

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

MINUTES OF PUBLIC MEETING

September 9, 2017

Members Present: Rebecca Bailey-Torres, Tami Brancamp, Jane McEvoy, Thomas Rainford,
Michael Hodes, Mark Butler - Advisory Member
Members Absent: Nighat Abdulla, Bonnie Lamping
Staff Present: Loretta L. Ponton, Executive Director
Henna Rasul, Sr. Deputy Attorney General
Paula Berkley, Lobbyist
Public Present: None

Call to Order, Confirmation of Quorum - Rebecca Bailey-Torres, Chair called the meeting to order at 10:00 a.m. A roll call confirmed a quorum was present.

Public Workshop

Loretta Ponton opened the Public Workshop on LCB File No. R016-17. Ms. Ponton stated the workshop is to solicit comments on proposed addition, amendment and/or repeal of regulations pertaining to Chapter 637B of the Nevada Administrative Code.

The proposed regulations create the Advisory Committee on Fitting and Dispensing Hearing Aids; revises provisions governing administrative proceedings before the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; establishes procedures governing complaints and certain petitions submitted to the Board; authorizes the Board to recover attorney's fees and costs relating to disciplinary proceedings; authorizes certain payments to a witness in a proceeding held by the Board; and providing other matters properly relating thereto.

This regulation also repeals the entirety of chapter 637A of NAC, which contains provisions previously adopted by the Board of Hearing Aid Specialists and which governed the practice of fitting and dispensing hearing aids, subjects now incorporated into chapter 637B of NAC by this regulation and LCB File No.'s 050-15 and 129-15, adopted by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board.

Public Comment - The workshop was opened for public comment.

Ms. Ponton summarized each section of the proposed regulation and accepted comments as each section was reviewed.

A recommendation was made to clarify Section 3, paragraph 6 to specify that only members of the Advisory Committee who are not Board members serve without compensation. Board

members would receive compensation at the rate established by the Board in accordance with the authority in NRS 637B.130 and Board policy.

There were no further comments or recommendations for revision presented.

Loretta Ponton closed the Public Workshop at 10:19 a.m.

Board Meeting

Board Member Appointments - Loretta Ponton announced that Michael Hodes was appointed by the Governor to fill the Dispensing Audiologist position vacated by Richard Johnson and that Tami Brancamp was re-appointed to serve a second three-year term on the Board. Mr. Johnson will be presented with a service award.

Approval of Minutes - Rebecca Bailey-Torres asked if there were any corrections or revisions to the minutes of the meeting of June 9, 2017. Hearing no comments, Ms. Bailey-Torres called for a motion.

Mike Hodes made a motion to approve the minutes of June 9, 2017, seconded by Jane McEvoy.

The motion passed.

Legislative Report - Rebecca Bailey-Torres called on Paula Berkley to provide her legislative report. Paula Berkley provided a written summary of the 2017 Legislative Session bills that were tracked and those that were passed.

Ms. Berkley highlighted the bills and issues that will affect the Board, both administratively and in the future. Additional reporting requirements include more information on veterans in two bills, AB19 and SB 137; AB 403 allows the Legislative Commission to suspend or nullify regulations that are no longer being administered or interpreted in a manner consistent with the stated intention when adopted; and SB507 revised the structure of interim legislative committees to align with legislative committees.

Board bills included the attempt to consolidate the four (4) behavioral health boards, which was not successful; however, additional very stringent reporting requirements were imposed on those boards. The Massage Therapy Board added reflexology and structural integration as new license types. Oriental Medicine Board was restructured, increasing the number of Board members. Physical Therapy and Chiropractic Boards both had bills that died due to contention between the Boards; the Physical Therapy Board ultimately was able to incorporate their revisions into the PT Association bill that passed. The Dental Board bill added administrative and fiscal accountability measures including adding an intermediary panel to review investigations.

Disciplinary Matter - Consent Decree, Case No. S17-01, Enid Webb, SLP - Rebecca Bailey-Torres called on Henna Rasul to present.

Ms. Rasul stated the Facts and Conclusion of Law are found on Page 3, the Stipulated Adjudication is on Page 6 of Consent Decree. The Board may accept and approve the Consent

Decree negotiated with Ms. Webb or deny. If denied, the matter would be set for formal Hearing before the Board. Ms. Webb has agreed and signed the Decree.

After consideration, Rebecca Bailey-Torres called for a motion.

Tami Brancamp made the motion to approve the Consent Decree in Case No. S17-01 with Enid Webb, SLP. Mike Hodes seconded the motion.

The motion passed.

Personnel Policies and Procedures, Position Reclassification and General Wage Range Adjustment - Rebecca Bailey-Torres called on Loretta Ponton to present.

