



State of Nevada

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

## NOTICE OF PUBLIC MEETING

**Wednesday, October 18, 2023 ~ 4:30pm**

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

*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/84622181439?pwd=OUZURFZxSk5yRml5VzM3Qkg4SFcrUT09>

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

**Meeting ID:** 846 2218 1439

**Passcode:** 243113

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. **Approval of the Minutes: Board Meeting of July 19, 2023** *(for possible action)*
5. **Disciplinary Matters** *(for possible action)*
  - a. License Reinstatement Application: Kimara Chapman, SLP License #SP-3304, Expired May 26, 2023 *(for possible action)*
  - b. Consent Decree Recommended for Approval: Case #A23-01, Madison Gurries, AuD-D, License #A-2545 Dispensing *(for possible action)*
  - c. Consent Decree Recommended for Approval: Case #A23-03, Heather Dean, AuD-D, License #A-133 Dispensing *(for possible action)*
  - d. Consent Decree Recommended for Approval: Case #A23-02, Carrie Page, AuD-D, License #A-3513 Dispensing \*Formerly License #A-188 *(for possible action)*
  - e. Consent Decree Recommended for Approval: Case #S22-01, Megan Santoro, License #SP-2966 *(for possible action)*
6. **Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of September 21, 2023** *(for possible action)*
  - a. Education and Training Requirements for HAS and HAS Apprentices: NRS 637B.201, NAC 637B.0391, NAC 637B.0392, and/or NAC 637B.0394 *(for possible action)*
  - b. Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids: NRS 637B.203, NRS 637B.204, NRS 637B.205, NAC 637B.0373 and NAC 637B.0374 *(for possible action)*
  - c. Practical Examination Fee Increase: NAC 637B.030 *(for possible action)*
  - d. Tinnitus Care by Hearing Aid Specialists: NRS 637B.055 *(for possible action)*
  - e. Medical Evaluation/Waiver for Sale of Hearing Aids by Catalog, Mail or Internet: NRS 637B.242, NAC 637B.0444, and/or NAC 637B.045 *(for possible action)*
  - f. Review and Recommendation on Guidance for Scope of Practice Related to Earmold Impressions Pursuant to NRS 637B.055(1) *(for possible action)*
7. **Work Session on Identified/Proposed NAC Revisions**
  - a. **NAC Sections Previously Approved for Revision:** *(all items 1-9 below for possible action)*
    - 1) Inactive License Renewal Fee. NAC 637B.030
    - 2) Written ILE Exam Score. NAC 637B.0373(5)
    - 3) Notices Provided to Licensees. NAC 637B.0385(2)
    - 4) Align with NAC 637B.0442 Revisions. NAC 637B.0398(3)
    - 5) Expand Duties that May Be Delegated. NAC 637B.0442
    - 6) Reference to 21 C.F.R. § 801.421. NAC 637B.0444
    - 7) Certification at Reinstatement. NAC 637B.0365(1)(c)
    - 8) Apprentice Program List. NAC 637B.0392(4)
    - 9) Written Communications. NAC 637B.700
  - b. **NAC Sections Under Discussion, Reintroduced, or Newly Identified for Revision** *(all items 1-4 below for possible action)*
    - 1) Education and Training Requirements for HAS and HAS Apprentices: NAC 637B.0391, NAC 637B.0392, and/or NAC 637B.0394
    - 2) Practical Examination Fee Increase: NAC 637B.030
    - 3) Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids:, NAC 637B.0373, & NAC 637B.0374
    - 4) Medical Evaluation/Waiver for Hearing Aids by Catalog/Mail/Internet: NAC 637B.0444 & NAC 637B.045(i))

**8. Work Session on Identified/Proposed NRS Revisions (Standing Agenda Item)****a. NRS Sections Previously Approved for Revision:***(all items 1-3 below for possible action)*

- 1) "Practice of Audiology" Definition: NRS 637B.050(3)
- 2) Cerumen Management by HAS: NRS 637B.055
- 3) NBC-HIS Certification for HAS Standard License: NRS 637B.193(2) & NRS 637B.201

**b. NRS Sections Under Discussion, Reintroduced, or Newly Identified for Revision:***(all items 1-15 below for possible action)*

- 1) SLP Assistants: NRS New
- 2) Audiology Assistants NRS New
- 3) Telehealth & Telesupervision
- 4) ASLP Interstate Compact: NRS New
- 5) Licensing Fee Caps: NRS 637B.175
- 6) SLP Scope of Practice & FEES Procedure: NRS 637B.060
- 7) Temporary License - Acceptance of Out of State License: NRS 637B.200 (1)(a); (2)(a)
- 8) Expedited License by Endorsement Issuance: NRS 637B.203(4) & NRS 637B.204(4)
- 9) Grounds for Initiating Disciplinary Action: NRS 637B.250(2)(d)(1)
- 10) Conversion of Temporary & Provisional Licenses: NRS 637B.200(3)(c) and NRS 637B.201(2)(b)
- 11) Education and Training Requirements for HAS and HAS Apprentices: NRS 637B.201
- 12) Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids: NRS 637B.203, NRS 637B.204, NRS 637B.205
- 13) Hearing Aid Dispensing "Endorsement": NRS 637B.030; NRS 637B.042; NRS 637B.132; NRS 637B.175; NRS 637B.191; NRS 637B.200; NRS 637B.205
- 14) Tinnitus Care by Hearing Aid Specialist: NRS 637B.055
- 15) Medical Evaluation/Waiver for Hearing Aids by Catalog/Mail/Internet: NRS 637B.242(1)(a)(b)

**9. Consideration for Review and Approval of Solicitations and Contracts for Legislative Services and Hearing Aid Dispensing Examinations**

- a. Consideration to Issue a Solicitation for Legislative Services to assist the Board in Legislative and Regulatory Matters *(for possible action)*
- b. Review and Approval of Draft Contract with International Hearing Society for Hearing Aid Dispensing Examinations *(for possible action)*

**10. Executive Director's Report**

- a. Licensure Statistics *(for possible action)*
- b. Financial Reports: FY23 Q4/End of Year Adjusted & FY24 Q1 Summary *(for possible action)*
- c. Update on SB431: Board Oversight by Newly Established Office of Nevada Boards, Commissions and Councils Standards *(for possible action)*
- d. Board Member Appointments/Reappointments *(for possible action)*
- e. Complaints *(for possible action)*

**11. Report from Legal Counsel *(informational only)*****12. Reports from Board Chair and Members**

- a. Report from Board Chair and Board Members *(for possible action)*
- b. 2024 Proposed Meeting Schedule: Next meeting proposed: Wednesday, January 24, 2024 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) Public Workshop on Proposed Revisions to NAC 637B: Previously Approved Sections and Those Approved in This Meeting *(for possible action)*

- 2) Work Session on Future Legislative Efforts to Revise NRS 637B: Previously Approved Sections and Those Approved in This Meeting (Standing Agenda Item) *(for possible action)*
- 3) Other Items As Proposed *(for possible action)*

### 13. 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)*

### 14. 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)
- 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).



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

## AGENDA ITEM 1

### Call to Order, Confirmation of Quorum

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Call to Order, Confirmation of Quorum.

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Action: Meeting Called to Order



## 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 at the end of the meeting agenda with additional public comment instructions.

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.

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**Action: None – Informational Only**



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## 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**

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State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 4

### Approval of the Minutes: Board Meeting of July 19, 2023

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The minutes of the Board Meeting of July 19, 2023 are presented for approval.

**Attachment on next page:** Minutes Not Yet Approved 7 19 2023

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**Action: Approve, Table, or Take No Action on the Matter**





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

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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

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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

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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 82<sup>nd</sup> (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.

*Minutes have not yet been approved and are subject to revision at the next meeting.*

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' 4<sup>th</sup> 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

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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.



*Minutes have not yet been approved and are subject to revision at the next 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.

*Minutes have not yet been approved and are subject to revision at the next meeting.*

- 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.





State of Nevada

Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Board

## AGENDA ITEM 5

### Disciplinary Matters

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a. **License Reinstatement Application: Kimara Chapman, SLP License #SP-3304, Expired May 26, 2023**

On July 21, 2023 the Board office received a Reinstatement Application from Ms. Chapman for license #SP-3304, issued 5/27/2022 and expired 5/26/2023. Ms. Chapman's application indicated that she has been most recently employed by Rehab Directives in Las Vegas, Nevada since December 2022. The application indicates alleged unlicensed practice for approximately 2 months.

Ms. Chapman was sent license reminders directly from Board staff to her current email address on 4/3/2023, 5/1/2023, and 6/1/2023. A system-generated email reminder was also sent from the licensing database on 3/27/2023.

A Cease & Desist letter and notice of this hearing was sent to Ms. Chapman via email and Certified US Mail on July 24, 2023.

The Board may take any of the following actions regarding the reinstatement application:

1) Reinstatement without Conditions; 2) Reinstatement with Conditions; or 3) Deny.

The Board may also consider a civil penalty (fine) not to exceed \$5,000 per NRS 637B.280, and the 2020 adopted revision to NAC 637B which allows for the following based on the period of unauthorized practice:

- 30 days/less: minimum \$50 – maximum \$200
- 30 days/more: minimum \$200 – maximum \$5,000

For reference, the Board heard 8 similar cases between 2020-2023 and imposed the following:

DURATION	ACTION	FINE	DATE
< 30 days	Reinstated without conditions	\$50	Jul-20
30+ days	Reinstated without conditions	\$200	Apr-20
2 months	Reinstated without conditions (2 cases)	\$200	Oct-20; Apr-22
4 months	Reinstated without conditions	\$200	Jan-20
6 months	Reinstated without conditions	\$300	Feb-20
13 months	Reinstated with conditions: notify former employer of unlicensed status while practicing/billing.	\$300	Jan-23
21 months	Reinstated without conditions.	\$700	Apr-23

**Attachment on next page:** License Reinstatement Packet – Chapman

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**Action: Approve, Table, or Take No Action on the Matter**

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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)**License Reinstatement Application**License Number: SP-3304 Date Expired: 5/26/2023

- ☒ Speech-Language Pathologist ☐ Audiologist ☐ Dispensing Audiologist  
☐ Hearing Aid Specialist ☐ Hearing Aid Specialist Apprentice

**Applicant Information**Legal Name: Kimara Chapman

Former name (if applicable): \_\_\_\_\_ (Please attach legal proof of name change)

SSN or TIN: [REDACTED] Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Primary Phone: (<sup>7247346776</sup>) \_\_\_\_\_ Secondary Phone: (\_\_\_\_\_) \_\_\_\_\_**Explanation of Reinstatement Request**

Have you practiced in Nevada or treated a person residing in Nevada since your license expired?

