

## TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: July 16, 2013

TIME: 9:00 A.M., CST

LOCATION: Poplar Room, Ground Floor  
227 French Landing  
Heritage Place – Metro Center  
Nashville, TN 37247

COUNCIL MEMBERS PRESENT: Thomas Stewart, Hearing Instrument Specialist, Council Chair  
Jerry Hall, Hearing Instrument Specialist  
Randy Williams, Hearing Instrument Specialist

COUNCIL MEMBERS ABSENT: Frederick Rayne, M.D

STAFF PRESENT: Teddy Wilkins, Unit Director  
Alex Munderloh, Office of General Counsel  
Charles Custer, Board Administrator

Mr. Stewart called the meeting to order at 9:00 a.m. A quorum was present. Mr. Stewart turned the agenda over to the Administrator, Mr. Custer.

Mr. Custer introduced Ms. Teddy Wilkins to the Council as the new Unit Director in the administrative offices. Mr. Custer also introduced Brian, a sign language specialist brought in at the request of a spectator attending the Council meeting.

### **Minutes**

Mr. Williams made a motion, seconded by Mr. Hall, to approve the March 22, 2013 Council Meeting minutes as presented. The motion carried.

### **Office of General Counsel**

The Office of General Counsel has no open cases. There are no consent orders and no agreed orders to be presented to the Council.

There is not any current legislation to be presented to the Council.

Mr. Munderloh also advised the Council that the preliminary approval has been given for the deletion of the “3-Fail Rule”, Rule 1370-02-.08(4)(c) to proceed. He advised that a motion was needed from the Council to send it to a rule making hearing. Mr. Williams made a motion, seconded by Mr. Hall, to send this rule to a rule making hearing. The motion carried.

### **Investigative Report**

There are currently nine (9) cases open. Four (4) of these are currently being investigated. Three (3) are ready for review, with two (2) ready for a second review.

### **Monitored Practitioners**

Six (6) practitioners are being monitored at this time.

### **Administrative Report**

Mr. Custer advised the Council that as of July 5, 2013, there are 132 licensed hearing instrument specialists and 16 apprentices.

There are 6 new applications in process, and 3 apprentices, that have been added since March 9, 2013.

Between March 9, 2013 and July 5, 2013, 12 Hearing Instrument Specialists have renewed their licenses. Out of the 12, 8 renewed online, giving a 67% online renewal rate.

The new Conflict of Interest Policy was presented. The Council members were advised of some changes within the policy, specifically the clause pertaining to payment for activities relating to official duties, except as already approved by the Department of Finance and Administration. The example was given of a society paying for travel and lodging to a conference. The members were advised that each of them had a new copy to sign and return to the Administrator.

The Council was advised of a change in the current Lapsed License Policy. The change is that as of now, any licensee practicing after their license has expired is now reported to the National Practitioner Databank, in addition to the State of Tennessee databank.

### **Newly Licensed**

Mr. Williams made a motion, seconded by Mr. Hall, to ratify the following new licensees. These applicants passed all exams, were approved and issued their go-to-work letters between March 8, 2013 and July 2, 2013.

- |   |        |         |     |
|---|--------|---------|-----|
| 1 | Darby  | Charles | 795 |
| 2 | Murphy | Michael | 804 |

The motion carried.

### **File Review**

The Council discussed the file of **Taylor Harper**. Mr. Custer advised the Council that Mr. Harper needs to pass one more exam to be eligible for licensure. The Council discussed Mr. Harper's situation, as he was presented to the Council as an Agreed Order at the previous meeting. The Council discussed the Agreed Order, and whether the fines and costs have been paid. Mr. Munderloh advised that Mr. Harper would have 90 days from the time that the order was finalized after approval to pay fines. The order was approved by the CDS Board at their most recent meeting, on June 3, 2013, and finalized after that. The Council interviewed Mr. Harper. Mr. Williams made a motion, seconded by Mr. Hall, to allow a go-to-work letter be issued, provided Mr. Harper pass his exam and pay the appropriate fines and costs. The motion carried.

