

MEETING MINUTES

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: July 29, 2022

TIME: 9:00 A.M.

LOCATION: Health Related Boards 665 Mainstream Drive Nashville, TN 37243

COMMITTEE MEMBERS

PRESENT: Amanda Yarnell, Hearing Instrument Specialist, Chairperson
Sammi J. Wyatt, Hearing Instrument Specialist
Gary L. Kelly, Hearing Instrument Specialist, Secretary
Lordy D. Smith, Consumer Member

COMMITTEE MEMBERS

ABSENT:
Dr. Bruce L. Fetterman, M.D

STAFF

PRESENT: Mrs. Diana Hunley, Regulatory Board Administrator Director II
Doris VanOvermeiren, Board Administrator 1
Ashley Fine, Associate General Counsel

Mrs. Diana Hunley called the meeting to order at 9:00 a.m. A roll call was conducted, and a quorum was present. The meeting was turned over to Board Chair Amanda Yarnell. Ms. Yarnell opened the meeting with introductions of a new board member and new board attorney. Mark Waters, Deputy General Counsel introduced Ms. Kristin Moon as the new board attorney for this Council. Doris VanOvermeiren, board administrator, introduced new board member Sammi Wyatt welcoming her to the Council.

Review/Approve Minutes

Upon review of the July 29, 2022, minutes, Mr. Kelly made a motion, seconded by Ms. Wyatt to approve the minutes with the amendment by Diana Hunley of board members recorded as both present and absent, as well as the correction of a misspelled word on page 2. A voice vote was conducted. The motion carried.

Office of Investigations Report

Ms. Dorsey Luther, Legal Review Coordinator from the Office of Investigation for all Health-Related Boards gave the following report: There are currently no monitored licensees under discipline. So far this year, Investigations has two open complaints regarding unprofessional conduct. One was closed with a letter of concern which is not consider formal or public discipline. Four complaints have been closed some open in 2021. Currently there are two (2) open complaints that are being investigated and/or reviewed for the year 2022.

Office of General Counsel

Ms. Kristin Moon presented the following report from the Office of General Counsel: Ms. Moon reminded the Council of the Conflict-of-Interest Policy as well as the Open Meeting Act. She also reported that under Disciplinary Activity, the Office of General Counsel (OGC) does not have any open cases at this time and currently not monitoring any licensees at this time. There is a Rule concerning the practical skills exam protocol that is currently in the internal review process that may be available for review at the next scheduled meeting.

Administrative Report

Ms. VanOvermeiren presented the following Administrator's report:

There is currently a total of 180 licensed Hearing Instrument Specialists, and 11 licensed Apprentices. Ms. VanOvermeiren stated that from January 28, 2022, through July 29, 2022, there were eleven (11) newly licensed Hearing Instrument Specialists and nine (9) newly licensed Apprentices. There were twenty-nine (29) renewals with five (5) renewals completed online. None reinstated; two (2) retired; six (6) expired and two (2) deceased. The Board next meeting is scheduled on October 28, 2022.

Discuss and Ratify/Deny Newly Licensed Hearing Instrument Specialist

| | |
|-----------------------------|---------------------|
| Holly Elizabeth Sparks Rice | Craig Duncan |
| Brian D'Herde | Bryan D. Jonas |
| Eli Duberow | Joanna Sabatini |
| Jamie Kraft | James Druckenmiller |
| Bradley Wuest | |

Newly Licensed Hearing Instrument Specialist Apprentices

Casie Cummings McClain
Cynthia R. Tremblay
Loren Brooke Pitchford
Mechele Lea Stykes
Morgan E. Lewis
Sheena Ann Mathes

Mrs. Yarnell called for a motion to ratify the list of Apprentice Licenses. Upon review, Mr. Gary Kelly made a motion to ratify the January 28, 2022, through July 29, 2022, list of Apprentice Licenses, seconded by Ms. Wyatt. A voice vote was conducted. The motion carried. The list of 6 newly licensed Apprentices was approved to go before the Board of Communication Disorders and Sciences on August 9, 2022, to be ratified.

Reinstated Licenses

N/A

Discuss and take action if needed regarding rulemaking, hearings, rule amendments, and policies

N/A

Discuss legislation and take action if needed

Ms. Olivia Spears provided the following legislative update to the Council.

Public Chapter 604:

Re: Council for Licensing Hearing Instrument Specialists Sunset. This public chapter extends the Council for Licensing Hearing Instrument Specialists to June 30, 2028.

Public Chapter 622:

Re: Cerumen Management Principles. This public chapter requires licensed hearing specialists to comply with certain cerumen management principles. These principles include, among other things, indications for cerumen management, referral requirements for a patient who exhibits certain contraindications to cerumen removal for medical consultation or medical intervention to an otolaryngologist, cerumen removal requirements, and infection control practices. Additionally, this public chapter requires licensed hearing instrument specialists who engage in cerumen management to complete a cerumen management course that meets certain criteria. This public chapter authorizes the council for hearing instrument specialists, after consulting with the Board of Medical Examiners, to promulgate rules regarding this cerumen management course. Lastly, this public chapter adds cerumen management within the definition of “practice of dispensing and fitting hearing instruments.”

For rule making purposes, effective as of February 28, 2022. For all other purposes, effective July 1, 2022, and applies to a licensed hearing instrument specialist engaging in cerumen management on or after that date.

ACTION ITEM: BME Rule-making authority.

Public Chapter 642: Re: Hearing References. This public chapter changes references in Tennessee code from “deaf and dumb” to “deaf or hard of hearing.”

Effective as of March 11, 2022.

