

**TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT  
SPECIALISTS**

**DATE:** August 27, 2009

**TIME:** 9:00 A.M., CST

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

**BOARD MEMBERS  
PRESENT:**

Craig Haltom, Chairman  
Jackie Miller, Secretary  
Edward Alderman, Citizen Member  
Frederick Rayne, M.D.  
David Levy, Au.D.

**STAFF  
PRESENT:**

Stacy Tarr, Board Administrator  
Lucy Bond, Advisory Attorney  
Elizabeth Miller, Director  
Barbara Maxwell, Administrative Director

Mr. Craig Haltom, Chair, called the meeting to order at 9:00 a.m. A quorum was present. Mr. Haltom asked the audience to sign in before leaving the meeting.

**March 5, 2009 and June 11, 2009 Minutes**

Ms. Tarr stated she amended the minutes as requested by Dr. Levy.

Upon discussion of the March 5, 2009 and June 11, 2009 minutes, Dr. Levy made a motion, seconded by Mr. Miller that the Board table the minutes so the Board chair, Mr. Haltom, can amend the minutes for review at the December meeting. The motion carried.

**Conflict of Interest**

Ms. Bond reviewed the conflict of interest asking all Council members to disclose any potential conflicts to determine if that member should recuse himself and leave the room during the proceedings.

## **OGC Report**

Ms. Bond said she had a case review with the council's consultant in July. Ms. Bond stated there are four (4) cases open for discipline in OGC for the council.

Ms. Bond stated the case review with Mr. Miller is scheduled for October 6, 2009. Ms. Bond said complaints pertained to service, unlicensed practice and advertising.

Ms. Bond said the meetings are governed by the open meeting acts which require that all council actions be conducted at an open meeting of the public which is properly notified. Ms. Bond said council members should not discuss council business with one another or anyone else, including licensees, outside an open council meeting.

Ms. Bond said Rule 1370-02-.06 pertaining to fees, as requested by the council have been written and submitted for internal review.

Ms. Bond said she found a proposed amendment to Rule 1370-2-.14(5)(b) to extend the time in which an apprentice can apply for licensure from 90 days to 100 days. Mr. Miller asked if that could be changed to 100 days or the next council meeting.

Mr. Miller made a motion, seconded by Dr. Levy, to amend the moved that the rule on the apprentice program be 100 days or the next meeting by the council. The motion carried.

Ms. Bond said there is a proposed amendment to Rule 1370-2-.04(3)(ii) to change the language "minimum score of 75" to "passing score." Dr. Levy made a motion, seconded by Dr. Rayne, to include these amendments to the rule package. The motion carried.

Ms. Bond said she found a proposed amendment to Rule 1370-.02-.15 to add continuing education requirements for those who have been disciplined. Dr. Levy made a motion, seconded by Mr. Miller, to include these amendments to the rule package. The motion carried.

Dr. Levy said he would like to thank Stacy for going out of her way to help a licensee obtain his examination score.

Mr. Miller said the last meeting in 2008 we had discussed a training permit for apprentices. Ms. Tarr said that would require a statute change and the council decided not to make that change. Ms. Bond said the council did not pass any legislation during 2009.

Dr. Levy said a practitioner who left the state and then returned to reinstate their license was informed she would have to complete one hundred ninety (190) hours of continuing education and pay over \$5,000 in back fees. Dr. Levy proposed to use language that would include a two (2) year renewal cycle and twenty (20) continuing education hours and a review by the licensing council for reinstatements.

Mr. Haltom said a two (2) year renewal fee, twenty (20) hours of continuing education and application review by the council is reasonable but he also wants a criminal background check. Mr. Haltom said any time someone leaves the state and comes back in that opens the door for potential problems and he think a background check is reasonable.

Mr. Miller made a motion, seconded by Dr. Levy, to amend the rules to require a two (2) year renewal fee, twenty (20) hours of continuing education, application review by the council and a criminal background check for reinstatements. The motion carried.

