

Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes 232B.210*)

**REVISED
WORK SESSION
DOCUMENT
(Exhibits Included)**



June 4, 2014

Prepared by the Research Division
Legislative Counsel Bureau

TABLE OF CONTENTS

Sunset Subcommittee of the Legislative Commission

(*Nevada Revised Statutes* [NRS] **232B.210**)

Work Session June 4, 2014

“Work Session Document”	Page 1
<i>Nevada Revised Statutes</i> 179D.130 to 179D.138 Relating to Advisory Committee to Study Laws Concerning Sex Offender Registration	Page 2
Memorandum Dated May 19, 2014, from Carol M. Stonefield to Chair and Vice Chair of the Sunset Subcommittee of the Legislative Commission <i>and</i> Displaced Homemaker Board 2014-2015 Strategic Plan	Page 9
Electronic Mail Dated February 13, 2014, From Coleen Lawrence to Mary Woods	Page 11
Nuclear Waste Policy Act of 1982 (excerpt)	Page 14
Water Resource Planning, Drought Management, and Public Participation Summary by Carol M. Stonefield, Managing Principal Policy Analyst	Page 15
Electronic Mail Dated May 20, 2014, From Terry Rankin to Assemblywoman Bustamante Adams	Page 20
Electronic Mail Dated May 9, 2014, From Melissa Maestas to Assemblywoman Bustamante Adams	Page 20
Document titled “The Board”	Page 20
Electronic Mail Dated May 20, 2014, From Terry Rankin to Assemblywoman Bustamante Adams	Page 22
Additional Information in Support of Consolidation of Board of Hearing Aid Specialists	Page 22
Letter Dated May 15, 2014, From Paul A. Thomsen, Director to Carol Stonefield	Page 24



WORK SESSION DOCUMENT

Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

June 4, 2014

The following “Work Session Document” has been prepared by the Chair and staff of the Sunset Committee of the Legislative Commission (NRS 232B.210). It is designed to assist the Subcommittee members in determining whether to recommend a board or commission be terminated, modified, consolidated with another agency, or continued. The recommendations contained herein do not necessarily have the support or opposition of the Subcommittee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

Each item in this document may be the subject of further discussion, refinement, or action. Any recommendations to terminate, modify, consolidate with another agency, or continue a board or commission will be forwarded to the Legislative Commission for its consideration. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Subcommittee members should be advised that Legislative Counsel Bureau (LCB) staff will coordinate with the interested parties to obtain detailed fiscal estimates, if appropriate, for inclusion in the final report.

Finally, please note that specific details of recommendations approved by the Subcommittee may need to be clarified by Subcommittee staff prior to providing the recommendations to the Legislative Commission. Supporting documents for some recommendations may be obtained by contacting Carol M. Stonefield, Managing Principal Policy Analyst, Research Division, LCB, at 775/684-6825 or by e-mail at cstonefield@lcb.state.nv.us.

<p>RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING, MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS</p>

1. Advisory Commission on the Administration of Justice (NRS 176.0123)

The Advisory Commission on the Administration of Justice (ACAJ) was established in 1995 as the Advisory Commission on Sentencing. The name was changed to its current form in 2007. There are four statutory subcommittees of the ACAJ, as well as two studies assigned in the 2013-2014 Interim. Its duties include reviewing the criminal justice system, evaluating the impact of policies and practices, considering juvenile justice in Nevada, and reporting and making recommendations on the administration of justice. (See Tab ACAJ.)

Should the Advisory Commission on the Administration of Justice be terminated?

If the Subcommittee recommends terminating the Advisory Commission, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Advisory Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Commission on the Administration of Justice?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Commission on the Administration of Justice?*

The Subcommittee considered the ACAJ at its meeting on May 6, 2014. At that time, the Chair of the ACAJ suggested the resolution of the overlapping duties of the ACAJ with the Legislative Committee on Child Welfare and Juvenile Justice and with the Attorney General's Advisory Committee to Study Laws Concerning Sex Offender Registration. The Chair of the ACAJ also recommended that the ACAJ be granted authority to request bill drafts. Since the ACAJ and its existing subcommittees have focused on issues relating to the criminal justice system, the possibility of recommending a new subcommittee of the ACAJ to address civil issues was also discussed.

If the Subcommittee wishes to recommend changes to the operations of the Advisory Commission, the Subcommittee may wish to consider the following:

- A. Amend the NRS to provide that the ACAJ may request bill drafts. Senator Tick Segerblom, Chair of the ACAJ, indicated in his presentation that five bill drafts would be sufficient;

- B. Amend the NRS to eliminate overlapping duties between the Legislative Committee on Child Welfare and Juvenile Justice (NRS 218E.705) and the ACAJ's Subcommittee on Juvenile Justice (NRS 176.0124); and/or
- C. Amend the NRS to eliminate overlapping duties with the A.G.'s Advisory Committee to Study Laws Concerning Sex Offender Registration (NRS 179D.132).

2. Nevada Equal Rights Commission (NRS 233.030)

The Nevada Equal Rights Commission (NERC) was established in 1961. NERC is to work to improve understanding among demographic groups, study problems, seek cooperation in educational campaigns, and work with federal and State agencies to carry out its responsibilities. The Commission may order investigations, mediate among parties, issue subpoenas, hold hearings, and adopt regulations.

Should the Nevada Equal Rights Commission be terminated?

If the Subcommittee recommends terminating the Commission, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Equal Rights Commission?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Equal Rights Commission?*

At its meeting on May 6, 2014, the Subcommittee considered NERC. According to testimony, NERC receives between 900 and 1000 complaints annually; most complaints relate to race, gender, or sexual orientation, and most actions filed are retaliation complaints. Because of staff vacancies, the wait time before meeting with an investigator can be up to five weeks. Approximately 46 percent of cases close within six months of filing. Because NERC contracts with the federal Equal Employment Opportunity Commission, they share information on cases. The Administrator reported that there is no mechanism in place for customer feedback.

The NERC does not have any recommendations for revisions.

If the Subcommittee wishes to recommend changes to the operations of the Commission, the Subcommittee may wish to consider the following:

Urge the NERC to establish a formal process for customer feedback. This could be accomplished by:

- 1. Sending a letter to the Commission; and/or
- 2. Making a statement in the final report of the Subcommittee.

3. Nevada Commission for Women (NRS 233I.020)

The Nevada Commission for Women was created in 1991. According to minutes of legislative committees, its purpose was to act as a clearinghouse for information for women and children and to organize community service programs.

The Commission is to consist of 10 members, appointed by the Governor. Members must reflect varied political philosophies. The Commission is charged to study the changing role of women in society, including socioeconomic influences. The Commission may also collect and disseminate information on activities, programs, and services available to women. The Commission produced a legal guide for women and a handbook for victims of domestic violence.

Should the Nevada Commission for Women be terminated?

If the Subcommittee recommends terminating the Commission, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Commission for Women?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Commission for Women?*

The Subcommittee considered the Commission at its meeting on February 3, 2014. Records from the 1990s exist for meetings, a roster of members of the Commission, and reports and publications. The Office of the Governor, who is the appointing authority, confirms that it considers the Commission to be inactive.

If the Subcommittee wishes to make recommendations concerning the Commission, the Subcommittee may wish to consider the following:

- A. Send a letter to the Governor, urging the reactivation of the Commission;
- B. Recommend revisions to the provisions of Chapter 233I of the NRS, including the Commission's membership, the appointing authority, and the operations; and/or
- C. Recommend moving the Commission under the auspices of a State agency or department which would provide administrative support.

4. Land Use Planning Advisory Council (NRS 321.740)

The State Land Use Planning Advisory Council (SLUPAC) was created in 1973 as part of the larger issue of land use planning. The Executive Council to SLUPAC (NRS 321.755 to 321.770) was added in 1977 to decide land use planning conflicts between local governments and political subdivisions and to address areas of critical environmental concern. The members of SLUPAC include one representative from each county and a representative of the Nevada Association of Counties. Staff support is provided by the Division of State Lands.

Should the Land Use Planning Advisory Council be terminated?

If the Subcommittee recommends terminating the Council, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Land Use Planning Advisory Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Land Use Planning Advisory Council?*

At its meeting on March 4, 2014, the Administrator of the Division of State Lands informed the Subcommittee that SLUPAC provides a means for the counties to address issues in planning and development. The Advisory Council is a forum for the counties and a vehicle for the local governments to participate in discussions of land use planning. The Administrator identified issues that serve as examples of topics to come before the Advisory Council, including designation of endangered species, the impact of wild horses, urban development, renewable energy, and military base closings.

SLUPAC does not have any recommendations for revisions.

5. Executive Council of the Land Use Planning Advisory Council (NRS 321.755)

The SLUPAC was created in 1973 as part of the larger issue of land use planning. The Executive Council to SLUPAC was added in 1977 to decide land use planning conflicts between local governments and political subdivisions and to address areas of critical environmental concern. The Executive Council consists of four members of SLUPAC, selected by its members. SLUPAC and the Executive Council are supported by the staff from the Division of State Lands.

Nevada Revised Statutes 321.763 provides that the Executive Council may adopt land use regulations to carry out its decisions when resolving inconsistencies in land use plans between two or more adjacent or overlapping local government entities. Further, pursuant to NRS 321.770, the Executive Council may propose land use regulations for planning policies in areas of critical concern; any such proposed regulation becomes effective only with the approval of the Governor.

Should the Executive Council of the Land Use Planning Advisory Council be terminated?

If the Subcommittee recommends terminating the Executive Council, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Executive Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Executive Council of the Land Use Planning Advisory Council?***
- b. Does the Subcommittee want to recommend any changes to the duties of the Executive Council of the Land Use Planning Advisory Council?***

At its meeting on March 4, 2014, the Administrator of the Division of State Lands informed the Subcommittee that the members of the Executive Council are selected according to the SLUPAC bylaws, which do not require recognition of geographic distribution or population representation. All positions on the Executive Council were vacant at the time of the Subcommittee meeting; Assembly Bill 2 (Chapter 100, *Statutes of Nevada 2013*) provided that all terms of SLUPAC members would expire on December 31, 2013. New terms began on January 1, 2014. The election of the new Executive Council was scheduled to have taken place at the May 23, 2014 meeting of the Advisory Council.

The Executive Council is empowered to settle conflicts between adjacent local jurisdictions and in areas of critical concern. If it issues a land use regulation, it may also set an expiration date for that regulation. The Administrator indicated that the Executive Council had not exercised its regulatory authority during his tenure.

If the Subcommittee wishes to recommend changes to the operations of the Executive Council, the Subcommittee may wish to consider the following:

- A. Amend the NRS to provide that the membership of the Executive Council must ensure a geographic and population distribution among Nevada's counties;
- B. Amend the NRS to:
 - 1. Narrow or repeal the authority of the Executive Council to adopt land use regulations; or
 - 2. Transfer such authority to adopt land use regulations to the full Advisory Council.

6. Board for the Education and Counseling of Displaced Homemakers (NRS 388.615)

The Board for the Education and Counseling of Displaced Homemakers was added to the statutes in 1989. Earlier legislation, creating a center for services for displaced homemakers, expired by limitation in 1985. Within funds available, the Board is to establish centers to provide services, including counseling, employment skills, financial management, and referrals to community services. NRS 19.033 provides that a \$20 fee shall be added to any action to commence a divorce, which shall be placed in an account in the State General Fund to be administered by the Department of Employment, Training and Rehabilitation for these programs. (See Tab Homemakers.)

Should the Board for the Education and Counseling of Displaced Homemakers be terminated?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Board for the Education and Counseling of Displaced Homemakers?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board for the Education and Counseling of Displaced Homemakers?*

The Subcommittee considered the Board at its meeting on May 6, 2014. The Chair of the Board and individuals who had received benefits through Board-sponsored centers, discussed the effectiveness and importance of the programs for displaced homemakers.