- ☒ Yes ☐ No *If yes, please attach a written explanation of the reasons and/or circumstances your license was not renewed on time. Please note that your application may require further review by the Board.*

**Employment Information Update (last 3 years)**Employer: Rehab DirectivesAddress: 3213 W Charleston Blvd. STe 105 Las Vegas NV 89102Start Date: 12/01/2022 End Date: current ☒ Full Time ☐ Part Time ☐ OtherTitle: Speech Therapist ☐ Employee ☐ Self-Employed ☐ Contractor ☐ OtherEmployer: Jackson Therapy PartnersAddress: 2301 Lucien Way, Suite 325Start Date: 6/27/2022 End Date: 11/29/2022 ☒ Full Time ☐ Part Time ☐ OtherTitle: Travel Speech Therapist ☐ Employee ☐ Self-Employed ☐ Contractor ☐ OtherEmployer: The Grove at GreenvilleAddress: 110 Fredonia Rd. Greenville, PA 16125Start Date: 01/15/2022 End Date: 06/08/2022 ☒ Full Time ☐ Part Time ☐ OtherTitle: Speech Therapist ☐ Employee ☐ Self-Employed ☐ Contractor ☐ Other

**Certification Status Update***\*Attach copy of current certification*☒ ASHA ☐ ABA ☐ NBC-HISNumber: 14398600Expiration: 12/31/2024**Licensing History Update***Please list ALL current/expired licenses held.*

License Type	State	License #	Date Issued	Date Expired
Provisional	PA	PSL001491	2/17/2021	8/17/2022
Conditional	OH	COND.20201450-SP	8/6/2020	2/6/2022

**Nevada Business License Information***Requires a response to the most appropriate answer.*

☐ I have a Nevada business license number assigned by the Secretary of State in compliance with the provisions of NRS Chapter 76.  
 Name on business license: \_\_\_\_\_  
 Business License #: \_\_\_\_\_

☒ I do NOT have a Nevada business license number.

**Child Support Information***Requires a response to the most appropriate answer.*

- ☒ I am not subject to a court order for the support of a child.
- ☐ I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
- ☐ I am subject to a court order for the support of one or more children and am NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

**Legal Information***Requires a response to the most appropriate answer.*

Since the date of your last application or renewal, have there been any disciplinary actions or legal actions taken against your professional license for any reason? ☐ Yes ☒ No

Are there any pending legal actions, complaints, investigations, or hearings in process? ☐ Yes ☒ No

Since the date of your last application or renewal, have you had a professional license, certification or registration denied, restricted, suspended or revoked? ☐ Yes ☒ No

Since the date of your last application or renewal, have you relinquished responsibilities, resigned a position or been fired while a complaint was pending against you? ☐ Yes ☒ No

Since the date of your last application or renewal, have you been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country? *(Exclude minor traffic violations not involving drugs alcohol.)* ☐ Yes ☒ No

*If you answered "yes" to any question above, please attach a written explanation of the incident with supporting documentation. Please note that your application may require further review by the Board.*

**Continuing Education Information**

List dates of completion, course(s), and CE hours completed in the previous 12 months. If dual licensed, check applicable license for CE credit. Requires a minimum of 10 hours for all license types:

- At least 1 of the 10 hours must relate to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity, and inclusion.
- If a dispensing audiologist, at least 3 of the 10 annual hours must relate directly to the practice of fitting and dispensing hearing aids.

Date	Course	CE Hours
06/01/2022	10148: Dementia: Writing Appropriate Goals for Patients	.1
10/25/2022	9069: Ethical and Legal Issues in Dysphagia Management, Part 1	.1
10/26/2022	10337: Supporting Feeding in Patients with Impaired Cognition	.1
03/08/2023	10530: Swallowing Function: Differentiating Typical Variations from Pathological Impairment	.2
03/08/2023	9757: Supporting Intimacy in Aphasia	.1
03/08/2023	9281: 20Q: Goal and Treatment Selection in Aphasia in 20 Sessions or Less	.1
06/22/2023	9458: Neurogenic Dysphagia in Older Adults with Motor Disorders: Part 1	.1
07/21/2023	9997: Differential Diagnosis of the Dysarthrias	.1
07/21/2023	9524: Supporting Clients and Families Living with Moderate to Severe Aphasia	.1

**Acknowledgement and Declaration of Applicant****Notice of Mandatory Reporting: Speech-Language Pathologist & Audiologist Only**

K.C. I acknowledge I have been informed of my duty as a mandatory reporter of abuse  
*initial* or neglect of a child pursuant to NRS 432B. (HAS & HAS-A please enter N/A)

I declare, under penalty of perjury, all the information supplied herein is to the best of my knowledge true, accurate and complete and I have not withheld, misrepresented, or falsely stated any information relevant to my training or experience or my fitness to practice audiology or speech pathology.

Kimara Chapman

Applicant Signature

7/21/2023

Date

**BOARD USE ONLY**

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

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

Fees Paid By: ☐ Credit Card ☐ Check/MO# \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

☐ Certification Verification ☐ License Verification ☐ Continuing Education

**Stacey Whittaker**

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**From:** Kimara Chapman <kimm2014@yahoo.com>  
**Sent:** Friday, July 21, 2023 1:49 PM  
**To:** Stacey Whittaker  
**Subject:** License Reinstatement application  
**Attachments:** SLP reinstatement.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

My name is Kimara Chapman, I am applying for a License Reinstatement. Unfortunately, I did not renew my license on time. I am new to the state of NV and have only been practicing in this state for 1 year. I was previously working in PA in which license renewals happen on a biennium basis. I was unaware that my license was expired until this date, in which I immediately notified my employer and attempted to contact the board. I would not have provided services if I knew my license was expired. I am deeply sorry for overlooking the renewal date and not becoming more familiar with NV's laws and regulations. As a newer clinician, having received my CCC's less than 2 years ago, this was one of my biggest fears. I can't express how terrible I feel and I can only hope that I will be granted this Reinstatement. I thank you for your time.  
-Kimara Chapman M.S. CCC-SLP.



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)

July 24, 2023

Kimara Chapman  
5522 Logan Creek Ct.  
Las Vegas, NV 89031

CERTIFIED MAIL

Via Email: [kimm2014@yahoo.com](mailto:kimm2014@yahoo.com)

RE: **License #SP-3304 (Expired)**  
**Notice to Cease and Desist**

Dear Ms. Chapman,

On July 21, 2023 this office received a Reinstatement Application from you for license #SP-3304, issued 5/27/2022 and expired 5/26/2023. Your reinstatement application and accompanying email acknowledges that you engage in unlicensed practice following the expiration of your license in your current employment with Rehab Directives in Las Vegas, Nevada. You noted that you have been employed there since December 2022, however the Board does not have this or any other Nevada employer on record.

Our records indicate that you were sent license reminders directly from Board staff to you via email on 4/3/2023, 5/1/2023, and 6/1/2023. A system-generated email reminder was also sent to you from our licensing database on 3/27/2023. All four emails were sent to your email address on record with the Board, however we have noted this is different from the email you used to submit your Reinstatement Application.

Failing to renew your license on time and continuing to engage in private practice as an unlicensed Speech-Language Pathologist suggests violation of the following Speech-Language Pathology, Audiology and Hearing Aid Dispensing laws and regulations:

**Nevada Revised Statutes (NRS)**

***NRS 637B.290 Practice without license: Prohibition; penalties.***

1. *A person shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter.*
2. *In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may: (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation.*



**NRS 637B.310 Injunctive relief against person practicing without license.**

1. *The Board through its Chair or Vice Chair may maintain in any court of competent jurisdiction a suit for an injunction against any person engaging in the practice of audiology, speech- language pathology or fitting and dispensing hearing aids without a license valid under this chapter.*
2. *Such an injunction:*
  - (a) *May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.*
  - (b) *Shall not relieve such person from criminal prosecution for practicing without a license.*

**NRS 637B.320 Penalty.**

*Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.*

**You are hereby ordered to Cease and Desist the private practice of Speech-Language Pathology until the Board considers your License Reinstatement Application.**

**You are hereby given notice of the Board's intent to consider your character, alleged misconduct, professional competence, or health at its next meeting on October 18, 2023 at 4:30pm Pacific.**

Please note that the Board meets quarterly, though it may schedule an additional meeting before October 18, 2023. Should this occur, your application may be added to that meeting agenda, and you will be provided with notice pursuant to the Nevada Open Meeting Law & Assembly Bill 52 (listed below) or we will request a Waiver of Notice from you if we cannot provide notice as required.

The meeting is a public meeting, and you are welcome to attend. The Board may go into closed session to consider the following general topics: your License Reinstatement Application and any alleged unlicensed practice you engaged in between May 2023 and July 2023.

You are welcome to attend the closed session, have an attorney or other representative of your choosing present during the closed meeting, present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

You may appear at the meeting in person or via teleconference, but your attendance is not required for the Board to consider the matter. The meeting will be physically hosted from the Board office at 6170 Mae Anne Avenue, Suite 1, Reno, NV 89523, and accessible live via ZOOM teleconference.

A copy of the meeting agenda will be sent to you no less than three days prior to the meeting with the teleconference details.

A copy of this letter is being mailed to you via Certified Mail in accordance with the Nevada Open Meeting Law (NRS 241.033(1), recently amended with the passage of Assembly Bill 52 (2023 Session) which requires written notice at least seven (7) calendar days before the meeting, or notice sent by certified mail to the last known address of that person at least 14 calendar days before the meeting.

Should the Board not receive a Certified Mail return receipt, you may be contacted to complete a *Waiver of Notice*. If neither is received, your Reinstatement Application may not be included on the meeting agenda.

