

Minutes of the May 6, 2020
Board of Audiology and Speech-Language Pathology Teleconference
Meeting

1. ROLL CALL

Dr. Rhonda Dick, Vice-Chairperson, called the meeting of the Board of Audiology and Speech-Language Pathology to order at 1:04 p.m. on Wednesday, May 6, 2020 in the Licensure Unit Conference Room at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Dick announced that this is a public meeting and the Open Meetings Law is posted.

Members Present: The following members answered roll call:

Dr. Rhonda Dick, Vice-Chairperson
Kathryn Anderson, Member
Katie Brennan, Member
Dr. Michelle Leenerts, Member

Others Present:

Natalee Hart, Assistant Attorney General
Anna Harrison, Compliance Monitor
Trevor Klaassen, Investigator
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator

2. WELCOME AND INTRODUCTION OF NEW BOARD MEMBERS

The Board introduced Kathryn Anderson and Dr. Michelle Leenerts as new members of the Board. The members of the Board and Department staff introduced themselves and their roles with the Board.

3. ADOPTION OF AGENDA

MOTION: Brennan moved, seconded by Leenerts to adopt the agenda. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

4. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the January 17th, 2020 Meeting Minutes. Board members Anderson, Brennan, Dick and Leenerts voted to approve the minutes as written.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

These minutes were approved by the Board of Audiology and Speech-Language Pathology by mail ballot.

MOTION: Brennan moved, seconded by Anderson to move into closed session at 1:12 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

6. BOARD RECOMMENDATIONS

The Board returned to open session at 1:49 p.m.

MOTION: Brennan moved, seconded by Anderson to recommend denial of the Speech-Language Pathologist reinstatement application for Branden Mays due to discipline applied to his license in the State of Iowa, failure to disclose misdemeanor convictions on his reinstatement application and evidence of unprofessional conduct as defined in 172 NAC 23-006.02 item 20(h). Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

MOTION: Anderson moved, seconded by Brennan to recommend approval of the Audiology Assistant application for Peggy Lepant. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

7. DISCUSSION/RESPONSE TO COMMENTS FROM THE PUBLIC HEARING REGARDING 172 NAC 23 & 24

Covert-ByBee stated there were comments submitted by two people at the hearing, identical responses from Janet Seelhoff and Sherri Jones, the executive director and president of the Nebraska Speech-Language Hearing Association (NSLHA). The first comment addressed removal of language from the regulations regarding audit of continuing competency requirements. Covert-ByBee advised that this language was removed to comply with an executive order requesting the removal of all duplicative language. Since this language is listed in the Uniform Credentialing Act, the Department will keep it removed from 172 NAC 23.

Next, the comments requested to maintain the limit of 10 hours of online continuing education per renewal. The Board discussed and recommended to remove the limit on online continuing education to be consistent with the American Speech-Language Hearing Association (ASHA) and to limit the burden on licensees in rural areas that have few opportunities for in-person continuing education. Lastly, the comments requested to keep language in 172 NAC 24 regarding practical experience and supervision requirements. This language was removed because it is already written in the Audiology and Speech-Language Pathology Practice Act. Covert-ByBee advised this language would remain removed to satisfy the executive order requesting removal of duplicative language.

8. ADOPTION OF 172 NAC 23 & 24

MOTION: Anderson moved, seconded by Brennan to adopt 172 NAC 23 and 172 NAC 24. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

9. LEGISLATIVE UPDATE

Covert-ByBee stated the Legislature is currently suspended due to COVID-19 and it is unclear when they will reconvene.

10. COVID-19 AND LICENSURE

Covert-ByBee advised Executive Order 20-10 signed by Governor Ricketts on March 27th, 2020 outlined changes to licensure due to COVID-19 and the Public Health Emergency Declaration. Audiologists and Speech-Language Pathologists were not greatly affected by that order aside from the removal of continuing education requirements for reinstatement during the emergency declaration. She also stated that the Executive Order as well as a guidance document are posted on the DHHS website.

11. TELEHEALTH GUIDELINES

Covert-ByBee shared that the Department has created and posted a guidance document for licensees regarding telehealth. The Nebraska Telehealth Act allows for Audiologists and Speech-Language Pathologists to perform telehealth. It is up to the licensed provider to determine if it's the best or appropriate method to provide services via telehealth. The guidance document is posted on the DHHS website and addresses many different topics related to telehealth.

12. PER DIEM DISCUSSION

Carranza stated the Department has been reaching out to each Board to determine how they'd like to be compensated for per diem. The Uniform Credentialing Act, section 38-171, provides that "each member of a board shall receive a per diem... for each day actually engaged in the discharge of his or her duties." The maximum per diem amount is \$50, however, it can be provided for more than just the day of the meeting. The Department has the authority to provide per diem to Board members for attending a board meeting in person or conference call, any extra days traveling for board meetings, days spent preparing for any board meeting or other function where the member would be representing the board and days spent attending any conference, hearing etc. where the member is representing the Board.

MOTION: After discussion, Anderson moved, seconded by Brennan to provide a per diem for the day of the Board meeting, any day travelling for board duty and days spent attending any conference, hearing or other function while representing the Board. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

13. ELECTION OF OFFICERS

MOTION: After discussion, Brennan moved, seconded by Anderson to elect Dick as Chairperson, Leenerts as Vice-Chairperson, Anderson as Secretary and Brennan as Investigative Consultant. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

These minutes were approved by the Board of Audiology and Speech-Language Pathology by mail ballot.

14. NOTICE OF MEETING PUBLICATION

The Board is required to inform the public each year of the method by which it will provide notice of meetings. In the past, the Board has elected to post meeting agendas at the Nebraska State Office Building, to email the agenda to the interested parties list, and to post agendas on the Department's website. The Department would like to continue with these methods.

MOTION: Anderson moved, seconded by Dick to maintain the same notice methods. Voting aye: Anderson, Brennan, Dick and Leenerts. Voting nay: None. Motion carried.

15. LICENSURE APPLICATION PROCESSING REPORT

Carranza presented the Licensure Application Processing Report. This was for informational purposes only.

16. PUBLIC COMMENT

There was discussion regarding the proposed legislation establishing a Compact for Audiologists and Speech-Language Pathologists. The legislation was in committee with the Department of Health and Human Services committee when the Legislature was suspended. Senator Blood is sponsoring the bill and NSLHA and ASHA are also in support. Anderson advised that three states have adopted legislation so far and the Compact will not become active until ten states have joined.

17. TOPICS FOR NEXT MEETING

The Board suggested a legislative update, regulation update, potentially a COVID-19 update and update on telehealth guidelines for the next meeting.

18. ADJOURNMENT

There being no further business, the meeting adjourned at 2:47 p.m.

Respectfully submitted,

Kathryn Anderson, Secretary