

MEETING MINUTES
TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: October 30, 2015

TIME: 9:30 A.M., CT

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

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

COUNCIL MEMBERS PRESENT, BY TELEPHONE: Frederick Rayne, M.D
Lordy Dell Smith, Consumer Member

STAFF PRESENT: Teddy Wilkins, Unit Director
Hannah Lanford, Office of General Counsel
Jane Young, Office of General Counsel
Andrea Huddleston, Office of General Counsel
Charles Custer, Board Administrator

Ms. Wilkins called the meeting to order at 9:30 a.m. By roll call, it was determined that a quorum was present.

Ms. Wilkins then read the required telephonic meeting script to conduct the meeting. Mr. Williams made a motion, seconded by Dr. Rayne, to conduct the meeting electronically. A roll call vote was held, the motion carried.

Ms. Wilkins read the requirements for a telephonic/electronic meeting. Dr. Rayne made a motion, seconded by Mr. Hall, stating the the requirements for the emergency meeting have been met. A roll call vote was held, the motion carried.

The meeting was then turned over to Ms. Young, who read a statement of fact, detailing why this meeting was called. This is in regards to the recent public records request, which required all practical skills examinations to be released. Additionally, the Council has been sued by a group of people and corporations alleging that the Council has acted in a manner that violates Federal antitrust laws.

Reciprocity Applications

Ms. Young advised that there were some applicants who are licensed in other states, and who have applied to Tennessee by the reciprocity method. Ms. Young read the names of five (5) individuals to be considered, as well as where each individual is licensed, as requested by the plaintiffs of the previously mentioned lawsuit. Ms. Young advised the Council that the request is being made to approve these individuals by reciprocity, as they have met all Tennessee requirements.

Mr. Stewart advised that he will exercise his right as Council chair to not vote on any of the individuals, unless it would be necessary due to quorum issues.

Mr. Custer requested that each individual be voted on separately, as it would allow discussion on each applicant, if necessary. No objections were heard, and discussion proceeded. Mr. Stewart requested that Mr. Custer present the applicant information to the Council. Ms. Young agreed, and Mr. Custer began the presentation of each applicant.

Mr. Custer presented the information for **William Amrhein**. Mr. Custer advised that Mr. Amrhein has failed two (2) portions of the current practical skills examinations, but otherwise has met all requirements for licensure in Tennessee, and is licensed in three (3) other states. Mr. Custer made the recommendation that Mr. Amrhein be issued a license based on these facts. Mr. Hall made a motion, seconded by Ms. Smith, to approve the application of Mr. Amrhein. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Trang Cao**. Mr. Custer advised that Ms. Cao has failed two (2) portions of the current practical skills examinations, but otherwise has met all requirements for licensure in Tennessee, and is licensed in three (3) other states. Mr. Custer made the recommendation that Ms. Cao be issued a license based on these facts. Mr. Williams made a motion, seconded by Mr. Hall, to approve the application of Ms. Cao. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Dr. Rayne broke in and advised that he would need to leave the meeting, and would rejoin if his schedule permitted. Dr. Rayne was thanked for his participation, and it was determined that a quorum was still present.

Mr. Custer presented the information for **Tiffany Powell**. Mr. Custer advised that Ms. Powell has failed one (1) portion of the current practical skills examinations, but otherwise has met all requirements for licensure in Tennessee, and is licensed in one (1) other state. Mr. Custer made the recommendation that Ms. Powell be issued a license based on these facts. Mr. Williams made a motion, seconded by Mr. Hall, to approve the application of Ms. Powell. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Robert Stockett**. Mr. Custer advised that Mr. Stockett had originally submitted application by full exam, but has met all requirements for licensure in Tennessee, and is licensed in one (1) other state. Mr. Custer made the recommendation that Mr. Stockett be issued a license by reciprocity, contingent upon receiving an updated application requesting reciprocity, as well as verification from any state he is currently licensed in. Mr. Williams made a motion, seconded by Mr. Hall, to approve the application of Mr. Stockett once the application and verification have been received. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Jimmie Robinson**. Mr. Custer advised that Ms. Robinson was originally issued an apprentice license in 2011, and failed the practical skills examination during the process for upgrade to full license. Mr. Custer further advised that the last contact with Ms. Robinson was in May 2012. Mr. Custer made the recommendation that Ms. Robinson be issued a license by reciprocity, contingent upon receiving an updated application requesting reciprocity, a new criminal background check, verification from any state she is currently licensed in. Mr. Custer also advised that we would accept her previous exam scores from the Jurisprudence exam taken in 2011, and we would waive application fees, in the interest of good faith. Mr. Williams made a motion, seconded by Mr. Hall, to approve the application of Ms. Robinson. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer advised the Council that the administrative staff has identified other applicants who have applied by reciprocity, but are not named plaintiffs in the lawsuit.

