

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: January 28, 2010
TIME: 9:00 A.M., CST
LOCATION: Poplar Room, Ground Floor
227 French Landing
Heritage Place – Metro Center
Nashville, TN 37247

BOARD MEMBERS

PRESENT: Jackie Miller, Secretary
Edward Alderman, Citizen Member
Frederick Rayne, M.D.
David Levy, Au.D.

BOARD MEMBER

ABSENT: Craig Haltom, Chair

STAFF

PRESENT: James Hill, Board Administrator
Diona Layden, Advisory Attorney
Elizabeth Miller, Director
Barbara Maxwell, Administrative Director

Dr. Levy called the meeting to order at 9:15 a.m. The Board conducted an election for a council secretary. Mr. Miller made a motion, seconded by Dr. Rayne, to nominate Dr. Levy for secretary. The motion carried. Dr. Levy chaired the meeting in Mr. Haltom's absence.

Letter of Reprimand

The council reviewed a letter of reprimand for **Larry F. Haskins**, hearing instrument specialist, for unethical conduct for refusing to refund a patient's money for the purchase of a hearing aid of poor quality. Mr. Miller made a motion, seconded by Mr. Alderman, to approve the letter of reprimand. The motion carried.

Agreed Citation

Mr. Miller made a motion, seconded by Mr. Alderman, to approve the Agreed Citation for **B. I. Hutchison**, hearing instrument specialist, who had failed to obtain ten (10) hours of continuing education hours for 2008. The motion carried.

Minutes

Mr. Miller made a motion, seconded by Mr. Alderman, to approve the August 27, 2009 minutes as corrected. The motion carried.

OGC Report

There are currently four (4) cases open for discipline at OGC. One case was presented today as a Letter of Reprimand.

All council actions must be conducted in an open meeting of the public. Council members should not discuss council business with one another, or anyone else including licensees, outside an open council meeting, which applies to phone calls and e-mails.

Rule 1370-02-.06 to increase fees is being reviewed in OGC. Rules 1370-02-.05, procedures for licensure, 1370-02-.15 disciplinary actions and 1370-02-.04 preliminary qualifications for licensure are being drafted for the council's review.

Financial Report

Ms. Christy Allen, Assistant Commissioner for Bureau of Health Licensure and Regulation, addressed the council regarding their financial report. Ms. Allen said the council had a deficit of -\$10,835.21 for fiscal year 2008. The Comptroller's report indicated an estimated expenditure for 2009 of \$57,200 with estimated revenue of \$48,096.

The council discussed an amendment to the rules to assess all licensees in the amount of \$350 for the year the renewal fee is not due, for a total of four (4) years. At the end of the four assessments the council will assess their financial status to determine if additional assessments are necessary.

The council discussed a letter from Ken Kelly, President of the Tennessee Hearing Aid Society. Mr. Kelly said at the May 16-17, 2009 meeting the society voted to authorize a grant to the council to provide operating capital upon written request by the council outlining their intended application of the grant in an amount not to exceed \$40,000. The council was informed that the grant must be approved by OGC before the request can be made.

The council discussed raising their renewal fees twenty percent (20%) or more but tabled the discussion until the March 2010 meeting to review the 2009 financial report and determine what amount would better eliminate the deficit.

The council discussed adhering to an annual budget not to exceed \$45,000 and discontinue council meetings if the budget exceeded \$45,000 prior to December 31 of that year.

Administrative Report

There are currently 116 licensed hearing instrument specialists and thirteen (13) apprentices.

Between January-June 2009 nine (9) hearing instrument specialists were audited. Seven (7) licensees were compliant and two (2) were non-compliant.

The council reviewed the continuing education chart which indicates they are 78% compliant.

Investigative Report

There are three (3) open cases in Investigations. One (1) case is in first review status, one (1) in second review status and one (1) being investigated.

Monitored Practitioners Report

There are currently two (2) practitioners being monitored and one (1) unlicensed person. If practitioners are non-compliant with the orders of the council they are turned back over to OGC. If they do not pay their civil penalties or costs their case is turned over to the Attorney General's Office for collection.

Ratify Practical Exam

Mr. Miller made a motion, seconded by Mr. Alderman, to ratify the passage of the practical exam for **Glenn R. Otey**, hearing instrument specialist. The motion carried.

Newly Licensed

Mr. Miller made a motion, seconded by Mr. Alderman, to approve **Glenn R. Otey**, hearing instrument specialist, for licensure. The motion carried.

Reinstated Application

Mr. Miller made a motion, seconded by Mr. Alderman, to allow **Ted K. Day**, hearing instrument specialist to obtain two hours of ethics continuing education by attending today's council meeting and the March council meeting. The motion carried.

Correspondence

Mr. Alderman made a motion, seconded by Mr. Miller, to allow **Amber Beck**, hearing instrument specialist, to obtain ten (10) hours of continuing education for 2009 and waive the ten (10) hours for 2008. The motion carried.

Mr. Miller made a motion, seconded by Dr. Rayne, to notify Audina Hearing Instruments, Inc. that continuing education courses approved by HIS and ASHA are council approved courses and do not require individual approval. The council asked staff to send a letter to that effect. The motion carried.

Consent Order

Ms. Layden presented a consent order to the council for **Michael J. Simpson**, hearing aid dispenser, for practicing without a license. Mr. Simpson agreed to pay one Type A Civil Penalty in the amount of \$1,000 and costs not to exceed \$1,000. Dr. Levy recused himself. Mr. Alderman made a motion, seconded by Dr. Rayne, to accept the consent order. The motion carried.

With no other council business to conduct Dr. Rayne made a motion, seconded by Mr. Miller, to adjourn at 12:30 p.m. The motion carried.