

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Seventy-third Session
May 3, 2005**

The subcommittee of the Senate Committee on Commerce and Labor was called to order by Chair Maggie Carlton at 10:21 a.m. on Tuesday, May 3, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Maggie Carlton, Chair
Senator Joe Heck

COMMITTEE MEMBERS ABSENT:

Senator Sandra J. Tiffany (Excused)

STAFF MEMBERS PRESENT:

Kevin Powers, Committee Counsel
Jane Tetherton, Committee Secretary
Scott Young, Committee Policy Analyst
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Sylvia M. Tobin
Kathleen Vander Wall, Chair, Board of Hearing Aid Specialists
James Van Hoose
Christine Harper, Administrator, Board of Hearing Aid Specialists
Lorraine Kennedy-Vosu

SENATOR HECK:

I have received a number of letters expressing concern about the actions of the Board of Hearing Aid Specialists. What is at issue is the process by which

applicants are licensed and the time involved. It may be that the delays being encountered are due to the Board's small size and subsequent lack of resources.

SYLVIA M. TOBIN:

I submitted an application to the Board on September 1, 2004. I turned in everything in the application packet that was appropriate. I have not yet received my license. On February 28, 2005, I was sent a letter stating my application was in order, but I would not be granted a license until I attended the next Board meeting, currently scheduled for June 11, 2005, to answer questions about another applicant. This fails to meet the Board's own standard that they inform me whether my application is accepted or denied and tell me why. As far as I know, the status of my application is pending the meeting on June 11; however, the Board has a history of canceling and rescheduling meetings.

KATHLEEN VANDER WALL (Chair, Board of Hearing Aid Specialists):

I have a copy of the Board's meeting and exam dates from 1997 to the present ([Exhibit C](#)) and the application sent out to prospective licensees ([Exhibit D](#)). By law, we are required to meet twice a year. As you can see, we generally meet three times a year. Since I have been chair, we have canceled only one meeting because a Board member had a death in the family.

JAMES VAN HOOSE:

I was chair of the Board from 1991 to 1996. When I served, applicants who successfully passed the application process were given the option of receiving a temporary permit while the remainder of the process was being completed. The current Board does not do this. They refuse to let applications be processed until applicants appear at a Board meeting. This means the process can take months.

MS. VANDER WALL:

The statutes do not allow us to issue temporary licenses. When an application is received, I begin doing the background work required. At the next meeting, all applications received are submitted for the Board's review whether they are complete or not. The statute says the Board must review the application before the person is approved to take the licensure exam.

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SENATOR HECK:

What is the average turnaround time from an application being received to a license being issued?

MS. VANDER WALL:

The average is four months.

SENATOR HECK:

Why did Ms. Tobin's process take so long?

MS. VANDER WALL:

We received her application on October 20, 2004, and the Board reviewed it on February 12, 2005. At that time, the Board invited her to attend the next Board meeting, scheduled for June 11, 2005, to discuss information we were concerned about. There were four or five people in one office applying for licenses, all of whom had problems on their applications. One of them included information on his application we felt was false, including a degree from an online diploma mill. We received letters stating another person in this office had provided service without a license, under the signature of a licensee. Because Ms. Tobin is part-owner of the business where all these people work, we did not process her license application and asked her to come to the next Board meeting to answer questions about the situation.

MS. TOBIN:

It is not against the law for an unlicensed person to do a hearing screening.

I have an employee who sent in her application in January 2001 and then again in February 2004, and she just received her license this week. She has 19 years of experience in dispensing hearing aids. Part of the reason for the delay was that she was told her letters of reference were not acceptable. The Board told her that references must be completed on a form letter to be sent out by the Board. You must get your application to them 60 days before the Board meeting at which they will determine whether your application is acceptable. If they determine at that meeting there is a problem, the delay is extended.

SENATOR HECK:

Why did this application take so long?

