

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: September 20, 2019
TIME: 9:00 A.M., CT
LOCATION: Health Related Boards
Poplar Room, Ground Floor
665 Mainstream Dr.
Nashville, TN 37243

COUNCIL MEMBERS

PRESENT: Jackie Miller, Hearing Instrument Specialist, Chair
Charles C. Chapman, Hearing Instrument Specialist
Dr. Bruce L. Fetterman, M.D
Gary L. Kelly, Hearing instrument Specialist
Lordy D. Smith, Consumer Member

COUNCIL MEMBERS

ABSENT: N/A

STAFF

PRESENT Michele Tamayo, Board Administrator
Teddy Wilkins, Unit Director
Ashley Fine, Assistant General Counsel

Mr. Miller called the meeting to order at 9:18 a.m. A roll call was conducted and a quorum was present.

Ms. Wilkins introduced the new board members Charles Chapman and Gary Kelly.

Ms. Wilkins spoke to the public in attendance and asked that anyone wishing to address the Board, please sign the sign-in sheet.

Minutes

The Council reviewed the minutes from the May 17, 2019 meeting. Mr. Miller made a motion, seconded by Dr. Fetterman, to accept the minutes as presented. The motion carried.

Investigative Report

Lori Leonard, Disciplinary Coordinator for all Non-nursing Boards gave the following report:

There is currently one (1) monitored practitioner under probation. So far in 2019 investigation has opened two (2) new complaints both for allegations of unprofessional conduct. Investigations have closed three (3) complaints; one closed with no action, one with a letter on concern, and one with a letter of warning. Letters of warning and letters of concern are not reportable the National Practitioner Databank and therefore not considered discipline. Currently there are four (4) open complaints that are being investigated and/or reviewed.

Legislative Report

Ms. Sarah Warner with the Office of Legislative Affairs delivered an update of all new or updated public chapters that affect the Council of Hearing Instrument Specialist.

Public Chapter 61

This act states that an entity responsible for an AED program is immune from civil liability for personal injury caused by maintenance or use of an AED if such conduct does not rise to the level of willful or wanton misconduct or gross negligence.

This act took effect on March 28, 2019.

Public Chapter 195

The majority of this act pertains to boards governed by the Department of Commerce and Insurance. One small section applies to the health related boards. Currently, the health related boards have an expedited licensure process for military members and their spouses. Previously, a spouse of an active military member had to leave active employment to be eligible for this expedited process. This act removes that requirement. This section applies to all health related boards. The Commissioner of Health is permitted to promulgate rules, but rules are not needed to implement the act.

This act takes effect July 1, 2019.

Public Chapter 229

This act allows healthcare professionals to accept goods or services as payment in direct exchange of barter for healthcare services. Bartering is only permissible if the patient to whom services are provided is not covered by health insurance. All barter accepted by a healthcare professional must be submitted to the IRS annually. This act does not apply to healthcare services provided at a pain management clinic.

This act took effect April 30, 2019.

Public Chapter 243

This act mandates that an agency that requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination must provide appropriate accommodations in accordance with the Americans with Disabilities Act (ADA). Any state agency that administers a required examination for licensure (except for examinations required by federal law) shall promulgate rules in regard to eligibility criteria. This legislation was introduced to assist individuals with dyslexia.

This act took effect May 2, 2019 for the purpose of promulgating rules, and for all other purposes, takes effect July 1, 2020.

Public Chapter 323

This act modifies the educational requirements for hearing instrument specialists. A hearing instrument specialist may have an education equivalent to two years of accredited college level course work or national board for certification in hearing instrument sciences board certification (the prior law did not allow the latter).

This act took effect May 8, 2019.

Public Chapter 329

This act modernizes language throughout state law referring to individuals with hearing loss. The language “hearing impaired” is removed from the code and replaced with “deaf or hard of hearing.” The term “deaf or hard of hearing” shall not be construed to infringe on any right, protection, and/or absolve any entity of its obligations under the ADA or other relevant law.

This act took effect May 8, 2019.

Public Chapter 447

This act permits law enforcement agencies to subpoena materials and documents pertaining to an investigation conducted by the Department of Health prior to formal disciplinary charges being filed against the provider. This bill was brought by the Tennessee Bureau of Investigation.

This act went into effect May 22, 2019.

Office of General Counsel

Ms. Ashley Fine presented the following OGC report:

Ms. Fine read aloud the Conflict of Interest Policy and the Open Meetings Act.

Disciplinary Activity

The Office of General Counsel (OGC) does not have any open case files, and there are no contested cases to present to the Council.

