

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: September 18, 2008
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, Chairman
Jackie Miller, Secretary
James Alderman, Citizen Member
Frederick Rayne, M.D.
Robert Bowers, M.D.
David Levy, Ph.D.

STAFF

PRESENT: Stacy Tarr, Council Administrator
Elizabeth Miller, HRB Director
Lexie Whittemore, Advisory Attorney
Barbara Maxwell, Administrative Director

Mr. Haltom, chair, called the meeting to order at 9:15 a.m. All Council members were present.

Review/Ratify June 12, 2008 Council Meeting Minutes and May 12, 2008 Teleconference Meeting Minutes

Upon review of the June 12, 2008, Council meeting and May 12, 2008, teleconference meeting minutes, Dr. Levy made a motion, seconded by Mr. Miller, to approve the minutes as corrected. The motion carried.

Discuss and vote on the action to take for practitioners who fail to obtain the required continuing education hours and practitioners working on a lapsed license

Ms. Cleaves, OGC, stated she has been attending board meetings to suggest the use of citations for practitioners who fail to obtain the required continuing education hours and practitioners working on a lapsed license.

Ms. Cleaves said the board's policy is that individuals practicing on an expired license are given a three (3) month grace period, after which the individual is charged a civil penalty of \$100 per month. Ms. Cleaves said agreed citations are sent to the licensees as an offer of settlement and are reported as discipline on the Health Department's website but are not reported to the National Practitioner's Data Bank.

Ms. Cleaves said the council does not have a policy for individuals who fail to obtain the required continuing education hours.

Upon discussion, Dr. Levy made a motion, seconded by Mr. Miller, to enforce the council's policy by sending the agreed citations to practitioners working on an expired license with the understanding that the civil penalty assessment is formal discipline reported on the Department of Health's website. The motion carried.

Upon discussion, Dr. Levy made a motion, seconded by Mr. Miller, to issue a policy allowing the council to send agreed citations to practitioners who fail to obtain the required continuing education hours with the understanding that the agreed citation is formal discipline reported on the Department of Health's website and the practitioners must obtain the delinquent hours within the current calendar year. The motion carried.

Office of General Counsel Report

Ms. Whittemore asked the Council members to sign the amended conflict of interest policy statement which contained the new director's name.

Ms. Whittemore asked all Council members to disclose any potential conflict of interest to determine if the member should recuse him or herself from the proceedings and leave the meeting room.

Discuss, Review and Take Action Regarding Hearing Instrument Technicians

Mr. Miller said there are a lot of procedures to go through to become a qualified hearing specialist. Mr. Miller suggested the Council have a new level of licensure called hearing aide technician. Mr. Miller said the technician would have a high school education and work directly under the practitioner performing test, lab work and everything else a licensed practitioner would perform. Mr. Miller said the person could not work independently.

Dr. Rayne asked how long it would take a person to become an apprentice and how long it would take to become a technician. Mr. Miller said it would take the apprentice one (1) year and the technicians two (2) years. Mr. Miller said there is no one in his office to take over if he was ill and it would not only affect his business but the hundreds of people who have invested in a product with nowhere to go.

Dr. Levy asked if this could be done legally. Ms. Whittemore said it could not be done without a statutory change. Ms. Whittemore said it would require an amendment to the practice act by the Tennessee General Assembly.

Upon discussion, Dr. Rayne made a motion, seconded by Dr. Levy, to change the language in rule 1370-2-.04(3) to accept Council certification as equivalent to the educational requirements for licensure by reciprocity. The motion carried.

Dr. Levy made a motion, seconded by Mr. Miller, to change the language in rule 1370-2-.04(3) from a minimum score of seventy-five percent (75%) to a passing score. The motion carried.

Investigative Report

Ms. Stone reviewed the Investigative Report stating there are seven (7) cases in Investigations pertaining to the HIS Council. Dr. Levy stated he filed a complaint in 2001 and as far as he knows is still pending. Ms. Stone said she does not have any complaints that old but would research the status of the complaint.

Disciplinary Report

Ms. Stone reviewed the Disciplinary Report stating there are three (3) practitioners and one (1) unlicensed person currently being monitored.

Ms. Stone said unlicensed persons are sent certified letters. Ms. Stone said if they fail to pay the civil penalty they are turned over to the Tennessee Attorney General for collection proceedings.

Mr. Haltom asked about the status of Gene Turpin. Ms. Stone said Mr. Turpin is unlicensed and the Attorney General's Office is handling this matter.

Financial Report

Ms. Tarr reviewed the Financial Report stating the Council has a deficit balance of \$36,389 as of June 30, 2008.

Ms. Whittemore suggested the Council come up with something to decrease the deficit.

