

TENNESSEE COUNCIL FOR HEARING INSTRUMENT SPECIALISTS

DATE: March 13, 2008

TIME: 9:00 AM.

LOCATION: 220 Athens Way
First Floor Conference Room
Plaza 1 – Metro Center
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Craig Haltom, Chairman
Jackie Miller, Secretary
Dr. David Levy, Council Member
James Alderman, Citizen Member

BOARD MEMBERS

ABSENT: Dr. Robert Bowers, Physician

STAFF PRESENT:

Stacy Lannan, Board Administrator
Barbara Maxwell, Administrative Director
Lexie Whittemore, Advisory Attorney
Juanita Stone, Investigations

Mr. Craig Haltom, Board Chair, called the meeting to order at 9:30 am. A sufficient number of members were present to constitute a quorum.

Mr. Haltom turned the meeting over to Madeline William, Administrative Law Judge, for the Board to conduct a licensure denial appeal against John Evans, whose license reinstatement was denied by the Board at its July 16, 2004 board meeting due to disciplinary action of his license in Texas.

Licensure Denial Appeal for John N. Evans

The Board conducted a telephonic license denial appeal with Mr. Evans and his attorney, Jeff Land. Ms. Whittemore was litigating attorney for the Board.

For the record Judge Williams asked the Board members to identify themselves and their profession. Judge Williams said the appeal was a limited remand from Chancery Court and that the respondent has asked the Board to include a letter from the Texas Board, dated March 7, 2006, in the technical record, to review the letter in context to determine whether or not it should have an effect on the outcome of the matter; and whether to reverse the earlier decision to revoke his license..

Mr. Land asked the Board to determine if the letter from Texas should be included in the record and as the letter allows Mr. Evans to reapply for licensure in Texas asks if Mr. Evans would be able to reapply for licensure in Tennessee.

Upon conclusion of the testimony given by Mr. Evans and closing arguments by Mr. Land and Ms. Whittemore, Dr. Levy made a motion, seconded by Mr. Miller, that there are no findings today that would change the determination of the March 6, 2006 hearing. All Board members voted in the affirmative.

The Board stated the policy for this decision is that the letter has no bearing on the Board's decision not to grant a license to Mr. Evans.

Review/Approve December 13, 2007 Board Meeting Minutes

Upon review of the December 13, 2007 Board Meeting minutes, Dr. Levy made a motion, seconded by Mr. Miller, to approve the minutes as written. The motion carried.

Conflict of Interest Policy Statement

Ms. Whittemore reviewed the Conflict of Interest policy statement with the Board asking all members to disclose any potential conflict of interest to contact her to determine whether the member(s) can make a valid decision or must recuse him/herself from the deliberations and leave the meeting room.

Office of General Counsel Report

Ms. Whittemore discussed an amendment to Rule 1370-2-.14(5)(b) to change the number of days the number of days from ninety (90) to one hundred (100) in which apprentices shall function under direct supervision after passage of the examination to make the final selection and fitting of the hearing aid.

Mr. Haltom said the Board requested an amendment to the rules allowing an apprentice work under the direct supervision of a licensed hearing instrument specialist for one hundred (100) days instead of ninety (90) days to allow the apprentice to look at the business and decide if they want to pursue the profession

Mr. Miller suggested a training permit to give the applicant a hands on, eyes on, with a licensed hearing instrument specialist during the training period.

Dr. Levy said there had been a conflict when someone is just getting into the profession and waiting to sit for their license and testing because for the first ninety (90) days applicants cannot test hearing. Dr. Levy said if the supervisor is in the room applicants should not have to wait ninety (90) days to be shown how to test hearing.

Upon discussion, Dr. Levy made a motion, seconded by Mr. Miller, to amend the scope of the training program to implement the change in the number of days from ninety (90) to one hundred (100). The motion carried.

Ms. Whittemore stated she would also like to include an amendment to Rule 1370-2-.15(1)(e) to impose fines, continuing education requirements and costs for cases in which respondents are found in violation of the practice act.