The Board suggested revisions to include applying to dissolution of domestic partnerships the \$20 fee currently applied to any action to commence divorce proceedings. It also requested that the Board membership be revised to recognize that displaced homemakers who receive assistance and who successfully complete programs might pursue other work and academic programs, which prevent them from serving on the Board.

If the Subcommittee wishes to recommend changes to the operations of the Board, the Subcommittee may wish to consider the following:

- A. Amend NRS 19.033 to provide that the \$20 fee applied at the commencement of divorce proceedings shall also apply to the dissolution of domestic partnerships;

- B. Amend NRS 388.615 to provide that the member of the Board who represents displaced homemakers may be either a current or former displaced homemaker; and/or
- C. Urge the Board and DETR to develop a website for the displaced homemaker programs and centers. This could be accomplished by:
 - 1. Sending a letter to the Board and the Director of DETR; and/or
 - 2. Making a statement in the final report of the Subcommittee.

If the Subcommittee wishes to urge the Board to develop a website, it might request a report of the status of the development of a website by January 1, 2016.

7. Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board (NRS 422.4055)

The Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board was established in 2003 to ensure public input into the activities of the Pharmacy and Therapeutics (P&T) Committee and the Drug Use Review (DUR) Board. Members of the Advisory Committee include representatives of the American Association of Retired Persons, the Alliance for the Mentally Ill of Nevada, and the Statewide Independent Living Council. (See Tab P&T/DUR.)

Should the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board be terminated?

If the Subcommittee recommends terminating the Committee, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Committee should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board?*

The Subcommittee considered the Advisory Committee at its meeting on May 6, 2014. A representative of the Division of Health Care Financing and Policy in the Department of Health and Human Services informed the Subcommittee that the Advisory Committee had served its purpose; both the P&T Committee and the DUR Board comply with Nevada's Open Meeting Law, which provides opportunity for public comment.

The representative recommended terminating the Advisory Committee.

8. Board of Trustees of the Fund for the Institutional Care of the Medically Indigent (NRS 428.470)

The Board of Trustees of the Fund for the Institutional Care of the Medically Indigent was created in 1997 as part of larger legislation to realign the responsibility for the Medicaid match for long-term indigent care from the local governments to the State. The Board consists of five county commissioners, nominated by the Nevada Association of Counties (NACO) and appointed by the Governor. The Fund was established to serve as a revenue pool to assist counties with their portion of the long-term care costs.

Should the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent be terminated?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent?*

The Board was considered by the Subcommittee at its meeting on May 6, 2014. According to information presented in a memorandum from the Fiscal Analysis Division, LCB, General Fund appropriations were approved in 1997, 1999, and 2001. Beginning in 2003, with the approval of “stop-loss” measures, the state began to pay for the long-term care costs. The Fund became inactive.

The Board currently has no members. The NACO representative informed the Subcommittee that, because of the passage of Senate Bill 452 in 2013, money will be available to assist with long-term care of indigent persons. For that reason, NACO may wish to re-activate the Board.

If the Subcommittee wishes to make recommendations concerning the Board of Trustees, it may wish to consider the following:

Recommend continuation with a requirement that representatives of the Board, NACO, or DHHS report to the Subcommittee by January 1, 2016, regarding the status of the Board and the Fund. If the Board has not met and no funds are

available in the Fund at that time, the Subcommittee may wish to consider recommending termination.

9. Commission on Nuclear Projects (NRS 459.0091)

The Nevada Commission on Nuclear Projects was added to the statutes in 1985. Its mission is to be informed on issues and developments relating to the disposal of radioactive waste, to report to the Governor and the Legislature, and to oversee the Agency for Nuclear Projects. Recently a federal district court has issued a directive to the Nuclear Regulatory Commission to restart the licensing proceedings on Yucca Mountain Nuclear Waste Repository. (See Tab Nuclear.)

Should the Commission on Nuclear Projects be terminated?

If the Subcommittee recommends terminating the Commission, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Commission should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Commission on Nuclear Projects?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Commission on Nuclear Projects?*

The Subcommittee considered the Commission at its meeting on May 6, 2014. The Chair reported that the Commission currently has no budget; its expenses are covered by the Nevada Agency for Nuclear Projects. The Chair of the Commission identified a problem with the definition of low-level nuclear waste as provided in federal statutes. The Chair recommended that the definition of high-level radioactive waste should be changed because it is too broad. The Chair noted that the Governor has established a task force that is working with the U.S. Department of Energy to resolve this issue.

The Commission had no recommendations for statutory revisions.

If the Subcommittee wishes to make recommendations concerning the issues raised during the review of the Commission, it may wish to consider the following:

Send a letter to the Chair of the Legislative Committee on High-Level Radioactive Waste (NRS 459.0085), recommending that in the interest of public safety the Committee introduce in the 78th Session a concurrent resolution urging the U.S. Congress to revise certain provisions of the Nuclear Waste Policy Act of 1982, as amended, relating to the definitions of high-level radioactive waste and low-level radioactive waste.

10. Advisory Board on Water Resources Planning and Development (NRS 540.111)

The Advisory Board on Water Resources Planning and Development was created in 1989. Its purpose was to advise the Division of Water Planning. It worked to develop a State Water Plan in 1999. The Department of Conservation and Natural Resources dissolved the Division of Water Planning in 2000. The Division's programs were transferred to the Division of Water Resources. The Division of Water Planning was eliminated by the Legislature in 2005. The Office of the Governor, who is the appointing authority, confirms that it considers the Board to be inactive. (See Tab Water.)

Should the Advisory Board on Water Resources Planning and Development be terminated?

If the Subcommittee recommends terminating the Advisory Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Advisory Board should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Advisory Board on Water Resources Planning and Development?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Advisory Board on Water Resources Planning and Development?*

The Subcommittee considered the Advisory Board at its meeting on February 3, 2014. A representative of the Division of Water Resources testified that water conservation plans are submitted to the office of the State Engineer by water utilities and other purveyors. Conservation districts also provide information to the State Engineer. Additional coordination of public participation concerning water resources is provided through the Drought Response Committee (DRC).

If the Subcommittee wishes to make recommendations concerning the Advisory Board, it may wish to consider the following:

- A. Recommend terminating the Advisory Board and transferring the duties of the Advisory Board relating to policies for water resources planning to the DRC, which would be established in statute; and/or
- B. Send a letter to the Governor and the DRC recommending that the DRC create more opportunities for public participation in the development of water planning and response to drought conditions.

11. State Apprenticeship Council (NRS 610.030)

The State Apprenticeship Council (SAC) was added to the statutes in 1939. The Council has the authority to establish standards for programs and agreements, adopt regulations, and approve and discipline programs.

Should the State Apprenticeship Council be terminated?

If the Subcommittee recommends terminating the Council, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the State Apprenticeship Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the State Apprenticeship Council?*

On May 6, 2014, the Subcommittee considered the Council. Testimony was received that current Nevada statutes conform to federal regulations that existed in 1977 but do not conform to federal regulations adopted in 2008. According to testimony, to meet the new federal regulations the SAC must be revised to become advisory, while a new state apprenticeship agency must be created to administer apprenticeship programs. Federal recognition of Nevada's apprenticeship programs may eventually be dependent on compliance with federal regulations.

At the May 6 meeting, the Subcommittee received an addendum to the review form previously submitted by the Council. The addendum reported that at its meeting on May 2, 2014, the Council approved the following attachment to the review form:

The Nevada State Apprenticeship Council believes the statutory provisions of NRS 610 and NAC 610 that govern the Council are beneficial and allow the Council to carry out its objectives and programs. However, the Federal Office of Apprenticeship has advised the Council that in order to continue to be recognized as the Registration Agency for Federal purposes in the State of Nevada, the provisions of NRS 610 and NAC 610 would need to be revised to bring them into conformity with 29 CFR part 29 and 29 CFR part 30. If the Council decides to pursue conformity with federal regulations, some of the provisions of NRS 610 and NAC 610 would need to be revised.

The Council's Action Plan indicates that the Council will hold a workshop in August 2014 to discuss revisions to Nevada's apprenticeship laws and regulations. At the Subcommittee's meeting, Council members urged continuation of the Council in its present regulatory role.

If the Subcommittee wishes to make recommendations concerning the Council, it may wish to consider the following:

Urge the State Apprenticeship Council and the Labor Commissioner to work with the U.S. Secretary of Labor to identify changes that must be made to obtain federal recognition of Nevada's apprenticeship programs while maintaining the role of the Council. This recommendation might be accomplished by:

1. Sending a letter to the Governor with copies to the Labor Commissioner and the State Apprenticeship Council; and/or
2. Including a statement in the final report of the Subcommittee.

If the Subcommittee wishes to urge the Council and the Labor Commissioner to work to reach accommodations with the Secretary of Labor, it might request a report of the status of those efforts, prior to the convening of the 78th Session of the Legislature.

12. Nevada Employment Security Council (NRS 612.305)

Nevada Employment Security Council was added to the statutes in 1941. The Council is to advise the Administrator of the Employment Security Division (ESD) on unemployment, worker training, establishment of reserves for public works, and research studies on these topics. The Council is also to advise the Administrator whenever it believes that a change in contribution or benefit rates is necessary to protect the solvency of the Unemployment Compensation Fund. The Board of Review, consisting of three members of the Council appointed by the Governor, is authorized to review decisions from the ESD on appeal.

Should the Nevada Employment Security Council be terminated?

If the Subcommittee recommends terminating the Council, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Council should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Employment Security Council?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Employment Security Council?*

The Subcommittee considered the Council at its meeting on May 6, 2014. The Administrator reported that in recent years the Council has focused its advice on setting unemployment insurance rates. The Council is scheduled to meet on May 27, 2014, to discuss worker training.

The Subcommittee also received information that the Board of Review, consisting of three members of the Council, are individuals with experience who have worked in the Employment Security Division for a long time.

The Council made no recommendations for consolidation or revisions to its governing statutes.

If the Subcommittee wishes to make recommendations concerning the Council, it may wish to consider the following:

- A. Amend the NRS to provide criteria to be met for appointment of Council members to the Board of Review; and/or

- B. Amend NRS 612.310 to revise the duties of the Council by repealing those duties that the Council does not perform, which would align the Council's duties with current practice.

13. Board of Hearing Aid Specialists (NRS 637A.030)

The Board of Hearing Aid Specialists was established in 1973 to license dispensers of hearing aids. The Board shall administer and enforce the provisions of Chapter 637A of the NRS and examine applicants. It may also issue licenses, discipline licensees, and establish requirements for applicants including continuing education. (See Tab Hearing Aid.)

Should the Board of Hearing Aid Specialists be terminated?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Board of Hearing Aid Specialists?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Hearing Aid Specialists?*

The Subcommittee considered the Board at its meeting on April 8, 2014. At that time, the Chair of the Board expressed concern regarding a proposal, offered by the Board of Examiners for Audiology and Speech Pathology, to merge the two boards. The Chair testified that the hearing aid specialists anticipate fee increases, if the boards were to merge, and a diminished voice on a new board.

The Board proposed two statutory changes: (1) provide for a temporary license to individuals coming into Nevada who are licensed in other states, and (2) raise the ceiling on fees to allow for an increase in the exam fee.

If the Subcommittee wishes to make recommendations concerning the Board, it may wish to consider the following:

- A. Recommend merging the Board of Hearing Aid Specialists with the Board of Examiners for Audiology and Speech Pathology; and/or
- B. Amend Chapter 637A of the NRS to comply with administrative procedures as provided in Chapters 233B, 622 and 622A of the NRS.

In addition, the Subcommittee may wish to consider recommendations or comments relevant to the proposed statutory changes submitted by the Board of Hearing Aid Specialists, including the following:

- C. Amend the NRS to provide for a temporary license to an individual whose license or certificate issued in another state is in good standing; and/or
- D. Amend NRS 637A to increase the limitation on fees.

