

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: March 3, 2011

TIME: 9:00 A.M., CST

LOCATION: Poplar Room, Ground Floor
227 French Landing
Heritage Place – Metro Center
Nashville, TN 37247

COUNCIL MEMBERS

PRESENT: Craig Haltom, Hearing Instrument Specialist, Chair
Frederick Rayne, M.D.
David Levy, Au.D, Hearing Instrument Specialist,
Secretary
Edward Alderman, Citizen Member

STAFF

PRESENT: Stacy Tarr, Council Administrator
Diona Layden, Office of General Counsel
Brian Sims, Office of General Counsel
Barbara Maxwell, Administrative Director

Dr. Haltom called the meeting to order at 9:07 a.m. A quorum was present.

Rulemaking Hearing

Ms. Layden conducted a rulemaking hearing to amend Rules 1370-02-.09, .11 and .12 pertaining to license renewal, retirement and reactivation of licenses, and continuing education, calibration certificates and bills of sale.

Ms. Layden suggested an amendment to Rule 1370-02-.09 regarding renewal of license, licensees that have expired less than one year will have a certain criteria to follow and licensees that have been expired for more than one year will have a different criteria to follow.

Ms. Layden suggested an amendment to Rule 1370-02-.11 regarding retirement and reactivation of license, a set of standards for those who wish to reactivate a retired license for two or less years and a set of standards will be added for those who wish to reactivate a license that has been in retirement for more than two years.

Ms. Layden suggested an amendment to Rule 1370-02-.12, continuing education, a new rule will be added under (1)(a)(3) for new licensees, submitting proof of successful completion of the written and practical examinations, Pursuant to Rule 1370-02-.08, shall be considered proof of

sufficient preparatory education to constitute continuing education credit for the first calendar year.

Ms. Layden suggested an amendment to Rule 1370-02-.12, continuing education, calibration certificates and Bill of Sale, stating an individual who requests reactivation of a license which has been retired for more than two (2) years must submit twenty (20) hours of continuing education, which shall include two (2) hours of Tennessee statutes and rules. A individual who requests reinstatement of a license which has been expired for more than one (1) calendar year must submit twenty (20) hours of continuing education, which shall include two (2) hours of Tennessee statutes and rules.

Rule 1370-02-.09 (b), licenses expired for less than one (1) calendar year may be reinstated in the following manner, Ms. Layden suggested removing the word “calendar”.

Dr. Levy made a motion, seconded by Dr. Rayne, to remove the language “calendar.” The motion carried.

Dr. Rayne made a motion, seconded by Dr. Levy, to approve the rules as amended and the regulatory flexibility analysis and statement of economic impact. The motion carried.

Minutes

Dr. Levy asked the Council to review the financial report from the September 2, 2010 minutes. He stated that the Council has expenditures of -\$32,298.98 for the fiscal year 2010 and revenues of \$51,276 for FY2010, which indicates the council is in the black. Mr. Haltom agreed. Dr. Levy made a motion, seconded by Dr. Rayne, to approve the minutes as written. The motion carried.

OGC Report

Ms. Layden introduced the Board’s new attorney, Brian Sims.

Ms. Layden said there is one (1) open case in OGC. Dr. Levy asked why the minutes the Board just passed stated there were four (4) cases in OGC and today it states there is one (1). Dr. Levy asked what happened to the other three (3) cases. Ms. Layden said her last report stated there is one case open. She explained that the Investigation report is Ms. Stone’s report.

Ms. Layden stated that SB0167 would extend the Council to June 30, 2016. Dr. Levy made a motion, seconded by Dr. Rayne, to support the bill.

Ms. Layden stated that HB76 would keep the board’s funds separate and apart from all other funds and would prevent be transfer to any other department or agency of state government. The Council did not take a position.

Mr. Sims stated that HB1271 would sever the attachment of the HIS Council to the CDS Board. Dr. Rayne asked if there would be an economic impact on the Council’s expenses and operating

budget. Mr. Sims said his office cannot comment on the financial impact and that question would be better suited to the Department of Finance. Mr. Haltom said he sees no difference in cost; it would simply get the Council from under the umbrella of the CDS Board. Dr. Levy made a motion, seconded by Dr. Rayne, to support the bill. The motion carried.

Investigative Report

There are nine (9) open cases in Investigations ready for review.