### **Review Continuing Education**

The Council reviewed an email from **Craig Haltom**, regarding online continuing education. A discussion was held on whether the Council should approve and/or accept online continuing education. Mr. Custer advised the Council that the Board of Communication Disorders and Sciences recently voted to remove a cap on the online CE hours that can be obtained by a practitioner. A question was asked regarding what other states allow for online hours. Mr. Custer advised the Council that several other Health Related Boards in Tennessee do allow some sort of online CE hours. Mr. Munderloh brought up the fact that if anything were to be changed, that it would require a rule making hearing, part of which is an economic impact clause, which would show that this could potentially be an economic burden to practitioners. Mr. Munderloh also advised that to this point, he has not received any complaints where practitioners are submitting online CE that they didn't take. Ms. Wilkins suggested to the Council that incoming CE's be monitored for how much of the submitted is online. Mr. Custer also reminded the Council that, since they fall under the umbrella of the Board of Communication Disorders and Sciences, and since CDS just made the rule change eliminating the cap of online hours, that it is very likely that the CDS Board could deny the rule change. The Council decided to table this issue until the next meeting, and have Mr. Custer look at any audit information submitted for online CE.

### **Council Operations Fee**

The Council was presented with a proposed draft copy of the new policy for the Council Operations Fee. This policy is to clarify enforcement of non payment of the Fee, and penalties to be imposed. Mr. Williams made a motion, seconded by Mr. Hall, to accept the policy as presented. Motion carried.

Mr. Custer presented the Council with one (1) licensee who has not yet paid the Council Operations Fee, although it was due by January 31, 2013. The Council advised that, since the policy is effective today (July 16, 2013), then Mr. Custer can send a formal discipline letter.

### **Update of Written and Practical Exams**

Mr. Stewart advised the Council that the task force has updated several of the current exams. The Council discussed the exams and how many were updated and/or changed. Mr. Custer advised the Council that the exams are still in the process of cleaning up and updated some of the written exams. Mr. Custer also advised that some of the practical exams were converted into a written format, to alleviate the testing strain on the Council. Mr. Custer asked for clarification from the Council regarding whether Administrative staff could then proctor the practical exams that have been converted to a written format, and the Council stated that, since there are now multiple choice questions, along with appropriate answer keys, that administration can proctor these exams. Mr. Williams made a motion, seconded by Mr. Hall, to accept and implement immediately the Audiogram Interpretation, Masking & Speech, Jurisprudence, Hearing Aid Troubleshooting and Apprentice exams as presented by the task force. The motion carried.

### **Correspondence**

The Council reviewed information from the International Hearing Society regarding different initiatives underway. Documentation provided was strictly informational in nature. The Council discussed the IHS recommendation of classifying practitioners as "Hearing Aid Specialists", as it is recognized by the federal government as a detailed occupation (29-2092) in the 2010 Standard Occupational Code.

The Council reviewed information from Phase Seminars, regarding non-manufacturer Continuing Education. The Council advised that since Phase Seminars is IHS credentialed, then the CE courses would already be approved.

The Council discussed a question from Mr. Custer regarding exams and failing. Mr. Custer advised the Council that he has received questions from applicants regarding a letter to find out what areas need more study, if an exam or exams have been failed. The Council advised that nothing more than a pass/fail score should be sent.

The Council reviewed the information from AARP/UHC/Medicare, regarding online sales of hearing aids. The Council was advised that the CDS Board has also been made aware of this information. Mr. Munderloh stated that, according to whom he has spoken with, a Tennessee licensed audiologist will be contracted to review the submitted audiograms. A task force was created to review additional information regarding this issue, and will bring the findings to the next meeting.

### **Adjourn**

With no other Council business to conduct, Mr. Williams made a motion, seconded by Mr. Hall, to adjourn at 10:38 a.m. The motion carried.

***Ratified by the Council of Hearing Instrument Specialist on September 12, 2013***