14. Board of Examiners for Audiology and Speech Pathology (NRS 637B.100)

The Board of Examiners for Audiology and Speech Pathology was created in 1979 to ensure professional standards and consumer protection. The Board has the authority to issue licenses, conduct examinations, set standards of ethical conduct, charge and collect fees as provided by the NRS, investigate complaints and take disciplinary actions, inspect premises, and adopt regulations. (See Tab Audiology.)

Should the Board of Examiners for Audiology and Speech Pathology be terminated?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Board of Examiners for Audiology and Speech Pathology?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Board of Examiners for Audiology and Speech Pathology?*

At its meeting on April 8, 2014, the Subcommittee reviewed the Board. A representative testified that an audiologist who dispenses hearing aids must get licenses from this Board as well as the Board of Hearing Aid Specialists. The representative testified that a number of states have merged the boards that license audiologists with the boards that license hearing aid dispensers.

The representative reported that the Board plans to seek legislation in the 2015 Session to revise Chapter 637B of the NRS. The draft legislation proposes to permit audiologists to dispense hearing aids. It also recommends creation of a new license for speech therapists and a provisional license, authorization to telepractice, and other administrative changes. The Board also indicated that substantive changes have not been made since 1979.

The representative identified to the Subcommittee three options: (1) retain the present separate boards, (2) expand the scope of practice of audiologists so that they can dispense hearing aids independent of the Board of Hearing Aid Specialists, or (3) merge the two boards.

If the Subcommittee wishes to make recommendations concerning the Board, it may wish to consider the following:

- A. Recommend merging the Board of Examiners for Audiology and Speech Pathology with the Board of Hearing Aid Specialists; and/or
- B. Amend Chapter 637B of the NRS to comply with administrative procedures as provided in Chapters 233B, 622 and 622A of the NRS.

In addition, the Subcommittee may wish to consider recommendations or comments relevant to the proposed legislation submitted by the Board of Examiners for Audiology and Speech Pathology, including the following:

- C. Amend the NRS to authorize the Board of Examiners of Audiology and Speech Pathology to permit licensed audiologists to dispense hearing aids, based upon demonstrated training and experience.

**15. State and Local Government Panel on Renewable and Efficient Energy
(NRS 701.450)**

The State and Local Government Panel on Renewable and Efficient Energy was added to the NRS in 2009. It is to consist of the Director of the Office of Energy and seven members appointed by the Director, including representatives of various State agencies, the Nevada Association of Counties, the Nevada League of Cities, and the Nevada Association of School Boards. The Director may appoint up to three additional members who represent public agencies and private industries. Its purpose is to advise on the retrofitting of public buildings. (See Tab Energy.)

Should the State and Local Government Panel on Renewable and Efficient Energy be terminated?

If the Subcommittee recommends terminating the Panel, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Panel should continue:

- a. Does the Subcommittee want to recommend any changes concerning the State and Local Government Panel on Renewable and Efficient Energy?*
- b. Does the Subcommittee want to recommend any changes to the duties of the State and Local Government Panel on Renewable and Efficient Energy?*

The Subcommittee reviewed the Panel at its March 4, 2014 meeting. Although the Panel is considered inactive, the Deputy Director of the Office of Energy testified to the Subcommittee that the Office of Energy is considering ways to activate the Panel and use it in the future.

On May 15, 2014, Paul A. Thomsen, Director, Governor's Office of Energy, submitted a recommendation to terminate the Panel.

16. Nevada Transportation Authority (NRS 706.511)

The Nevada Transportation Authority (NTA) has the duty to regulate certain carriers, operators of tow cars, and brokers of regulated services. Its responsibilities include processing applications, enforcement of regulations, and ensuring compliance. The NTA regulates all taxicabs outside of Clark County.

The NTA shall enforce standards of safety for common and contract carriers subject to its authority; adopt regulations relating to fares, rates, and classifications; and review decisions of the Taxicab Authority on appeal. The NTA may make regulations to govern the administration of Chapter 706 of the NRS, adopt by reference any appropriate rule or regulation of the U.S. Department of Transportation, require reports and maintenance of records as necessary, examine records of motor carriers doing business in Nevada, and temporarily waive requirements in emergencies. The NTA shall adopt rules and regulations relating to the storage of household goods.

Should the Nevada Transportation Authority be terminated?

If the Subcommittee recommends terminating the Authority, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Authority should continue:

- a. Does the Subcommittee want to recommend any changes concerning the Nevada Transportation Authority?*
- b. Does the Subcommittee want to recommend any changes to the duties of the Nevada Transportation Authority?*

The Subcommittee reviewed the NTA at its meeting on April 8, 2014. The Chair of the Authority noted that the NTA has three operational areas: applications, enforcement, and compliance. The Chair testified that the NTA has no statutory authority to assess any vehicle fees or licensing fees to certain intrastate operators, including charter bus operators and household goods movers. With regard to taxicabs, the Chair indicated the taxicab system operating in Clark County is quite different from that regulated by the NTA outside of Clark County; consolidation would require significant policy decisions.

The NTA had no recommendations for statutory changes.

ACAJ

ADVISORY COMMITTEE TO STUDY LAWS CONCERNING SEX OFFENDER REGISTRATION

NRS 179D.130 "Committee" defined. As used in NRS 179D.130 to 179D.138, inclusive, "Committee" means the Advisory Committee to Study Laws Concerning Sex Offender Registration.
(Added to NRS by 2009, 427)

NRS 179D.132 Creation; members and appointing authorities; Chair; terms; vacancies; meetings; quorum; salaries and per diem; staff.

1. The Advisory Committee to Study Laws Concerning Sex Offender Registration is hereby created.
2. The Committee consists of the following members:
 - (a) The Attorney General or the Attorney General's designee;
 - (b) One member of the Assembly appointed by the Speaker of the Assembly;
 - (c) One member of the Senate appointed by the Majority Leader of the Senate;
 - (d) One member appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;
 - (e) One member appointed by the Nevada District Attorneys Association, or a successor organization;
 - (f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;
 - (g) One member appointed by the American Civil Liberties Union, or a successor organization;
 - (h) One member who is a mental health professional, appointed by the Attorney General; and
 - (i) Any member appointed by an organization that has been authorized by the Attorney General to appoint a member of the Committee pursuant to NRS 179D.134.
3. The Attorney General or the Attorney General's designee is the Chair of the Committee.
4. Each member who is appointed to the Committee serves a term of 2 years. Except as otherwise provided in subsection 3 of NRS 179D.134:
 - (a) Members may be reappointed for additional terms of 2 years in the same manner as the original appointments; and
 - (b) Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.
5. The Committee shall meet at least twice each year and may meet at such further times as deemed necessary by the Chair.
6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.
7. The Committee shall comply with the provisions of chapter 241 of NRS, and all meetings of the Committee must be conducted in accordance with that chapter.
8. For each day or portion of a day during which a member of the Committee who is a Legislator attends a meeting of the Committee or is otherwise engaged in the business of the Committee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:
 - (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
 - (b) Per diem allowance provided for state officers generally; and
 - (c) Travel expenses provided pursuant to NRS 218A.655.
- ↪ The compensation, per diem allowances and travel expenses of the members of the Committee who are Legislators must be paid from the Legislative Fund.
9. While engaged in the business of the Committee, to the extent of legislative appropriation, the members of the Committee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for

and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

11. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

(Added to NRS by 2009, 427; A 2011, 222)

NRS CROSS REFERENCES.

Meetings open and public, NRS ch. 241

REVISER'S NOTE.

Ch. 116, Stats. 2009, the source of this section, contains the following provision not included in NRS:

“Not later than July 15, 2009:

1. The Nevada Sheriffs' and Chiefs' Association, or a successor organization, shall appoint the member described in paragraph (d) of subsection 2 of section 5.4 of this act [NRS 179D.132];

2. The Nevada District Attorneys Association, or a successor organization, shall appoint the member described in paragraph (e) of subsection 2 of section 5.4 of this act [NRS 179D.132];

3. The governing board of the State Bar of Nevada shall appoint the member described in paragraph (f) of subsection 2 of section 5.4 of this act [NRS 179D.132]; and

4. The American Civil Liberties Union, or a successor organization, shall appoint the member described in paragraph (g) of subsection 2 of section 5.4 of this act [NRS 179D.132].”

NRS 179D.134 Organization authority to appoint member.

1. An organization which is concerned with state and federal laws concerning the registration of sex offenders and which wishes to appoint a member to the Committee pursuant to paragraph (i) of subsection 2 of NRS 179D.132 may apply to the Attorney General, or the Attorney General's designee, for authorization to appoint a member to the Committee. At the Attorney General's discretion, the Attorney General may authorize the organization to appoint a member to the Committee.

2. At any time after the Attorney General has authorized an organization to appoint a member to the Committee, the Attorney General may revoke the organization's authorization to appoint a member to the Committee.

3. If, after receiving authorization to appoint a member to the Committee, an organization ceases to exist or has its authorization to appoint a member to the Committee revoked by the Attorney General, any member of the Committee appointed by the organization may complete the term to which the member was appointed, and upon the completion of that term, the organization, or a successor organization, may not appoint a member to the Committee.

(Added to NRS by 2009, 428; A 2011, 224)

NRS 179D.136 Duties of Committee. The Committee shall:

1. Identify and study issues relating to state and federal law concerning the registration of sex offenders and any litigation concerning those laws.

2. Prepare a report of the activities and findings of the Committee and any recommendations for proposed legislation concerning the registration of sex offenders developed by the Committee.

3. On or before September 1 of each even-numbered year, submit the report prepared pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

(Added to NRS by 2009, 429)

NRS 179D.138 Grants, bequests, devises, donations and gifts; Special Account for the Support of the Committee.

1. The Attorney General may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 179D.130 to 179D.138, inclusive.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Committee, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Committee and its activities pursuant to NRS 179D.130 to 179D.138, inclusive.

(Added to NRS by 2009, 429)

HOMEMAKERS

MEMORANDUM

DATE: May 19, 2014

TO: Assemblywoman Irene Bustamante Adams, Chair
Senator Pat Spearman, Vice Chair
Sunset Subcommittee of the Legislative Commission

FROM: Carol M. Stonefield, Managing Principal Policy Analyst
Research Division

SUBJECT: **Board for the Education and Counseling of Displaced Homemakers**

Following the May 6, 2014, meeting of the Sunset Subcommittee of the Legislative Commission, questions arose regarding the Board for the Education and Counseling of Displaced Homemakers. Specifically, you requested additional information on the role and operations of the Board and its relationship to the Department of Employment, Training and Rehabilitation (DETR). To prepare this memorandum, I spoke with Samantha Hill-Cruz, Employment Security Division (ESD) Program Specialist II and Displaced Homemaker Program Coordinator, DETR.

BOARD OPERATIONS

As you may recall from the Subcommittee's consideration of the Board at its May 6 meeting, the Board was established in 1989 (Senate Bill 237, Chapter 426, *Statutes of Nevada*). The Board consists of five members, appointed by the Governor—of those five members, one must represent business and one must be a displaced homemaker.

Centers

Pursuant to *Nevada Revised Statutes* (NRS) 388.625, within the funds available, the Board must establish centers to serve displaced homemakers. Currently, it has awarded grants to three organizations to maintain eight such centers:

- One center in Reno, operated by TMCC (Truckee Meadows Community College);

- One center in Las Vegas, operated by HELP (Housing, Emergency Services, Life Skills, and Prevention) of Southern Nevada; and
- Six centers in rural areas, operated by JOIN (Job Opportunities in Nevada).

Though TMCC is a public community college, JOIN and HELP are not-for-profit corporations. All of these grantees have other sources of funding, including various State and federal programs. Within these organizations, the centers for displaced homemakers operate on the funding that is made available from the \$20 fee applied to any action to commence divorce proceedings. The allocation to each center is based on population; the rural centers receive the least amount of funding, while the HELP grantee receives the most.

