementation of treatment plans. By obtaining a licensing framework specifically designed for SLP assistants, we can ensure the highest standards of practice and professional accountability. There are several compelling reasons why I believe the state of Nevada should consider implementing licensure for SLP assistants. Firstly, licensing would establish a clear set of guidelines and standards for their education, training, and ongoing professional development. This framework would provide the necessary knowledge and skills to deliver high-quality care to individuals with communication challenges. Secondly, licensing SLP assistants would enhance public safety and protect vulnerable populations. By requiring them to meet specific qualifications, undergo thorough background checks, and adhere to a professional code of ethics, we can ensure that individuals receiving services from these assistants are in capable and trustworthy hands. Thirdly, The shortage of SLPs in Nevada has significant implications for individuals with communication challenges. These individuals, across all age groups and settings, rely on the expertise of SLPs to improve their speech, language, feeding/swallowing, cognition, and overall communication skills. Without an adequate number of qualified professionals, the delivery of timely and effective therapy services is at risk, potentially hindering the developmental progress and quality of life for these individuals. By supporting the licensure of SLP assistants, we can help bridge the gap and alleviate some of the challenges posed by the shortage of SLPs. SLP assistants, working under the supervision of licensed SLPs, can provide valuable support and help ensure continuity of care. With appropriate licensure, SLP assistants can receive the necessary training, education, and supervision to effectively assist in assessments, therapy sessions, and treatment plans. This licensing framework would enhance their competencies and allow them to make meaningful contributions to the field of speech-language pathology. Furthermore, implementing licensure for SLP assistants would also create opportunities for workforce expansion and diversification. It would attract individuals who have a passion for communication disorders and provide a structured pathway for their professional development. By recognizing and supporting the role of SLP assistants, we can tap into a broader pool of talent, effectively increasing the number of professionals available to serve the needs of our communities. Finally, licensing SLP assistants brings Nevada in line with other states that have already recognized the importance of regulating this profession. It would align our state with national standards and best practices, promoting consistency and uniformity in the delivery of speech and language services. In conclusion, I urge you to consider supporting the licensing of Speech Language Pathologist assistants in the state of Nevada. By implementing a licensure framework, we can ensure the highest quality

of care, protect the public, alleviate the SLP shortage, and elevate the status of these dedicated professionals. I believe that by taking this step, Nevada will demonstrate its commitment to the well-being and communication needs of its citizens. Thank you for your attention to this critical matter. I trust that you will consider the benefits of licensing SLP assistants and take the necessary steps to support their professional growth and recognition in our state. Sincerely, Jessica Garrett M.Ed., CCC-SLP Speech Language Pathologist”

Welcome & Introduction of New Board Members

Ms. Pierce reported that 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 the Board has not received notice of appointment of new members, this item was skipped.

Election of Board Chair & Vice Chair

Ms. Pierce reported that this item was included to call for nominations and hold an election, however proceeding is unclear given that new appointments have not yet been received from the Governor’s Office. Ms. Pierce and Ms. Menicucci asked Sr. DAG Henna Rasul how the Board should proceed, and she advised that the Board could choose to call for nominations from the current members and hold elections at this meeting or wait until new appointments are made. There was a brief discussion and consensus was to move forward and hold an election today so as not to hold up this process.

Andrea Menicucci called for nominations for Board Chair. Timothy Hunsaker shared that he did not feel he had the time to devote to the Chair role and asked to not be nominated. No nominations were initially offered. Andrea Menicucci stated that though her term will end in July 2024, she would be willing to serve as Chair for the next year, and nominated herself for the Chair role.

Ms. Menicucci called for a motion. Adrienne Williams made a motion to elect Andrea Menicucci to serve as Board Chair. Timothy Hunsaker seconded the motion. The motion passed unanimously.

Andrea Menicucci then called for nominations for Board Vice Chair. No nominations were initially offered, and Timothy Hunsaker stated that he would be willing to serve as Vice Chair and nominated himself for the role.

Ms. Menicucci called for a motion. Andrea Menicucci made a motion to elect Timothy Hunsaker to serve as Board Vice Chair. Adrienne Williams seconded the motion. The motion passed unanimously.

Appointment of Bank Signatories & Financial Reviewer

Andrea Menicucci called for nominations and/or volunteers for appointment as bank signatories. Consensus was that the Board Chair and Vice Chair should be added as bank signatories. Ms. Menicucci called for a motion. Timothy Hunsaker made a motion to appoint Andrea Menicucci and himself as bank signatories. Adrienne Williams seconded the motion. The motion passed unanimously.