Upon discussion, Dr. Levy made a motion, seconded by Mr. Miller, to amend the rule pertaining to disciplinary actions, civil penalties, civil penalties, informal settlements, assessment of costs and subpoenas to impose fines, continuing education and costs for cases. The motion carried.

Ms. Whittemore said there are five (5) more cases pertaining to the Board that she anticipates will be conducted at the next meeting. Ms. Whittemore said the documents have been prepared and she is waiting to see if the respondent's accept the pretrial diversion.

Investigative Report

Ms. Stone reviewed the Investigative Report stating they have received six (6) complaints against hearing instrument specialists. Ms. Stone stated eight (8) complaints have been closed; two (2) with no action and six (6) referred to the Office of General Counsel.

Ms. Stone said there are ten (10) complaints from 2007 and three (3) complaints received in January 2008 for a total of thirteen (13) open complaints.

Disciplinary Report

Ms. Stone stated she is currently monitoring two (2) licensees who have been disciplined by the Board. Ms. Stone stated when the licensees comply with the stipulations of the order they will come before the Board to have their probation lifted.

Financial Report

Ms. Lannan reviewed the Financial Report stating the Board has a deficit carryover of - \$24,724.92 as of June 30, 2007.

Ms. Lannan stated the Board members should receive an updated report by June 30, 2008.

Administrative Report

Ms. Lannan reviewed the Administrative Report stating there are one hundred and seven (107) active hearing instrument specialists and thirteen (13) active apprentices.

Ms. Lannan said between December 3, 2007 and March 1, 2008 twelve (12) hearing instrument specialists renewed their license of which two (2) renewed online.

Ms. Lannan informed the Board that all travel requests to attend conferences must be submitted within one hundred and twenty (120) days prior to the date of the conference.

Ms. Lannan stated an audit of 5% of renewals will be conducted on a monthly basis to ensure that compliance with the continuing education requirements are met.

Council's Position on Purchasing a Simulator

Ms. Whittemore stated at the last Communication Disorders Specialists Board meeting they discussed if they have the authority to determine which examination the HIS Board conducted as they were concerned over the pure tone testing.

Ms. Whittemore said they want the council to use a simulator for the testing and discussed giving the HIS council grant money to purchase a simulator.

Mr. Haltom stated the council is interested in discussing the matter with the Board and would contact Dr. Williams and report his findings at the next meeting.

Council's Position on Audioprosthology

Ms. Whittemore gave the Board information regarding her research on audioprosthology stating most states do not have a problem for licensed audiologists or hearing aid dispensers using the term audioprosthology.

Dr. Levy said the title audioprosthology is not in the statute and should not be used if we are talking to consumers.

Upon discussion, Mr. Miller made a motion, seconded by Dr. Levy, to have Ms. Whittemore contact the Attorney General for their opinion. The motion carried.

International Licensing Examination

Ms. Lannan said she contacted the International Hearing Society to obtain a model exam of the ILE per the Board's request in which she had received and the Board can view at their discretion.

Mr. Haltom said there is an extremely low pass/fail rate which has not been updated since 1996. Mr. Haltom said he has a problem with apprentices being trained on today's technology and taking a test with 1996 technology.

Dr. Levy objects to the exam asking questions regarding tiponometry which is outside the council's scope of practice and apprentices should not fail the exam because they are not familiar with tiponometry.

Upon discussion, Dr. Levy made a motion, seconded by Mr. Miller, to contact the Tennessee Hearing Society to see if they are interested in coming up with an examination equivalent to the ILE. The motion carried.

Ms. Whittemore stated she would consult with the Deputy General Counsel to determine if this could be done.

Ratify Applicants Tested December 13, 2007

Upon review Mr. Miller made a motion, seconded by Dr. Levy, to ratify the passing score for **Clayton Williams**. The motion carried.

Schedule 2009 Council Meeting Dates

The Board scheduled the following dates for the 2009 council meetings:

March 5, 2009

June 4, 2009

September 17, 2009

December 3, 2009

With no other Board business to conduct, Dr. Levy made a motion, seconded by Dr. Miller, to adjourn at 1:50 p.m. The motion carried.