

**MEETING MINUTES**  
**TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS**

DATE: February 26, 2016

TIME: 9:00 A.M., CT

LOCATION: Health Related Boards  
Iris Room, Ground Floor  
665 Mainstream Dr  
Nashville, TN 37243

COUNCIL MEMBERS PRESENT: Thomas Stewart, Hearing Instrument Specialist, Council Chair  
Frederick Rayne, M.D  
Jerry Hall, Hearing Instrument Specialist

COUNCIL MEMBERS ABSENT: Frederick Rayne, M.D  
Lordy Dell Smith, Consumer Member

STAFF PRESENT: LaTonya Shelton, Unit Supervisor  
Hannah Lanford, Office of General Counsel  
Jane Young, Office of General Counsel  
Charles Custer, Board Administrator

STAFF ABSENT: Teddy Wilkins, Unit Director

Mr. Stewart called the meeting to order at 9:12 a.m. By roll call, it was determined that a quorum was present.

**Minutes**

The Council reviewed the minutes from the September 25, 2015 and October 30, 2015 meetings. Dr. Rayne made a motion, seconded by Mr. Hall, to accept both as presented. The motion carried. Mr. Stewart abstained from the vote.

**Office of General Counsel**

Ms. Lanford presented the following OGC report to the Council:

**Legislation**

Ms. Lanford advised of new legislation:

- Proposed House Bill 1603/Senate Bill 1515 would, as introduced, extend the Council for Licensing Hearing Instrument Specialists for six years to June 30, 2022. It would also establish minimum attendance requirements for Council

members and would require the removal of members who do not meet the requirement. This bill would amend TCA Title 63, Chapter 17, Part 2. A copy of the bill can be found at the following link: <http://www.capitol.tn.gov/Bills/109/Bill/SB1515.pdf>

- Proposed House Bill 2318/Senate Bill 2391 would, as introduced, remove authority of the Council for Licensing Hearing Instrument Specialists to waive written examination requirements for applicant. It also specifies that the Nation Board for Certification of Hearing Instrument Sciences is no longer the accepted examination for licensure. This bill would amend TCA Title 63, Chapter 17, Part 2. A copy of the bill can be found at the following link: <http://www.capitol.tn.gov/Bills/109/Bill/SB2391.pdf>.

### **Rule Activity**

Rule 1370-02-.06 regarding fees is at the Attorney General's office awaiting approval.

### **Disciplinary Activity**

Currently, there are three (3) open files in the Office of General Counsel; no cases have been appealed to the Chancery Court; and there are no consent orders on the agenda to be presented to the Council today.

### **Lapsed License Policy**

Ms. Lanford advised the Council that there is a push to normalize the lapsed license policy across all 32 of the Health Related Boards. This new policy includes language explaining the Agreed Citation process, as well as setting specific limits of working on an expired license. After reviewing the proposed language, Dr. Rayne made a motion, seconded by Mr. Hall, to accept the new policy statement as presented. The motion carried. Mr. Stewart abstained from the vote.

### **Special License Approvals**

Ms. Lanford then turned the floor to Steve Hart from the Attorney General's Office. Mr. Hart advised the Council that there were three (3) individuals related to the ongoing litigation whose Audiogram Interpretation exams were reviewed by volunteer members of Ozarks Technical Community College, as part of an agreement between the AG's office and the Plaintiffs. Mr. Hart advised that, based on the recommendations of the OTCC faculty, that the individuals in question should be approved for licensure, as the results showed that they would have passed the portion of the exam in question. Mr. Hart turned the floor to Mr. Custer for further information regarding the exams and applicants. Mr. Custer advised the Council of the individuals, and that they had met all other requirements for licensure. Mr. Custer presented the list of applicants:

- Kathleen Ebel: Passed the Audiogram Interpretation with a score of 80%, after the OTCC review; Dr. Rayne made a motion, seconded by Mr. Hall, to approve Ms. Ebel for full licensure. The motion carried. Mr. Stewart abstained from the vote.
- Callan Lamoreaux: Passed the Audiogram Interpretation with a score of 80%, after the OTCC review; Dr. Rayne made a motion, seconded by Mr. Hall, to

approve Ms. Lamoreaux for full licensure. The motion carried. Mr. Stewart abstained from the vote.

- Michele Good: Passed the Audiogram Interpretation with a score of 90%, after the OTCC review; Mr. Custer advised that Ms. Good had not yet passed the Venting & Ear Mold Modification portion; Dr. Rayne made a motion, seconded by Mr. Hall, to approve Ms. Good for full licensure, upon passage of the Venting & Ear Mold Modification portion, which will be conducted at a later date. The motion carried. Mr. Stewart abstained from the vote.

### **Investigative Report**

Nichelle Dorroh, from the Office of Investigations advised the Council that there are currently four (4) cases open, and the Investigations department is currently monitoring three (3) disciplined practitioners.

### **Financial Report**

Vanessa Crutcher presented the financial report to the Council, and advised that they have a current carryover balance of \$176,027, as of June 30, 2015. Ms. Crutcher also advised of a policy in place regarding high carryover balances, but also acknowledged that the Council has taken steps to reduce the carryover by lowering renewal fees.