Funds

Pursuant to the provisions of NRS 19.033, a fee of \$20 is charged to the party that commences divorce proceedings. The funds are transferred from each county to the State General Fund, where the funds are placed in an account for use by the Director of DETR for the displaced homemaker programs.

According to Ms. Hill-Cruz, DETR retains 5 percent of the funds to bill for its administrative support. Another 3 percent is retained as a reserve for the Board to cover expenses. These reserve funds do not revert and may be carried over from one fiscal year to another. All other funds are distributed to the grantees for programs at the centers.

Services provided by DETR, that are billed against the reserve, include staff time to prepare the request for proposals (RFP) and the agendas for the quarterly meetings of the Board. Other services include preparation of materials for legislative hearings or meetings with other organizations or governmental entities to promote the programs.

Pursuant to NRS 388.615, the Board is to meet quarterly. Once per year, Board members travel to a designated location to hold a meeting. The other three quarterly meetings are conducted via DETR's videoconferencing network. The travel expenses associated with the face-to-face meeting are billed against the Board's reserves. Other Board expenses that may be paid from its reserve include printing and distribution of brochures and other materials about the centers and the program.

Grants

In addition to serving as the fiscal agent for the Board, DETR also prepares the RFP, which is issued every four years. In its early years, the Board issued its own RFPs and awarded the grants. Following the revisions to State purchasing procedures, as provided in Assembly Bill 588 (Chapter 225, *Statutes of Nevada 1999*), DETR has assumed the responsibility of issuing the RFP, which the Board may review. One Board member may sit on the RFP review committee, as well.

Once the RFP committee has awarded the grants, the Board provides oversight. This includes receiving a report from each center on its programs and clients. Barbara Twitchell, Chair of

the Board, indicated that the Board monitors the programs to ensure that each center is complying with the provisions of Chapter 388 of NRS. The Board members also provide training to grantees, give advice on programs, and meet with other organizations to promote the services of the centers.

DISLOCATED WORKER PROGRAM

At the Subcommittee's review of the Board on May 6, questions were raised about any duplication between the services for displaced homemakers and dislocated workers. Briefly, Karlene Johnson, ESD Program Specialist III, DETR, testified to the Subcommittee that there is no duplication.

The Workforce Investment Act (WIA) of 1998 (Public Law 105-220) includes provisions titled the Adult and Dislocated Worker Employment and Training Activities (29 *United States Code* § 2861). WIA defines:

- A "dislocated worker" as an individual who has been terminated or laid off under certain circumstances, was self-employed but is unemployed as a result of general economic conditions or natural disasters, or is a displaced homemaker; and
- A "displaced homemaker" as an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another but is no longer supported by that income and is unemployed or underemployed and experiencing difficulty obtaining or upgrading employment.

According to Ms. Hill-Cruz, the Dislocated Worker Program has funds through the WIA to pay for education and training with the goal of employability. In contrast, services to displaced homemakers through the centers include such activities as managing personal finances, writing a resume, role-playing for job interviews, and applying for financial aid. While they do not provide education or job training, the displaced homemaker centers can function as clearinghouses or referral centers for career counseling and job searches.

OUTREACH TO MILITARY FAMILIES

At the Subcommittee meeting on May 6, questions were asked regarding active outreach to veterans of the United States Armed Forces, including spouses and former spouses of veterans. According to Ms. Hill-Cruz, HELP of Southern Nevada has case managers to assist veterans and their families. One case manager is funded by a grant from the United States Veterans Initiative (U.S.VETS) and another is funded from a State grant to assist veterans and mentally ill or disabled individuals. Further, HELP provides information on the displaced homemaker services along with other services for military personnel.

The displaced homemaker center budgets do not include funds for marketing or outreach. As noted above, the Board utilizes some of the funds it retains to purchase brochures, which are distributed at public places. To fund a marketing program would require reducing funds available to other services.

Ms. Hill-Cruz said that HELP of Southern Nevada served a much larger population of veterans and their families than either the rural areas served by JOIN or northern Nevada served by TMCC. She will inquire from those centers to learn whether they provide other assistance and will inform me if they do.

CONCLUDING REMARKS

I hope this information is useful as you consider your recommendations with regard to the Board. Please let me know if there is anything more that I can do for you on this topic as you prepare for the June 4 work session. I can be reached at (775) 684-6825 or cstonefield@lcb.state.nv.us.

CMS/mw:W142064

Displaced Homemaker Board – 2014-15 Strategic Plan

MARKETING

Goal	Objectives	Indicator	Responsible Parties	Date to be Achieved	Done
1. Create statewide marketing plan.	Secure permission to utilize Admin dollars to support marketing plan	Permission to utilize funds granted and expert located	Samantha Hill and Barbara Twitchell	June 2014	
	Find for pro-bono marketing expert and leverage admin dollars to expend on a statewide marketing plan	Expert located	Louise Helton	September 2014	
	Take the DH show on the road with speakers to various organizations. Have the providers participate in this	Collateral material in marketing plan produced and dates for speakers set	All Board Members and Grantees	January 2015	
	Create a DH video with success stories	Video produced	Marketing Expert and DETR – Samantha	March 2015	
	Include our DH video in the loop at Job Connect Offices	Video placed in loop	Marketing Expert and DETR -- Samantha	March 2015	
	Use possible new tagline "From Homemaker to Provider"	Discuss this idea with marketing expert when hired	All Board Members and Grantees	January 2015	
	Establish a social media presence	Facebook page and Twitter account set up in conjunction with website	Marketing Expert and DETR --Samantha	January 2015	
	Get business cards and web site for program	Website and Business Cards are created	Marketing Expert and DETR -- Samantha	January 2015	

Goal	Objectives	Indicator	Responsible Parties	Date to be Achieved	Done
2. Develop support from additional Stakeholders mentioned in the NRS and Changes					
	Contact County Commissioners about the possible additional funds they can contribute within the statutes	Letters of Introduction are sent with brochures and Meetings are held	All Board Members	September 2014	
	County Clerks about the possible additional funds they can contribute within the statutes	Letters of Introduction are sent with brochures and Meetings are held	All Board Members	September 2014	
3. Leverage the Boards of our grantees to promote the DH program					
	Revise RFP to include annual report to the Grantee Organizations' Boards of Directors	RFP Changed	Tracy Guinn	December 2014	
	Hold Annual Meeting with Grantee Boards	Meetings Held	Samantha Hill	December 2015	

Goal	Objectives	Indicator	Responsible Parties	Date to be Achieved	Done
4. Develop Stronger Relationship with Nevada Bar and Family Law Judges					
	Send Thank you to Mike Kattleman, Katherine Provost and the NV Bar for allowing us to participate in the conference		Louise Helton will draft the letters Samantha Cruz will prepare them and Barbara will sign them	April 2014	
	Write articles about the program and submit to the Attorney's magazines	Publication of article(s)	Barbara Twitchell	June 2014	
	Send letters of introduction to Family Law Judges and include brochure	Mailing list created and letters sent	Louise Helton will create mailing list Samantha Hill to prepare letters for mailing and Barbara Twitchell will sign them	April 2014	
	Participate in 2015 Family Law Conference and hold Face to Face meeting in Ely	Face to Face Meeting is held and all board members and grantees attend conference	Samantha Cruz Hill and Board Chairman	March 2015	

RFP

Goal	Objectives	Indicator	Responsible Parties	Date to be Achieved	Done
1. Ensure new RFP reflects the required components of the NRS					
	Board representative(s) must review RFP before distribution	WISS sets up opportunity to conduct RFP review	Barbara Twitchell and Samantha Hill-Cruz	October/November 2014	
2. Board's active participation in the RFP selection process					
	Discussion with WISS regarding role of the Board in RFP selection process per NRS statute	Face to face meeting with Karlene & Grant at WISS	Barbara Twitchell and Samantha Hill-Cruz	September 2014	
	Board Chair and/or designated member(s) sit on RFP review and selection committee	Participation in process	Barbara Twitchell and Samantha Cruz-Hill	December 2014	

Training

Goal	Objectives	Indicator	Responsible Parties	Date to be Achieved	Done
1. Quality training tools for Board members					
	Review, update and revise Board manual	Board approval of revised manual	Barbara Twitchell and Samantha Hill-Cruz	September 2014	
	Create Power Point and training program for Board members	Program presentation at Ely face-to-face meeting	Barbara Twitchell	March 2015	
	Better understanding of financial reports	Training by WISS budget office rep	Samantha Hill-Cruz	March 2015	
2. Quality training tools for grantees	Create Power Point and training program for grantees	Program Presentation at Ely face-to-face meeting	Barbara Twitchell	March 2015	
	Better understanding of financial reports	Training by WISS budget office rep	Samantha Hill-Cruz	March 2015	

Program

Goal	Objectives	Indicator	Responsible Parties	Date to be Achieved	Done
1. Improved eligibility documentation form					
	Change current eligibility form to emphasize AND/OR for clearer understanding of criteria	Implementation of new form for program participants	Debbie Levy and Samantha Hill-Cruz	May 2014	
2. Clear, relevant grantee reports that better reflect and capture services provided					
	Meet with grantees for their ideas and input	Meetings held	Debbie Levy	March 2015	
	Process ideas with other board members to assess what information they would like to have reported	Meetings held	Debbie Levy and Samantha Hill-Cruz	March 2015	
	Review current form to determine strengths and weaknesses		Debbie Levy	December 2014	
	Develop form with better reporting categories	Presentation of new form for Board approval	Debbie Levy	June 2015	
	Implement new form for program use	Distribution of new form	Samantha Hill-Cruz	July 2015	

P&T and DUR

From: Coleen Lawrence
Sent: Thursday, February 13, 2014 3:52 PM
To: Mary Woods
Cc: Crystal Johnson; Tanya Benitez; Elizabeth Aiello; Laurie Squartsoff
Subject: NRS422.4055 Advisory Committee for P&T and DUR Board

Mary,

Good afternoon, per our phone conversation, here is a write up regarding the Advisory Committee to the P&T Committee and the Drug Use Review Committee.

In the implementation stages of the Preferred Drug List (PDL) the Advisory Committee, which is comprised of members from National Association Mental Illness (NAMI), Statewide Independent Living Council (SILC) and American Association of Retired Persons (AARP) were active members that participated alongside Nevada Medicaid's FFS Pharmacy and Therapeutic (P&T) Committee to assure there was public input during the committee/boards procedures. Throughout the years, their participation at the meetings has diminished with the exception of NAMI. NAMI does participate when psychotropic medications are discussed at the P&T Committee.

Both the P&T Committee and DUR Board follow Nevada's Open Meeting Law and provide for extensive public input at each of the quarterly meetings. Due to the availability of a public forum for both the P&T Committee and the DUR Board it is the Division's recommendation the requirement for NRS422.4055 be dissolved.

Please let me know if we can be of any further assistance.

Sincerely,

Coleen Lawrence, CPM, MSSL

Chief Program Services
Division of Health Care Financing and Policy
1100 E. William Street
Carson City, NV 89701
Ph:(775) 684-3744
Fax: (775) 684-3762
Email: coleenl@dhcfp.nv.gov

This message may contain protected health information that is intended for disclosure only to the authorized recipient. Unauthorized interception and/or disclosure are violations of both the Electronic Communications Privacy Act and the Health Insurance Portability and Accountability Act. Violations may result in administrative, civil, or criminal penalties. If this message is received in error, please notify the sender immediately, delete the message and destroy any hard copies printed.

NUCLEAR

NUCLEAR WASTE POLICY ACT OF 1982¹

An Act to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to establish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Nuclear Waste Policy Act of 1982".

