

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: May 13, 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
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
Hannah Lanford, Office of General Counsel

Mr. Stewart called the meeting to order at 9:06 a.m. By roll call, it was determined that a quorum was present. Mr. Stewart turned the meeting over to Mr. Custer. Mr. Custer reminded the audience to sign in by the door to receive their CE credit for today's meeting.

Minutes

The Council reviewed the minutes from the February 26, 2016 meeting. Mr. Hall made a motion, seconded by Mr. Stewart, to accept both as presented. The motion carried.

Office of General Counsel

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

Rule Activity

- Rule 1370-02-.06 regarding fees has been approved by the attorney general's office and has an effective date of July 24, 2016.

Disciplinary Activity

- The Office of General Counsel currently has **two** (2) open cases, and there is one (1) consent order to present. There are no cases that have been appealed to the

Chancery Court. Ms. Lanford presented a Consent Order for *Eric Cobb, H.I.S. #782*, who is being disciplined for advertising violations. His discipline will be one (1) year probation, \$1500 civil penalties, and submission of all advertising to the Council's administrative office. Mr. Williams made a motion, seconded by Mr. Hall to accept the Consent Order as presented. The motion carried.

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>.

The Council also heard from Legislative Liaison, Lacey Blair. Ms. Blair advised the Council on Public Chapters 612, and 811, which became effective already, as noted previously. Ms. Blair also advised of Public Chapter 763, which covers all Health Related Boards, and is regarding reinstatement of license, and eliminates the requirement of payment of all past due renewal fees; this becomes effective on July 1, 2016. Ms. Blair also advised the Council of Public Chapter 990, in regards to Telehealth and insurance; this becomes effective on January 1, 2017.

Investigative Report

Nichelle Dorroh, from the Office of Investigations advised the Council that there are currently fifteen (15) cases open, and the Investigations department is currently monitoring five (5) disciplined practitioners.

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 129 licensed practitioners, and 24 licensed apprentices.

Mr. Custer also advised the Council of the next meeting date, which will be held on September 23, 2016.

Reinstated Licenses

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

1 Melissa Blakeman 585 | 2 Thomas Bunetta 697 | 3 Travis Corder 780 |

Agreed Citation

Mr. Custer presented an agreed citation for *Latisha Ashcraft, H.I.S. #772*. Ms. Ashcraft was found to be deficient during the CE audit, and issued an agreed citation with a civil penalty of \$50. Ms. Ashcraft submitted the required documentation and fee. Mr. Williams made a motion, seconded by Ms. Smith, to accept the citation. The motion carried.

Discussion regarding Practical Exams and Proctors

Mr. Custer presented information to the Council regarding the new Practical Skills exam. Mr. Custer provided the Council with an example of the exam descriptions that will be sent to all authorized exam candidates. The Council reviewed the letter, though no vote is required, as the language was taken directly from the IHS material. Mr. Williams inquired about study guides being sent to candidates. Mr. Custer advised that the study guide comes directly from IHS, and could be sent by administrative staff to potential candidates, or downloaded directly from IHS.

Mr. Custer also provided a list of licensed specialists who have submitted their names for consideration to proctor the exams. Ms. Lanford advised the Council of a Request for Information (RFI) looking for an outside proctoring service, which has been sent out. This RFI must be followed and completed before we can attempt to contract with any outside proctoring service. The Council will wait until the results of that RFI are in before making any decisions on proctors.

Mr. Custer then advised the Council of an email regarding the expiration of an Apprentice license, and the possibility of an extension. Mr. Custer requested that the Council authorize the extension of all Apprentice licenses through the end of the year, due to the extenuating circumstances surrounding the exams and Apprentice licenses. Ms. Lanford advised the Council that, per the statute, Apprentice licenses cannot be renewed or extended; however, due to the circumstances, the Council has voted in contrast to the statute. Mr. Stewart made a motion, seconded by Ms. Smith, to extend all existing Apprentice licenses to December 31, 2016. The motion carried, with Mr. Williams abstaining from the vote, as he has an apprentice affected by this.

Discuss & Implement Apprentice Licensing Procedures and Rulemaking Changes

Ms. Lanford and Mr. Custer spoke to the Council regarding how the Council rules will need to be changed to be in compliance with Public Chapter 811, referenced earlier in the meeting. Mr. Custer advised that PC 811 eliminates the exam requirement for Apprentice applicants. This became effective on April 14, 2016.

Ms. Lanford presented several rules not dealing with the Apprentice licenses to the Council that should be changed for cleaning up purposes. These rules include practical exam pass rates moving from 75 to 70[Rule 1370-02-.04(3), with the exception of the Jurisprudence exam, which will stay at 75; Rule 1370-02-.08(1)]; deleting reference to NIHIS [Rule 1370-02-.01(26)]; and reinstatements [Rule 1370-02-.09(2)], which is in conflict with PC 763, discussed earlier.

Mr. Williams made a motion, seconded by Ms. Smith, to conduct a rulemaking hearing to change all the rules that are affected by PC 811, as well as other rules that may need changed, as discussed. Ms. Lanford will draft the necessary language for a rulemaking hearing, hopefully to be held at the next Council meeting.

Ms. Lanford presented the policy statement for the Practical Skills exams, setting the time limit at three (3) hours. Mr. Williams made a motion, seconded by Ms. Smith, to accept the policy as presented. The motion carried.

Board (Council) Consultant

Mr. Custer and the Council revisited the need for a consultant to work with the Investigations department. Mr. Custer presented the list of individuals who have submitted their names in response to the letter that was previously sent out. After discussion of possible parameters, guidelines, and methods of seeking individuals to be appointed to the position, the Council decided to table this discussion until the September meeting.

Adjourn

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

Ratified by the Council of Hearing Instrument Specialists on September 23, 2016