

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

DATE: September 25, 2015

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  
Frederick Rayne, M.D  
Randy Williams, Hearing Instrument Specialist  
Jerry Hall, Hearing Instrument Specialist  
Lordy Dell Smith, Consumer Member

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

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

**Rulemaking Hearing**

A rulemaking hearing was held for Rule 1370-02-.06, regarding a reduction in fees. The rulemaking hearing was called to order at 9:01 a.m. Ms. Lanford read the proposed rule changes, which includes an elimination of the written endorsement/verification fee, as well as a reduction of the biennial renewal fee from \$700 to \$500. During discussion, Ms. Wilkins made a suggestion from the administrative side that the Council set an effective date for the renewal fee, to make the transition between fees easier on staff and licensees alike. Mr. Williams made a motion, seconded by Dr. Rayne, to accept the rule change as presented, without Ms. Wilkins suggestion of an effective date. A roll call vote was held, and the motion passed unanimously. Ms. Lanford adjourned the rulemaking hearing at 9:22 a.m.

**Investigative Report**

As the contested case hearing was set for 10:00 a.m., the Council moved forward with regular Council business.

Nichelle Dorroh, from the Office of Investigations advised the Council that there are currently thirteen (13) cases open, and the Investigations department is currently monitoring three (3) disciplined practitioners.

## **Office of General Counsel**

Ms. Lanford advised the Council that the Office of General Counsel has six (6) open cases. There are no consent orders and one (1) agreed order to be presented to the Council. There is also one (1) case that is being contested, and will be presented later in this meeting as a contested case hearing.

Ms. Lanford also advised that there is currently no new legislation affecting the Council at this time.

Ms. Lanford presented an Agreed Order for Brett Parrish to the Council. Mr. Parrish is being disciplined for not correcting advertising on his company's Twitter and Facebook account portraying him as an audiologist instead of a Hearing Instrument Specialist. Mr. Parrish agreed to probation of his license for one (1) year, civil penalties totaling Two Hundred Dollars (\$200.00), and costs associated with the discipline. Mr. Hall made a motion, seconded by Dr. Rayne, to accept the Agreed Order as presented. The motion carried.

## **Minutes**

The Council reviewed the minutes from the May 8, 2015 meeting. Dr. Rayne made a motion, seconded by Mr. Williams, to approve the minutes as presented. The motion carried.

## **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 128 licensed practitioners, and 24 licensed apprentices.

Mr. Custer presented the administrative office's proposed meeting dates for 2016. The Council members asked Mr. Custer to email those dates, so that they could check their calendars at a more convenient time.

Mr. Custer also reminded the audience to sign in at the door to receive credit for their continuing education.

## **New Licenses**

Mr. Williams made a motion, seconded by Ms. Smith, to ratify the following new license. The motion carried. Mr. Stewart did not vote.

- Donald Perry – 800

## **Correspondence**

Mr. Custer presented a letter to the Council that would be sent out to all active licensees, as well as any with applications in process. This letter would be a reminder for licensees to periodically review the Rules, as well as including reminders regarding continuing education requirements. Mr. Custer advised that he sent a similar letter to the licensees of the Communication Disorders

Board, and he received a suggestion from an audiologist that a similar letter to the Council licensees could be helpful as well. The Council agreed with Mr. Custer, and authorized him to send the letter at his convenience.

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

Mr. Custer advised the Council that the Investigations department is once again in need of suggestions for a Board consultant for file and case reviews. Ms. Lanford advised that there is still a conflict of interest in many of the cases presented for review. After discussion, the Council opted to table this issue until the next meeting. The Council asked Mr. Custer and Ms. Lanford to draft a letter to send out to licensees in order to see if there is any interest among the licensees. In addition, the Council members will forward any possible suggestions to Mr. Custer, so that those individuals can be contacted.

### **Contested Case Hearing**

A contested case hearing was held in front of Judge Pogue, for Wolodymyr Stasiuk. Prior to the hearing beginning, opposing counsel requested that Mr. Stewart recuse himself due to a potential conflict of interest. Mr. Stewart stated that he had previously notified the Department of Health regarding that issue. Mr. Stewart stepped down as Council chair. Judge Pogue asked the Council for another person to be named as chair. The remaining Council members elected Dr. Rayne as temporary chair for the purposes of the hearing.

Mr. Stasiuk has been charged with a variety of advertising violations, dating back to 2011. After hearing all testimony and reviewing all evidence presented, the Council discussed appropriate disciplinary actions.

Mr. Williams made a motion, seconded by Ms. Smith, to discipline Mr. Stasiuk's license by probation instead of suspension.

Mr. Hall made a motion, seconded by Mr. Williams, to place Mr. Stasiuk's license on probation for three (3) years. The motion carried.

Mr. Hall made a motion, seconded by Ms. Smith, to assess a civil penalty totaling Two Thousand Dollars (\$2000.00). The motion carried.

Mr. Williams made a motion, seconded by Mr. Hall, to assess case costs not to exceed Three Thousand Dollars (\$3000.00), to be paid within twenty-four (24) months. The motion carried.

Mr. Williams made a motion, seconded by Mr. Hall that Mr. Stasiuk appears before the Council at the end of the probation period, for an order of compliance. The motion carried.

Mr. Williams made a motion, seconded by Ms. Smith, that Mr. Stasiuk submits all advertising and promotional materials to the Council's administrative office for review. The motion carried.

## **Adjourn**

With no other Council business to conduct, Dr. Rayne made a motion, seconded by Mr. Williams, to adjourn the meeting. The motion carried, and the meeting adjourned at 2:30 p.m.

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