



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

MINUTES OF PUBLIC MEETING

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

Board Meeting and Public Hearing LCB File R108-23

April 24, 2024

Members Present:	Timothy Hunsaker, Lynee Anderson, Shawn Binn, Jennifer Joy-Cornejo, Branden Murphy, Adrienne Williams
Members Absent:	Andrea Menicucci
Staff Present:	Jennifer Pierce, Executive Director Stacey Whittaker, Licensing Coordinator Henna Rasul, Sr. Deputy Attorney General, Board Counsel Izack Tenorio, Board Lobbyist
Public Present:	Renee Erno, Laura "Wednesday" Fussell, Karen Klopfer, Nancy Kuhles, Elyse Monroy, Katrina Nicholas, Kim Reddig, Shawna Ross

Call to Order, Confirmation of Quorum

Vice Chair Hunsaker called the meeting to order at 4:36pm. A roll call confirmed a quorum was present.

Public Comment

Vice Chair Hunsaker 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."

Dr. Hunsaker then called for public comment. Executive Director Pierce reported that a public comment was emailed to the Board Office from Tenaya Watson, NSHA President earlier today and will read the comment into the record under Agenda Item #4 as it pertains to the Proposed Regulations.

Approval of the Minutes: Board Meeting of February 21, 2024

Vice Chair Hunsaker asked if there were any corrections or revisions to the minutes of the meeting of February 21, 2024 and none were noted. Adrienne Williams made a motion to approve the minutes of February 21, 2024 as written. Shawn Binn seconded the motion. The motion passed unanimously.

Public Hearing on Proposed Regulations LCB File R108-23P

a. Introduction to Proposed Regulations LCB File R108-23P

Vice Chair Hunsaker opened the Public Hearing and asked Ms. Pierce to summarize the regulation changes. Ms. Pierce outlined the nine sections of the regulation and clarified that the duplicate section noted at the January 2024 Workshop has been removed.

b. Public Comment on Proposed Regulations LCB File R108-23P

Vice Chair Hunsaker opened the Workshop for public comment. Ms. Pierce reported that a written comment was received from Tenaya Watson, NSHA President and read the letter into the record:

April 24, 2024 Re: Public Comment to the State of Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board. Dear Members of the State of Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board, Thank you for the opportunity to make a public comment, and thank you for serving on the State of Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board. My name is Tenaya Watson. I hold a Certificate of Clinical Competence in Speech Language Pathology from the American Speech Language and Hearing Association and Nevada state license to practice Speech Language Pathology serving as a practicum supervisor and school based speech language pathologist for Clark County School District. I also serve as the President of Nevada Speech-Language Hearing Association (NSHA). I would like to make a public comment on agenda item number 4, proposed regulation LCB File R108-23 and agenda item number 5 consideration to adopt proposed regulation LCB File R108-23. My public comments represent NSHA members' concerns surrounding proposed regulations and proposed adoption of regulations regarding unlicensed audiology assistants. NSHA members are seeking further clarification and attention to LCB File R108-23, page 10 the proposed regulatory change to NAC 637B.0442, Section 7, 4. (h) stating who can perform a pure-tone hearing screening and universal newborn hearing screening test. According to the Division of Public and Behavioral Health Bureau of Child, Family, and Community Wellness Early Hearing Detection and Intervention (EHDI) Guidelines, all babies born in Nevada are offered a newborn hearing screening at birth prior to discharge from hospital care. This hearing screening is free of charge to caregivers. If screening is not passed, then an out-patient rescreen is recommended at the hospital. According to EHDI guidelines, babies should have a diagnostic hearing evaluation by a licensed, pediatric audiologist if not passed. Additionally, Nevada Revised Statute Chapter 442 - Maternal and Child Health specifically NRS 442.530 "Provider of hearing screenings" defined; "Provider of hearing screenings" means a health care provider who, within the scope of his or her license or certificate, provides for hearing screenings of newborn children in accordance with NRS 442.500 to 442.590, inclusive. The term includes a licensed audiologist, a licensed physician or an appropriately supervised person who has documentation that demonstrates to the State Board of Health that he or she has completed training specifically for conducting hearing screenings of newborn children. NSHA's questions are as follows: How is the proposed regulation following the Nevada's Division of Public and Behavioral Health Bureau of Child, Family, and Community Wellness EHDI guidelines? How does the allowance of an unlicensed audiology assistant to perform a newborn universal screener align with the Nevada EHDI guidelines? How is the proposed regulation aligned with NRS 442.530? Additionally, if the proposed regulation is adopted, how is NAC 637B.0442, Section 7, 4.