Andrea Menicucci called for nominations and/or volunteers for appointment as the financial reviewer. Ms. Menicucci, Ms. Pierce, and Ms. Whittaker explained the requirements of the role and answered questions. Adrienne Williams volunteered to serve as the Board’s financial reviewer. Ms. Menicucci called for a motion. Timothy Hunsaker made a motion to appoint Adrienne Williams to serve as the Board’s financial reviewer. Lynee Anderson seconded the motion. The motion passed unanimously.

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

Ms. Menicucci introduced this item and asked for nominations. Timothy Hunsaker volunteered for this appointment. Andrea Menicucci called for a motion. Timothy Hunsaker made a motion to appoint himself to

the Advisory Committee on Fitting and Dispensing Hearing Aids. Lynee Anderson seconded the motion. The motion passed unanimously.

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

Andrea Menicucci asked if there were any corrections or revisions to the minutes of the meeting and public hearing of April 26, 2023 and none were noted.

Ms. Menicucci asked for a motion. Adrienne Williams made a motion to approve the minutes of April 26, 2023 as written. Timothy Hunsaker seconded the motion. Andrea Menicucci abstained from voting as she was not present in the meeting. The motion passed unanimously.

Disciplinary Matters

a. Recommendation for Dismissal: Case # S22-02

Ms. Pierce summarized that 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. Ms. Pierce recommended the case be dismissed.

Andrea Menicucci called for a motion. Adrienne Williams made a motion to dismiss the case as recommended. Timothy Hunsaker seconded the motion. The motion passed unanimously.

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. Ms. Pierce recommended the case be dismissed.

Andrea Menicucci called for a motion. Timothy Hunsaker made a motion to dismiss the case as recommended. Adrienne Williams seconded the motion. The motion passed unanimously.

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

a. Summary of 82nd (2023) Legislative Session

Ms. Menicucci asked Ms. Pierce to summarize, who directed the Board to the attached tracking document summarizing the final outcome of the bills that were tracked as being relevant to the Board either directly or indirectly. Ms. Pierce reported that the most notable legislation directly affecting this Board is AB431, which establishes the new Office of Nevada Boards, Commissions and Councils Standards. Ms. Pierce shared that during the initial hearing on the bill, Governor's Office staff stated that they did not anticipate major changes to Board structures and operations, but it is unknown how this change will operationalize. Ms. Pierce shared that the Board office was contacted by the Department of Business & Industry in early June for staff contact information and no further information has been received to date.

Ms. Pierce also highlighted other bills that passed with a direct impact on the Board including AB52 & AB219, which address the Open Meeting Law 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).

During this item the meeting was interrupted by a participant who joined the meeting and was seen on video engaged in a lewd sexual act. The participant was immediately removed from the meeting and reported to Zoom. Board members, staff, and attendees took a few minutes to regroup following the intrusion before proceeding with the meeting.

No action was taken.

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

Ms. Pierce shared that 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. Additionally, 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.

No action was taken.

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

Ms. Pierce reported no updates on the following matters but stated that as the regulation freeze has been lifted, these items will be brought back for work at the next meeting.

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

Kim Reddig shared that the Nevada Department of Education's regulation change to sunset bachelor level SLP staff was approved by the Legislative Commission on June 2, 2023 and the sunset will take effect October 1, 2026.

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

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 Q4 resulted in a net increase of 72 licenses (136 issued/64 expired), a 5% increase from the prior quarter. This increase is commensurate with prior years' 4th quarters and represents the most licenses issued in any quarter to date.

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

Ms. Pierce directed the Board to the FY23 Q4/End of Year Financial Summary. FY23 income totaled higher than budgeted (110.37% of budget), and expenses were also slightly higher than expected (101.31% of

budget). Ms. Pierce also explained 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.

c. Board Member Appointments/Reappointments

Ms. Pierce reported that the Governor's Office advised a few weeks ago that a decision had not yet been made regarding new appointments. Minnie Foxx has also applied for reappointment to a second term and is awaiting a response. Per the elections held earlier in this meeting, Andrea Menicucci will serve as Chair and Timothy Hunsaker will serve as Vice Chair and was appointed to the Advisory Committee on Fitting and Dispensing Hearing Aids. That Committee will be tasked with electing a new Committee Chair from its appointed Board members at its next meeting.

d. Complaints

Ms. Pierce reported that there were six open complaint cases following the April 26, 2023 Board Meeting. No new complaints have been received to date, and two cases were dismissed by the Board earlier in this meeting, leaving four cases open for investigation.

No action was taken.

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

Ms. Menicucci asked Ms. Pierce to summarize, who reported the following:

a. Revised FY24 Budget

Ms. Pierce reviewed the Board's approval of the FY24 budget at its April 2023 meeting, 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. Ms. Pierce directed the Board to the revised budget document reflect the following changes:

- 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 "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."
- 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.