Mr. Custer presented the information for **Jeffrey Anderson**. Mr. Custer advised that Mr. Anderson had originally submitted application by full exam, but has met all requirements for licensure in Tennessee, and is licensed in one (1) other state, but has never taken the IHS written examination. Mr. Custer advised that Mr. Anderson has been authorized to sit for the IHS exam. Mr. Custer made the recommendation that Mr. Anderson be issued a license by reciprocity, contingent upon passing the IHS written exam, as well as the TN Jurisprudence exam. Mr. Stewart asked for clarification of what is being presented for approval. Ms. Young then advised that we cannot consider any of the additional applications listed, as the original request from the plaintiff's attorney did not include the other individuals.

Apprentice Extensions

Ms. Young advised that there are individuals whose current apprentice licenses have either expired or will soon expire. Ms. Young stated that, since is no exam currently for these individuals to take in order to upgrade

to full license, the plaintiffs have asked for these individuals to be extended. Ms. Young advised the Council that, per TCA 63-17-208(d), the apprentice license is only valid for one (1) year; however, due to the fact of no exams, as well as the ongoing litigation, she advised that it would be appropriate for the Council to approve extensions for the qualified individuals. Ms. Young also advised that it would be appropriate for these extensions to be ratified by the Board of Communication Disorders and Sciences, since these extensions would be in direct conflict of the statute. Ms. Young then deferred to Mr. Custer for the specific individuals in question.

Mr. Custer presented the information for **Kimberly Newell**. Mr. Custer advised that Ms. Newell's current apprentice license expired October 23, 2015. Mr. Custer made the recommendation that Ms. Newell be issued an extension of her apprentice license for twelve (12) months. Mr. Williams made a motion, seconded by Ms. Smith, to approve the extension for Ms. Newell. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Michele Good**. Mr. Custer advised that Ms. Good's current apprentice license expired May 21, 2015. Mr. Custer made the recommendation that Ms. Good be issued an extension of her apprentice license for twelve (12) months. Mr. Williams made a motion, seconded by Mr. Hall, to approve the extension for Ms. Good. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Kathleen Ebel**. Mr. Custer advised that Ms. Ebel's current apprentice license expired April 6, 2015. Mr. Custer made the recommendation that Ms. Ebel be issued an extension of her apprentice license for twelve (12) months. Mr. Williams made a motion, seconded by Mr. Hall, to approve the extension for Ms. Ebel. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Callan Lamoreaux**. Mr. Custer advised that Ms. Lamoreaux's current apprentice license expired January 27, 2014. Mr. Custer made the recommendation that Ms. Lamoreaux be issued an extension of her apprentice license for twelve (12) months. Mr. Williams made a motion, seconded by Mr. Hall, to approve the extension for Ms. Lamoreaux. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Mr. Custer presented the information for **Duane Hight**. Mr. Custer advised that Mr. Hight's current apprentice license will expire December 22, 2015. Mr. Custer made the recommendation that Mr. Hight be issued an extension of her apprentice license for twelve (12) months, through December 2016. Mr. Williams made a motion, seconded by Ms. Smith, to approve the extension for Mr. Hight. A roll call vote was held, Mr. Stewart abstained from voting, and the motion carried.

Discuss Third Party Testing

Ms. Young addressed the Council regarding third party practical testing. Ms. Young stated that OGC and the administrative staff have contacted IHS to attempt to contract with them in order to begin administering the practical exam as soon as possible. Ms. Young stated that this is for informational purposes at this time.

Discuss Jurisprudence and Apprentice Exams

Ms. Young advised the Council that the Tennessee Jurisprudence exam will be developed by the administrative staff, and approved by the Office of General Counsel. Ms. Young also advised that an outside apprentice exam is being looked into, since the current exam was also compromised. Mr. Hall inquired about the applicants who have paid and applied for license. Mr. Custer briefly explained the application process for apprentices and full license applicants. Mr. Hall clarified that the individual in question has already passed the IHS written exam. Mr. Custer stated that any individual who has passed the IHS exam is in holding, due to no practical exams in place. Mr. Custer also advised that any individual who is applying for an apprentice license would also be in holding, as there is no apprentice exam available.

Adjourn

With no other Council business to conduct, Mr. Williams made a motion, seconded by Mr. Hall, to adjourn the meeting. The motion carried, and the meeting adjourned at 10:18 a.m.

Ratified by the Council of Hearing Instrument Specialists on January 22, 2016