

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: May 12, 2017

TIME: 9:00 A.M., CT

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

COUNCIL MEMBERS PRESENT: Thomas Stewart, Hearing Instrument Specialist, Council Chair
Randy Williams, Hearing Instrument Specialist
Jerry Hall, Hearing Instrument Specialist
Lordy Dell Smith, Consumer Member

COUNCIL MEMBERS ABSENT: Frederick Rayne, M.D

STAFF PRESENT: Teddy Wilkins, Unit Director
Charles Custer, Board Administrator
Jamie Formont, Advisory Attorney, Office of General Counsel
Ashley Fine, Rules Coordinator, Office of General Counsel

Mr. Stewart called the meeting to order at 9:00 a.m. By roll call, it was determined that a quorum was present. Mr. Stewart turned the meeting over to Mr. Custer.

Rulemaking Hearing

Ms. Formont called the rulemaking hearing to order at 9:01 a.m. The rulemaking hearing was held regarding amendment to the following rules:

- a) Rule 1370-02-.01 – Definitions
 - i) This rule is being amended by removing the definition of NIHIS, as it does not appear in any other place in the rules.
 - ii) Mr. Williams made a motion, seconded by Ms. Smith, to accept this rule change as presented. A roll call vote was held, and the motion carried.
- b) Rule 1370-02-.04(3) – Preliminary Qualifications for Licensure
 - i) This rule is being amended by changing the accepted passing score to reflect the overall passing score as determined by the International Hearing Society.
 - ii) Mr. Williams made a motion, seconded by Mr. Hall, to accept this rule change as presented. A roll call vote was held, and the motion carried.
- c) Rule 1370-02-.05(4) – Procedures for Licensure
 - i) This rule is being amended by deleting the language regarding Apprentice examination fees and the requirement for exams for Apprentice applicants.
 - ii) Mr. Williams made a motion, seconded by Mr. Hall, to accept this rule change as presented. A roll call vote was held, and the motion carried.

- d) Rule 1370-02-.06 – Fees
 - i) This rule is amended by deleting the listed fees for Apprentice exams.
 - ii) Mr. Williams made a motion, seconded by Mr. Hall, to accept this rule change as presented. A roll call vote was held, and the motion carried.
- e) Rule 1370-02-.08 – Examinations
 - i) This rule is amended by changing the language to reflect the adoption of the IHS Practical Skills exam; the adoption of the IHS Written exam; changing the passing score of said exams to reflect the IHS passing score; changing the passing score on the Jurisprudence exam from 75% to 70%; deleting the language of the Apprentice exams section.
 - ii) Mr. Williams made a motion, seconded by Mr. Hall, to accept this rule change as presented. A roll call vote was held, and the motion carried.
- f) Rule 1370-02-.09(2) – Renewal of License
 - i) This rule is amended by changing the amount of fees charged for reinstatement of an expired license.
 - ii) Mr. Williams made a motion, seconded by Mr. Hall, to accept this rule change as presented. A roll call vote was held, and the motion carried.
- g) Rule 1370-02-.14(5) – Apprenticeship Training Program
 - i) This rule is amended by changing the language to reflect the deletion of the Apprentice examinations.
 - ii) Mr. Williams made a motion, seconded by Mr. Hall, to accept this rule change as presented. A roll call vote was held, and the motion carried.

Mr. Williams made a motion, seconded by Mr. Hall, to accept the Regulatory Flexibility Analysis as presented. A roll call vote was held, and the motion carried.

Mr. Williams made a motion, seconded by Mr. Hall, to accept the Statement of Economic Impact as presented. A roll call vote was held, and the motion carried.

Mr. Williams made a motion, seconded by Mr. Hall, to accept the entire list of rule changes as presented. A roll call vote was held, and the motion carried.

Ms. Formont declared the rulemaking as complete and finished at 9:41 a.m.

Investigative Report

Nichelle Dorroh, from the Office of Investigations advised the Council that there are currently **twelve** (12) cases open, most of which were closed due to the settlement of the lawsuit against the Council. Also, the Investigations department is currently monitoring **four** (4) disciplined practitioners.

Administrative Report

Mr. Custer presented the Administrator's report to the Council. Mr. Custer advised that there are currently a total of 145 licensed practitioners, and 33 licensed apprentices.

Mr. Custer reminded the Council that the next meeting for 2017 is scheduled for September 22, 2017.

Ms. Wilkins advised the Council of the new application system being launched, which allows applicants to submit online applications.

Minutes

The Council reviewed the minutes from the January 20, 2017 meeting. Mr. Williams made a motion, seconded by Ms. Smith, to accept the minutes as presented. The motion carried.

Office of General Counsel

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

Conflict of Interest Policy for Board Members

Ms. Formont reviewed the Conflict of Interest Policy with the Council.

Disciplinary Activity

The Office of General Counsel currently has **two** (2) open cases. There are no contested cases to present to the Council today, and there is one (1) Order of Compliance for the Council's consideration.

Order of Compliance

Ms. Formont presented an Order of Compliance for **Brett Parrish**. After reviewing the proposed order, Mr. Williams made a motion, seconded by Mr. Hall, to accept the order as presented. The motion carried.

Rule Activity

A rulemaking hearing is scheduled for today, May 12, 2017.

Legislation

There is no new legislation affecting the Council at this time.

New Licenses

Mr. Williams made a motion, seconded by Mr. Hall, to accept the list of new licenses. The motion carried.

New Applicants

1 Elisabeth Lawrence 895 | 2 Blake Pennington 911 |

Discussion of Lawsuit Settlement (WSPTN Corp v. TN Council for H.I.S.)

Steve Hart, representing the Tennessee Attorney General's office, presented a settlement offer for the lawsuit against the Council and individual Council members. After review and discussion, Mr. Williams made a motion, seconded by Mr. Hall to accept the settlement as presented. A roll call vote was held, and the motion carried.

Financial Report

Noranda French, representing the Fiscal department, presented the mid-year financial report, with year-end projections for Fiscal Year 2017.

File Review

Mr. Custer presented to the Council the file of **Jonathan Stevens**, H.I.S. Apprentice applicant. Mr. Stevens' file included some derogatory information, for which additional documentation was requested. This documentation was not received in time for the meeting. Mr. Williams made a motion, seconded by Ms. Smith, to table the matter for the next meeting, to allow Mr. Stevens more time to submit the requested information. The motion carried.

Adjourn

With no other Council business to conduct, Mr. Williams made a motion, seconded by Mr. Hall, to adjourn. The motion carried, and the meeting was adjourned at 11:00 a.m.

Ratified by the Council of Hearing Instrument Specialists on September 22, 2017