Pursuant to NRS 637B.290, the Board may take any of the following actions in consideration of your application:

**NRS 637B.280 Authority of Board to take disciplinary or other action; private reprimands prohibited; orders imposing discipline deemed public records.**

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.
- (Added to NRS by 1979, 1257; A 2003, 3453; 2005, 776; 2015, 2309)

**NRS 637B.290 Practice without license: Prohibition; penalties.**

1. A person shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter.
2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:
  - (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.
  - (b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.
  - (c) Assess against the person an administrative fine of not more than \$5,000.
  - (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

If you have any questions regarding this process, please feel free to contact the Board office at (775) 787-3421 or [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org).

Your prompt attention to this matter is greatly appreciated.

Sincerely,



Jennifer R. Pierce, Executive Director

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

cc: Henna Rasul, State of Nevada, Senior Deputy Attorney General; Counsel to the Board





State of Nevada

**Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board****b. Consent Decree Recommended for Approval: Case # A23-01, Madison Gurries, AuD-D, License # A-2545 Dispensing**

The complaint alleged unprofessional conduct and conduct that is harmful to public health and safety. After investigation and review of all documentation received in regard to the above referenced complaint, it was determined that there was sufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations were sufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. The practitioner opted to settle the matter by entering into a Consent Decree which is presented to the Board for review and recommended for approval.

The matter must remain confidential until it is heard by the Board and the Consent Decree is approved/accepted, at which time it becomes a public record and will be reported to the State as required.

The attachment listed below will be sent to Board members under separate cover and should not be opened until this item is addressed during the Board meeting.

**Attachment:** Consent Decree: Case A23-01 – WILL BE SENT VIA EMAIL DURING MEETING

**Action: Approve, Table, or Take No Action on the Matter**

---

**c. Consent Decree Recommended for Approval: Case # A23-03, Heather Dean, AuD-D, License # A-133 Dispensing**

The complaint alleged unprofessional conduct and conduct that is harmful to public health and safety. After investigation and review of all documentation received in regard to the above referenced complaint, it was determined that there was sufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations were sufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. The practitioner opted to settle the matter by entering into a Consent Decree which is presented to the Board for review and recommended for approval.

The matter must remain confidential until it is heard by the Board and the Consent Decree is approved/accepted, at which time it becomes a public record and will be reported to the State as required.

The attachment listed below will be sent to Board members under separate cover and should not be opened until this item is addressed during the Board meeting.

**Attachment:** Consent Decree: Case A23-03 – WILL BE SENT VIA EMAIL DURING MEETING

**Action: Approve, Table, or Take No Action on the Matter**

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State of Nevada

**Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board****d. Consent Decree Recommended for Approval: Case #A23-02, Carrie Page, AuD-D, License #A-3513 Dispensing \*Formerly License # A-188**

The complaint alleged unprofessional conduct and fitting and dispensing of hearing aids without having obtained a dispensing endorsement. After investigation and review of all documentation received in regard to the above referenced complaint, it was determined that there was sufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations were sufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. The practitioner opted to settle the matter by entering into a Consent Decree which is presented to the Board for review and recommended for approval.

The matter must remain confidential until it is heard by the Board and the Consent Decree is approved/accepted, at which time it becomes a public record and will be reported to the State as required.

The attachment listed below will be sent to Board members under separate cover and should not be opened until this item is addressed during the Board meeting.

**Attachment:** Consent Decree: Case A23-02 – WILL BE SENT VIA EMAIL DURING MEETING

**Action: Approve, Table, or Take No Action on the Matter**

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**e. Consent Decree Recommended for Approval: Case #S22-01, Megan Santoro, License #SP-2966**

The complaint alleged unprofessional conduct and conduct that is harmful to public health and safety. After investigation and review of all documentation received in regard to the above referenced complaint, it was determined that there was sufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations were sufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. The practitioner opted to settle the matter by entering into a Consent Decree which is presented to the Board for review and recommended for approval.

The matter must remain confidential until it is heard by the Board and the Consent Decree is approved/accepted, at which time it becomes a public record and will be reported to the State as required.

The attachment listed below will be sent to Board members under separate cover and should not be opened until this item is addressed during the Board meeting.

**Attachment:** Consent Decree: Case S22-01 – WILL BE SENT VIA EMAIL DURING MEETING

**Action: Approve, Table, or Take No Action on the Matter**

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State of Nevada

Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Board

## AGENDA ITEM 6

### Report Out and Consideration of Recommendations for Action from Advisory Committee on Fitting and Dispensing Hearing Aids Meeting of September 21, 2023

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The Committee met on September 21, 2023 and elected Timothy Hunsaker as Committee Chair to replace Michael Hodes.

The following agenda items were discussed with action as noted to make recommendations. As applicable, these are presented to the Board for consideration and possible action:

- a. **Education and Training Requirements for HAS and HAS Apprentices:** [NRS 637B.201](#), [NAC 637B.0391](#), [NAC 637B.0392](#), and/or [NAC 637B.0394](#)

In 2022, the Board approved future legislation to remove NBC-HIS certification as a requirement for a Standard HAS License. This decision highlighted the requirement in NAC 637B.0391 for a HAS Apprentice with no formal education in hearing instrument sciences to complete a 2 year in-service training program, which mirrors the NBC-HIS clinical training requirement to sit for the certification exam. The 2 year requirement was reviewed and reaffirmed as appropriate by the Advisory Committee in June 2022.

Currently, the NBC-HIS requirement ensures that an applicant has completed a 2 year training program to obtain the Standard HAS license, however, once the NBC-HIS requirement is removed, passage of the dispensing exams will be the only other requirement. The Committee considered several options for revisions to NRS and NAC to clarify the requirements for a HAS license in the absence of the NBC-HIS requirement, as well as options to grant training credit to an applicant who has completed all or a portion of a training program in another state but not licensed there.

As any proposed changes cannot occur until an NRS change is made regarding NBC-HIS, the Committee agreed to continue discussing the matter and took no action on a recommendation to the Board.

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**Action: Approve, Table, or Take No Action on the Matter**

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- b. **Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids:** [NRS 637B.203](#), [NRS 637B.204](#), [NRS 637B.205](#), [NAC 637B.0373](#), & [NAC 637B.0374](#).

This matter was previously before the Committee and a request was made to revisit the item, specific to the requirement for an Audiologist to hold the required endorsement and/or pass both the written ILE and practical dispensing exams. The Committee discussed the matter and opted to continue the conversation in its next meeting and make no recommendation at this time.

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**Action: Approve, Table, or Take No Action on the Matter**

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State of Nevada

**Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board****c. Practical Examination Fee Increase: [NAC 673B.030](#)**

As previously reported to the Board, IHS is revising its Dispensing Practical exam and raising the per-exam cost. Our Board has benefited from a negotiated rate of \$50 per exam booklet and the new rate may top out as high as \$200 per booklet. Any rate increase poses a negative fiscal impact for the Board, as the current \$200 fee covers \$50 for the exam booklet, \$100 paid to the exam proctor, and nets the Board \$50 to cover staff & scheduling costs.

The Board's [NRS 637B.175](#) sets a fee cap of \$300 for the examination. The actual fee charged is \$200 as established in [NAC 673B.030](#). Notably, this is the only fee that is not already at the maximum cap limit.

IHS has offered a graduated fee increase, and a draft contract that will be presented later in this meeting would increase the cost to the Board to \$100 per booklet beginning 1/1/2024, increasing to \$150 in 2025, and \$200 in 2026. The 2024 increase will result in the current \$200 rate covering only the cost of the booklet and the reimbursement paid to the exam proctor. An assessment of fees charged by similar Boards in Nevada, and practical examination fees in other states (see below) indicates that the \$200 currently charged by this Board is lower than both averages.

The Committee voted unanimously to recommend that the Board pursue a revision to NAC 637B.030 to increase the practical exam fee to \$250.

Board	Examination Fee	Licensees (as of June 2023)	Source
Oriental Medicine	\$1,000.00	98	NAC 634A
Funeral	\$375.00	572	NRS 642
Optometry	\$250.00	1,257	NRS 636
<b>Speech-Audiology-Hearing</b>	<b>\$200.00</b>	<b>1,576</b>	<b>NAC 637B</b>
Marriage & Family Therapists	\$200.00	4,421	NAC 641A
Chiropractic Physicians	\$125.00	1,306	NAC 634
Alcohol, Drug, & Gambling Counselors	\$100.00	1,668	NAC 641C
Physical Therapists	\$25.00	4,062	NAC 640
Psychological Examiners	Cost to Board + \$100	689	NAC 641
Athletic Trainers	None Listed	299	NAC 640B
Environmental Health Specialists	None Listed	283	NAC 625A
Massage Therapists	None Listed	5,643	NAC 640C
Occupational Therapists	None Listed	1,745	NAC 640A
Osteopathic Medicine	None Listed	2,876	NAC 633
Podiatry	None Listed	212	NAC 635
Social Workers	None Listed	4,482	NAC 641B
<b>Average</b>	<b>\$284.38</b>	<b>1,949</b>	
<b>Speech-Audiology-Hearing</b>	<b>\$200.00</b>		
<b>Fee + / -</b>	<b>\$84.38</b>		
<b>National Practical Exam Average*</b>	<b>\$206.61</b>		
<b>Nevada</b>	<b>\$200.00</b>		
<b>Nevada + / -</b>	<b>\$6.61</b>		

\*23 states use the IHS practical exam, while 17 use their own state-developed version

**Action: Approve, Table, or Take No Action on the Matter**



State of Nevada

**Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board****d. Tinnitus Care by Hearing Aid Specialists: [NRS 637B.055](#)**

The Board recently received an inquiry regarding whether Hearing Aid Specialists are allowed to treat tinnitus as part of their scope of practice, as there is no reference in NRS or NAC currently.

[NRS 637B.055](#) "Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:

1. Making impressions for earmolds;
2. Administering and interpreting tests of human hearing and middle ear functions;
3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;
4. Selecting and fitting hearing aids;
5. Providing assistance to a person after the fitting of a hearing aid;
6. Providing services relating to the care and repair of hearing aids;
7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and
8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.

It is understood that hearing aids are used for tinnitus masking and treatment, but this is not the same as fitting for hearing loss, tinnitus treatment requires training and counseling beyond the initial hearing aid fitting.