Ms. Ponton presented a proposal for reclassification of the Executive Assistant/Licensing Specialist position job specification and salary range stating that the revisions reflect the current duties and responsibilities of the position. Ms. Ponton explained the position specification was created to support the new Board structure based upon what was known at the time. It has been two years and the role and responsibilities associated with the addition of hearing aid specialists and apprentices has evolved, as have the licensing and administrative functions.

The Board's classification and compensation plan provides for general salary adjustments and changes to the compensation plan. The position, when established, utilized the State Administrative Assistant position range as comparable setting the salary range equivalent to the Admin Assistant II position as of 2013. The proposed salary range is at the Admin Assistant IV level as of July 1, 2017, which is deemed more comparable based on duties and responsibilities.

In addition, the State Legislature authorized salary range adjustments for state positions in FY 17 and FY 18. It is proposed that the salary range remain comparable to state levels for FY 18, which would result in an additional adjustment of 3% on July 1, 2018.

Discussion was held regarding the upgrade in minimum qualifications to a Bachelor's degree. There was consensus that retaining the option of "4 years' experience" is warranted.

Rebecca Bailey-Torres called for a motion. Mike Hodes made the motion, seconded by Jane McEvoy to approve the reclassification and salary range of the Executive Assistant/Licensing Specialist position and to approve a general salary range adjustment in July 1, 2018 to retain wage comparability to State employees.

The motion passed, unanimously.

Election to Submit Annual Balance Sheet - Loretta Ponton stated that the Board elected to conduct Biennial Audits of its financial statements in 2014. The Legislature has increased the revenue cap to \$200,000, previously \$75,000, which provides the Board the opportunity to submit Balance Sheets in lieu of having formal audits. This move to annual balance sheets would be a cost savings of over \$8,000 in audit costs.

Rebecca Bailey-Torres asked if there were any questions, hearing none, called for a motion.

Tom Rainford made the motion, seconded by Tami Brancamp to change from Biennial Audits to annual Balance Sheets in accordance with legislative authority in NRS 218G.400. The motion passed.

Nevada State College Graduate Program - Rebecca Bailey-Torres called upon Jane McEvoy to provide a report.

Jane McEvoy presented a summary of the written report regarding the “Think Tank” meeting held on June 30, 2017 with education faculty and stakeholders to explore the development of a graduate program in Speech-Language Pathology at Nevada State College.

Ms. McEvoy stated the discussion, emphasis was “school-based”, and that the discussions indicated that the proposed program would require additional coursework necessary to obtain the SLP endorsement for a teaching license in addition to the ASHA certification requirements. Concern with the lack of emphasis on the medical aspects of SLP services and requirements for “education based coursework” could inhibit enrollment and not meet the current statewide need for Master’s programs in Nevada.

Ms. McEvoy stated this was the first meeting, and the program will be evolving. It is expected that the development and accreditation process will take several years.

Executive Director’s Report – Rebecca Bailey-Torres called on Loretta Ponton.

Licensure Statistics - Ms. Ponton reported on the 1st Quarter licensure statistics reporting 1074 licensees as of June 30, 2017, with 30 new applications processed and licenses issued during July and August, 2017.

Financial Statements - Ms. Ponton summarized the revised Fiscal Year 2016 and Fiscal Year 2017 financial statements as of June 30, 2017. Ms. Ponton reported the calculation of revenue/deferred revenue has been revised for both FY 16 and FY 17 to reflect actual deferrals calculated by licensee. The Biennial Audit of FY 16 and FY 17 is currently in process.

Fiscal Year 2017 revenue is at \$139,024, 98% of budget, expenses are \$149,935, 84.59% of budget. Cash assets total \$195,929 with deferred revenue at \$60, 992.

Licensing System - Ms. Ponton reported that the new licensing system is in development and is expected to be operational November 1st for the December 31st license renewals. Ms. Ponton stated the on-line renewal application has an option to upload CE documents and asked the members for guidance on whether CE document uploads should be mandatory or optional for the licensees. After discussion, it was decided CE document uploads should be mandatory, an option to mail in certificates would be made available.

Ms. Ponton concluded her report with mention of the complimentary email sent to the Governor’s office, a copy of which is included with the written report.

Report from Legal Counsel – Henna Rasul stated she had no report.

Report from Board Chair – Rebecca Bailey-Torres confirmed the next meeting date for November 17th by teleconference. Future agenda items will be approval of the Biennial Audit.

Mike Hodes asked to add a discussion of the Over the Counter Hearing Aid Act to the next agenda.

Loretta Ponton stated a dispensing workgroup meeting will be scheduled. The Workgroup agenda will also include the OTC Hearing Aid Act.

Public Comment – There were no public comments.

Adjournment – Rebecca Bailey-Torres called for a motion to adjourn.

Mike Hodes made the motion, seconded by Tami Brancamp to adjourn.

The motion passed. The meeting adjourned at 12:20 p.m.