

**STATE OF NEVADA
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY
AND HEARING AID DISPENSING BOARD**

MINUTES OF PUBLIC MEETING

April 26, 2019

Members Present: Tami Brancamp, Bonnie Lamping, Thomas Rainford, Andrea Menicucci, Michael Hodes, Jane McEvoy

Members Absent: Nighat Abdulla

Staff Present: Loretta Ponton, Executive Director
Stacey Whittaker, Executive Assistant/Licensing Specialist
Henna Rasul, Sr. Deputy Attorney General
Paula Berkley, Board Lobbyist

Public Present: Jayme Beal

Call to Order, Confirmation of Quorum - Tami Brancamp, Chair, called the meeting to order at 4:34 p.m. A roll call confirmed a quorum was present.

Public Comment - There were no public comments.

Approval of Minutes - Tami Brancamp asked if there were any corrections or revisions to the minutes of the meeting of January 19, 2019. Clerical corrections were noted on pages 3 and 4. Hearing no further comments, called for a motion.

Bonnie Lamping made a motion to approve the minutes of January 19, 2019, as corrected. Jane McEvoy seconded the motion. The motion passed.

Educational Session - Administrative Hearing Process - Henna Rasul, Sr. Deputy Attorney General provided a Board training on the administrative hearing process and answered questions posed by Board members. Tami Brancamp suggested the administrative hearing training be added to the Board orientation process.

Disciplinary Matters - Recommendation for Dismissal - Tami Brancamp called on Loretta Ponton. Ms. Ponton stated that after investigation and review of all documentation received in the cases under consideration, 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.

Case No. S18-01 pertains to the practice of Speech-Language Pathology. The case was a referral from the medical board, no documentation was provided to substantiate the allegations.

Case H19-05 pertains to a Hearing Aid Specialist. It was alleged a business was closed and records were not accessible in order to claim a refund. Documentation was obtained which documented referral and patient records determined the request for refund was not within the allowable period for refund.

Case H19-02 pertains to a Hearing Aid Specialist. The complaint alleged unprofessional conduct by disparaging another professional. There was insufficient evidence to substantiate the allegation.

Case S19-05 pertains to Speech-Language Pathology. The complaint alleged patient records were not provided upon request. Documentation of receipt of records was verified.

All cases are recommended for dismissal.

Tami Brancamp called for a motion. Mike Hodes made the motion, seconded by Tom Rainford, to dismiss Complaint Cases No. S18-01, H19-05, H19-02 and S19-05. The motion passed.

Disciplinary Matters - Consent Decree - Ms. Ponton confirmed members were in receipt of the Consent Decree. Henna Rasul presented the consent decree in Case No. S19-06, Javier Pena-Garzon, License No. SP-1660.

Tami Brancamp asked if there was any comments or discussion on the facts and terms of the negotiated consent decree. Hearing none, called for a motion.

Andrea Menicucci made the motion to approve the Consent Decree with Mr. Javier Pena-Garzon, License No. SP-1660 as presented. Jane McEvoy seconded the motion. The motion passed.

Personnel Committee Recommendations - Tami Brancamp stated she and Andrea Menicucci met with Loretta Ponton and reviewed in detail the options for the Executive Director position pertaining to employee vs. independent contractor; the revised job specification for the Executive Director and reclassification of the Executive Assistant/Licensing Coordinator position; as well as revisions to the personnel policies including benefits.

Members were directed to the summary of the personnel committee recommendations. Tami Brancamp asked Loretta Ponton to walk through the recommendations.

Executive Director Options - Loretta Ponton discussed the difference between hiring an independent contractor or an employee, explaining the Board has more control and direction of an employee.

The emphasis as an independent contractor would be on meeting the objectives of the Board as stated in the scope of work with limited Board oversight or controls. A contractor would not be required to work a certain number of hours or work from the Board administrative office and would be paid a fixed fee with no benefits.

As an employee, the Board would have direct oversight of the activities and work product, personnel policies would be applicable including benefits. Any deviations from the personnel

policies would be negotiated in an “employment agreement” such as establishing goals for evaluations and negotiated benefits outside the scope of the policies.

Job Specifications - Loretta Ponton explained the primary functions of the Executive Director as Board management, legislative, regulatory and law review and revisions, complaint and disciplinary process and oversight of Board staff and operations.