[42 U.S.C. 10101 note]

TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Separability.
- Sec. 4. Territories and possessions.
- Sec. 5. Ocean disposal.
- Sec. 6. Limitation on spending authority.
- Sec. 7. Protection of classified national security information.
- Sec. 8. Applicability.
- Sec. 9. Applicability.

TITLE I—DISPOSAL AND STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE, SPENT NUCLEAR FUEL, AND LOW-LEVEL RADIOACTIVE WASTE

- Sec. 101. State and affected Indian tribe participation in development of proposed repositories for defense waste.

SUBTITLE A—REPOSITORIES FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

- Sec. 111. Findings and purposes.
- Sec. 112. Recommendation of candidate sites for site characterization.
- Sec. 113. Site characterization.
- Sec. 114. Site approval and construction authorization.
- Sec. 115. Review of repository site selection.
- Sec. 116. Participation of States.
- Sec. 117. Consultation with States and Indian tribes.
- Sec. 118. Participation of Indian tribes.
- Sec. 119. Judicial review of agency actions.
- Sec. 120. Expedited authorizations.
- Sec. 121. Certain standards and criteria.
- Sec. 122. Disposal of spent nuclear fuel.
- Sec. 123. Title to material.
- Sec. 124. Consideration of effect of acquisition of water rights.
- Sec. 125. Termination of certain provisions.

¹ This Act consists of Pub. L. 97-425 (96 Stat. 2201) enacted on Jan. 7, 1983, and subsequent amendments. The Act was extensively amended in identical form by Pub. L. 100-202 (101 Stat. 1329-121) and Pub. L. 100-203 (101 Stat. 1330-243) on Dec. 22, 1987. The Act appears in the United States Code at 42 U.S.C. 10101 et seq. Bracketed notes at the end of each section indicate the United States Code citation for the reader's convenience.

(E) defense nuclear waste and materials by-products management;

(F) defense nuclear materials security and safeguards and security investigations; and

(G) defense research and development.

(4) The term "candidate site" means an area, within a geologic and hydrologic system, that is recommended by the Secretary under section 112 for site characterization, approved by the President under section 112 for site characterization, or undergoing site characterization under section 113.

(5) The term "civilian nuclear activity" means any atomic energy activity other than an atomic energy defense activity.

(6) The term "civilian nuclear power reactor" means a civilian nuclear powerplant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

(7) The term "Commission" means the Nuclear Regulatory Commission.

(8) The term "Department" means the Department of Energy.

(9) The term "disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits the recovery of such waste.

(10) The terms "disposal package" and "package" mean the primary container that holds, and is in contact with, solidified high-level radioactive waste, spent nuclear fuel, or other radioactive materials, and any overpacks that are emplaced at a repository.

(11) The term "engineered barriers" means manmade components of a disposal system designed to prevent the release of radionuclides into the geologic medium involved. Such term includes the high-level radioactive waste form, high-level radioactive waste canisters, and other materials placed over and around such canisters.

(12) The term "high-level radioactive waste" means—

(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

(13) The term "Federal agency" means any Executive agency, as defined in section 105 of title 5, United States Code.

(14) The term "Governor" means the chief executive officer of a State.

(15) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, in-

cluding any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(16) The term "low-level radioactive waste" means radioactive material that—

(A) is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or by-product material as defined in section 11e(2)¹ of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

(17) The term "Office" means the Office of Civilian Radioactive Waste Management established in section 305.²

(18) The term "repository" means any system licensed by the Commission that is intended to be used for, or may be used for, the permanent deep geologic disposal of high-level radioactive waste and spent nuclear fuel, whether or not such system is designed to permit the recovery, for a limited period during initial operation, of any materials placed in such system. Such term includes both surface and subsurface areas at which high-level radioactive waste and spent nuclear fuel handling activities are conducted.

(19) The term "reservation" means—

(A) any Indian reservation or dependent Indian community referred to in clause (a) or (b) of section 1151 of title 18, United States Code; or

(B) any land selected by an Alaska Native village or regional corporation under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(20) The term "Secretary" means the Secretary of Energy.

(21) The term "site characterization" means—

(A) siting research activities with respect to a test and evaluation facility at a candidate site; and

(B) activities, whether in the laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(22) The term "siting research" means activities, including borings, surface excavations, shaft excavations, subsurface lateral excavations and borings, and in situ testing, to determine the suitability of a site for a test and evaluation facility.

(23) The term "spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

¹ So in original. Reference probably should be to section 11 e. (2).

² So in original. Reference probably should be to section 304.

WATER

WATER RESOURCE PLANNING, DROUGHT MANAGEMENT, AND PUBLIC PARTICIPATION

Water Resources

The Advisory Board for Water Resource Planning and Development, established by *Nevada Revised Statutes* (NRS) 540.111, is considered inactive. Members have not been listed in the *Directory of State and Local Government* since 1999. The duties of the Division of Water Planning were transferred by the Department of Conservation and Natural Resources in 2000. In 2005, the Legislature eliminated the Division of Water Planning and created a new Water Planning Section within the Division of Water Resources (DWR) (Senate Bill 62, Chapter 493, *Statutes of Nevada*).

Drought Management

1980s and 1990s

In 1988, Governor Richard H. Bryan asked the State Climatologist to serve as chairman of a drought review and reporting committee, which the Governor formed for the purpose of addressing water availability issues, during the drought that was occurring at the time. The State Library and Archives was not able to locate an executive order establishing the committee, although it was able to locate an exchange of letters between the Governor and the State Climatologist. According to the *Nevada State Water Plan, Summary* (March 1999), the Drought Review and Reporting Committee (DRRC) was formed “to monitor drought severity and recommend actions.”

The *Summary* also noted that “[b]y 1991, the Division of Water Planning, with assistance from the Governor’s DRRC and the Advisory Board for Water Resource Planning and Development, developed the State Drought Plan.”

The *State of Nevada Drought Plan* (January 1991) was produced under the administration of Governor Bob Miller. The *Plan* provides an “administrative coordinating and reporting system” to establish a framework to address the State’s needs during a drought. The components of the Plan at that time were:

- The DRRC, which was chaired by the State Climatologist and included representatives of State agencies and local governments;
- Task forces, including agriculture, fish and wildlife, and municipal and industrial; and
- The Drought Response Center, which was chaired by the Director of the Division of Emergency Management and included the chairs of the task forces and the DRRC.

Current

Over the intervening years, the State Drought Plan has been modified. The Drought Response Committee (DRC) is now composed of representatives from the State Climate Office, the DWR, and the Division of Emergency Management.

According to the revised *State of Nevada Drought Response Plan* (April 2012), the Drought Impact Task Forces are now *ad hoc* groups formed by the DRC “to act as experts in the drought affected region, serve as liaisons to local or federal government and provide information needed for dissemination to decision-makers and stakeholders.”

The *Plan* provides that the federal Drought Monitor will be used to identify the initial stages of drought. The Drought Monitor integrates various measures, including socioeconomic conditions, and is coordinated nationwide, using data from federal, state, and local sources.

If the DRC members determine that conditions require it, based on data from the Drought Monitor, the State Climatologist will initiate Nevada’s drought response plan, which includes the following stages:

1. Drought Watch;
2. Drought Alert; and
3. Drought Emergency.

According to the *Plan*, in a Drought Alert Stage reports are provided to the Governor, other State leaders, the media, and the public. Upon declaration of a Drought Emergency, the Governor may activate the State Emergency Operations Center (SEOC), which is overseen by the Chief of the Division of Emergency Management. If a drought emergency is declared, the *Plan* provides that the SEOC will assume interagency and intergovernmental coordination and media relations. The April 2012 *Plan* is available at <http://water.nv.gov/programs/planning/StateDroughtResponsePlan2012.pdf>.

Public Information

Water conservation plans are submitted to the office of the State Engineer by water utilities and other purveyors. Conservation districts also provide information. The Chief of the Water Planning Section, DWR, meets regularly with interested parties. Additional coordination of public participation concerning water resources is provided through the DRC.

Nevada Revised Statutes 540.041 previously required the Chief of the Water Planning Section of the DWR to submit a biennial report to the Legislature summarizing the actions of the Division in the previous biennium. This report was repealed in 2013 with the passage of Senate Bill 405 (Chapter 337, *Statutes of Nevada*). The last biennial report was received by the Director of the Legislative Counsel Bureau in January 2013.

HEARING AID

From: Robert and Terry Rankin [mailto:jagbob@hotmail.com]
Sent: Tuesday, May 20, 2014 10:25 AM
To: Bustamante Adams, Irene Assemblywoman
Cc: Stonefield, Carol; Penrose, James
Subject: Sunset Committee: Speech Pathologists, Hearing Aid Specialists, etc.

Chairwoman:

My expertise is administrative law and I have concerns about the procedures described in NRS, whether or not the committee decides to consolidate the boards for hearing aid specialists, audiologists and speech pathologists. I spoke with Carol Stonefield and she recommended I send the list of relevant statutes to you for review by the Sunset Committee. If the boards are not consolidated, some of the outdated procedures may still need to be addressed. In general, procedures for regulations, hearings and appeals are in chapters 233B, 622 and 622A of NRS. Chapters 622 and 622A of NRS were proposed by the attorney general and added to NRS in 2003 and 2005. Neither of the boards being reviewed are exempt from those chapters.

Hearing Aid Specialists:

Chapter 637A of NRS was adopted in 1973 so some of the provisions duplicate the general chapters or conflict with them. See for example: Subsection 4 of NRS 637A.110 regarding subpoenas and depositions; NRS 637A.260 regarding the contents of complaints and notices of disciplinary action; and NRS 637A.310 which is a weak version of a public records act. The fees for these specialists are set in NRS 637A.210 which was last amended in 2007. Whether or not the boards are consolidated, the fees may need to be changed.

Audiologists and Speech Pathologists:

Chapter 637B of NRS was originally adopted in 1979; therefore it also contains outdated provisions. The following sections may need to be updated: NRS 637A.135 for subpoenas and oaths; NRS 637B.137 for the enforcement of subpoenas and NRS 637B.260 regarding complaints for discipline and records retention. Please note that NRS 637B.240 allows the delegation of hearings to a hearing officer pursuant to chapter 622A of NRS and NRS 637B.288 cites chapter 622A of NRS. So some changes were made in 2005 to chapter 637B of NRS. Again, whether or not the boards are consolidated, the fees listed in NRS 637B.230 may need to be reviewed.

I hope this information assists you and the Committee. If you have any questions, let me know.

Terry Rankin Carson City, Nevada

Stonefield, Carol

From: Irene Bustamante Adams <ibustamanteadams@gmail.com>
Sent: Friday, May 09, 2014 9:25 AM
To: Stonefield, Carol
Subject: FYI - Fwd: Maintain Independent Hearing Aid Specialist Board and Audiology Dual Licensure

----- Forwarded message -----

From: **Melissa Maestas** <meglykamou@gmail.com>
Date: Fri, May 9, 2014 at 7:23 AM
Subject: Maintain Independent Hearing Aid Specialist Board and Audiology Dual Licensure
To: Irene.BustamanteAdams@asm.state.nv.us

May 9, 2014

Assemblywoman Irene Bustamante Adams
Legislative Building, Room 4109
401 South Carson Street
Carson City, NV 89701-4747

Dear Assemblywoman Bustamante Adams,

I urge you to oppose any efforts to merge the Nevada State Board of Hearing Aid Specialists with the State of Nevada Board of Examiners for Audiology and Speech Pathology. I also want to stress the importance of ensuring that all individuals who fit and dispense hearing aids in the state, including audiologists, are individually tested to prove their competency and specifically licensed as hearing aid specialists to dispense hearing aids.