(h) not in conflict with NRS 442.530? Thank you for the opportunity to bring these concerns forward to the State of Nevada Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. We are happy to provide any additional information and look forward to hearing how we can continue to advocate for these areas. We appreciate your consideration. Sincerely, Tenaya Watson M.Ed., CCC-SLP NSHA President

No further public comment was received, and Vice Chair Hunsaker closed the Public Hearing.

Consideration to Adopt Proposed Regulations LCB File R108-23

Vice Chair Hunsaker opened the discussion for any additions, amendments, and consideration for adoption of the proposed regulations taking into consideration the comments from the public.

The Board discussed the public comment received from NSHA and addressed NRS Chapter 442 which covers standards of care and newborn screenings. Ms. Pierce explained that she spoke with Perry Smith at Nevada Early Hearing Detection and Intervention and discussed their newborn screening guidelines, specific to this concern. Mr. Smith confirmed that anyone can be trained to conduct the newborn screenings as long as there is no diagnosis and stated that often the EDHI program contracts with Audiologists to conduct this training. Mr. Smith confirmed there would be no issue with the Board's planned revision and discouraged any changes to laws or regulations that would inhibit these screenings.

Vice Chair Hunsaker called for a motion. Jennifer Joy-Cornejo made a motion to adopt the regulations as presented. Adrienne Williams seconded the motion. The motion passed unanimously.

Update and Report Out from Strategies 360 on Legislative and Lobbying Activities for 2024 Interim and 2025 Legislative Session

Izack Tenorio of Strategies 360 provided the Board with an update on legislative activities, including a thorough timeline for the Board's planned BDR in the 2025 Legislative Session. The plan is to secure a Bill Sponsor by July 1st with subsequent meetings with minority and majority leaders and Senate Chairs before the Legislative Session begins on February 3, 2025. There has been talk of a unified "joint" BDR being proposed for occupational licensing reciprocity. Ms. Pierce reminded the Board that NSHA will be carrying a bill for the ASLP Interstate Compact, on which the Board previously voted to formally support. More information will be provided as the session nears.

Consideration to Approve Proposed Revisions to NRS 637B for Inclusion in 2025 Legislative Effort with Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids and Speech-Language Pathology Subcommittee

Ms. Pierce explained that a number of NRS sections have been reviewed and approved by the Board for inclusion in the planned 2025 BDR. The NRS sections presented in this meeting are either 1) proposed for inclusion in the 2025 BDR and presented for the Board's review and approval, or 2) are still under consideration. It is hoped that a final draft of all proposed NRS revisions will be ready for review at the Board's July 2024 meeting.

Revisions Related to Audiology: Report Out and Recommendations from Advisory Committee on Fitting and Dispensing Hearing Aids

Proposed revisions to NRS 637B relating to Audiology were presented, which would eliminate examination and endorsement requirements for Audiologists to fit and dispense hearing aids. The revisions were reviewed and recommended by the Advisory Committee on Fitting and Dispensing Hearing Aids at its April 10, 2024 meeting. Vice Chair Hunsaker made a motion, seconded by Adrienne

Williams, to approve the recommended revisions to NRS 637B items A) 1-8 as presented. The motion passed unanimously.

Revisions Related to Fitting and Dispensing Hearing Aids

Ms. Pierce explained that item b.1. in this section outlines changes to both NRS 637B and NAC 637B regarding Hearing Aid Specialist License Requirements. The intent of the language changes is to require independent practice experience, not supervised training. Jennifer Joy-Cornejo made the motion, seconded by Adrienne Williams, to approve the changes to section b)1 regarding HAS License Requirements. The motion passed unanimously.

Ms. Pierce explained that sections b. 2-4 in this section are general updates for the Board and may come before the Board for consideration at the July meeting. They include the definition of a hearing aid, the practice of fitting and dispensing hearing aids, and reciprocity mechanisms for examinations. No action was taken.