IHS offers a [Tinnitus Care Provider Certificate](#) earned during a three-day training workshop and assessment that culminates in a Tinnitus Care Provider certificate. IHS also advises practitioners that "If you use the title, "Tinnitus Care Provider" you must also state "Holding a Certificate from the International Hearing Society." This certificate title does not replace your job title. Certificate holders must check with their own state/provincial licensing agencies for rules, regulations and scope of practice regarding providing tinnitus care. All Tinnitus Care Provider Certificate Program participants and certificate holders are expected to understand and abide by all applicable local, state/provincial, and federal laws and rules governing scope of practice, licensure/registration requirements, and permissible titles."

The Committee voted unanimously to recommend that the Board pursue a revision to NRS 637B.055 to allow tinnitus care when a Hearing Aid Specialist has received the appropriate training to do so.

**Action: Approve, Table, or Take No Action on the Matter**

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**e. Medical Evaluation/Waiver for Sale of Hearing Aids by Catalog, Mail or Internet: [NRS 637B.242](#), [NAC 637B.0444](#), and/or [NAC 637B.045](#)**

The [FDA Final Rule on Over the Counter \(OTC\) Hearing Aids](#) of October 2022 repealed the requirement in 21 CFR 801.421 for a medical evaluation or signed waiver to obtain hearing aids. The federal rule takes precedence over state law but authorizes states to maintain existing state laws or regulations that require the evaluation or waiver. One section of our NRS (637B.242), and two sections of NAC (637B.0444 and 637B.045) remain in effect, but only apply to the sale of hearing aids by catalog, mail, or Internet, listed below. The Advisory Committee reviewed the matter in January 2023 and recommended no changes to either the NRS or NAC. However, we have since been informed that AAA recommends states consider removing medical clearance requirements for prescription hearing aids to clear up confusion and remove restrictions. The Committee discussed the matter and consensus was that these sections should be revised/removed to align with federal law.

The Committee voted unanimously to recommend that the Board pursue the revisions as recommended below to remove requirements for a medical evaluation or waiver and align these with the Final Rule.



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NRS 637B.242 Sale of hearing aids by catalog, mail or Internet: Conditions; records; regulations.

1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:
  - (a) The hearing aid specialist or dispensing audiologist has received:
    - (1) A written statement signed by:
      - (I) A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;
      - (II) A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and
      - (III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or
    - (2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

NAC 637B.0444 Requirements concerning waiver by client of medical evaluation. (NRS 637B.132)

If a hearing aid specialist or dispensing audiologist offers a client a waiver of the medical evaluation required by 21 C.F.R. § 801.421, the hearing aid specialist or dispensing audiologist shall:

1. Verbally explain the waiver to the client before the client signs the waiver; and
2. Provide the written waiver on a form separate from any other form that the client is required to sign.

NAC 637B.045 Preparation and retention of health care records and other records. (NRS 637B.132)

2. A hearing aid specialist or dispensing audiologist shall prepare and retain records of fitting, servicing or dispensing a hearing aid for each client he or she treats. The records must be retained for not less than 5 years after the record is prepared and may be created, authenticated and stored in a computer system that limits access to those records or is maintained in any other form which ensures that the records are easily accessible by the hearing aid specialist or dispensing audiologist. Each record must include, without limitation:
  - (a) A copy of any waiver of the medical evaluation required by 21 C.F.R. § 801.421.

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**Action: Approve, Table, or Take No Action on the Matter**

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f. **Review and Recommendation on Guidance for Scope of Practice Related to Earmold Impressions Pursuant to NRS 637B.055(1)**

The Board recently received a request for guidance on the scope of practice for fitting and dispensing hearing aids, specific to making earmold impressions per NRS 637B.055(1):

The “Practice of fitting and dispensing hearing aids” means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation: Making impressions for earmolds”.

The guidance request was specific to the use of the Earlens® Contact Hearing Solution, a non-surgical hearing device that uses resonant inductive coupling to transmit and receive sound information from a Processor and Ear Tip to a Tympanic Lens (Lens). The lens requires an ear canal impression and placement on the skin around the Tympanic Membrane, both of which must be done by a trained physician.

This request came from a Dispensing Audiologist working within an ENT practice that is using this system, who wanted guidance/permission from the Board to conduct the ear canal impression and lens placement with permission from Earlens. The Committee members quickly and unanimously responded that this



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activity is not part of “making an impression” for an earmold and adamantly stated that that this is a very risky procedure that should not be allowed within this scope of practice.

The Committee voted unanimously to recommend the Board issue a response to the guidance request that this activity is not allowable within the scope of practice for fitting and dispensing hearing aids pursuant to NRS 637B.055.

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**Action: Approve, Table, or Take No Action on the Matter**





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## AGENDA ITEM 7

### Work Session on Identified/Proposed NAC Revisions

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The Governor's Executive Order 2023-008 was issued on July 1, 2023, lifting the freeze on the regulatory process. A meeting was held with Boards on Friday, August 29, 2023 to acknowledge the work put into the reports that were submitted and encourage action to pursue the identified regulation changes.

The following are lists of NAC revisions already approved by the Board to pursue, and those newly identified for inclusion in future rulemaking on the tentative timeline below.

Following this meeting, all sections approved for inclusion in administrative rulemaking will be drafted and submitted to LCB for revision in advance of the Public Workshop.

October 2023	Oct 2023 - Jan 2024	January 2024	April 2024	June 2024
Identify/approve final list for revision	Draft revisions/submit to LCB	Public Workshop	Public Hearing & Adoption	Legislative Commission

a. **NAC Sections Previously Approved for Future Revision**

The following sections of NAC were approved by the Board in April 2023 to pursue, with drafted language included in the report for Executive Order 2023-003 submitted to the Governor's Office:

- 1) **Inactive License Renewal Fee.** [NAC 637B.030](#). Revises to clearly delineate the fee for renewal of an inactive license.
- 2) **Written ILE Exam Score.** [NAC 637B.0373\(5\)](#). Revises to extend acceptance of passing score on Written ILE Dispensing Exam from prior 12 months to prior 24 months.
- 3) **Notices Provided to Licensees.** [NAC 637B.0385\(2\)](#). Revises section on notices provided to licensees by the Board.
- 4) **Align with NAC 637B.0442 Revisions.** [NAC 637B.0398\(3\)](#). Revises subsection number of NAC 637B.0442 to align with proposed revision to expand list of duties that may be delegated.
- 5) **Expand Duties that May Be Delegated.** [NAC 637B.0442](#). Revises to expand allowable duties that may be delegated to an unlicensed assistant.
- 6) **Reference to 21 C.F.R. § 801.421.** [NAC 637B.0444](#). Replaces reference to 21 C.F.R. § 801.421 (repealed) with NRS 637B.242.
- 7) **Certification at Reinstatement.** [NAC 637B.0365\(1\)\(c\)](#). Remove requirement for ABA/ASHA/NBC-HIS certification at license reinstatement.
- 8) **Apprentice Program List.** [NAC 637B.0392\(4\)](#). Remove requirement that the Board maintain a list of approved apprentice academic training programs.





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- 9) **Written Communications.** [NAC 637B.700](#). Remove requirement that formal written communications & documents be addressed to the Board (vs. Board members or staff).

**b. NAC Sections Under Discussion, Reintroduced, or Newly Identified for Revision**

- 1) **Education and Training Requirements for HAS and HAS Apprentices:** [NAC 637B.0391](#), [NAC 637B.0392](#), and/or [NAC 637B.0394](#). (Also references [NRS 637B.201](#)). This item was introduced by the Advisory Committee in [Agenda Item 6.a](#). No action is recommended at this time.

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

- 2) **Practical Examination Fee Increase:** [NAC 637B.030](#). This item was introduced by the Advisory Committee in [Agenda Item 6.c](#), with a recommendation to pursue a fee increase to \$250.00.

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

- 3) **Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids:** [NAC 637B.0373](#), & [NAC 637B.0374](#). (Also references [NRS 637B.203](#), [NRS 637B.204](#), [NRS 637B.205](#)). This item was introduced by the Advisory Committee in [Agenda Item 6.b](#). No action is recommended at this time.

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

- 4) **Medical Evaluation/Waiver for Hearing Aids by Catalog/Mail/Internet:** [NAC 637B.0444](#) & [NAC 637B.045\(i\)](#). (Also reference: [NRS 637B.242\(1\)\(a\)\(b\)](#)). This item was introduced by the Advisory Committee in [Agenda Item 6.e](#), with a recommendation to remove requirements for a medical evaluation or waiver in order to align these sections with the Final Rule.

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



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## AGENDA ITEM 8

### Work Session on Identified/Proposed NRS Revisions (Standing Agenda Item)

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The following are lists of NRS revisions that a) have already been approved by the Board to pursue, and b) those newly identified or reintroduced in this meeting for inclusion in a future BDR.

The next legislative session begins in 2025, and it is proposed that the Board hold standing work sessions to review and approve sections to be revised and draft/approve revise NRS language. Plans to solicit for and initiate a contract with a lobbyist should also be considered.

Many of the sections below may be ready for action, though some may require further input from the Advisory Committee or other stakeholders.

**a. NRS Sections Previously Approved for Revision**

The following sections of NRS have been approved by the Board for inclusion in a future legislative BDR:

- 1) **"Practice of Audiology" Definition:** [NRS 637B.050\(3\)](#). Addresses overlap in definition that includes fitting & dispensing activities. Approved by the Board on 4/26/2023. Revised language has been drafted & approved.
- 2) **Cerumen Management by HAS:** [NRS 637B.055](#). Adds/allows cerumen management by HAS. Approved by the Board on 7/19/2022. Revised language still needs to be drafted/approved.
- 3) **NBC-HIS Certification for HAS Standard License:** [NRS 637B.193\(2\)](#) & [NRS 637B.201](#). Revises to remove NBC-HIS certification requirement for HAS Standard license. Approved by the Board on 7/19/2022. Revised language has been drafted & approved.

**b. NRS Sections Under Discussion, Reintroduced, or Newly Identified for Revision**

- 1) **SLP Assistants:** [NRS New](#). This revision would create a new license type for SLP Assistants and has been an ongoing discussion, with attention to aligning this effort with the NDE plan to sunset bachelor's SLP staff. The NDE regulation change was approved by the Legislative Commission in June 2023 and will take effect in October 2026. Board staff recently met with NDE staff who are supportive of the Board's interest in licensing SLPAs, is considering a similar role in its regulations, and is willing to collaborate with the Board and related stakeholders in order to align these efforts.