It is critical for the safety of hearing aid consumers in the state that the professionals they see for their hearing loss are properly trained and have demonstrated that competence prior to licensing. Audiologists are educated in many aspects of hearing health, and though the fitting and dispensing of hearing aids is one service area within the realm of hearing health care delivery, it should not be assumed that, by virtue of holding an audiology license, one meets the competency standards for hearing aid dispensing. This is why it is important that prior to fitting and dispensing hearing aids, audiologists demonstrate that they have the knowledge and skills unique to hearing aid dispensing. For this reason the original Nevada state law required audiologists dispensing hearing aids to be separately licensed. This dual licensure works now to ensure that Nevada citizens receive the highest standard of care possible, and there is no valid

reason to change it.

Fitting and dispensing hearing aids is a separate and distinct skill. It has been recognized as such in Nevada law by the creation of the independent Board of Hearing Aid Specialists. The possibility of significant danger to the public exists if proper procedures are not followed. As a result, careful and thorough oversight is essential. That oversight is best accomplished by a strong, independent board tasked specifically with the duty of overseeing not only the licensing process but making sure licensees are held to the highest standards. Because the scopes of practice of speech-language pathologists and non-dispensing audiologists are completely separate from hearing aid dispensing, the State of Nevada Board of Examiners for Audiology and Speech Pathology has little to no knowledge of the practice and standards of hearing aid dispensing, and the board is not well-positioned to make informed determinations and judgments about hearing aid specialists.

Please oppose efforts to merge the Nevada State Board of Hearing Aid Specialists with the Board of Examiners for Audiology and Speech Pathology, and maintain current licensing requirements. It is critically important to the safety of hearing aid consumers.

Thank you for your consideration.

Sincerely,

Mrs. Melissa Maestas
509 N Stephanie St
Ste C
Henderson, NV 89014-6648

--

Irene Bustamante Adams
(702) 542-3900

Nevada State Board of Hearing Aid Specialists

The Board

The Nevada State Board of Hearing Aid Specialists was created to enforce the provisions of Chapter 637A of the Nevada Revised Statutes regarding Hearing Aid Specialists. The Board is responsible for adopting rules and regulations for the administration of the statute, determining educational requirements for license applicants and licensees, administering and conducting licensing examinations, granting or denying licenses, and taking disciplinary action against licensees.

The board is composed of:

- One member who is a hearing aid specialist
- One member who is a physician specializing in otolaryngology or otology
- One member who is licensed to engage in the practice of audiology
- Two members who are representatives of the general public and have hearing disorders

Licenses Administered by the Board:

The Board administers two license classifications: A Hearing Aid Specialist License and an Apprentice License.

Board Activities:

The board met six times in 2013.

In 2013 there were 18 licenses processed, 2012 there were 11 licenses processed, and in 2011 there were 14 licenses processed.

The number of complaints have dropped consistently since 2001.

Nevada State Board of Hearing Aid Specialists

Who are Hearing Aid Specialists?

An important part of the hearing healthcare team

Hearing Aid Specialists are professionals who have received intensive training in hearing loss and hearing instruments. They are thoroughly tested in both knowledge and practical skills prior to licensing, and they receive ongoing continuing education. In short, they are an important part of the hearing healthcare team.

The FDA regulations governing hearing aids have been in place since 1977 (21 CFR 801.420 and 801.421). The FDA's preamble to the regulations read (42 Fed. Reg. 9287):

"The Commissioner regards the hearing aid dispenser as an important member of the hearing health care team, strategically positioned within the delivery system to provide the hearing aid user with essential services."

"The FDA Commissioner rejects the contention that hearing aid dispensers should not be included in a characterization of the hearing health care team."

What services do Hearing Aid Specialists provide?

Hearing Aid Specialists provide a full-spectrum of services to patients related to hearing loss and corrective hearing instruments. This includes:

- Taking patient histories
- Otoscopic Examination of both ears
- Taking an audiogram to identify the type and degree of hearing loss
- Discussing with the client the benefits of a hearing aid
- Discussing with client the of models and costs of hearing aids
- Getting a medical clearance/referral or waiver
- Selecting and fitting a hearing instrument
- Preparing a sales agreement document
- Providing post fitting evaluation for any necessary adjustments

Who is qualified to be a Hearing Aid Specialist?

Nevada State Board of Hearing Aid Specialists

Education:

Nevada's educational requirements are among the most stringent in the country. In order to be able to become a Hearing Aid Specialist in the state a candidate must be over the age of 21 and must have:

1. An associate's degree or higher degree from an accredited college or university in hearing aid technology, audioprosthology, or other curriculum approved by the Board which includes the testing of hearing and the dispensing and modification of hearing aids;
2. A bachelor's degree or higher degree in any field and satisfactory completion of the independent study course of the International Institute for Hearing Instrument Studies;
3. A master's degree in clinical audiology from an accredited college university; or
4. A doctoral degree in audiology.

Testing:

In order to qualify for a Hearing Aid Specialist license the candidate must pass both a written and practical examination.

The Written Test:

Chapter 637A of the Nevada Administrative Code specifies that the written portion of the examination must be prepared and approved by an independent professional who specifies in such testing.

The state of Nevada uses the International Licensing Exam for Hearing Healthcare Professionals developed by the International Hearing Society. The test was designed based on input from a formal job analysis study and survey of professionals in the field in late 2010 in order to determine the knowledge, skills, and abilities currently required for safe and effective entry-level practice as a Hearing Aid Specialist.

The Practical Examination:

Nevada State Board of Hearing Aid Specialists

The purpose of the practical examination is to assess whether the candidate can transfer the knowledge demonstrated by the written exam into real world situations. The examination covers:

- Medical Oral
 - Tests candidates' demonstration of knowledge of conditions necessary for medical intervention or a referral
 - Interpret different types of hearing loss
- Audiometric Oral
 - Tests candidates' ability to interpret audiograms, hearing science acoustics and definitions of terms used in hearing aid dispensing.
- Ear Mold Impressions
 - Tests candidates' ability to take an ear impression that would result in a well fitting custom hearing aid or behind the ear instrument.
- Instrumentation
 - Tests candidates' ability to identify problems with actual hearing aids. Applicants are required to diagnose the malfunction in different instruments.
- Audiogram
 - Candidates are required to test basic hearing and interpret an audiogram.

Continuing Education

Once licensed, Hearing Aid Specialists are required to complete continuing education annually to renew their licenses. This ensures that Hearing Aid Specialists remain up-to-date on developments within the field and continue to provide the highest quality care to patients.

A licensee must complete 12 hours of continuing education relating to the fitting of hearing aids each year in a program which has been approved by the Board, the International Institute for Hearing Instruments Studies, American Academy of Audiology, American Speech-Language-Hearing Association, Academy of Doctors of Audiology, or Educational Audiology Association.

Who are Apprentices?

Apprentices are a separate licensing class that allows individuals to receive hands-on, on-the-job training under a licensed hearing aid specialist. An apprentice must have a sponsor who provides direct

Nevada State Board of Hearing Aid Specialists

supervision for the apprentice. The sponsor must be a licensed hearing aid specialist in good standing who has held their license for at least one year.

A licensed hearing aid specialist in good standing who has been licensed for at least three years may employ an apprentice to assist in the business of a hearing aid specialist.

What training does an apprentice receive?

1. An apprentice shall complete, under the direct and physical supervision of his or her sponsor, at least 300 hours of training, not less than 160 hours of which must be as follows:
 - a. Twenty-five hours of pure tone air conduction, masking, bone conduction, and speech audiometry with recorded or live voice;
 - b. Twenty-five hours of evaluation of hearing aids, including sound field measurements and real ear measurements with recorded and live voice;
 - c. Twenty hours of fitting and counseling clients with hearing aids, including the verification of fitting;
 - d. Ten hours of earmold orientation, including types of earmolds, terminology and uses for earmolds;
 - e. Fifteen hours of earmold impressions and otoscopic examinations of the ear;
 - f. Fifteen hours of troubleshooting of defective hearing aids;
 - g. Twenty hours of taking the case history of actual clients;
 - h. Ten hours of the laws governing the licensure of persons for fitting and dispensing hearing aids, including the regulations of the Food and Drug Administration and the Federal Trade Commission relating to the fitting and dispensing of hearing aids;
 - i. Ten hours of the psychological and social impact of the loss of hearing on clients; and
 - j. Ten hours of the appropriate and ethical marketing and sales procedures for hearing aids.

Oversight

Hearing Aid Specialists receive intense training, continuing education, and thorough oversight, because without proper care injury may be caused to patients.

Potential Dangers to Consumers

- Silicone Impression Material in the Middle Ear

Nevada State Board of Hearing Aid Specialists

- Causes traumatic inferior perforation of the tympanic membrane
- Required two hour surgery and ear drum repair
- Improper Fitting
- Too much amplification may cause additional hearing loss
- Vulnerable Client Population
- Senior Citizens
- Young children

Hearing Aid Specialists are an integral and independent part of the hearing health community

Because the possibility of significant danger to the public exists if proper procedures are not followed, it is vital that individuals dispensing hearing aids be trained for that purpose, tested on both knowledge and practical skills, and subject to rigorous oversight.

All of this is best accomplished by an independent board that specializes in hearing instruments. Eliminating the independent board and merging with another board would generalize the oversight, reduce focus, and, as a result, increase the risks to the public.

AUDIOLOGY

From: Robert and Terry Rankin [mailto:jagbob@hotmail.com]
Sent: Tuesday, May 20, 2014 10:25 AM
To: Bustamante Adams, Irene Assemblywoman
Cc: Stonefield, Carol; Penrose, James
Subject: Sunset Committee: Speech Pathologists, Hearing Aid Specialists, etc.

Chairwoman:

My expertise is administrative law and I have concerns about the procedures described in NRS, whether or not the committee decides to consolidate the boards for hearing aid specialists, audiologists and speech pathologists. I spoke with Carol Stonefield and she recommended I send the list of relevant statutes to you for review by the Sunset Committee. If the boards are not consolidated, some of the outdated procedures may still need to be addressed. In general, procedures for regulations, hearings and appeals are in chapters 233B, 622 and 622A of NRS. Chapters 622 and 622A of NRS were proposed by the attorney general and added to NRS in 2003 and 2005. Neither of the boards being reviewed are exempt from those chapters.

Hearing Aid Specialists:

Chapter 637A of NRS was adopted in 1973 so some of the provisions duplicate the general chapters or conflict with them. See for example: Subsection 4 of NRS 637A.110 regarding subpoenas and depositions; NRS 637A.260 regarding the contents of complaints and notices of disciplinary action; and NRS 637A.310 which is a weak version of a public records act. The fees for these specialists are set in NRS 637A.210 which was last amended in 2007. Whether or not the boards are consolidated, the fees may need to be changed.

Audiologists and Speech Pathologists:

Chapter 637B of NRS was originally adopted in 1979; therefore it also contains outdated provisions. The following sections may need to be updated: NRS 637A.135 for subpoenas and oaths; NRS 637B.137 for the enforcement of subpoenas and NRS 637B.260 regarding complaints for discipline and records retention. Please note that NRS 637B.240 allows the delegation of hearings to a hearing officer pursuant to chapter 622A of NRS and NRS 637B.288 cites chapter 622A of NRS. So some changes were made in 2005 to chapter 637B of NRS. Again, whether or not the boards are consolidated, the fees listed in NRS 637B.230 may need to be reviewed.

I hope this information assists you and the Committee. If you have any questions, let me know.

Terry Rankin Carson City, Nevada



STATE OF NEVADA
**BOARD OF EXAMINERS FOR
AUDIOLOGY AND SPEECH PATHOLOGY**

P.O. BOX 34540
Reno, Nevada 89533-4540
Phone: (775) 787-3421 / Fax: (775) 746-4105
www.nvaud-sp.org Email: info@nvaud-sp.org

Loretta L. Ponton
Executive Director

**Sunset Subcommittee of the Legislative Commission
Additional Information
In Support of
Consolidation of Board of Hearing Aid Specialists**

Member Composition of Other States with Merged Boards: The only western states that merged boards were Idaho and California. Maine and Idaho have similar practitioner counts as Nevada and both have 7 member boards. Neither Maine nor Idaho has a physician member on their board. A physician member is not being recommended as a physician can be utilized on a consultant basis for issues in which medical expertise is required.