Andrea Menicucci called for a motion. Timothy Hunsaker made a motion to approve the revised FY24 budget as presented. Adrienne Williams seconded the motion. The motion passed unanimously.

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

Ms. Pierce reported that 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.

FINAL - Minutes approved at the October 18, 2023 Board Meeting.

Mr. Sharkey comes with over 30 years of federal government investigation experience and will be an excellent asset to the Board. Ms. Pierce directed the Board to the draft Employment Agreement for review and approval.

Andrea Menicucci called for a motion. Adrienne Williams made a motion to approve the employment agreement with Thomas Sharkey as presented. Lynee Anderson seconded the motion. The motion passed unanimously.

c. LCB Financial Reporting Election Form

Ms. Pierce explained that NRS 218G.400 requires the Board to be audited annually or biennially by a certified public accountant or public accountant, or alternatively submit a balance sheet if revenue from all sources is less than \$200,000 for the fiscal year. This Board has historically submitted a balance sheet but FY23 revenue totaled just over \$204,000, requiring an audit. As such, the Board must notify LCB of its preference for financial reporting by August 1, 2023. Ms. Pierce directed the Board to the Financial Election Reporting Form and recommended the Board elect the annual audit option.

Andrea Menicucci called for a motion. Lynee Anderson made a motion to approve election of an annual financial audit. Minnie Foxx seconded the motion. The motion passed unanimously.

d. Proposed/Draft Contract with Coulson & Associates for Financial Audit Services

Ms. Pierce explained that per the above agenda item and prior discussion/approval at the April 26, 2023 meeting, Board staff are working with the Certified Public Accounting firm Coulson & Associates to contract for audit services. Ms. Pierce directed the Board to the draft contract and Tentative Engagement Letter for the Board's review and approval. Ms. Pierce noted that 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 which was reflected in the revised budget approved in an earlier agenda item.

Andrea Menicucci called for a motion. Timothy Hunsaker made a motion to approve the contract with Coulson & Associates as presented. Adrienne Williams seconded the motion. The motion passed unanimously.

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

Ms. Menicucci called on Henna Rasul, Board Counsel, who reported no legal updates. As there are several potential hearings to be scheduled, Ms. Menicucci asked Ms. Rasul if they could meet offline to review the disciplinary hearing process since she was not in attendance at the April 2023 meeting when this was covered. Ms. Rasul stated that she could provide an overview in this meeting and reviewed the disciplinary hearing process.

This item was informational only.

Reports from Board Chair and Board Members

- a. **Report from Board Chair and Board Members:** There were no reports from the Board Chair or members.
- b. **2023 Proposed Meeting Schedule:** The next meeting was scheduled for Wednesday, October 18, 2023 at 4:30pm and will be hosted from the Board Office in Reno.

c. **Future Agenda Items:** The following matters were identified for the October 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) ASLP Interstate Compact
- 3) Other items as proposed

Public Comment

Ms. Menicucci called for public comment. Kim Reddig stated that she would like to provide follow up to her earlier public comment and stated the following: "It's kind of clarifying my previous public comment, but I did wanna make, just ask the question of what has been started on any of those standing agenda items. They've been on the agenda for well over a year, well before the executive order, and I'm not sure what exactly like has been moved forward on them. And I, I know you can't answer my questions probably during public comment, but I, I would say that I'm in a position of, I feel like it's been on the agenda for well over a year and we haven't really moved forward even before the executive order. Um, I think that other states have paths and opportunities to work with their licensing board to revise and consider regulations as the landscape of the state changes. And Nevada's really at a disadvantage for that. We haven't been able to change very much. Um, and, uh, it's slightly frustrating when we are in these national meetings with ASHA and these other organizations and hearing other states making great gains and, and we've been in the same cycle for well over a year now, talking about the same things, but no movement has been made. Um, that being said, I would say the, um, outcry that there's not enough practitioners. So even though now there's now 1500 licensees, that's great news. There's still not enough practitioners for the entire state. This affects private practice, this affects schools. Um, and so two ways that the board could consider, um, adding to those practitioners would be that interstate compact as well as the assistants. Um, there are two viable options that have been sitting on the <inaudible> 12 to 18 months. So, um, I just encourage the board to look at them and see what we've actually done to change any of those standing agenda items. Thank you."

There was no additional public comment.

Andrea Menicucci asked about the status of the Interstate Compact before the Board and Ms. Pierce confirmed it was reviewed in previous meetings, but no action was taken. Ms. Menicucci suggested, and Ms. Pierce agreed to add it to a future meeting agenda. Ms. Reddig also shared that the association has received grant funding from ASHA to move the compact forward. Ms. Pierce asked Ms. Reddig to send her more information on this and she agreed to do so.

Adjournment

Andrea Menicucci adjourned the meeting at 6:04pm.