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

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- 2) **Audiology Assistants:** [NRS New](#). This revision would create a new license type for Audiology Assistants. The Board has approved a proposed revision to expand *Duties that May Be Delegated to an Unlicensed Assistant* in [NAC 637B.0442](#), which provides an alternate path in lieu of licensing.

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

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- 3) **Telehealth & Telesupervision:** **NRS New.** This revision would address/allow telesupervision when appropriate and is most likely to be used with SLPs and SLP Assistants but may also apply to others such as HAS Apprentices.

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

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- 4) **ASLP Interstate Compact:** **NRS New.** This matter is being reintroduced on request for consideration to pursue joining ASLP Interstate Compact (prior reviews resulted in no action) It was reported in the Board's July 2023 meeting that NSHA intends to seek legislation in 2025 to join Nevada to the compact, but no further information has been provided.

The Board previously heard a presentation from the ASLP-IC, an interstate compact intended to provide a single-point entry for AuD and SLP licensure through a home state with expedited "privilege to practice" in participating compact states. The ASLP-IC Commission held its initial meeting in January 2022 to begin establishing rules and bylaws and to date, there are 29 member states, with applications for compact privileges anticipated to open in early 2024. This compact does not include Hearing Aid Specialists.

Issues for consideration include the following:

- *Status of the ASLP-IC:* As stated above, the ASLP-IC is currently in the process of establishing its Governing Commission, rules, and licensing system, so much is still unknown regarding participation.
- *Status of Occupational Licensing Compacts in Nevada:* Nevada currently participates in just two (2) occupational licensing interstate compacts for physicians and psychologists. Multiple unsuccessful compact attempts, as recently as 2023, have been made by the Nursing (2 sessions) and Physical Therapy (3 sessions) Boards. In 2023 the Massage Board was able to pass compact legislation, but only after it was added to SB161 when its original bill, SB270 did not pass the second committee. As such, It is unclear whether proposed legislation to join the ASLP-IC would be successful.
- *Limited Practitioner Types:* The ASLP-IC only includes Audiologists and Speech-Language Pathologists but not Hearing Aid Specialists, so is not necessarily inclusive of all Board licensees.
- *Criminal Background Checks & Impact on Cost and Timely License Processing:* Participating states must have or adopt an FBI fingerprint-based criminal background check system. This Board does not currently conduct criminal background checks, instead applicants must attest to a series of background questions and provide supporting documents as needed, which is a common practice in many states. Requiring background checks may significantly delay the Board's ability to issue licenses in a timely manner and increase costs for applicants.
- *Supplemental Requirements Allowed:* Participation will "get a practitioner into the state" through application to the ASLP-IC, but states may still require that applicants meet supplemental licensing criteria for which the applicant must engage directly with the licensing entity. Given this Board's efficiency in issuing licenses, the process may not provide applicants with a significant benefit.
- *Acceptance of Universal Licensing Requirements:* Membership requires that participating states accept the ASLP-IC's universal licensing standards for each license type. While there is a great deal of uniformity amongst Audiology and Speech-Language Pathology licensing criteria, the Board may need to consider the criteria proposed by the ASLP-IC against current Nevada requirements.
- *Unknown Fiscal Impact:* While Nevada applicants would continue to pay this Board's current licensing fees, an out-of-state applicant would be charged a "compact privilege" fee by the ASLP-IC. The typical formula is for one-half of this fee to go to the state and one-half to the ASLP-IC. The average



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privilege fee is approximately \$45.00. Nevada does not currently participate in the Nursing compact, but it has been reported that that compact charges each state \$6,000 annually to participate, while the Psychology compact charges states \$10 per privilege issued. The cost to states for participation and applicants for "privilege to practice" fees have not yet been established by the ASLP-IC. Should these fees be considerably lower than the Board's current fees, the Board may need to consider its current financial status and potential loss of revenue should it pursue participation, as its number of out-of-state licensees rose from 16% in FY18 to 22% in FY22 and continues to increase. Additionally, the cost to the Board to provide oversight and conduct investigations may not be easily supported if the privilege-to-practice fee is considerably lower.

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

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- 5) **Licensing Fee Caps:** [NRS 637B.175](#). This matter is being reintroduced as a follow up to the Board's unsuccessful legislative attempt in 2019 through AB 155 to raise the caps on fees charged. Actual fees charged currently are at the maximum fee cap except for one (practical examination fee). The last change to the Board's fee caps occurred upon the merger of the formerly separate Audiologists and Speech Pathologists Board and Hearing Aid Specialists Board in 2015.

As the Board plans to pursue a BDR in 2025, it would make sense to also address fee caps in this revision, as other changes may require changes to fees, such as the removal or addition of requirements, proposed changes to the practical dispensing exam, or participation in the ASLP interstate Compact.

It should be noted that a revision to this section of NRS would only increase the maximum that can be collected in fees. Actual fees charged would not automatically increase, as those are prescribed in NAC 637B.030 and would require a change through administrative rulemaking.

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

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- 6) **SLP Scope of Practice & FEES Procedure:** [NRS 637B.060](#). This revision would specifically address/allow practice of the FEES procedure by SLPs with specific guidance/limits as drafted. The Board office has received a number of guidance requests over the years regarding whether an SLP can perform the Flexible Endoscopic Evaluation of Swallowing (FEES) procedure, [described by ASHA](#) as follows:

- "A portable procedure (sometimes also called fiber-optic endoscopic evaluation of swallowing) that may be completed in outpatient clinic or at bedside by passing an endoscope transnasally.
- May be conducted by an SLP, a physician, or collaboratively together.
- May be recommended regardless of setting (e.g., hospital, skilled nursing facility).
- Used without concerns of radiation exposure and can be used within therapeutic contexts and for diagnostic therapy to assess current progress and effectiveness of therapy.
- If there are clinical indications for a laryngoscopy evaluation (e.g., hoarse voice, pain on swallowing), the SLP may consider consulting with a physician regarding a referral to an otolaryngologist to rule out the possibility of disease in the nasal, pharyngeal, or laryngeal region.
- Clinicians should be well trained in the signs and symptoms of adverse reactions, know their facility's plan for response and intervention to such reactions, and be ready to take appropriate actions if they occur.
- Procedures for FEES vary across settings and across clinicians. Clinicians should follow guidelines from their facility and licensing body regarding FEES procedures."



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As an example, California passed [SB 1453](#) that took effect in January 2023, allowing a "Speech-Language Pathologist to perform the FEES procedure in primary care and specialty clinics, county medical facilities, hospitals and skilled nursing facilities, hospice facilities, and medical group practices, without the presence of a physician, as long as the facility has emergency medical backup procedures, including a physician or other appropriate medical professional being readily available."

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

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- 7) **Temporary License - Acceptance of Out of State License:** [NRS 637B.200 \(1\)\(a\); \(2\)\(a\)](#). This revision adds "D.C. and US territories" to align this section with License by Endorsement requirements in NRS 637B.203-204.. The Board may also consider whether to add Canada as well. Revised language is suggested as follows:

NRS 637B.200 Temporary licenses.

1. The Board may issue a temporary license to engage in the practice of:
  - (a) Audiology, speech-language pathology or fitting and dispensing hearing aids upon application and the payment of the fee required pursuant to NRS 637B.175 to any person who is so licensed in another state, [the District of Columbia or any state or territory of the United States](#), and who meets all the qualifications for licensing in this State; and ...
2. The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.175 to any spouse of a member of the Armed Forces of the United States who:
  - (a) Is so licensed in another state, [the District of Columbia or any state or territory of the United States](#);

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

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- 8) **Expedited License by Endorsement Issuance:** [NRS 637B.203\(4\)](#) & [NRS 637B.204\(4\)](#). This revision would remove the current requirement for these licenses to be issued by the Board or Board Chair, which is cumbersome and results in these licenses taking longer to issue than others. These applications include all information required for a Standard license except educational transcripts. Revised language is suggested as follows:

NRS 637B.203 Expedited license by endorsement to practice audiology or speech-language pathology: Requirements; procedure for issuance.

~~4.—A license by endorsement to engage in the practice of audiology or speech language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~

NRS 637B.204 Expedited license by endorsement to practice audiology or speech-language pathology for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

~~4.—A license by endorsement to engage in the practice of audiology or speech language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~

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

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- 9) **Grounds for Initiating Disciplinary Action:** [NRS 637B.250\(2\)\(d\)\(1\)](#). This revision removes the reference to a section of federal law that has been repealed. Revised language is suggested as follows:



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NRS 637B.250 Grounds.

1. The grounds for initiating disciplinary action pursuant to this chapter are:
  - (d) A violation of any provision of:
    - (1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 ~~and 801.421~~;

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

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- 10) Conversion of Temporary & Provisional Licenses:** [NRS 637B.200\(3\)\(c\)](#) and [NRS 637B.201\(2\)\(b\)](#). This revision would clarify the NRS language to correctly identify the type of license issued following a conversion as "Standard", versus the current term "active" which describes a license status. Revised language is suggested as follows:

NRS 637B.200 Temporary licenses.

3. A temporary license issued pursuant to this section:
  - (c) May be converted to a **Standard** ~~an active~~ license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.175.

NRS 637B.201 Provisional license to practice speech-language pathology or fitting and dispensing hearing aids

2. A provisional license issued pursuant to this section may be:
  - (b) Converted to a **Standard** ~~an active~~ license upon payment of the fee required pursuant to NRS 637B.175 for converting the license and the award of:
    - (1) A certificate of clinical competence by the American Speech-Language-Hearing Association; or
    - (2) Certification by the National Board for Certification in Hearing Instrument Sciences.

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

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- 11) Education and Training Requirements for HAS and HAS Apprentices:** [NRS 637B.201](#). (Also reference: [Agenda Item 8.b.1.](#); [NAC 637B.0391](#), [NAC 637B.0392](#), & [NAC 637B.0394](#)). This item was introduced by the Advisory Committee in [Agenda Item 6.a.](#) with no action recommended at this time.