A recommendation for the composition of a merged Board in Nevada would be a 7 member board with profession representation based upon number of licensees in each profession as follows:

7 Members	3-Speech Pathologists	750 licensees = 81%
	2-Audiologists	125 licensees = 13%
	1-Hearing Aid Specialist	55 licensees = 6%
	1-Public Member	

The following chart delineates the Board member composition in 11 states with merged boards. Two (2) boards do not license speech pathologists; five (5) boards do not have physician members.

STATE	Members	SLP	AUD	HAS	MD	PUBLIC	OTHER	
South Dakota	5	0	2	2		1		Speech separate board
Idaho	7	3	2	1		1		
Maine	7	2	2	2		1		
New Hampshire	7	0	2	2	1	2		Speech separate board
California	9	2	2	2		3		MD Public Member
Delaware	9	3	2	1		3		
Wisconsin	10	2	2	3	1	2		
New Mexico	11	3	2	2	1	3		
Washington	11	2	2	2	1	3	1	Speech Assistant
Arizona	12	2	2	2	2	2	2	Commission on Deaf; Agency Director
Maryland	13	3	3	3	2	2		

Practitioner Numbers: An analysis of certified speech and audiology practitioners as reported by the American Speech Language Hearing Association indicates Idaho (737) and Maine (769) have comparable number of certified practitioners as Nevada (692) as of December 31, 2013. Hearing Aid Specialists / apprentice licensee numbers reported on the Idaho and Maine websites are Idaho (91) and Maine (65); Nevada has (59).

Licensing Fees of Merged Boards: Five (5) states do not breakout application fees, two (2) states do not license speech pathologists; nine (9) states charge an examination fee for dispensing of hearing aids. The examination fee is in addition to the actual costs of the written examination which is paid directly to the International Hearing Society. Based upon this analysis, the average realized cost for licensure exclusive of the separate written exam fee for states with merged boards are:

Speech Pathologist	\$ 256.67	Audiologist	\$ 284.94
Dispensing Audiologist	\$ 457.58	Hearing Aid Specialist	\$ 448.49

Nevada Proposed Fees:	Speech Pathologist and Audiologist	\$ 250.00
	Dispensing Audiologist and Hearing Aid Specialists	\$ 450.00

STATE	APP Fee	SLP	AUD	DISP AUD	HAS	EXAM	COMMENTS
New Mexico	\$ 10.00	100.00	100.00	175.00	175.00	300.00	
California	\$ 75.00	150.00	150.00	280.00	280.00	225 / 500	Written / Practical
*Arizona	\$ 100.00	100.00	100.00	100.00	150.00	150.00	*2 yr License Prorated to \$100
Washington	\$ 165.00	156.00	140.00	140.00	140.00	266.00	plus cost of exam
Idaho	\$ 180.00	125.00	125.00	125.00	125.00	100.00	plus cost of exam
Wisconsin	\$ 266.00	75.00	75.00	75.00	75.00	75.00	
Delaware		110.00	110.00	110.00	110.00	120.00	plus cost of exam
Maine		150.00	150.00	150.00	150.00	50.00	plus cost of exam
Maryland		150.00	150.00	150.00	150.00	100.00	
New Hampshire			375.00	375.00	225.00		No SLP
South Dakota			200.00	200.00	200.00		No SLP
Average Costs	\$ 132.67	124.00	152.27	170.91	161.82	129.56	
Proposed Fees	\$ 150.00	100.00	100.00	100.00	100.00	\$200.00	

Historical Nevada Licensee Numbers: Historical licensee numbers as reported through the state's disciplinary actions and licensee reports as of March 31 for the years 2009 through 2014 indicate that licensed Hearing Aid Specialists have increased an average of 2% per year with an overall 5 year increase of 7.8% representing 9 licenses. For the same period, Audiologists and Speech Pathologist licensees have increased an average 4% per year with 21.7% (141 licenses) overall increase over 5 years.

Year	*HAS Licensees	# + or -	%	AUD/SP Licensees	# + or -	%
2009	116			650		
2010	124	8	6.9%	665	15	2.3%
2011	145	21	16.9%	667	2	0.3%
2012	125	-20	-13.8%	721	54	8.1%
2013	122	-3	-2.4%	748	27	3.7%
2014	125	3	2.5%	791	43	5.7%
Total Increase in Licensees		9			141	
Annual	average % increase		2.0%			4.0%
5 Year	% Increase		7.8%			21.7%

*Includes dispensing audiologists

Labor Market Information - The Nevada Career Information system does not provide specific information on Hearing Aid Specialists; that profession is listed as a “related profession” under licensing for Speech Pathologist and Audiologist.

The US Bureau of Labor Statistics and America’s Career InfoNet indicates that at the national level, Hearing Aid Specialists employment will increase 25%; Audiologists employment will increase 34% and Speech Pathologist employment will increase 19% from 2012 through 2022. Employment information is not available specific to the State of Nevada for Hearing Aid Specialists and Audiologists; Speech Pathologist employment is projected at 11% for the State of Nevada.



STATE OF NEVADA
**BOARD OF EXAMINERS FOR
AUDIOLOGY AND SPEECH PATHOLOGY**

P.O. BOX 34540
Reno, Nevada 89533-4540
Phone: (775) 787-3421 / Fax: (775) 746-4105
www.nvaud-sp.org Email: info@nvaud-sp.org

Loretta L. Ponton
Executive Director

Update

Efforts to Work with the Board of Hearing Aid Specialists

We are sorry to report that the Board of Hearing Aid Specialists has not changed their decision to oppose consolidation of the Boards.

On April 10, 2014, after the Sunset Subcommittee meeting, the Board of Audiology and Speech Pathology sent a letter to the Board of Hearing Aid Specialists Chair offering again our support both administratively and financially toward a joint effort for consolidation of the two Boards, copy attached.

The matter was on the agenda for the May 9, 2014, meeting of the Board of Hearing Aid Specialists. There was no discussion and a vote was not taken. The Chair stated the decision stands to oppose a merger, and they will leave the decision up to the Sunset Subcommittee.

While we believe the Board of Hearing Aid Specialists strives to do their best, the factual data supplied by the Board of Hearing Aid Specialists to the Sunset Subcommittee indicates *significant non-compliance with the open meeting law, disciplinary action process and documents numerous administrative shortcomings that we believe demonstrate the Board's inability to function at the level required by law*; all of which can be mitigated through consolidation. A summary of documented non-compliance is provided as **Exhibit A**.

When the Board of Examiners for Audiology and Speech Pathology presented our recommendation for consolidation, there were four main reasons. We feel these reasons alone are sufficient to justify a merger of the Board.

- (1) **Dual licensure** - eliminate the need for Audiologists to hold two separate licenses in Nevada when the majority of states recognize that Audiologists are trained to dispense hearing aids as part of their doctorate degree and the dispensing of hearing aids is within the scope of practice of audiology;
- (2) **Excessive Costs** – reduce costs for dispensing Audiologists and Hearing Aid Specialists while retaining and maintaining high standards of practice;
- (3) **Fiscal Instability** – the Board of Hearing Aid Specialists does not and would not have sufficient funds to adequately perform the duties and responsibilities of the Board without consolidation as documented by the projected budget and current financial statements provided to the Sunset Subcommittee; and
- (4) **Application Process** - shorten the application and examination timeframe for applicants for dispensing hearing aids. As an example, at the May 9, 2014 meeting of the Board of Hearing Aid Specialists, 4 new applicants who completed the exam required for licensure in January will have to wait until the August meeting for Board approval of their applications. This long wait period (8 months) is a dis-incentive to new practitioners who wish to relocate or start a business in Nevada.

EXHIBIT A

Board of Hearing Aid Specialists Examples of Documented Non-Compliance

Reference: Documentation submitted by the Board of Hearing Aid Specialists to the Sunset Subcommittee; documents posted on the Board of Hearing Aid Specialists website.

Open Meeting Law Compliance

Board Meetings / Minutes

The Board is not in compliance with NRS 241.020, paragraph 3.

The May 9, 2014 meeting agenda was not posted to the State site for Public Notices are required by NRS 241.020 which is a violation of the open meeting law.

NRS 241.020 Meetings to be open and public; limitations on closure of meetings; notice of meetings; copy of materials; exceptions. [Effective January 1, 2014.]

3. Minimum public notice is:

(b) Posting the notice on the official website of the State pursuant to section 2 of this act not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State;

The Board is not in compliance with NRS 241.035 (1).

The minutes of the meetings of **February 8, 2013 and April 12, 2013 are identical**. The agenda for February 8, 2013 does not list the complaint(s) on which action was taken (minutes February 8, 2013); the minutes of the April 12, 2013 are not accurate and do not reflect the posted agenda (agenda, April 12, 2013).

NRS 241.035 Public meetings: Minutes; aural and visual reproduction; transcripts.

1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

The Board is not in compliance with NRS 241.035 (2).

On December 20, 2013, this Board requested a copy of the audio recording of the meeting of December 13, 2013; the recording was not received until February 28, 2014.

NRS 241.035 Public meetings: Minutes; aural and visual reproduction; transcripts.

2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public, and a copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge, within 30 working days after the adjournment of the meeting at which taken.

Complaint and Disciplinary Action Process

The Board is not in compliance with NRS 233B nor the Board's own regulations NAC 637A.485.

Consumer complaints have been brought before the Board for a determination of validity and resolution without following statutory requirements. (Minutes January 13, 2012; February 8, 2013). No complaints have been submitted to legal counsel; no disciplinary actions have been taken against licensees named in complaints.

The Board was advised by legal counsel (Minutes December 13, 2013) complaints should be investigated by staff and if resolution is not successful, submitted to the attorney general's office for processing and possible disciplinary action.

NRS 233B.122 Certain members of agency prohibited from taking part in adjudication; replacement of disqualified officer.

1. No agency member who acts as an investigator or prosecutor in any contested case may take any part in the adjudication of such case.

NAC 637A.485 Action following completion of investigation; notice of hearing and formal complaint. (NRS 637A.100, 637A.260, 637A.270)

1. When an investigation of an informal complaint conducted pursuant to NAC 637A.475 is complete, the staff, and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint.

2. If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination.

3. *If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the legal counsel for the Board shall:* (emphasis added)

(a) In compliance with NRS 622.330, offer mediation, settlement agreements, stipulations of facts and liability or informal hearings; or

(b) Prepare a notice of hearing and a formal complaint.

Board Duties and Responsibilities – Complaints and Disciplinary Actions

The Board of Hearing Aid Specialists is not in compliance with NRS 622.080.

The Board has not taken disciplinary action against licensees who have violated the provisions of NRS 637A and NAC 637A.220 paragraph 4, 6 and 9.

NRS 622.080 Duty to enforce provisions of title for protection and benefit of public. In regulating an occupation or profession pursuant to this title, each regulatory body shall carry out and enforce the provisions of this title for the protection and benefit of the public.

NAC 637A.220 Professional responsibility. (NRS 637A.100, 637A.250)

4. A licensee shall provide to each person who orders or purchases a hearing aid a bill of sale which includes:

- (a) The name of the licensee, the address of the principal place of business of the licensee and the number of the license of the licensee.
- (b) A description of the make, model and serial number of the hearing aid.
- (c) The amount charged for the hearing aid and, if applicable, an itemization of any amount to be deducted from any refund.
- (d) *The condition of the hearing aid, indicating whether it is new, used or reconditioned.*
- (e) The name of the person or entity responsible for providing a refund.

