

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

**MINUTES OF PUBLIC MEETING**

**January 28, 2017**

---

Members Present: Rebecca Bailey-Torres, Tami Brancamp, Bonnie Lamping, Jane McEvoy, Thomas Rainford, Nighat Abdulla, Elizabeth Lynner, Richard Johnson; Mark Butler, Advisory Member; Michael Hodes, Advisory Member

Members Absent: None

Staff Present: Loretta L. Ponton, Executive Director  
Henna Rasul, Sr. Deputy Attorney General  
Paula Berkley, Lobbyist

Public Present: Melissa Maestas, Melissa Patton

---

**Call to Order, Confirmation of Quorum** - Rebecca Bailey-Torres, Chair called the meeting to order at 2:03 p.m. A roll call confirmed a quorum was present.

**Public Comment** – Melissa Maestas asked for an update on the status of retaining Hearing Aid Specialist representation on the Board. Ms. Ponton responded to Ms. Maestas that she should submit the question in writing for a response as the Board cannot comment on items not listed on the agenda.

**Approval of Minutes** - Rebecca Bailey-Torres asked if there were any corrections or revisions to the minutes of the meeting of November 5, 2016. A clerical correction was noted on page 5 to revise the time of adjournment of the meeting to reflect 11:45 a.m. not p.m. Hearing no other comments, Ms. Bailey-Torres called for a motion.

Bonnie Lamping made a motion to approve the minutes of November 5, 2016, as corrected, seconded by Tami Brancamp. The motion passed with Rebecca Bailey-Torres abstaining.

**Telepractice Workgroup** - After consideration, and review of comments received at the Public Workshop, there was consensus that the telepractice workgroup would be put on hold until further notice.

**Dispensing Workgroup Report** - Loretta Ponton reported on the workgroup meeting held January 13, 2017. The Workgroup attendees were Tom Rainford, Liz Lynner, Rich Johnson, Mike Hodes, Mark Butler; Paula Berkley, Renee Erno, Rhonda Smithson and Stacey Whittaker.

Dispensing Updates: National items of interest in the area of dispensing were discussed including the following:

- DOL rescinds the IHS Apprenticeship Program certification
- FDA medical evaluation requirement will not be enforced by the FDA

- Legal action by ADA vs IHS tinnitus management certificate program, deceptive advertising
- Federal legislation to allow Over-the-Counter Sales of hearing aids

Telehealth/Telepractice: Clarity is needed regarding applicability to practices not included in the healing arts; will be brought back to the workgroup.

In-Service Training Requirements for Associate Degree holders: Clarity is needed for NBC-HIS requirements for certification; will be brought back to the workgroup.

Direct Sales of Hearing Aids, deceptive marketing/advertising: A legal opinion will be pursued on whether the Board has any jurisdiction over “companies” advertising/marketing of hearing aid products; will be brought back to the workgroup.

Ms. Ponton stated that subsequent to the workgroup meeting, she contacted the Attorney General’s office and confirmed that the Board does not have jurisdiction over “companies”; or actions of companies; the Board has jurisdiction over individuals and licensees.

Reinstatement of Apprentice License, Credit for prior training completed: Recommendation: Establish a regulation or policy to allow credit for prior training if an Apprentice license is reinstated within 6 months of the date of expiration. Additional documentation of actual training completed would be required.

Rebecca Bailey-Torres called for a motion on the Dispensing Workgroup recommendation regarding reinstatement of apprentice license credit for prior training.

Tom Rainford made the motion, seconded by Richard Johnson to approve the recommendation as presented by the Dispensing Workgroup. The motion passed with Elizabeth Lynner voting No.

Rebecca Bailey-Torres called for a motion to accept the Dispensing Workgroup Report.

Elizabeth Lynner made the motion, seconded by Nighat Abdulla to approve the Dispensing Workgroup report as submitted. The motion passed.

**Credit for In-Service Training, Nick Tobin, HAS-0506 Apprentice** - Ms. Bailey-Torres asked Ms. Ponton to present.

Ms. Ponton stated Mr. Tobin did not renew his Apprentice license which expired July 12, 2016 due to extenuating circumstances; his license was reinstated effective December 15, 2016 his original license dates were 7/13/15 - 7/12/16. Mr. Tobin is requesting credit for In-Service Training completed during the period July 13, 2015 through July 12, 2016.

Mr. Tobin is under the sponsorship of Glenn Martin, AuD, license #A-145 and is completing the IHS Distance Learning curriculum and Starkey Green House Training and has completed 12 hours of continuing education during 2016.

Ms. Ponton directed the members to the letter from Mr. Tobin explain the extenuating circumstances and requesting credit for in-service training.