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

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- 12) Required Dispensing Examinations and Endorsement for Fitting and Dispensing Hearing Aids:** [NRS 637B.203](#), [NRS 637B.204](#), [NRS 637B.205](#). (Also reference: [NAC 637B.0373](#), & [NAC 637B.0374](#)). This item was introduced by the Advisory Committee in [Agenda Item 6.b.](#) with no action recommended at this time.

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

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- 13) Hearing Aid Dispensing "Endorsement":** [NRS 637B.030](#); [NRS 637B.042](#); [NRS 637B.132](#); [NRS 637B.175](#); [NRS 637B.191](#); [NRS 637B.200](#); [NRS 637B.205](#). This would revise NRS language to differentiate between the endorsement to fit and dispense hearing aids, and License by Endorsement in NRS 637B.203-204. Other NRS sections related to this item were introduced by the Advisory Committee in [Agenda Item 6.b.](#) with no action recommended at this time.

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

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State of Nevada

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

- 14) Tinnitus Care by Hearing Aid Specialist:** [NRS 637B.055](#). This item was introduced by the Advisory Committee in [Agenda Item 6.d](#). with a recommendation to allow tinnitus care when a Hearing Aid Specialist has received the appropriate training to do so.

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

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- 15) Medical Evaluation/Waiver for Hearing Aids by Catalog/Mail/Internet:** [NRS 637B.242\(1\)\(a\)\(b\)](#)  
(Also reference: [Agenda Item 8.b.4](#), [NAC 637B.0444](#) & [NAC 637B.045\(i\)](#)). This item was introduced by the Advisory Committee in [Agenda Item 6.e](#). with a recommendation to remove requirements for a medical evaluation or waiver and align these sections with the Final Rule.

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

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State of Nevada

Speech-Language Pathology, Audiology &amp; Hearing Aid Dispensing Board

## AGENDA ITEM 9

### Consideration for Review and Approval of Solicitations and Contracts for Legislative Services and Hearing Aid Dispensing Examinations

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a. **Consideration to Issue a Solicitation for Legislative Services to assist the Board in Legislative and Regulatory Matters**

The proposed NRS revisions will require a Bill Draft Request for the 83<sup>rd</sup> (2025) Legislative Session. In support of this effort, the Board would benefit from legislative services to assist the Board with lobbying activities and support. Per state contracting rules, a solicitation is required to contract for these services.

A draft solicitation is attached for the Board's review and approval. If approved, the solicitation will be issued, and responses will be set on the agenda for a future Board meeting to select a vendor.

**Attachment on next page:** Legislative Services Solicitation 2023 DRAFT

**Action: Approve, Table, or Take No Action on the Matter**

---

b. **Review and Approval of Draft Contract with International Hearing Society for Hearing Aid Dispensing Examinations**

As previously reported, the Board's current agreement with IHS is expiring soon and IHS is raising the cost of the dispensing practical examination that will be revised & released in the near future.

Our Board has benefited from a negotiated rate of \$50 per exam booklet and IHS has offered a graduated fee increase over the next three years, as outlined in the attached draft contract:

- \$100 effective 1/1/2024
- \$150 effective 1/1/2025
- \$200 effective 1/1/2026

The 2024 increase will result in the current \$200 fee covering only the cost of the booklet and the reimbursement paid to the exam proctor. As proposed in Agenda Items 6.c. and 8.a.5, future increases to the fee caps allowed by NRS 637B.175 and actual fees charged in NAC 637B.030 may be necessary to support these cost increases.

**Attachment on next page:** IHS Contract 2023 DRAFT

**Action: Approve, Table, or Take No Action on the Matter**

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## State of Nevada

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

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

P (775) 787-3421 | F (775) 746-4105

[www.nvspeechhearing.org](http://www.nvspeechhearing.org) | [board@nvspeechhearing.org](mailto:board@nvspeechhearing.org)

## Solicitation for Legislative Services

### Background

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board was established under the provisions of Nevada Revised Statutes, Chapter 637B. The Board is responsible for the administration, regulation and enforcement of the practice of speech-language pathology, audiology and hearing aid dispensing in Nevada. The Board licenses qualified Speech-Language Pathologists, Audiologists, Dispensing Audiologists, Hearing Aid Specialists, and Hearing Aid Specialist Apprentices practicing in Nevada and/or treating Nevada residents. Additional information regarding the Board may be viewed [on our website](#) or by contacting the Board office.

### Services Requested

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is seeking Legislative Services to assist in preparing for and represent the Board's interests during the 83<sup>rd</sup> (2025) Session of the Nevada State Legislature.

Services will include assisting the Board with analyzing proposed bill draft requests; tracking legislation applicable to Boards; conducting outreach activities with stakeholders, legislators, state agencies, professional licensing boards and organizations; and other activities deemed appropriate. The selected vendor will be required to work closely with the Executive Director, attend Board meetings, and/or submit regular legislative reports to the Board and Executive Director.

### Requirements

The vendor must be registered as a Lobbyist and in compliance with all licensing and reporting requirements of the State of Nevada.

### Submission Instructions

Please submit a written Proposal to include: 1) A detailed description of qualifications and experience representing Nevada professional licensing and regulatory boards or other related professional organizations; 2) Hourly fees and/or fixed fee cost(s) for proposed services; and 3) A minimum of three references with contact information.

Proposals will be accepted through xxxxxxxxxx, by electronic submission or mail addressed to:

**Jennifer Pierce, Executive Director**

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

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

[execdirector@nvspeechhearing.org](mailto:execdirector@nvspeechhearing.org)

The Board reserves the right to select the most responsive vendor based upon the needs of the Board. Evaluation will not be based solely upon price/cost. There is no guarantee of a contract for services as a result of this solicitation.

CETS #:	
Solicitation #:	

**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:	International Hearing Society
Address:	33900 8 Mile Rd, Suite 101
City, State, Zip Code:	Farmington, MI 48335
Contact:	Sierra C. Sharpe, MBA, Director of Professional Development
Phone:	(734) 412-7572
Fax:	(734) 522-0200 fax
Email:	ssharp@ihsinfo.org

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:

- 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:	1/1/2024	To:	12/31/2026
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- 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.

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

DESCRIPTION OF SCOPE OF WORK:
<ul style="list-style-type: none"> <li>Contractor will provide materials, training, and technical assistance for both the written and practical hearing aid dispensing examinations created and owned by Contractor.</li> <li>These examinations are required for applicants seeking either a Dispensing Audiologist or Hearing Aid Specialist license from the Board pursuant to NRS 637B.205 and are administered by authorized Board proctors.</li> <li>Examination content is not disseminated to test-takers and the Board only retains a copy of the exam score sheet in the license record, maintained in the Board database.</li> <li>Pursuant to NRS 239B.040, the Board database is confidential, is not a public book or record within the meaning of NRS 239.010 and must not be disclosed in its entirety as a single unit.</li> </ul>

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:

\$100.00 + shipping cost	per	Practical Exam Packet - Effective 1/1/2024
\$150.00 + shipping cost	per	Practical Exam Packet - Effective 1/1/2025
\$200.00 + shipping cost	per	Practical Exam Packet - Effective 1/1/2026

Total Contract or installments payable at:	Upon invoice as materials are ordered and received.
--	---

Total Contract Not to Exceed:	\$12,000.00
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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

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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



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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.***

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Solicitation #:	

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.

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Solicitation #:	

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



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 10

### Executive Director's Report

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Please see the Written Executive Director's Report.

**Attachments on next page:**

1. ED Report 10 18 2023
2. FY23 Q4/End of Year Summary Final Adjusted
3. FY24 Q1 Financial Reports

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**Action: Approve, Table, or Take No Action on the Matter**



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**

October 18, 2023

**a. Licensure Statistics**

The following chart provides licensing statistics for the period July 1, 2023 through September 30, 2023 with a net increase of 7 licenses (95 issued/88 expired), a less than 1% increase from the prior quarter. This increase is much lower than the 2-3% increases in prior years' 4<sup>th</sup> quarters.

We have again seen high numbers of SLP licenses expiring, similar to the April 2023 numbers, but at that time we noted that many expiring licenses were issued in the 1980's-1990's and likely represented retirees. This quarter, 48 of the 74 expired SLP licenses did not involve conversion or reinstatement, and all 48 were issued in 2015 or later. Of these, 30 licenses (63%) were issued to out-of-state residents, and of those, 25 (83%) were issued after June 2020, so it's possible these were practitioners needing licensure for telehealth or other purposes due to the pandemic.

There has also been a notable decrease in the number of licensed HAS Apprentices. Two licenses expired this quarter, resulting in a census of 12, the lowest since December 2016, and less than half the highest census of 27 seen in June 2019.

Lastly, last quarter's increase represented the most licenses issued in any quarter to date, so it may be that many of those license applications were received earlier than usual.

Description	Total Licensees	Speech Pathologists	Audiologists	Dispensing Audiologists	Hearing Aid Specialists	Apprentices
<b>June 30, 2023</b>	<b>1576</b>	<b>1301</b>	<b>69</b>	<b>110</b>	<b>82</b>	<b>14</b>
Issued	95	83	5	3	3	1
Expired	88	74	5	2	4	3
<b>Sept 30, 2023</b>	<b>1583</b>	<b>1310</b>	<b>69</b>	<b>111</b>	<b>81</b>	<b>12</b>
Net Change	+7	+9	0	+1	-1	-2
	+0.44%	+0.7%	0%	+0.9%	-1.2%	-14.3%

**b. Adjusted FY23 Q4 Summary & FY24 Q1 Financial Report**

As there were still invoices outstanding when FY23 Q4 financials were reviewed at the July 2023 meeting, the final adjusted FY23 Q4/End of Year Summary is also attached for review. Actual income was slightly higher at \$204,655.94 (versus \$204,405.94) and actual expenses totaled \$187,539.41 (slightly up from \$186,253.69). This resulted in a final net income of \$17,116.53 with reserves totaling \$120,716.86.

The FY24 Q1 Financial Summary is attached for the Board's review, with both income and expenses ending close to the 25% target for the first quarter as listed below.