Revisions Related to Speech-Language Pathology

Ms. Pierce explained that this section includes revisions related to Speech-Language Pathology including SLP Assistants, Telesupervision and FEES Procedure in SLP scope of practice. The newly formed SLP Subcommittee is addressing these items with formal recommendations coming to the full Board in the near future. No action was taken.

Disciplinary Matters: Case No. S23-02 Recommended for Dismissal

Ms. Pierce summarized that the Complaint alleged unprofessional conduct, attempting to influence a client to derive financial benefits, failure to complete reports in a timely manner, premature termination of services, and conduct that is harmful to the public health and safety. After investigation and review of all documentation received on this complaint, it has been determined that there is insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 637B of the Nevada Revised Statutes or the Nevada Administrative Code. This case is recommended for dismissal. Vice Chair Hunsaker called for a motion. Branden Murphy made a motion to dismiss Case S23-02, seconded by Shawn Binn. The motion passed unanimously.

Executive Director's Report

Ms. Pierce directed the Board to the written Executive Director's Report which included FY24 Q3 Licensure Statistics and Financial Reports including noted deviations in the budget. Upcoming Board Member appointments/reappointments were discussed as Andrea Menicucci will term out on 7/1/2024 and Lynee Anderson will be eligible for reappointment at that time. Ms. Pierce reported that there was one open complaint case following the last report-out at the January 24, 2024 Board Meeting. Three new complaints were received in March & April 2024 respectively, with one screened out and two cases opened for investigation, totaling three open cases. One case was presented earlier in this meeting and approved for dismissal, leaving two open cases. The Board received no reports of unlicensed practice since the January 2024 meeting. There were no questions, and no action was taken.

Review and Approval of Revised FY25 Budget and Contracts for Bookkeeping Services and Licensing Database

Ms. Pierce explained that a revision to the FY25 budget that was originally approved in January 2024 is attached, reflecting increases in the expenses listed below for an overall increase of \$2,108 for the fiscal year. This budget was initially approved in January 2024 with an intentional deficit to cover the non-recurring cost of legislative services that are hoped to support passage of the Board's planned BDR. While anticipated FY25

FINAL - Minutes approved at the July 31, 2024 Board Meeting.

revenue will likely not be sufficient to cover FY25 revenue, there are sufficient reserves to cover the deficit. Changes are noted in the FY25 Budget. A proposed new contract for Numbers Inc. bookkeeping services was presented for review and approval. Vice Chair Hunsaker called for a motion. Shawn Binn motioned to approve the FY25 Budget as presented and the Numbers Inc. sole-source contract. Adrienne Williams seconded the motion. The motion passed unanimously.

Ms. Pierce provided an explanation for the consideration of the Technology Risk Assessment as recommended by the Nevada Office of the CIO pertaining to the previously approved contract for Albertson Consulting, the Board's current licensing database provider. Submission of the contract to the Governor's Finance Office requires inclusion of a TIN (Technology Investment Notification), for which Albertson Consulting provided a comprehensive response to support the Board's review and assessment. After review of the documentation provided, Vice Chair Hunsaker called for a motion. Shawn Binn motioned to approve the Technology Risk Assessment for Albertson Consulting, seconded by Lynee Anderson. The motion passed unanimously.

Report from Legal Counsel

Henna Rasul, Board Counsel had no new information to report on legal matters.

Reports from Board Chair and Board Members

- a. There were no reports from the Board Chair or members.
- b. 2024 Proposed Meeting Schedule: After discussion, the next meeting was scheduled for Wednesday, July 31, 2024 at 4:30pm.
- c. Future Agenda Items: The following matters were identified for the July 2024 meeting and future agendas:
 - 1) New Board Member Appointments
 - 2) Election of Board Chair/Vice Chair (as needed)
 - 3) Comprehensive Review of Proposed Revisions to NRS637B for 2025 Legislative Session
 - 4) Update on Proposed Regulation R108-23
 - 5) Report Out from Strategies 360 on Legislative & Lobbying Activities
 - 6) Other Items as Proposed

Public Comment

There was no public comment.

Adjournment

Timothy Hunsaker adjourned the meeting at 5:35 pm.