Rebecca Bailey-Torres asked if there were any questions or comments. It was stated that the request met the requirements of the recommendation approved by the Board in the previous agenda item. Hearing no other comments, Ms. Bailey-Torres called for a motion.

Elizabeth Lynner made the motion, seconded by Tami Brancamp to approve the award of credit for in-service training completed by Mr. Tobin during his initial licensure period with documentation of completion to be provided to the Board. The motion passed.

**Regulation Review** - Ms. Bailey-Torres asked Ms. Ponton to present. Ms. Ponton requested this item be tabled to allow additional time for staff to consult with legal counsel and the Legislative Counsel Bureau to determine what changes, if any would be necessary to bring the Board's Administrative Procedures up to date.

Rebecca Bailey-Torres tabled this agenda item until a future date.

**Legislative Report** - Paula Berkley, Board Lobbyist, provided a report on pending Bill Draft Requests and draft of Bills for consideration at the 2017 Legislative Session. Ms. Berkley highlighted two proposals of interest, BDR 410 and SB 69. BDR 410 would combine the four (4) mental health professional licensing Boards and transfer the responsibilities to the state governed by the State Board of Health. SB69 would authorizes the Governor to issue an executive order directing a regulatory board to expedite actions on pending applications, require licensure by endorsement (reciprocity), limit the terms of board members to 12 years, and expands the responsibilities of boards in addition to protection of the public, to include expansion of economic opportunity, promotion of competition and encouragement of innovation.

**Personnel Policies** - Loretta Ponton presented a proposed revision to Section 230 of the Personnel Policies. The revision would change the number of hours of Personal Time Off (PTO) that can be accrued based upon longevity, method of accrual, limitation on number of hours that can be carried over and/or paid upon termination, and specify that cash out of PTO is not allowed during employment.

The members discussed comparable leave, sick and vacation time vs PTO, and need to have a viable benefit structure for recruitment purposes.

Rebecca Bailey-Torres called for a motion.

Bonnie Lamping made the motion, seconded by Jane McEvoy to approve the revision to Section 230 Personal Leave of the Personnel Policies as presented. The motion passed.

**Contract Performance Review - Lorylynn Ltd., Executive Director Services** - Rebecca Bailey-Torres stated that contract services require an annual performance review; last year the Board did a verbal review, an evaluation form was provided. Ms. Ponton has been with the Board for 5 years, this is the first full year under the new Board structure and under a new

contract with Lorylynn Ltd. The contract contains a provision for up to 20% performance award for satisfactory performance and the funding for that award was included and approved in the FY 2017 Budget.

Discussion was held regarding the level and value of the services provided. It was clarified that the Executive Director is not an employee with benefits, the position is an independent contractor position with no benefits or employer liabilities. The Board members were in consensus that services have been excellent and that a performance award is warranted. Bonnie Lamping expressed concerns with 20% as previously the award was 15%.

Rebecca Bailey-Torres called for a motion on the award of a performance bonus for 2016 services rendered by Lorylynn Ltd.

Elizabeth Lynner made the motion, seconded by Jane McEvoy to approve a performance award of 20% for services rendered during 2016. The motion passed.

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

Ms. Ponton reported on the 2nd Quarter licensure statistics reporting a net increase of 47, with a total of 1054 licensees as of December 31, 2016.

*Financial Statements* - Ms. Ponton summarized the Fiscal Year 2017 financial statements as of November 2016. Revenue was reported at 34% of budget with expenses at 29% of budget. Both revenue and expenses are within budgeted levels for the period. Ms. Ponton stated the Examination fee line item might exceed budget by FY end due to increased number of new dispensing applicants and payment for related examination materials.

Ms. Ponton reviewed the Board member terms, noting that Elizabeth Lynner's position expires July 1<sup>st</sup> and that her position as the second Hearing Aid Specialist is eliminated by law as of July 1, 2017; Tom Rainford will continue in the Hearing Aid Specialist position representing Hearing Aid Specialists.

**Report from Board Chair** – Rebecca Bailey-Torres confirmed the next meeting date for Friday, May 19, 2017 by teleconference. The members discussed the remaining schedule with some question as to availability for the August 5 date. There was consensus to revisit the calendar at the next meeting.

Rebecca Bailey-Torres identified future agenda items as follows:

- Regulation Review and Revisions to NAC 637B.050 through NAC 637B.390
- Need for Continuance of Advisory Board Members
- Status Report from Nevada State College on Speech Pathology Program
- Open Meeting Law Presentation - August in Reno
- Examination Fees

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

**Public Comment** – There was no public in attendance at this time.

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

Tom Rainford made the motion, seconded by Nighat Abdulla to adjourn. The motion passed. The meet adjourned at 3:48 p.m.