**Profit and Loss Through Q1**

- Total Revenue: \$54,325.60      Percent of Budget: 24.82%
- Deferred Revenue: \$81,004.04
- Total Expenses: \$56,212.57      Percent of Budget: 25.81%
- **Net Income: \$-1,859.97**

**FY24 Q1 Balance Sheet**

- Total Cash Assets: \$214,481.19
- Total Liabilities: \$100,118.32
- **Total Equity: \$118,856.89** (Decrease of \$2,895.69 from last quarter; Increase of \$7,053.41 from FY23 Q1)

**FY24 Q1 Deviations from Budget**

Net income was negative at -\$1,859.87, with the following deviations contributing:

- Equipment costs for the investigator laptop ran slightly higher than anticipated in order to secure a machine compatible with the Board's needs.
- Legal fees this quarter totaled over 70% of budget due to the expenses incurred on the four complaint cases presented earlier in this meeting coupled with regular legal needs. However, the Consent Decrees scheduled for review earlier in this meeting include a recoupment of approximately \$9,400 toward these fees.
- The FY24 Tort Liability Insurance premium paid to the Attorney General's office totaled \$1,018.59, almost \$300 more than FY23 (\$746.29) for the same number of FTE due to an increase of \$31.12 per FTE in the annual premium.

**c. Update on SB431: Board Oversight by Newly Established Office of Nevada Boards, Commissions and Councils Standards**

As reported in July 2023, SB431 passed in 2023 established the new Office of Nevada Boards, Commissions and Councils Standards. To date, the Board office has received the following requests for information:

- Financial statements for FY23 and Approved Budgets for FY24 & FY25
- Board Fees and/or Membership Structure
- A count of full or part time staff employed by the Board, including contracted vendors/employees
- A response as to whether the Board has reciprocity agreements with other states
- Total number of Board licensees
- What licensing software (if any) we are utilizing
- Any current internal controls and policies/procedures

Additionally, Board staff were invited to a Regulatory Reform Meeting with the Governor's Office in late August as a follow up to the Executive Order reports and legislative session. Boards were thanked for their efforts in submitting the required reports and encouraged to move forward with identified regulation changes. The Governor's Office will be actively monitoring these efforts and Boards are welcome to reach out for assistance as needed.

**d. Board Member Appointments/Reappointments**

Name	Credential/Role	Location	Term	Term Expires	Eligible for Reappointment
Andrea Menicucci	SLP/Board Chair	Reno	2	7/1/2024	No
Timothy Hunsaker	AuD-D/Board Vice Chair	Las Vegas	2	7/1/2025	No
Lynee Anderson	BC-HIS/Board Member	Reno	1	7/1/2024	Yes
Minnie Foxx	Public Member	Las Vegas	1	7/1/2023	Yes
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.



**e. Complaints**

There were **four** open complaint cases following the July 19, 2023 Board Meeting. **One** new case was received in September 2023, totaling **five** open cases. **Four** cases will be presented in this meeting for approval of Consent Decrees, and if all are approved, one open case will remain.

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

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

	<b>Revised Budget</b>	<b>Actuals July 22 - June 23</b>	<b>Remaining Balance</b>	<b>% of Budget Spent</b>
<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	157,913.02	-9,263.02	106.23%
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>204,655.94</b>	<b>-19,455.94</b>	<b>110.51%</b>
<b>Expense</b>				
Personnel Cost	144,913.00	144,375.68	537.32	99.63%
Attorney General / Legal Fees	8,000.00	13,459.39	-5,459.39	168.24%
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	3,536.26	93.74	97.42%
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	589.88	10.12	98.31%
<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>187,539.41</b>	<b>-3,686.41</b>	<b>102.01%</b>
<b>Net Ordinary Income</b>	<b>1,347.00</b>	<b>17,116.53</b>	<b>-15,769.53</b>	<b>1270.72%</b>
<b>Net Income</b>	<b>1,347.00</b>	<b>17,116.53</b>	<b>-15,769.53</b>	<b>1270.72%</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	130,747.71
Wells Fargo Bank - Savings	102,929.85
Total Checking/Savings	<u>233,677.56</u>
Other Current Assets	
Accounts Receivable	0.00
Prepaid Expenses	2,907.44
Total Other Current Assets	<u>236,585.00</u>
Fixed Assets	
Capital Assets	1,335.99
Total Fixed Assets	<u>1,335.99</u>
<b>TOTAL ASSETS</b>	<b><u>237,920.99</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
Current Liabilities	
Accounts Payable	
Accounts Payable	6,380.90
Total Accounts Payable	<u>6,380.90</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>117,204.13</u>
Total Liabilities	117,204.13
<b>Equity</b>	
Invested in Capital Assets	1,335.99
Retained Earnings	102,264.34
Net Income	17,116.53
Total Equity	<u>120,716.86</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>237,920.99</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>

**Profit Loss Budget vs. Actual**  
**July through September 2023**

	Approved Budget	Actuals July - Sep 23	Remaining Balance	% of Budget Spent
<b>Ordinary Income/Expense</b>				
Income				
Fees	41,832.00	9,500.00	32,332.00	22.71%
License Fees	167,122.80	42,019.52	125,103.28	25.14%
Exams, List and Interest	10,050.42	2,833.08	7,217.34	28.19%
<b>Total Income</b>	<b>219,005.22</b>	<b>54,352.60</b>	<b>164,652.62</b>	<b>24.82%</b>
Expense				
Personnel Cost	162,922.53	41,889.54	121,032.99	25.71%
Attorney General / Legal Fees	8,000.00	5,731.97	2,268.03	71.65%
Audit Fees	15,000.00	0.00	15,000.00	0.00%
Bank Service Charges	4,600.00	814.85	3,785.15	17.71%
Board Compensation	2,925.00	525.00	2,400.00	17.95%
Dues	550.00	112.50	437.50	20.46%
Equipment Purchase	500.00	836.67	-336.67	167.33%
Examinations	4,240.00	1,418.50	2,821.50	33.46%
Insurance	1,350.00	1,018.59	331.41	75.45%
Licensing Program Subscription	7,650.00	1,849.98	5,800.02	24.18%
Meeting Expenses	100.00	0.00	100.00	0.00%
Office Lease	3,400.00	731.43	2,668.57	21.51%
Office Supplies	750.00	0.00	750.00	0.00%
Postage	400.00	60.64	339.36	15.16%
Printing	200.00	0.00	200.00	0.00%
Professional Fees				
Investigation Fees	1,000.00	0.00	1,000.00	0.00%
Accounting	3,000.00	750.00	2,250.00	25.00%
IT / Technical Support	500.00	265.00	235.00	53.00%
<b>Total Professional Fees</b>	<b>4,500.00</b>	<b>1,015.00</b>	<b>3,485.00</b>	<b>22.56%</b>
Telephone	525.00	207.90	317.10	39.60%
Travel				
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>217,812.53</b>	<b>56,212.57</b>	<b>161,599.96</b>	<b>25.81%</b>
<b>Net Ordinary Income</b>	<b>1,192.69</b>	<b>-1,859.97</b>	<b>3,052.66</b>	<b>-155.95%</b>
<b>Net Income</b>	<b>1,192.69</b>	<b>-1,859.97</b>	<b>3,052.66</b>	<b>-155.95%</b>

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

**Sep 30, 2023**

**ASSETS****Current Assets****Checking/Savings**

Wells Fargo Bank - Checking 111,525.40

Wells Fargo Bank - Savings 102,955.79

Total Checking/Savings 214,481.19

**Other Current Assets**

Accounts Receivable 0.00

Prepaid Expenses 3,158.03

Total Other Current Assets 217,639.22

**Fixed Assets**

Capital Assets 1,335.99

Total Fixed Assets 1,335.99

**TOTAL ASSETS 218,975.21**

**LIABILITIES & EQUITY****Liabilities****Current Liabilities****Accounts Payable**

Accounts Payable 0.00

Total Accounts Payable 0.00

**Other Current Liabilities**

Deferred Revenue 81,004.04

Paid Time Off 15,935.91

Payroll Liabilities 2,966.29

Payroll Tax Liability 212.08

Total Other Current Liabilities 100,118.32

Total Current Liabilities 100,118.32

Total Liabilities 100,118.32

**Equity**

Invested in Capital Assets 1,335.99

Retained Earnings 119,380.87

Net Income -1,859.97

Total Equity 118,856.89

**TOTAL LIABILITIES & EQUITY 218,975.21**

**BEASP**  
**Transaction Detail by Account**  
 July through September 2023

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Type	Date	Num	Name	Memo	Amount
<b>Wells Fargo Bank - Checking</b>					
Deposit	07/01/2023			Deposit	1,050.00
Deposit	07/02/2023			Deposit	350.00
Check	07/03/2023		QuickBooks Payroll Service	Payroll expense	-1.75
Bill Pmt -Check	07/03/2023	1802	Board of Occupational Therapy	Postage reimbursement	-68.16
Deposit	07/03/2023			Deposit	1,825.00
Deposit	07/04/2023			Deposit	600.00
Check	07/05/2023	ACH	Nancy Campbell V	Exam proctor	-100.00
Liability Check	07/05/2023		QuickBooks Payroll Service	Payroll expense	-3,835.39
Deposit	07/05/2023			Deposit	600.00
Paycheck	07/06/2023	DD1274	Jennifer Pierce	Direct Deposit	0.00
Paycheck	07/06/2023	DD1275	Stacey Whittaker	Direct Deposit	0.00
Bill Pmt -Check	07/06/2023	1803	Attorney General	Legal fees	-1,825.60
Bill Pmt -Check	07/06/2023	1804	State of NV Information Technolo	Telephone expense	-1.42
Bill Pmt -Check	07/06/2023		Nancy Campbell V	Exam proctor	0.00
Deposit	07/06/2023			Deposit	1,250.00
Check	07/06/2023	1805	Numbers, Inc.	Bookkeeping services	-750.00
Deposit	07/07/2023			Deposit	1,150.00
Check	07/07/2023		Voya	Payroll expense	-363.93
Deposit	07/08/2023			Deposit	250.00
Deposit	07/09/2023			Deposit	200.00
Deposit	07/10/2023			Deposit	475.00
Check	07/10/2023	EFT	AT&T	Telephone expense	0.00
Check	07/10/2023	EFT	AT&T	Telephone expense	-25.06
Check	07/10/2023	EFT	Tim Hunsaker	Exam proctor	-100.00
Deposit	07/11/2023			Deposit	700.00
Deposit	07/12/2023			Deposit	975.00
Deposit	07/13/2023			Deposit	775.00
Deposit	07/14/2023			Deposit	300.00
Deposit	07/15/2023			Deposit	375.00
Deposit	07/16/2023			Deposit	125.00
Deposit	07/17/2023			Deposit	475.00
Deposit	07/18/2023			Deposit	500.00
Liability Check	07/19/2023		QuickBooks Payroll Service	Payroll expense	-3,835.39
Deposit	07/19/2023			Deposit	250.00
Paycheck	07/20/2023	DD1276	Jennifer Pierce	Direct Deposit	0.00
Paycheck	07/20/2023	DD1277	Stacey Whittaker	Direct Deposit	0.00
Liability Check	07/20/2023	E-pay	US Treasury	Payroll expense	-2,628.24
Deposit	07/20/2023			Deposit	400.00
Check	07/20/2023	EFT	Andrea Menicucci	Board Compensation	-75.00
Check	07/20/2023	EFT	Adrienne Williams	Board Compensation	-75.00
Check	07/20/2023	EFT	Minnie Foxx	Board Compensation	-75.00
Check	07/20/2023	EFT	Anderson, Lynee	Board Compensation	-75.00
Check	07/20/2023	EFT	Tim Hunsaker	Board Compensation	-75.00