Dr. Levy said the first part of the year the Council was working with a deficit of \$11,654 but it has doubled for the last half of the year. Dr. Levy said he was involved with the splitting of the audiologists and hearing instrument specialists in 1995. Dr. Levy said that CDS and HIS were combined under the Council of Communication Disorders/Sciences prior to 1995 and he thinks that pursuant to 63-17-202, the funds should be combined.

Ms. Whittemore asked if there was a deficit before the split. Dr. Levy said no, audiologists were paying two fees, one for audiologist and one for hearing instrument specialists. Ms. Whittemore said she would look into this and research the bill that combined CDS and HIS.

Administrative Report

Ms. Tarr reviewed the Administrative Report stating there are 108 hearing instrument specialists and 13 apprentices licensed in Tennessee.

Ms. Tarr asked all Council members to submit the original hotel bill with their travel claim.

Ms. Tarr discussed the continuing education audit stating two (2) hearing instrument specialists were audited in April, one (1) in May and six (6) in June of 2008. Ms. Tarr said three (3) were compliant and one (1) was non-compliant.

Review/Ratify Newly Licensed Hearing Instrument Specialists

Upon review of the newly licensed hearing instrument specialists, Dr. Levy recused himself from voting as he knew the applicants.

Dr. Rayne made a motion, seconded by Mr. Miller, to ratify the following newly licensed hearing instrument specialists.

Mark J. Dillard
Michael J. Simpson

The motion carried.

Dr. Rayne made a motion, seconded by Mr. Miller, to ratify the following newly licensed apprentices.

Randall Madden
Robert Tidwell

The motion carried.

Review Correspondence

The Council reviewed a letter from **Ruth Palet** who attended the last Council meeting. Ms. Palet was in the audience and stated the meeting was original scheduled for 9 a.m. but had been changed to 8 a.m. Mr. Haltom said he sincerely apologized that this happened and that Ms. Palet could leave the meeting now and her attendance would be considered complete.

The Council reviewed a letter from **Phyllis V. Wilson**, with the International Hearing Society, regarding the practical examination. Ms. Wilson stated that nine (9) licensing councils were using the examination which consists of five (5) sections. Ms. Wilson said the examination is \$50 per candidate and that she would be glad to mail the Council members a copy for their review.

Mr. Haltom said the examination was antiquated. Dr. Levy said some of the questions in the examination are not in the Council's scope of practice.

Dr. Levy said Belton donated twelve (12) hearing aids with defects for the Council to use for the practical examination. Dr. Levy said the hearing aids had serial numbers on them with letters of certifying the defects. Dr. Levy said if the Council accepted the hearing aids for use in the practical examination they would need to determine a time limit and how to score this section of the exam.

Upon discussion, Mr. Miller made a motion, seconded by Mr. Alderman, to use the hearing aids as part of the practical examination. The motion carried.

Discuss Continuing Education Requirements

The Council discussed how continuing education should be obtained and suggested sending out letters to licensees informing them they are required to obtain the continuing education hours two years prior to their renewal date. Mr. Haltom said there is a state society, annual convention and newsletter that can inform licensees without having to send out letters. Dr. Levy suggested that Ms. Tarr attend the next state convention to answer any questions licensees may have.

Review Licensure Files

The Council reviewed the application of **Peter Shea**, for licensure as a Hearing Instrument Specialist. Ms. Whittaker informed the Council that Mr. Shea was requested to submit court documentation regarding the criminal convictions. Ms. Whittemore said Mr. Shea's sister, who works for the District Attorney General for Shelby County, TN, submitted a letter to the Council stating there were no criminal convictions. Ms. Tarr said she contacted Mr. Shea and sent him a letter asking him to attend the last meeting with court documents. Ms. Tarr said Mr. Shea did not attend the meeting, contact her or submit court documents. Ms. Tarr said she sent Mr. Shea another letter asking him to attend today's meeting. Upon discussion, the Council asked Ms. Tarr to send Mr. Shea a letter asking him to attend the December meeting with court documentation and inform him that failure to attend the meeting would result in his application being closed.

The Council discussed having a Council member review files prior to the meetings. Ms. Tarr said she would prefer the member to come in three weeks prior to the national examination date to make sure applicants are qualified to sit for the exam. Upon discussion, Mr. Miller made a motion, seconded by Dr. Rayne, to nominate Dr. Levy as the Council's consultant to review application files. The motion carried.

With no other Council business to discuss, Mr. Miller made a motion, seconded by Dr. Rayne, to adjourn at 1:00 p.m. to give the practical examination to **Jennifer Elder, Jamie Sharpe, Jennifer Falconbury** and **Richard Hardy**. The motion carried.

Ratified by the Council for Hearing Instrument Specialists at the December 11, 2008 board meeting.