Public Chapter 644: Re: Covid-19 Vaccine Exemptions. This public chapter requires that an employer grant certain exemptions to requirements of proof/receipt of vaccinations if the request for exemption is either (1) supported by signed/date statement by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption or (2) the staff member attests in writing (including electronic means) that the staff member has a sincerely held religious believe that prevents the staff member from complying the requirement in accordance with guidance from Medicare and Medicaid services. This public chapter creates a civil penalty of \$10,000 for violation of this statute.

Effective as of March 11, 2022.

Public Chapter 680: Re Autoclave Requirements. This public chapter exempts autoclaves from the clearance requirements of the Board of Boilers Rules if the autoclave sterilizes reusable medical or dental equipment used by an individual licensed under title 68 or 63, is installed in accordance with the manufacturer’s recommendations, contains a boiler, and is regulated by the FDA.

Effective as of March 28, 2022. The Governor did not sign this public chapter.

Public Chapter 756: Re Conditions of Participation. This public chapter removes the requirement that a healthcare provider enrolled in Medicare or Medicaid be subject to conditions of participation to be exempt from the definition of “private business” or “governmental entity” for purposes of the Title 14/Covid-19 state laws.

Effective as of March 31, 2022.

Public Chapter 766: Re Telehealth. This public chapter extends the ability for healthcare providers to receive reimbursement for healthcare services provided during a telehealth encounter. This public chapter also clarifies that a healthcare provider acting within the scope of a valid license is not prohibited from delivering services through telehealth. Lastly, this public chapter adds that the requirement of an in-person encounter between the healthcare services provider, the provider’s practice group, or the healthcare system and patient within sixteen months prior to the interactive visit is tolled for the duration of a state of emergency declared by the Governor provided that

healthcare services provider or patient, or both, are located in the geographical area covered by the state of emergency.

Effective as of April 1, 2022, and applies to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

Public Chapter 769: Re Anatomical Gifts. This public chapter prohibits a healthcare provider, a hospital, an ambulatory surgical treatment center, a home care organization or any other entity responsible for matching anatomical gifts or organ donors to potential recipients from, solely on the basis of whether an individual has received or will receive a Covid-19 vaccine, (1) consider an individual ineligible for transplant or receipt of an anatomical gift, (2) deny medical or other services related to transplantation, (3) refuse to refer an individual to a transplant center or specialist, (4) refuse to place an individual on an organ or tissue waiting list, or (5) place an individual at a position on an organ or tissue waiting list lower than the position the person at which the individual would have been placed if not for the individual's vaccine status.

Effective as of April 8, 2022.

Public Chapter 833: Re UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state's office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the hearing. Requires that a final order be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order.

Effective as of April 19, 2022.

Public Chapter 856: Re Public Meetings. Permits boards or agencies of state government to have electronic meetings. If an electronic meeting is being held, requires that members of the public be allowed to view and/or listen to the meeting in real time. There must also be a method of members of the public to participate in the meeting electronically, if they would otherwise be permitted to participate in person. Instructions for participate are to be included in the notice of the meeting. An electronic meeting shall be recorded, and that recording must be posted on the website of the organization within 3 days. The governing body shall maintain that electronic record of the meeting for at least 3 years.

Effective on July 1, 2022.

Public Chapter 883: Re UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statute or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency.

Effective as of April 14, 2022.

Public Chapter 896: Re Title 14. Eliminates the sunset provisions in Title 14 for the definitions section and for the section that prohibits government entities from mandating vaccinations. Deletes a variety of definitions from the Title.

For the deletion of definitions, effective July 1, 2022, at 12:01 AM. For all other purposes, effective as of April 19, 2022.

Public Chapter 911: Re Professional License Requirements. Mandates that a person seeking a professional license have US citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license).

Effective July 1, 2022.

Public Chapter 930: Re Covid Vaccinations and Acquired Immunity. Amends Title 14 to mandate that acquired immunity from a previous Covid-19 infection be treated the same as a Covid-19

vaccination by a governmental entity, school, or local education authority. Mandates that private businesses who require vaccinations also include recognition for acquired immunity for Covid-19. Effective as of April 11, 2022—This was not signed by Governor.

Public Chapter 1073: Re Covid Visitation Policies and Limitations on Covid Treatment Exemptions. Clarifies that a prescriber can be disciplined for prescribing controlled substances and/or narcotics for treatment of Covid, if appropriate. In addition, creates a patient advocate process that hospitals must follow during times of covid concern. Allows that person to enter a facility if they agree to follow procedures but provides certain exceptions to access to locations within the hospital. Effective as of May 25, 2022.

Public Chapter 1094: Re Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses. Effective July 1, 2022.

Public Chapter 1117: Re: Extended Liability Protection Against Covid Claims. Extends the liability protection against claims based on Covid exposure until July 1, 2023. Effective as of June 1, 2022.

Public Chapter 1123: Re: End-of-Life Visitation at Nursing Homes and Assisted Living Facilities. Requires that nursing homes and assisted living facilities allow for visitation during a disaster, emergency, or public health emergency for Covid-19. Provides an exemption if the visitation would violate federal or state law. Effective July 1, 2022.

Review Correspondence

Mr. Michael A. Farley asked for clarification concerning what course approval might be considered regarding Public Chapter 622 effective July 1, 2022. Mr. Gary Kelly mentioned that Matthew Kelly, president of the Hearing Society of Tennessee had a course accepted last year and because the law is new this year, Matthew Kelly might be able to provide more information during the next meeting of the Society in the Fall or a later meeting. Since the law was just passed there is no current information available, and no board action need at this time.

New Business

N/A

Adjourn

With no other Council business to conduct, Ms. Wyatt made a motion to adjourn the meeting seconded by Mr. Gary Kelly. All voted in favor of the motion. The motion carried. The meeting adjourned at 9:39am.