Ms. Ponton explained some daily operational functions have been reallocated to the Executive Assistant/Licensing Coordinator position being proposed for reclassification. The reclassification would add the daily office management, accounting and financial reporting functions in addition to administrative support, state reporting and the licensing and data management system. The reclassification would move the position to a salaried half-time position at an equivalent of grade 36 in state service. The incumbent’s salary would be placed in the mid-range of the salary scale.

The proposed job specifications are based upon actual functions being performed by both positions.

Personnel Policy Revisions - Ms. Ponton stated revised language more clearly delineates definitions, eligibility for holiday pay, and payroll cycles.

Three sections added new options for Board consideration. The first being an automatic general salary adjustment to pay ranges with a legislative approved general salary adjustment to the state pay scales. The Board would retain the ability to authorize a general salary adjustment within a pay range for individual staff.

The second is the addition of a benefit option to provide for an “employer contribution” to the deferred compensation program, the timing and amount to be determined by the Board. Two methods are included, a lump sum or tying the contribution rate to an adjusted equivalent of an employer contribution to PERS.

The third is an increase of 20 hours, from 120 to 140 hours of annual personal time off (PTO) with corresponding updates to carry over limits and cash out provisions. A comparison to state leave benefits was provided.

Tami Brancamp called for discussion or questions on the proposed recommendations from the personnel committee.

Regarding the Executive Director position, Bonnie Lamping asked Loretta if she was recommending employee status at this time. Ms. Ponton responded that it would be appropriate to move to an employee status as the Board is now established and has in place a personnel system. With a new Executive Director, the Board may wish to have more direct supervision and controls to address the current and future initiatives of the Board, especially during the first transition year. It is unknown as to what the level of experience and expertise of the new Executive Director will be.

Tami Brancamp called for a motion on the Executive Director status.

Tom Rainford made the motion, seconded by Bonnie Lamping to approve a part-time employee position for Executive Director at equivalent grade 41 as presented. The motion passed.

Tami Brancamp called for a motion on the revised Job Specifications and reclassification of the Executive Assistant/Licensing Coordinator position.

Mike Hodes made the motion, seconded by Jane McEvoy to approve the job specifications as presented and reclassification of the Executive Assistant/Licensing Coordinator position to a part-time salaried position at an equivalent grade 36, effective July 1, 2019. The motion passed.

Tami Brancamp called for a motion on the personnel policy revisions.

Jane McEvoy made the motion, seconded by Tom Rainford to approve the personnel policy revisions as presented. The motion passed.

Legislative Report - Tami Brancamp called upon Paula Berkley, Board Lobbyist.

Paula Berkley reported that 227 bills died because they did not meet the deadline for passage out of committee. Paula reported the bill on hearing officers has been amended to eliminate all but one paragraph that requires a detail of fees to be provided prior to payment of any fees assessed because of disciplinary hearing. The bill increasing personal liability relating to information requests was killed, the bill addressing rural area health care, dental hygienists and reduced supervision requirements, has been amended with the dental hygienists and dental therapists remaining under the purview of the Dental Board. The three bills requiring more data collection have been combined and are limited to the medical professions; the other professional boards were removed. There is a dry needling controversy with the Oriental Medicine and Physical Therapy Boards with amendments to define “dry needling” in scope of practice for both oriental medicine and physical therapy. There is a bill to require insurance companies to cover hearing aids for all individuals; and another to cover hearing aids for low-income children.

Executive Director’s Report - Tami Brancamp called on Loretta Ponton. Loretta directed the members to the written report.

Loretta Ponton reported on current licensure statistics, training scheduled for the members of the Advisory Committee on Fitting and Dispensing Hearing Aids, complaints in process, administrative office relocation and the lack of response from the National Center for Interstate Compacts on the Board’s request for a presentation.

Report from Board Chair and Board Members – Tami Brancamp acknowledged Bonnie Lamping and her service on the Board from December of 2012 to July 2019. Loretta Ponton expressed her appreciation for Bonnie’s service, stating a service award is being sent to her.

Tami Brancamp requested the scheduled July 19th meeting be rescheduled to either the 12th or 26th as she is not available on the 19th. Ms. Ponton will poll members as to availability.

Tami Brancamp stated future agenda items include legislative updates, new regulations to clarify NRS 637B.080 and citation structure, and added the topic of speech-language pathology assistants for discussion.

Report from Legal Counsel – Henna Rasul stated she has nothing further to report.

Public Comment – There were no public comments.

Adjournment – Tami Brancamp adjourned the meeting at 6:43 p.m.