

Minutes of the February 15, 2023
Board of Audiology and Speech-Language Pathology Video Conference Meeting

1. ROLL CALL

Dr. Rhonda Dick, Chairperson, called the meeting of the Board of Audiology and Speech-Language Pathology to order at 1:02p.m. on Wednesday, February 15, 2023, in Conference Room 3K at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on February 8, 2023.

Dick announced that this is an open meeting, and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

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

Staff Present:

Suzanna Glover-Ettrich, DHHS Attorney
TJ O'Neill, Assistant Attorney General
Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator
Shanerika Fleming, DHHS Attorney

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the November 9, 2022, meeting minutes on 11.21.2022. Voting to approve: Brennan, Dick, and Leenerts. Thornhill did not vote, and Anderson abstained.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Leenerts moved, seconded by Thornhill, to move into closed session at 1:05 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Brennan, Anderson, Dick, Leenerts, and Thornhill. Voting nay: None. Motion carried.

These minutes were approved by the Board of Audiology and Speech-Language Pathology via mail ballot on 2.23.2023.

5. BOARD RECOMMENDATIONS ON APPLICATIONS

The Board returned to open session at 1:20 p.m. and did not make any recommendations.

6. HEARING AID USE AUTHORIZATION DISCUSSION

After discussing the FDA FAQ's for hearing aids, Covert-ByBee advised she will do some research into the question of whether a "Hearing Aid Use Authorization Form" or "Hearing Aid Certificate of Need" is required for prescriptive hearing aids, and whether a recommendation be sufficient when documented in the patient's record. The Board questioned whether a new form needs to be developed for providers.

7. UPDATE ON LICENSURE DATABASE

Covert-ByBee advised that the Department of Health and Human Services is in the process of finalizing a contract with the same entity that created the current system, LIS, to upgrade the database and use a newer product.

8. ELECTION OF OFFICERS

MOTION: After discussion, Leenerts moved, seconded by Anderson, to keep the same slate of officers: Dick as Chairperson, Leenerts as Vice-Chairperson, Anderson as Secretary, and Brennan as Investigative Consultant. Voting aye: Brennan, Anderson, Dick, Leenerts, and Thornhill. Voting nay: None. Motion carried.

9. ASLP COMPACT

Covert-ByBee advised that the ASLP Compact Executive Committee met on December 12, 2022, and January 23, 2023. The Committee voted upon and approved a proposed Executive Director RFP and a proposed Contract for permanent Counsel. The Executive Committee is scheduled to meet next on February 27, 2023.

The Rules Committee met on November 10, 2022, December 8, 2022, January 12, 2023, and February 9, 2023. The committee is working on defining rules and establishing the dataset. The Rules Committee is next scheduled to meet on March 9, 2023. There is a special meeting of the entire Commission set for April 17, 2023. More information can be found at ASLPCompact.com.

10. CONVICTION REVIEW GUIDELINES

MOTION: Leenerts moved, seconded by Thornhill, to keep the conviction review guidelines as currently written. Voting aye: Brennan, Dick, Leenerts, Anderson, and Thornhill. Voting nay: None. Motion carried.

These minutes were approved by the Board of Audiology and Speech-Language Pathology via mail ballot on 2.23.2023.

11. PER DIEM DISCUSSION

MOTION: Anderson moved, seconded by Thornhill, to keep the current per diem of \$50.00. Voting aye: Brennan, Dick, Leenerts, Anderson, and Thornhill. Voting nay: None. Motion carried.

12. NOTICE OF MEETING PUBLICATION

Covert-ByBee advised that currently, meeting agendas are posted at the Nebraska State Office Building- Licensure Unit bulletin board, emailed to interested parties and stakeholders who have requested notification, and posted on the Department's website.

MOTION: Anderson moved, seconded by Leenerts, to continue with the current notification process. Voting aye: Brennan, Dick, Leenerts, Anderson, and Thornhill. Voting nay: None. Motion carried.

13. LEGISLATIVE UPDATE

Covert-ByBee presented the Board with information regarding the following legislative bills: LB16, LB256, LB280, LB271, LB430, LB431, LB810, LB513, LB521, LB593, LB637, and LB795. These bills may be viewed on the Nebraska Legislature website: <https://nebraskalegislature.gov>.

MOTION: After discussion, Anderson moved, seconded by Leenerts, that the Board's official position be in opposition of LB593. Voting aye: Brennan, Dick, Leenerts, Anderson, and Thornhill. Voting nay: None. Motion carried.

MOTION: Anderson moved, seconded by Leenerts, that Dr. Rhonda Dick will represent the Board and draft a letter of opposition regarding LB593. Voting aye: Brennan, Dick, Leenerts, Anderson, and Thornhill. Voting nay: None. Voting to Abstain: Thornhill. Motion carried.

14. LICENSURE AND EXECUTIVE ORDER 22-08

Covert-ByBee advised the Board that the Department has received several questions regarding EO 22-08 and how it pertains to CE for ASLP Licensure. This EO does not impact the current requirements to obtain continuing education for the purposes of renewal/reinstatement as outlined in the chapter of regulations. Licensees will continue to have the option to select a waiver for circumstances beyond their control that lasted 30 continuous days or longer.

The Executive Order also allows for provisional credentials, which will remain active pending examination results or until June 30, 2023, whichever is sooner, provided the person has completed all other requirements for licensure, is registered for the exam, and is unable to take the examination in the near future due to the lack of approved online testing or the limited availability of in-person testing slots.

These minutes were approved by the Board of Audiology and Speech-Language Pathology via mail ballot on 2.23.2023.

The Order further allows for remote supervision should the individual providing supervision determine it is appropriate, through June 30, 2023.

15. LICENSURE APPLICATION PROCESSING REPORT

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

16. TOPICS FOR NEXT MEETING

Suggested topics for next meeting include Legislative Update, Executive Orders, ASLP Compact, Licensure Database, FDA Questions, and Application Processing Report.

17. ADJOURNMENT

There being no further business, the meeting adjourned at 2:07 p.m.

Respectfully submitted,

Kathryn Anderson, Secretary