

MEETING MINUTES
TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: October 22, 2021
TIME: 9:00 A.M., CT
LOCATION: Health Related Boards
Board Meeting
665 Mainstream Dr.
Nashville, TN 37243

COUNCIL MEMBERS

PRESENT: Jackie Miller, Hearing Instrument Specialist, Chair
Dr. Bruce L. Fetterman, M.D
Gary L. Kelly, Hearing instrument Specialist
Amanda Yamell, Hearing instrument Specialist

COUNCIL MEMBERS Lordy Smith
ABSENT:

STAFF

PRESENT Mrs. Diana Hunley, Regulatory Board Administrator Director II
Doris VanOvermeiren, Administrative Assistant 2
Ashley Fine, Assistant General Counsel

Mrs. Diana Hunley read the opening statement noting all votes must be conducted by roll call. Mrs. Diana Hunley establish a quorum, and all documents were received prior to the meeting.

Jackie Miller called the meeting to order at 9:00 a.m.

Minutes

The Council reviewed the minutes from the June 18, 2021 and, meeting.

Mr. Fetterman made a motion, seconded by Mr. Kelly to accept the minutes as presented.

A roll call vote was conducted, all voted in favor of the motion. The motion carried.

Rulemaking Hearing:

Mrs. Fine read the opening script for the purposed substance of the rules to the record. Mrs. Fine calls to order the Rule Making Hearing. A roll call was conducted by Mrs. Hunley.

All present, Rule Making Hearing begins.

Rulemaking Hearing

Ms. Fine called the rulemaking hearing to order. The purpose of the rulemaking hearing was to solicit comments on rules proposed by the Council in order to amend Rule(s) 1370-02-.04 and 1370-02-.05. Ms. Fine read aloud the text of the Notice of Rulemaking Hearing.

The Council for Licensing Hearing Instrument Specialists voted to amend its rules to incorporate 2019 Public Chapter 323, which allows an applicant holding national board for certification in hearing instrument science (NBC-HIS) board certification (hereinafter “NBC-HIS certification”) to qualify for a Tennessee license without having to meet the requirement of having obtained two (2) years of accredited college level coursework, which was the previous requirement set out in statute. The Council voted to amend Rule 1370-02-.04 to include this option for applicants applying for licensure by examination, licensure as an HIS apprentice, and licensure by reciprocity for those applicants holding NBC-HIS national certification. These rules were also amended to set apart the licensing procedures for applicants applying with NBC-HIS Certification. The Council voted to set out the procedures for: 1) applicants for reciprocity holding NBC-HIS certification; and 2) applicants for reciprocity without NBC-HIS certification. Lastly, the Council amended the rules to remove a provision which currently requires all applicants to obtain documentation from a medical doctor attesting to the applicant’s physical capabilities to practice in the profession. There were no comments received by the public, either written or oral.

A motion was made by Amanda Yarnell to approve the notice of rulemaking hearing. The motion was seconded by Dr. Fetterman. A roll call was conducted, and all members present voted in favor of the motion. The motion carried.

After the Council voted on the rules in their entirety, Ms. Fine asked the Council to review and vote on both the Regulatory Flexibility Analysis and the Economic Impact Statement.

A motion was made by Mrs. Amanda Yarnell to approve the Regulatory Flexibility Analysis. The motion was seconded by Mr. Gary Kelly. The motion carried.

A motion was made by Mrs. Amanda Yarnell to approve the Economic Impact Statement. The motion was seconded by Mr. Gary Kelly. The motion carried.

Practical Skills Examination Proctor Policy and Rulemaking

Staff previously explained to the Council that it has been having difficulty in obtaining proctors by the original method of sending letters to licensees at its June 1, 2021 meeting. The Council considered the letter and the proctor requirements at this meeting but ultimately tabled this issue until this meeting. The Council determined that a policy would be a better way to provide notice to licensees and relieve the difficulties staff was experiencing in obtaining interested licensees to serve as proctors. At this meeting, the Council considered a draft policy presented by legal counsel. On this day, the Council adopted the formal policy which sets forth requirements for licensees to become Practical Skills Examination proctors.

A motion was made by Mrs. Amanda Yarnell to approve the draft Practical Skills Examination Proctor Policy. The motion was seconded by Dr. Fetterman. The motion carried. This policy was later ratified by the Board of Communications Disorders and Sciences at its November 9, 2021 meeting. Therefore, the policy became effective on November 9, 2021.

Ms. Fine advised the Council that it should consider additionally including this language in Rule 1370-02-.08 [Examinations]. Ms. Fine presented a draft of the rule amendment to the Council.

A motion was made by Mr. Gary Kelly to include the language of the Practical Skills Examination Proctor Policy into Rule 1370-02-.08. The motion was seconded by Dr. Bruce Fetterman. The motion carried.

Mrs. Fine retrieved the list of public name for any comments or questions concerning the rules. No names were presented. Mrs. Fine ask the attending public if there were any comments or questions, none were given. Mrs. Fine let the board know they can discuss the rules and any changes that may be needed and vote on the rules as published. The Board ask the differences concerning the two years of college education and the NBC-HIS exam when applying by Initial by Exam and Reciprocity. Mrs. Fine explains what the difference is and reviews the statues concerning the rule.