Monitored Practitioners

There are three (3) licensees and one (1) unlicensed person being monitored.

Financial Report

For fiscal year ending June 30, 2010 the council had expenditures of \$44,232.42, revenues of \$49,434.76 and a current year net of \$5,202.34. Dr. Rayne asked how this was going to be reported in the minutes and asked if it was going to be reported as a negative or positive expenditure. Ms. Maxwell said it would be a positive year net of \$5,202.34.

Administrative Report

There are 119 licensed hearing instrument specialists and two (2) apprentices.

Between January 2010 and July 2010 six hearing instrument specialists were audited and five (5) were compliant.

Review/Discuss Amplifying Devices

Dr. Levy stated he received a brochure on a device called the AMP has been introduced in the marketplace and he is trying to determine if it falls within the FTC and FDA rating requiring a serial number and manufacturing date on the instrument. It has been advertised as a hearing aid for someone who is not ready for a hearing aid. The Council reviewed the brochure. Mr. Haltom said it is manufactured by Starkey which is a large hearing aid manufacturer; however he asked who is dispensing the AMP and is there a serial number on the instrument. Dr. Levy stated he would send a letter to the manufacturer to find out.

Newly Licensed

Dr. Rayne made a motion, seconded by Mr. Alderman, to approve the following newly licensed hearing instrument specialists:

Cassie Coward
Kacy Foster
Kerry Gross
Cindy Kinsler

Jamie Walker

The motion carried.

Reinstated

Dr. Levy, made a motion, seconded by Dr. Rayne, to reinstate the hearing instrument specialist license of **Kathy Kiser**. The motion carried.

Application Review

The Board reviewed the reinstatement application for **Michael Simpson**, hearing instrument specialist. Mr. Simpson is in attendance at the meeting to obtain one (1) hour of continuing education in law and is requesting a waiver of the second hour of continuing education to reinstate his license. Dr. Levy recused himself. Dr. Rayne made a motion, seconded by Mr. Alderman, to deny Mr. Simpson's request for a waiver. The motion carried.

The Board reviewed the reinstatement application for **Robert Pack**, hearing instrument specialist. Mr. Pack is requesting a waiver of the two (2) hours of continuing education in law. Dr. Levy made a motion, seconded by Mr. Alderman, to deny Mr. Pack's request for a waiver. The motion carried.

Upon review of the reciprocity application for **Sandra Houston**, hearing instrument specialist, Dr. Levy made a motion, seconded by Dr. Rayne, to deny Ms. Houston's application for licensure as her degree is from a non-accredited institution. The motion carried.

Agreed Citations

Upon review of the Agreed Citation for **Joy Day**, hearing instrument specialist, for failure to obtain sufficient continuing education credits, Dr. Rayne made a motion, seconded by Mr. Alderman, to approve. The motion carried.

Correspondence

The Board reviewed a letter from **Kimberly Glynn**, hearing instrument specialist, requesting a waiver of the one (1) hour of continuing education of law she failed to obtain in 2010. Dr. Levy made a motion, seconded by Mr. Alderman, to approve Ms. Glynn's request for a waiver. Dr. Rayne abstained. The motion carried.

The Board reviewed a letter from **Elisha Arnett**, hearing instrument specialist, requesting a waiver of the two (2) hours of continuing education hours of law she failed to obtain in 2010. Dr. Levy made a motion, seconded by Dr. Alderman, to approve Ms. Arnett's request for a waiver. The motion carried.

The Board reviewed a letter from **Patricia Ikard**, hearing instrument specialist, requesting a waiver of her 2009/ 2010 continuing education hours. Dr. Rayne made a motion, seconded by Dr. Levy, to deny Ms. Ikard's request. The motion carried.

Mr. Shiva Bozarth invited the Board to attend the contested case hearing training conducted by and Administrative Law Judge on April 4, 2011 at 10:00 in the Iris Room on the ground floor.

Schedule 2012 Board Meeting Dates

The Board scheduled the following Board Meeting dates for 2012:

March 8, 2012

September 6, 2012

Ms. Layden suggested the Board look at other ways, to offer continuing education in law.

With no other Board business to conduct, Dr. Rayne made a motion, seconded by Dr. Levy, to adjourn at 10:45 a.m. The motion carried.