6. A licensee shall provide to each person who purchases a hearing aid a written guarantee that the person may return the hearing aid:

- (a) Within 30 days after receipt of the hearing aid; or
- (b) If the hearing aid is returned to the manufacturer for service or repair during the 30-day period, within 30 days after the hearing aid is returned to the possession of the person who purchased the hearing aid.

Except as otherwise provided in subsection 8, if the hearing aid and all accessories which accompanied the hearing aid are returned to the licensee in the same condition as they were received, the licensee shall provide the person with a refund within 30 days after the hearing aid is returned.

9. *A violation of the provisions of this section is a ground for disciplinary action.*

See complaint excerpts attached; documented minutes of meetings wherein complaints have been mitigated after violations have been determined. No disciplinary actions were taken against licensees found to be in non-compliance with NAC637A. Failure to sanction individuals who violate the law and/or regulations does not protect or benefit the public.

Board Administration and Operations

Board Administrative Office

The Board of Hearing Aid Specialists is not in compliance with NRS 281.110.

The Board does not have a physical Board administrative office open to the public. Telephone contact information is an answering machine / message phone only.

NRS 281.110 State offices to maintain minimum 40-hour workweeks; variable schedules for workweek; posting of days and hours of operation.

- 1. The offices of all state officers, departments, boards, commissions and agencies must maintain not less than a 40-hour workweek.
- 2. Variable workweek scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays or on other days or during other hours, as necessary.
- 3. The offices of all state officers, departments, boards, commissions and agencies must physically post the days and hours of operation at the office. If the days or hours of operation for the office change, the new days and hours of operation must be:
 - (A) Posted physically at the office;
 - (b) Posted on the website of the office, if any; or
 - (c) Otherwise noticed publicly,
 at least 30 days before the change becomes effective.

The Board administrative office is "Home-Based", located in a private residence. The security of and access to board records, checking account and financial information which are maintained in a private residence is limited and increases liability concerns in the event of an accident or incident.

Board Staff/Executive Director

The Board of Hearing Aid Specialists is not in compliance with NRS 622.220.

The Board is possibly not in compliance with State Purchasing requirements for procurement of “independent contractors”. The Board as a whole did not evaluate the qualifications of staff, nor are there policies or procedures in place to delineate the qualification required for the position.

“NRS 622.220 Conditions and limitations regarding employment of person as executive director or executive secretary or in similar position. If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position; . . .”

The executive director is “part-time”. The previous administrator for the Board resigned in February 2014. There was no open recruitment, interview process or public board approval of the individual who is now serving as the executive director; it is not clear whether the position is an “employee” or serving as an “independent contractor” and whether the individual has the qualifications, knowledge and ability to perform the functions of the position.

Board Operations

The Board is not in compliance with administrative requirements of the State Administrative Manual.

The Board of Hearing Aid Specialists does not have written policies or procedures for the conduct of Board administration and office operations in its approved “rules of practice”. There is no documentation of established procedures for approval of any Budget, financial management including check writing, cash reconciliation and signatory authority for Board transactions in any of the minutes of the meetings of the Board.

Banking – Checking account does not indicate funds are held in a “public” account subject to Board approval of signatories; the checking account at Bank of the West is a regular business checking account with disbursements made by check signed by staff. (Bank statement check copies, June 30, 2013 submitted to Sunset Sub-committee)

Board of Hearing Aid Specialists Minutes – Excerpts of Complaints Heard

January 13, 2012 Board Meeting Minutes

10. Review and Possible Action on the Following Anonymous Complaints

#10-08-150 – Mrs. Harper advised that the Board had requested a further investigation at a previous meeting and upon further investigation, the manufacturer of the hearing aids was identified and both hearing aids were registered to other individuals, purchased prior to the client purchasing the hearing aids and were reported as a loss and damage. It is the recommendation that the client is due a refund of \$4,243.31 as the **hearings aids were sold to the client as new and were “used” and registered to other individuals.**

Board Member Ng moved to award the client a refund in the amount of \$4,243.31 to be paid within 30 days of the date of the letter notifying the Hearing Aid Specialist of this decision; based that the client was sold hearings as “new” but were actually “used” and registered to other individuals, seconded by Board Member Locke. The motion passed unanimously.

February 8, 2013 Board Meeting Minutes

10. Review and Possible Action on the Following Anonymous Complaints

#12-05-155

Mrs. Harper summarized the complaint as follows: The client purchased hearing aids on April 23, 2012 and was fit on May 10, 2012; the client’s husband attempted to return the hearing aids on June 4, 2012 and was told that only the client could return the hearing aids. Due to the client’s illness, the client tried to return the hearing aids on June 9th, but the office was closed and returned on June 11th to return the hearing aids. The Specialist denied the return of the hearing aids. The Specialist stated that the client failed to return the hearing aids within the 30 day trial period.

In a review of the 30 day return period in question, it was calculated that the 30th day was Saturday, June 9th and since the office is closed on Saturday, then the next regular scheduled workday would be the 30th day, which is Monday, June 11, 2012; as such the client did return the hearing aids within the 30 days and also in person as requested by the Hearing Aid Specialist. The client also tried to call the office to inform the Specialist that they would be returning the hearing aids on June 11th.

The Specialist does not address the issue that his front office staff informs clients that they must return the hearing aids in person and only to the Specialist. There is no such requirement that the hearing aid return must be done only by the client and only to the Hearing Aid Specialist. There is no documentation that the front office staff informed the client that they could return the hearing aids via registered or certified mail.

Mrs. Harper recommended, following an investigation into this complaint that the Hearing Aid Specialist provide a refund of \$5,094.19 and the client is to return the hearing aids to the Specialist.

MOTION: Board Member Maestas moved to approve a refund in case #12-05-153, to the client in the amount of \$5,094.19 and that the client will return the hearing aids to the Hearing Aid Specialist, seconded by Board Member Ng. The motion passed unanimously.

MOTION: Due to a clerical mistake, Board Member Maestas amended and clarified her original motion to state in case #12-05-155, not #12-05-153, seconded by Board Member Ng. The motion passed unanimously.

#12-05-153

Mrs. Harper stated that the Board at the September 14, 2012 decided that the Hearing Aid Specialist was to provide a refund to the client in the amount of \$3,587 as the client returned the hearing aids in a timely manner. It was later pointed out that the Specialist had previously refunded the client \$1,869.29 via voided check from the client and thus the correct refund due to the client is \$1,838.50. Upon further investigation, it was verified that the Specialist did void a check for \$1,869.29 and it is further recommended that the Board amend their September 14, 2012 decision for a refund of \$1,838.50. The Specialist did provide the refund in a timely manner and provided two checks for the appropriate refund amount.

MOTION: Board Member Maestas moved to amend the Board's decision of September 14, 2012 and award a refund to the client in the amount of \$1,838.50; it was noted that the Hearing Aid Specialist did provide the refund in a timely manner, seconded by Board Member Ng. The motion passed unanimously.

December 13, 2013 Board Meeting Minutes

9. Review and discussion of the following anonymous complaints

Deputy Attorney General Platt advised the two complaints for review should be first handled by the Executive Director to investigate and resolve the complaints between the hearing aid specialist and the consumer; then if there is no resolution, the complaint and investigation would be submitted to the Attorney General's office for further processing and possible disciplinary action.



STATE OF NEVADA
**BOARD OF EXAMINERS FOR
AUDIOLOGY AND SPEECH PATHOLOGY**

P.O. BOX 34540
Reno, Nevada 89533-4540
Phone: (775) 787-3421 / Fax: (775) 746-4105
www.nvaud-sp.org Email: info@nvaud-sp.org

Loretta L. Ponton
Executive Director

April 10, 2014

Ms. Melissa Maestas, Chair
Nevada Board of Hearing Aid Specialists
P.O. Box 190
Carson City, NV 89702

Dear Chair Maestas,

The Board of Examiners for Audiology and Speech Pathology would like to again offer our support, both administratively and financially, towards a joint effort for consolidation of our respective boards into a single oversight board for the practice of speech pathology, audiology and hearing aid specialists.

As previously stated and reported to the Sunset Subcommittee of the Legislative Commission on April 8, 2014, the addition of Hearing Aid Specialists as a separate profession to the Board of Audiology and Speech Pathology would benefit both the Hearing Aid Specialists profession as well as dispensing Audiologists.

It is not and has never been the intent of this Board to reduce the oversight and testing standards of dispensing Audiologists or restrict the practice of Hearing Aid Specialists and Apprentices through consolidation of the two Boards.

There is a very identifiable need for the Hearing Aid Specialist profession and the profession provides an invaluable service to the citizens of Nevada.

That service would potentially be jeopardized if the Board of Hearing Aid Specialists cannot sustain administrative and financial viability with reduced licensee numbers resulting in lower revenue from license fees.

We believe it is in the best interests of the citizens of Nevada and both of our Boards to work collaboratively in developing a new law which will incorporate the best practices, expertise and resources of both Boards. The legislators will be asked to make decisions regarding our professions and they will need informed and consistent information from the boards and the professionals who will be affected.

Ms. Melissa Maestas, Chair
Board of Hearing Aid Specialists
Page Two

We ask that you re-consider your Board's decision to not support a merger of the Boards and join us in the development of a bill that will reflect the best practices and address the needs of all professions.

The Board of Examiners for Audiology and Speech Pathology believes a single oversight board for the practice of speech pathology, audiology and hearing aid specialists is in the best interests of all concerned.

Respectfully,

A handwritten signature in black ink, appearing to read "Loretta L. Ponton". The signature is fluid and cursive, with the first name being the most prominent.

Loretta L. Ponton
Executive Director

Cc: Rebecca Bailey-Torres, Chair
Paula Berkley

Comparison of Current Administrative Structures

Description	Board of Hearing Aid Specialists	Board of Audiology and Speech Pathology
Financial Reserves / Stability 12/31/13	\$ 10,412 in CD \$ 6,552 in Operating	\$ 162,600 in Savings \$109,594 in Operating
Annual Operating Budget FY 14	\$ 31,100	\$ 89,850
Single Audits	Not required	Biennial Audits
Budget Approvals	Not approved by Board at public board meeting	Board Approval
Licensee Record Maintenance	Manual Records	Automated computerized data GL Solutions regulatory and licensing system
Licensee and Administrative Records Retention	Not secured / home based office	Scanned and uploaded; hard copies in secure storage
Customer Service		
Board Office	Home based – not open to the public	Co-located with Board of Occupational Therapy; open to the public
Staff	Part –time Administrator	Executive Director Part time Licensing Specialist
Office Hours	No physical office	Office open 10 a.m.-3 p.m.; available 8 - 5
Telephone	Answering machine	Live telephone service
Website	State of Nevada Not updated regularly	Live site; self-managed; regularly updated
Board Meetings Minutes	Not in compliance with administrative requirements	In Compliance
On Line Services	Download forms Licensee listing	On Line license renewals License Verification (live) All forms available online Credit Card Payments on-line

ENERGY

BRIAN SANDOVAL
Governor

STATE OF NEVADA



PAUL A. THOMSEN
Director
755 North Rook Street, Suite 202
Carson City, NV 89701
Office: (775) 687-1850
Fax: (775) 687-1869

GOVERNOR'S OFFICE OF ENERGY

May 15, 2014

Ms. Carol Stonefield, Managing Principal Policy Analyst
Research Division
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Subject: State and Local Government Panel on Renewable and Efficient Energy

Dear Carol,

As we discussed earlier today, I have discussed the State and Local Government Panel with my senior staff members, and we cannot identify a need for this Panel. Therefore, our recommendation is for the Sunset Subcommittee to terminate this Panel pursuant to NRS 232B.

Please contact me if you need any additional information or if I can answer any further questions.

Best regards,

A handwritten signature in black ink, appearing to read "Paul A. Thomsen", with a long horizontal flourish extending to the right.

Paul A. Thomsen
Director