Rule Activity

Ms. Fine asked that the Council vote to allow the Director of Health Related Boards to conduct a Rule making on the Council’s behalf to include the HIS Council in that hearing to promulgate rules to comply with Public Chapter 243 which Ms. Sarah Warner presented in her report.

Dr. Fetterman made a motion, seconded by Mr. Kelly, a roll call vote was held; all voted aye, the motion carried.

Administrative Report

Ms. Michele Tamayo presented the following Administrator's report:

There are currently a total of 169 licensed Hearing Instrument Specialists, and 16 licensed Apprentices.

Ms. Tamayo stated that from May 16, 2019 through September 18, 2019 there were six (6) newly licensed Hearing Instrument Specialists and four (4) newly licensed Apprentices. During the same time frame there were twenty-four (24) renewals with fifteen (15) renewals completed online for a percentage of 63%. Further zero (0) reinstated; zero (0) retired; zero (0) expired.

Ms. Tamayo went over the proposed meeting dates for 2020:

February 21, 2020

June 26, 2020

November 13, 2020

Ms. Tamayo informed the Board that while at the Administrators and Directors portion of the International Hearing Society (IHS) Conference it was mentioned that IHS is currently working on updating the Practical Exam and bringing it into the 21 century. There is no date yet as to when the updated exam will be put into use.

New Licensees

Upon review Mr. Kelly made a motion, seconded by Dr. Fetterman, to approve the new licensees. The motion carried.

936 Ashcraft, Christopher
927 Benis, Jordan
940 Cardwell, Catherine
963 Ferraro, Robert
935 Perkins, Graham
951 Whaley, Laura

Ms. Wilkins went over the steps to licensure through the Apprenticeship Program:

1. Apply for Apprentice License
2. After approval of the Apprentice License you must work no less than 90 days and complete the required 60 hours of course work.
3. Submit application and fees to upgrade to full licensure.
4. Supervisor must send letter attesting to the completion of the required 60 hours of course work in no less than 90 days to complete the application.
5. Once the upgrade application is complete the applicant's name is sent to IHS to take the written exam.
6. IHS will contact the applicant to schedule the exam.
7. When the applicant has passed the written exam, IHS will send verification to the council's administrative office.
8. Applicants will be contacted by the Council's administrative staff when the next Practical has been scheduled. Applicants are sent a letter at this time with a list of everything they must bring to the test and what to expect.

Practical exams are given three (3) times a year approximately 4 weeks before each board meeting. The Jurisprudence Exam is given the same day as the practical.

Rule Making

Ms. Fine presented language for the rule changes to incorporate Public Chapter 323 to allow the BC-HIS certification in place of the two years of education requirement for Reciprocity applicants, and to remove the requirement of a letter from an applicant's Physician from the application process for approval.

Upon review Mr. Chapman made a motion, seconded by Mr. Kelly to approve the changes. A roll call vote we held, all voted aye, the motion carried.

New Business

Ms. Dana Thornton stated that her apprentice license expired September 17, 2019; she was initially approved to take the written exam in March 2019, she has failed the exam three (3) times. Ms. Thornton explained that she has issues taking and passing the exam since she has dyslexia and ADHD.

Ms. Wilkins asked Ms. Thornton if she had asked for accommodations from IHS, as the approval for testing accommodations must come from IHS since they are the ones who administer the written exam. Ms. Thornton stated she had not; she was not aware that was an option, and asked the council for a three (3) month extension on her apprentice license to allow her to take the written exam again and request the suggested accommodations for testing from IHS.

Ms. Fine informed the council that per TCA 63-17-208(d) The apprentice license will remain in effect no longer than one (1) year and cannot be renewed. Therefore the board cannot vote to grant an extension on Ms. Thornton apprentice license.

Ms. Tamayo stated that since Ms. Thornton has failed the exam three (3) times; per the rules she must wait a year before taking the exam again. Ms. Wilkins inquired of Ms. Fine if the council could vote to grant Ms. Thornton a fourth time to take the written exam. After a short discussion it was decided the rules would allow the board to vote to make an exception on a case by case basis.

Mr. Miller and Mr. Chapman recused themselves from the vote due to conflict of interest and left the room. Dr. Fetterman made a motion to allow Ms. Thornton to take the exam a fourth time, a roll call vote was held, three (3) ayes, two (2) abstentions, motion carried.

Adjourn

With no other Council business to conduct, the Mr. Miller made a motion to adjourn the meeting seconded by Dr. Fetterman. The motion carried. The meeting adjourned at 10:03 a.m.

Ratified by the Council for Licensing Hearing Instrument Specialists on February 21, 2020