### **Investigative Report**

Ms. Moran said there are seven (7) complaints received in Investigations and three (3) files are ready for review.

Mr. Haltom asked if the complaint process meant a complaint comes to investigations, if investigation feels it has merit it is reviewed by Ms. Moran and a consultant, it then goes to investigations and then OGC, at which point they pursue the complaint or throw it out. Ms. Moran said hopefully that decision is made at the council consultant and attorney level and said the best person to ask would be your attorney. Ms. Moran said we open complaints unless we believe it can be handled by another office such as a complaint against an office which would go to health care facility. Ms. Moran said they make sure there isn't an emergency or no one is severely injured.

Dr. Levy asked if there a statute of limitations? Ms. Moran said no, there is not. Ms. Moran said information may no longer be available such as patient records or they are unable to contact the complainant.

Ms. Moran said there are no complaints for this council over a year old. Dr. Levy said he filed a complaint in 2000. Ms. Moran said the council has three (3) complaints for 2008 and two (2) complaints for 2009 that just came in. Otherwise your council consultant and attorney have closed those out.

Ms. Bond said she believes Dr. Levy is referring to cases in our office not investigations, which she will go over with Mr. Miller.

### **Disciplinary Report**

There are currently three (3) practitioners on the disciplinary report. One (1) is on probation, one (1) is unlicensed and one (1) had their license revoked.

### **Financial Report**

Ms. Miller said there is no new report due to the Edison system. As soon as there is a new report one will be mailed to each council member.

### **Administrative Report**

There are one-hundred eighteen (119) licensed hearing instrument specialists, six (6) apprentices and three (3) applications in process.

The January-December 2008 audit indicates thirteen (13) practitioners were audited, twelve (12) licensees were compliant and one (1) was non-compliant.

### **Discuss/Consider Updating the Written and Practicum Examinations**

Mr. Haltom said he has not met with Dr. Dickinson and, therefore, have nothing to report. Ms. Tarr stated that forty-one (41) states utilize the NIHIS written examination, which they are updating. Ms. Tarr said she had one state that I was going to recommend to the council but unfortunately it is not psychometrically sound.

Mr. Haltom suggested the council table this until the next meeting.

### **Newly Licensed Hearing Aid Dispensers**

Mr. Miller made a motion, seconded by Dr. Rayne, to approve the following newly licensed hearing aid dispensers:

**Timothy E. Routh**  
**Lee M. Weissman**

The motion carried.

### **Correspondence**

Upon review of a letter from **Randall Madden**, hearing instrument specialist, asking the council to accept the eighteen (18) hours of continuing education he obtained in 2009 for his 2008 hours and grant him a waiver for the one (1) hour jurisprudence as he was not licensed until December 2008 and only obtained one hour of continuing education. Dr. Levy made a motion, seconded by Mr. Miller to grant the waiver. The motion carried.

Upon review of a letter from **Randall Ruegge**, hearing instrument specialist, request the council accept his Starkey continuing education hours for his 2009 continuing education hours, which are no longer approved by IHS. Dr. Levy made a motion, seconded by Mr. Miller, that the council only approves those continuing education hours approved by IHS.

Mr. Miller made a motion, seconded by Dr. Levy, that, if needed, Mr. Ruegge has until December 31, 2009 to make up the hours. The motion carried. Dr. Levy suggested that Ms. Tarr contact Susan Stewart, executive director of IHS, to determine why IHS is no longer approving Starkey courses and what other courses, if any, they do not approve.

### **Reschedule December 2009 and September 2010 Council Meeting Dates**

Ms. Tarr said December 7 and 8 are available for the meeting. Upon discussion, the council scheduled December 8, 2009 for the next meeting.

Ms. Tarr said she would check the schedule to determine what dates are available in September 2010 for the next meeting.

With no other council business to conduct, Dr. Levy made a motion, seconded by Mr. Miller, to adjourn at 10:20 a.m. to conduct exams for **Brett Parish** and **Glenn Otey**. The motion carried.

**Ratified by the board at the January 28, 2010 meeting.**