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CHRISTINE HARPER (Administrator, Board of Hearing Aid Specialists):

This application was received on July 13, 2001, and was taken to the next Board meeting on July 21, 2001. It was not complete because some of the references were missing; however, the Board will sometimes approve an application provisionally pending the receipt of references. When the remaining material is received, the Board has authorized me to sign off on the application. In this case, the required material was not received before the next Board meeting in October 2001. The person was tentatively approved to sit for the exam in December 2001 if the information was received; however, we received no further communication from her until March 10, 2004, when she submitted a new application. Her second application was also missing some documentation, causing another delay. She took the licensing exam on November 13, 2004, and failed part of the exam.

MS. VANDER WALL:

With regard to references, we request contact information only so we may send them a form letter requesting the information the Board wants. Individual letters of reference do not necessarily have the information we feel is important.

SENATOR HECK:

I fully agree with that provision. This is standard practice.

MS. TOBIN:

If they have specific reference forms they use, the forms should be included in the application packet so the applicant can send them out and expedite the process. Similarly, if you write to them with a complaint, they demand it be put on a specific form but do not supply the form. I have gotten calls from Board members saying, "If you go over my head again, don't ever think you're going to get a license."

CHAIR CARLTON:

There seems to be real dissension between the Board and the profession. You seem to have gone beyond protecting the public and are bordering on becoming exclusionary. I have received a letter from Janice Richie making allegations against one of the members of the Board. Has the Board taken any action on this?

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MS. VANDER WALL:

Yes. We received a full pardon from the state of Texas for that person, with all rights restored. I was not the chair of the Board when the license was given.

CHAIR CARLTON:

How many licensees do you have?

MS. VANDER WALL:

Over 90.

CHAIR CARLTON:

How many of the Board members are licensees?

MS. VANDER WALL:

Four of the five Board members are licensees. The fifth is a doctor of otology.

SENATOR HECK:

How many new applications do you process a year?

MS. HARPER:

An average of 15 a year.

SENATOR HECK:

Of that, how many are called in to appear before the Board, rather than just being approved to take the exam?

MS. HARPER:

In the three years I have been administrator, this is the first time they have called people back. There have been instances in which applications were not denied but are pending receipt of previous employer references or transcripts.

LORRAINE KENNEDY-VOSU:

I own a dispensing practice in Reno. It is time for the process to change. If you need to replace staff, it takes a long time to hire someone from outside the state. The lengthy licensing process makes it that much more difficult. I asked the previous board for a list of licensees so I could look for someone in-state, and they refused. I requested the same information from the Board of Examiners for Audiology and Speech Pathology and was given it. The public is not being served by this cumbersome licensing process.

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MR. VAN HOOSE:

I recommend the Board be released and the laws be changed to follow Colorado's laws. I wrote to the Board in 2003 ([Exhibit E](#)) asking about their authority to change the laws about what we can charge patients. When they did not respond, I sent a certified letter, which they refused to accept. I was told Senator Townsend wrote to the Board asking them to respond to me, and they have not responded to him either.

SENATOR HECK:

I should note the Board has responded quite quickly to my requests for information.

MS. VANDER WALL:

There is an apprentice license available for those who are waiting to take the exam and receive a permanent license.

MS. KENNEDY-VOSU:

The apprenticeship program is a great idea, but there are not enough people to mentor an apprentice.

MS. VANDER WALL:

If we are seeing a need to process additional applications, perhaps the Board needs to meet more often. We have had numerous meetings in which there was no agenda at all.

SENATOR HECK:

You should also consider including the reference forms in the application packet. I would like to request the Board give us a plan on how you will address these issues, particularly with regard to the timeliness of the application process. I do not wish at this point to go to the extreme of doing away with the Board.

CHAIR CARLTON:

I would like the Board to have a discussion amongst their members about the future feasibility of having a Board at all. Because you are one of the smaller Boards, you can merge with another board and share some of the duties and costs of having a board.

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Ms. TOBIN:

I have a document that I would like to submit for the record ([Exhibit F](#), original is on file at the Research Library).

CHAIR CARLTON:

Is there any further comment? Hearing none, I will adjourn this subcommittee meeting at 10:59 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Maggie Carlton, Chair

DATE: _____