### **Administrative Report**

Mr. Custer presented the Administrator's report to the Council, which also included a report on the current status of the Council Operations Fee. Mr. Custer advised that there are currently a total of 124 licensed practitioners, and 24 licensed apprentices.

Mr. Custer then turned the floor to Mr. Stewart regarding the upcoming TN Hearing Society annual CE conference. Dr. Rayne made a motion, seconded by Mr. Hall, to send up to three (3) administrative staff to the conference. The motion carried. Mr. Stewart abstained from the vote.

Mr. Custer also advised the Council of the next meeting date, which will be held on May 13, 2016. This is also the day before the TN Hearing Society conference.

### **Correspondence**

Mr. Custer presented the Council with several emails from IHS updating on various issues with the ILE exam and other licensing board updates. Mr. Custer advised that these were informational only, and required no Council action.

Mr. Custer presented a CE waiver request from Christopher Healey. Mr. Healey is a TN licensed H.I.S. who resides in Minnesota. Mr. Healey stated in his letter that he has not practiced in TN since 2010, but maintains his TN license. Additionally, he stated that he is not currently practicing as a dispenser, but as a consultant. Mr. Healey was requesting a waiver of the Bill of Sale and Calibration Certificate requirements due to these facts. He did submit his required CE hours, including the TN Law hours, as required by the rules. Dr. Rayne stated that he felt there is no need to grant a waiver, as there is no issue of non-compliance, due to the fact that Mr. Healey is not working as a dispenser in TN, and therefore cannot produce

documentation to show sales or audiometer calibration. Mr. Custer stated that he will advise Mr. Healey of the Council's decision.

### **Agreed Citation**

Mr. Custer presented an agreed citation for Daniel Smith. Mr. Smith was found to be deficient during the CE audit, and issued an agreed citation with a civil penalty of \$100. Mr. Smith submitted the required documentation and fee. Dr. Rayne made a motion, seconded by Mr. Hall, to accept the citation. The motion carried. Mr. Stewart abstained from the vote.

### **Dept of Labor Apprenticeship Standards**

Mr. Custer introduced Michael Grogan from IHS to present the information regarding the new Department of Labor Apprenticeship Guidelines. Mr. Grogan provided a presentation, and advised that this is a new program developed to aid licensing boards in establishing an apprenticeship training program for Hearing Instrument Specialists. Mr. Grogan stated that it is not a requirement for licensing boards to accept or use this program, but instead, it helps the overall licensing process for all parties involved. Part of the program includes an online listing of employers who wish to accept apprentices, as well as a listing of potential apprentices seeking employment.

### **Board (Council) Consultant**

Mr. Custer and the Council revisited the need for a consultant to work with the Investigations department. After discussion of possible parameters, guidelines, and methods of seeking individuals to be appointed to the position, the Council requested that Mr. Custer send a letter to all active licensees advising of the need, and asking for volunteers. Mr. Custer will then bring a list of those names to the May Council meeting for the Council to review and make a selection.

### **Discussion regarding Practical Exams and Proctors**

Mr. Custer presented information to the Council regarding the recently contracted IHS Practical Skills exam. Mr. Custer advised of three state boards that he spoke with that use the exam, and showed comparisons of the states to try and set parameters for the testing process, as well as proctors for the exams. There was discussion regarding setting a testing time limit; the number of proctors needed to conduct exams; the criteria of choosing an exam proctor; and outside proctoring/testing services, among other related topics. Mr. Custer called to the podium Perry Ebel, who has recently taken the IHS Practical exam in the state of Georgia. Mr. Ebel spoke regarding the process and time limit that the GA Board uses, as they use an outside test administration service. Mr. Ebel also stated that there is no direct contact between the GA Board and the test proctors, as the proctoring service handles everything. Upon hearing this information, Dr. Rayne made a motion, seconded by Mr. Hall, to ask the administrative staff, along with the Office of General Counsel, to look into third party proctoring, such as used in GA, including costs and letting bids. The motion carried. Further discussion continued to center around the time limit, with the Council agreeing to set a preliminary time limit of three (3) hours. After more discussion, Dr. Rayne made a motion, seconded by Mr. Hall, to set the time limit at 3 hours. The motion carried. Mr. Stewart abstained from voting. Ms. Lanford then advised that no decision on a proctoring company can be made by the Council without due process and research into their processes and requirements. Ms. Young stated that OGC

will confer with others within OGC who work with contracts, and do some research into various companies to proctor and administer the practical skills exams. Mr. Custer continued to try and push the Council to give some direction on proctors in the interim, due to the massive backlog of applicants waiting for testing. Ms. Lanford then advised the Council to wait on the current backlog until other options are able to be investigated. Ms. Lanford stated that the OGC wants to make sure that the exams are handled and proctored correctly, to avoid potential issues in the interim. Mr. Stewart inquired about Mr. Custer sending a letter to all active licensees to solicit interest for potential proctors. Ms. Lanford agreed, and stated that sending a letter would be acceptable. Mr. Stewart asked Mr. Custer to send a letter, to which Mr. Custer agreed.

### **Adjourn**

With no other Council business to conduct, Mr. Hall made a motion, seconded by Dr. Rayne, to adjourn the meeting. The motion carried, and the meeting adjourned at 12:57 p.m.

*Ratified by the Council of Hearing Instrument Specialists on May 13, 2016*