

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: September 12, 2013

TIME: 9:00 A.M., CT

LOCATION: Health Related Boards
Poplar Room, Ground Floor
227 French Landing
Nashville, TN 37243

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

Minutes

Mr. Williams made a motion, seconded by Dr. Rayne, to approve the July 16, 2013 Council Meeting minutes after changing the date listed on the minutes. 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 rule making hearing for the deletion of the “3-Fail Rule”, Rule 1370-02-.08(4)(c) is scheduled for December 13, 2013, which is the date of the interim exams, but there will be a special convening of the Council prior to testing for this purpose.

Investigative Report

There was no one available from the disciplinary/investigations unit to provide the report, so Mr. Custer briefly went over the report. There are currently seven (7) cases open. Denise Moran, from the Office of Investigations came in at a later time and advised the Council of additional information. There is one (1) case currently in review. Ms. Moran also answered questions regarding the disciplinary monitoring report and following up on licensees that show up on that report.

Administrative Report

Mr. Custer advised the Council that as of September 1, 2013, there are 129 licensed hearing instrument specialists and 16 apprentices.

There are 5 new applications in process, and 0 apprentices, that have been added since July 5, 2013.

Regarding the Council Operations Fee, as of September 1, 2013, administration had sent out 48 fee notifications and received 24 payments. There were 3 30-day letters sent out and 1 agreed citation. As of the cutoff date, none had yet been referred to OGC.

Between July 5, 2013 and September 1, 2013, 8 Hearing Instrument Specialists have renewed their licenses. Out of the 8, 3 renewed online, giving a 37.5% online renewal rate.

Mr. Custer also advised the Council of the upcoming move on September 27, 2013 of the Health Related Boards offices to the new building at 665 Mainstream Dr.

Closed Files

Dr. Rayne made a motion, seconded by Mr. Williams, to close the file of Jared Denton, as he has chosen not to pursue licensure in Tennessee. The motion carried.

File Review

The Council discussed the file of **Fred Hutchison**. Mr. Custer advised the Council that Mr. Hutchison's license expired on July 31, 2013 due to an error regarding the electronic notification for renewal. Mr. Custer advised the Council that the reason this file is in review is that verification of any previous licenses is required to be submitted; and because of the age of the license, the California Licensing Board no longer has record of the license previously held by Mr. Hutchison. Dr. Rayne made a motion, seconded by Mr. Williams, to allow the application to be approved without the California verification. The motion carried.

The Council discussed the file of **Daniel Smith**. Mr. Smith is reinstating his license in Tennessee, and he has admitted on the application that he has had 2 DUI offenses in his past. Administration is still waiting for verification from the state of Ohio, but otherwise, the application is complete. Mr. Smith addressed the Council and answered questions. Dr. Rayne made a motion, seconded by Mr. Hall, to allow the application to be approved. 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.

Task Force Update of Written and Practical Exams

Mr. Stewart advised the Council that the task force has updated several of the current exams. The task force is continuing to update exams and provide multiple versions of the existing exams. Mr. Stewart also advised that there is an exam for ear mold modification. The Council reviewed and discussed the exam. The task force made a recommendation to the Council that a second version of the Audiogram Interpretation exam and the first version of the Ear Mold Modification exam be added to the testing rotation. Dr. Rayne made a motion, seconded by Mr. Hall, to accept the Audiogram Interpretation, test B exam, beginning implementation today. The motion carried. Dr. Rayne made a motion, seconded by Mr. Hall, to accept the new Venting & Ear Mold Modification exam, with allowing current applicants in process to be exempt from this exam, and beginning for new applications received as of today's date (September 13, 2013). The motion carried.

Task Force Update Regarding Online Sale of Hearing Aids

Mr. Munderloh advised the Council of the Tennessee Attorney General (AG) opinion from December 1997 regarding the online sale of hearing aids directly to consumers. Mr. Munderloh advised that there is an FDA regulation allowing online sale, as it pertains to interstate commerce. The Council discussed submitting for a new AG opinion, as the FDA regulation came out after the original AG opinion. The Council appointed a new task force to include Dr. Rayne and Mr. Munderloh to create wording to send to the AG office for a new opinion. The task force would share the wording to the Council, just for the Council's observation and keeping "in the loop", but the Council would not have an option to vote on the wording being presented.

Upcoming Meeting/Testing Dates

Mr. Custer provided the Council with the scheduled meeting and testing dates for 2014. These are:

- February 27, 2014, 9:00 am - Council Meeting; testing if needed
- May 17-18, 2014 - TN Hearing Society Conference; testing if needed
- June 26, 2014, 9:00 am - Council Meeting; testing if needed
- October 23, 2014, 9:00 am - Council Meeting; testing if needed
- December 12, 2014, 9:00 am - Interim testing if needed

Adjourn

With no other Council business to conduct, the meeting adjourned at 10:49 a.m.

Ratified by the Council of Hearing Instrument Specialists on June 26, 2014