



Board of Hearing Aid Dispensers and Audiologists

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DRAFT-OFFICIAL BOARD MINUTES FOR January 11, 2021 Teleconference

MEMBERS PRESENT: Todd Decker, President
Kurt Reder, Member
Norman Sorensen, Member

MEMBERS ABSENT: Dan Smith, Secretary/Treasurer

OTHERS PRESENT: Carol Tellinghuisen, Executive Secretary
Jill Lesselyoung, Executive Assistant
Brooke Tellinghuisen Geddes, Executive Assistant
Jennifer Schultz, SDSLHA
Agelia Stout, SDSLHA
Megan Borchert, DOH Board Attorney

President Decker called the meeting to order at 12:05PM CT. Decker expressed condolences to the family of Ann Oldenkamp on her passing and his appreciation to Ann for her years of service to the Board.

ROLL CALL: Decker asked Lesselyoung to call the roll. Decker, yes; Reder, yes; Sorensen, yes. A quorum was present.

CORRECTIONS OR ADDITIONS TO THE AGENDA: None

APPROVAL OF THE AGENDA: Reder made a motion to approve the agenda. Sorensen seconded the motion. **MOTION PASSED** by roll call vote. Decker, yes; Reder, yes; Sorensen, yes.

PUBLIC COMMENT: Decker called for public comment. Tellinghuisen advised Schultz and Stout could comment at this time or wait until the update on the Audiology and Speech-Language Pathology Interstate Compact. Schultz indicated she will wait. There were no public comments.

ELECTION OF OFFICERS: Sorensen motioned to continue with the current slate of officers with Decker serving as President and Smith as Secretary/Treasurer. Reder seconded the motion. **MOTION PASSED** by roll call vote. Decker, yes; Reder, yes; Sorensen, yes.

NEW LEGAL COUNSEL FOR DOH-BORCHERT, PROSECUTOR-WILLIAMS:
Decker introduced Borchert as the Board attorney for DOH and welcomed her to the Board.

REVIEW-ROLE OF BOARD MEMBER AND CONFLICT OF INTEREST POLICY:
Borchert advised her role for the Board is to assist with meetings and provide legal advice as general counsel. Justin Williams will handle complaints and settlements. Borchert advised a Board member's role is to protect the health and safety of the consumers. It is a distinct purpose from the association's role of expansion of the practice and promotion of the profession. She advised members to keep the public protection in the back of their minds. She discussed the Code of Conduct and Conflict of Interest Policy that is a part of the Boards and Commissions Meeting Guidelines; a Board member must not use information for personal gain. She discussed the Anti-Harassment Policy and the Open Meeting Laws. All are encouraged to reach out with any questions.

APPROVAL OF MINUTES: Reder made a motion to approve the minutes from July 13, 2020. Sorensen seconded the motion. **MOTION PASSED** by roll call vote; Decker, yes; Reder, yes; Sorensen.

FY FINANCIAL UPDATE: Lesselyoung reported fiscal year-end figures as of June 30, 2020; revenue of \$29,820.94, expenses of \$24,826.34 and cash balance of \$98,926.66 and year to date figures as of November 30, 2020; revenue of \$8,463.48, expenses of \$11,911.80 and cash balance of \$95,478.34. The Board discussed and agreed the Board is fiscally independent and has been very fiscally responsible. Sorensen presented figures showing the Board's cash balance had steadily increased since 2016. Decker requested the fee structure for legal counsel be added to the next agenda.

EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2: Sorensen made a motion to enter executive session at 12:30PM to discuss the executive secretary contract renewal. There are no pending complaints. Reder seconded the motion. **MOTION PASSED** by roll call vote. Decker, yes; Reder, yes; Sorensen, yes.

Decker thanked and commended Tellinghuisen and her staff for the job they do. Decker moved to renew the contract with Tellinghuisen with a state cost of living increase if implemented. Reder seconded the motion. **MOTION PASSED** by roll call vote. Decker, yes; Reder, yes; Sorensen, yes.

BOARD COMBINATION BILL UPDATE: The general consensus is the Board is not in favor of combining with the Speech Language Pathology Board. They are not convinced it is in the best interest of the consumers and do not see an advantage to combine. The two professions are autonomous, overlap less and less, and each profession specializes in what they do. The Board is financially self-sufficient and combining does not strengthen their voice or the SLPs. They have the upmost respect for the Speech Language Pathology profession but do not want to be a part of regulating the SLP profession. Stout questioned if combining was really necessary. Schultz voiced concerns the proposed language for the Board member composition of the combination Board would preclude an SLP in private practice from being on the Board. There is general concern that multiple professions under 1 Board would result in inadequate representation of each profession.

AUDIOLOGY AND SPEECH LANGUAGE PATHOLOGY INTERSTATE COMPACT

UPDATE: Schultz advised there were concerns on financial impacts to the Board expressed at the informational meetings in July. The SDSLHA is not pursuing legislation to adopt the compact at this time. Stout questioned what the Board combo bill would look like for the compact. Sorensen indicated he is in favor and not opposed to the compact at this time. Schultz advised there needs to be a consensus for the compact and all need to be on the same page.

LEGISLATIVE UPDATE: Tellinghuisen advised a bill (HB1014) was introduced to create a statutory complaint procedure for Boards. The Board combination was introduced as HB 1041.

VA FEDERAL EMPLOYEE EXEMPTION QUESTION: Lesselyoung advised assistant attorney general Scott Roetzel had checked into the question and advised if a person is employed as VA staff, they should not need a SD license but if they were a contract employee they would. Borchert advised a VA employee can operate under the license of any state. Reder questioned VA practices using office personnel through virtual connections. Decker advised the VA is stringent with vetting. Tellinghuisen advised this is a VA question and not under the Board's jurisdiction. If a concern would come in writing it would be forwarded to the VA for consideration.

ANY OTHER BUSINESS COMING IN BETWEEN DATE OF MAILING AND DATE OF MEETING: Lesselyoung advised the current database management system was purchased by another company and would no longer service the Board under the current contract. The Board office is moving to Albertson Consulting for database management for the DSS Boards. Following discussion, Decker moved to approve updating to the Albertson Consulting software system. Reder seconded the motion. **MOTION PASSED** by roll call vote. Decker, yes; Reder, yes; Sorensen, yes.

SCHEDULE NEXT MEETING: The next meetings are set for July 19th, 2021 and January 10th, 2022 via teleconference at 11:00MT/12:00CT.

Reder made a motion to adjourn the meeting at 1:17PM CT. Sorensen seconded the motion. **MOTION PASSED** by roll call vote, Decker, yes; Reder, yes; Smith, yes; Sorensen.

Respectfully submitted,

Carol Tellinghuisen
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.