**BEASP**  
**Transaction Detail by Account**  
**July through September 2023**

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Deposit	07/21/2023		Deposit	650.00
Check	07/21/2023	Voya	Payroll expense	-363.93
Deposit	07/22/2023		Deposit	400.00
Deposit	07/23/2023		Deposit	150.00
Deposit	07/24/2023		Deposit	1,200.00
Check	07/24/2023	1806 International Hearing Society	Exam materials	-618.50
Check	07/24/2023	1807 Board of Occupational Therapy	FY24 office share	-2,925.67
Deposit	07/25/2023		Deposit	700.00
Deposit	07/26/2023		Deposit	675.00
Check	07/26/2023	1808 Michael Hodes	Exam proctor	-100.00
Deposit	07/27/2023		Deposit	650.00
Bill Pmt -Check	07/27/2023	1809 State of NV Information Technolo	Telephone expense	-1.02
Deposit	07/28/2023		Deposit	675.00
Deposit	07/29/2023		Deposit	300.00
Deposit	07/30/2023		Deposit	25.00
Deposit	07/31/2023		Deposit	250.00
Deposit	07/31/2023		Interest	11.22
Bill Pmt -Check	07/31/2023	1810 Attorney General	Legal fees	-3,732.70
Deposit	08/01/2023		Deposit	750.00
Liability Check	08/02/2023	QuickBooks Payroll Service	Payroll expense	-4,672.47
Deposit	08/02/2023		Deposit	2,075.00
Paycheck	08/03/2023	DD1278 Jennifer Pierce	Direct Deposit	0.00
Paycheck	08/03/2023	DD1279 Stacey Whittaker	Direct Deposit	0.00
Check	08/03/2023	Voya	Payroll expense	-439.27
Deposit	08/03/2023		Deposit	900.00
Deposit	08/04/2023		Deposit	875.00
Deposit	08/05/2023		Deposit	600.00
Deposit	08/06/2023		Deposit	225.00
Deposit	08/07/2023		Deposit	1,200.00
Deposit	08/08/2023		Deposit	925.00
Bill Pmt -Check	08/08/2023	1811 Attorney General	Legal fees	-652.00
Deposit	08/09/2023		Deposit	650.00
Deposit	08/10/2023		Deposit	125.00
Check	08/10/2023	EFT Wells Fargo	Bank Fees	-429.04
Deposit	08/11/2023		Deposit	400.00
Deposit	08/12/2023		Deposit	100.00
Deposit	08/13/2023		Deposit	200.00
Deposit	08/14/2023		Deposit	200.00
Deposit	08/15/2023		Deposit	450.00
Liability Check	08/16/2023	QuickBooks Payroll Service	Payroll expense	-4,255.95
Check	08/16/2023	QuickBooks Payroll Service	Payroll expense	-1.75
Deposit	08/16/2023		Deposit	825.00
Paycheck	08/17/2023	DD1280 Jennifer Pierce	Direct Deposit	0.00
Paycheck	08/17/2023	DD1281 Stacey Whittaker	Direct Deposit	0.00
Check	08/17/2023	ACH Nancy Campbell V	Exam proctor	-200.00

**BEASP**  
**Transaction Detail by Account**  
**July through September 2023**

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Check	08/17/2023	Voya	Payroll expense	-439.27
Deposit	08/17/2023		Deposit	200.00
Deposit	08/18/2023		Deposit	600.00
Deposit	08/19/2023		Deposit	250.00
Deposit	08/21/2023		Deposit	650.00
Deposit	08/22/2023		Deposit	325.00
Check	08/22/2023 EFT	Tim Hunsaker	Exam proctor	-200.00
Check	08/22/2023 EFT	AT&T	Telephone expense	-25.64
Deposit	08/23/2023		Deposit	1,400.00
Deposit	08/24/2023		Deposit	150.00
Deposit	08/25/2023		Deposit	350.00
Deposit	08/28/2023		Deposit	525.00
Check	08/28/2023	Wells Fargo	Laptops, postage	-871.63
Deposit	08/29/2023		Deposit	300.00
Liability Check	08/30/2023	QuickBooks Payroll Service	Payroll expense	-4,368.50
Deposit	08/30/2023		Deposit	200.00
Paycheck	08/31/2023 DD1284	Thomas D Sharkey	Direct Deposit	0.00
Paycheck	08/31/2023 DD1283	Stacey Whittaker	Direct Deposit	0.00
Paycheck	08/31/2023 DD1282	Jennifer Pierce	Direct Deposit	0.00
Liability Check	08/31/2023 E-pay	US Treasury	Payroll expense	-4,776.60
Check	08/31/2023	Voya	Payroll expense	-439.27
Deposit	08/31/2023		Deposit	525.00
Deposit	08/31/2023		Interest	10.92
Deposit	09/01/2023		Deposit	100.00
Deposit	09/02/2023		Deposit	300.00
Deposit	09/04/2023		Deposit	100.00
Deposit	09/05/2023		Deposit	600.00
Deposit	09/06/2023		Deposit	350.00
Deposit	09/07/2023		Deposit	775.00
Check	09/07/2023 EFT	AT&T	Telephone expense	-25.35
Deposit	09/08/2023		Deposit	600.00
Deposit	09/11/2023		Deposit	800.00
Deposit	09/12/2023		Deposit	1,075.00
Liability Check	09/13/2023	QuickBooks Payroll Service	Payroll expense	-4,368.51
Check	09/13/2023	QuickBooks Payroll Service	Payroll expense	-1.75
Deposit	09/13/2023		Deposit	750.00
Check	09/13/2023 EFT	Wells Fargo	Merchant fees	-350.81
Paycheck	09/14/2023 DD1286	Stacey Whittaker	Direct Deposit	0.00
Paycheck	09/14/2023 DD1285	Jennifer Pierce	Direct Deposit	0.00
Paycheck	09/14/2023 DD1287	Thomas D Sharkey	Direct Deposit	0.00
Check	09/14/2023 ACH	Nancy Campbell V	Exam proctor	-100.00
Check	09/14/2023	Voya	Payroll expense	-439.27
Deposit	09/14/2023		Deposit	450.00
Check	09/14/2023 1813	Attorney General	July legal fees	-1,507.58
Check	09/14/2023 1812	Michael Hodes	Examination fees	-100.00



**BEASP**  
**Transaction Detail by Account**  
**July through September 2023**

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Deposit	09/15/2023		Deposit	250.00
Deposit	09/16/2023		Deposit	325.00
Deposit	09/18/2023		Deposit	600.00
Deposit	09/19/2023		Deposit	350.00
Deposit	09/21/2023		Deposit	100.00
Check	09/21/2023	1814 Attorney General	Tort insurance	-1,018.59
Deposit	09/22/2023		Deposit	550.00
Check	09/22/2023	EFT Tim Hunsaker	Board Salary	-75.00
Check	09/22/2023	EFT Lynee Anderson V	Board Salary	-75.00
Deposit	09/25/2023		Deposit	625.00
Check	09/25/2023	EFT Wells Fargo	Website costs, postage	-290.68
Deposit	09/26/2023		Deposit	300.00
Liability Check	09/27/2023	QuickBooks Payroll Service	Payroll expense	-4,497.80
Deposit	09/27/2023		Deposit	325.00
Check	09/27/2023	1815 Attorney General	August legal fees	-4,224.39
Paycheck	09/28/2023	DD1290 Thomas D Sharkey	Direct Deposit	0.00
Paycheck	09/28/2023	DD1289 Stacey Whittaker	Direct Deposit	0.00
Paycheck	09/28/2023	DD1288 Jennifer Pierce	Direct Deposit	0.00
Check	09/28/2023	1811 Voya	Payroll expense	-439.27
Deposit	09/28/2023		Deposit	425.00
Liability Check	09/29/2023	E-pay US Treasury	Payroll expense	-3,092.30
Deposit	09/29/2023		Deposit	650.00
Deposit	09/30/2023		Deposit	100.00
Deposit	09/30/2023		Interest	10.00
Total Wells Fargo Bank - Checking				-19,222.31
<b>TOTAL</b>				<b>-19,222.31</b>



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## **AGENDA ITEM 11**

### **Report from Legal Counsel**

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Henna Rasul, Board Counsel will provide the Board with a general update on legal activities.

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**Action: None – Informational Only**



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

## AGENDA ITEM 12

### 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, January 24, 2024 at 4:30pm.  
Teleconference hosted via Zoom and in-person at the Reno Board Office.
- c. Future Agenda Items
  - 1) Public Workshop on Proposed Revisions to NAC 637B: Previously Approved Sections and Those Approved in This Meeting (for possible action)
  - 2) Work Session on Future Legislative Efforts to Revise NRS 637B: Previously Approved Sections and Those Approved in This Meeting (Standing Agenda Item) (for possible action)
  - 3) Other Items As Proposed (for possible action)

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**Action: Approve, Table, or Take No Action on the Matter**



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

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## AGENDA ITEM 13

### 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)*

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**Action: None – Informational Only**



## **AGENDA ITEM 14**

### **Adjournment**

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**Action: Meeting Adjourned**