Investigative Report

Courtney Lilly, Disciplinary Coordinator for all Non-nursing Boards gave the following report: There are currently no monitored practitioners. One (1) new complaint in the year 2021, closed one (1) complaint. Currently there are three (3) open complaints that are being investigated and/or reviewed for the year 2021.

Office of General Counsel

Ms. Fine read aloud the Conflict of Interest Policy and the Open Meetings Act.

Conflict of Interest

If you have a personal or financial interest in the outcome of any issue or matter before this Council which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this Council to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Open Meetings Act

Pursuant to the Open Meetings Act, Board business may only be discussed by Board members during the meeting. Members should not discuss the Board's business at any time other than during the open meeting. The prohibition applies to phone calls, emails, and text messages. Board members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

Disciplinary Activity

The Office of General Counsel (OGC) does not have any open cases at this time.

Rule Activity

Mrs. Fine speaks of the rulemaking hearing regarding NBC-HIS National Board Certification for Licensure and removal of the requirement for applicants to submit documentation from a medical doctor.

Administrative Report

Mrs. Hunley presented the following Administrator's report:

There is currently a total of 172 licensed Hearing Instrument Specialists, and 19 licensed Apprentices. Mrs. Hunley stated that from June 18, 2021 through October 22, 2021 there were five (5) newly licensed Hearing Instrument Specialists and eight (8) newly licensed Apprentices. There were thirteen (13) renewals with zero (0) renewals completed online. None reinstated; one (1) retired; six (6) expired and two (2) diseased.

Tentative meetings for 2022:

January 28, 2022

July 29, 2022

October 28, 2022

Discuss and take action if necessary, on the HIS Practical Exam

Mrs. Hunley informs the board of the IHS to Launch Updated Competency Model, Effective January 1, 2022 and revisions being made by HIS concerning the national practical exam. Mrs. Hunley speaks of the conference from I.H.S concerning the changes for the ILE exam on November 18, 2021 invitation for the board members.

New HIS Licensees

Five new license

2838	Licensed	Allen, Zachary
2838	Licensed	Bergsohn, Whitney
2838	Licensed	Bonine, William Chris
2838	Licensed	Bray, Traci Marion
2838	Licensed	Kristin Sue Fuller

Upon review Dr. Fetterman made a motion, seconded by Mrs. Amanda Yarnell, to approve the new licensees. A roll call vote was conducted, all in favor of the motion. The motion carried.

New Apprentice Licenses

Eight new (8) apprentice

2838	Apprentice	D'Herde, Brian
2838	Apprentice	Druckenmiller, James Jr
2838	Apprentice	Glover, Danielle Anne Borchard
2838	Apprentice	Jonas, Bryan David
2838	Apprentice	Langlois, Gabriel Kennedy
2838	Apprentice	McNabb, Kristen Nicole Marcus
2838	Apprentice	Sabatini, Joanna Maria Mrs.
2838	Apprentice	Sutton, Jacqueline K. Wamsley

Upon review Dr. Fetterman made a motion, seconded by Mr. Gary Kelly, to approve the new licensees. A roll call voted was conducted, all in favor of the motion. The motion carried.

Retired License

2838	Voluntarily Retired	Donahue, Robert B
------	---------------------	-------------------

Upon review Dr. Fetterman made a motion, seconded by Mrs. Amanda Yarnell, to approve the new licensees. A roll call vote was conducted, all in favor of the motion. The motion carried.

Discuss and take action if needed regarding rulemaking, hearings, rule amendments, and policies, Provision A -Telehealth

Mrs. Fine informs the board it was placed on the agenda for discussion and any changes the board would like to make and vote on. Mrs. Fine informs the board concerning the statues for telehealth and explains the rule. The board disuses the requirements for telehealth and being licensed in Tennessee. Mrs. Fine informs the board that there are limited practices and to practice telehealth the practioners would need to be licensed in Tennessee.

Regarding policy and rule for Practical Skill Examination Proctors

Mrs. Fine suggest creating a policy to start the rule change for proctors. The board discusses the changes to the wording in the letter. Ms. VanOvermeiren reads the letter aloud, giving the board the wording that was discussed in the previous board meeting. Mrs. Fine gave the board a draft of the policy and how the policy would take the place of the letter, and that the policy would help the public to understand what the requirements for the proctor are. The policy would be posted on the web site for anyone that would be interested.

Mr. Gary Kelly made a motion to except the policy, seconded by Dr. Fetterman, A roll call vote was conducted, all in favor of the motion. The motion carried

Mrs. Fine asks the board to vote on the rule to go to the committee for the necessary changes.

Mrs. Hunley explains the necessity for voting on the rule for processing in the rule making

hearing. Mr. Miller asks if a motion is necessary, and Mrs. Fine suggest yes and to vote on the language of the rule to send to the rule making committee.

Mr. Gary Kelly made a motion to except the changes to the practical examination rule to send to the rule making committee, seconded by Mrs. Yarnell, all in favor of the motion. The motion carried

Financial Report: Mr. Matthew McSpadden fiscal manager for the Division of Health Licensure and Regulation.

Mr. McSpadden presents the preliminary report for the fiscal yearend report. The preliminary report for July 1, 2020 through June 30, 2021 and said the completed report would be sent to the board. The expenditures for the board for 2021 payroll is \$21,336.00, other direct expenditures for 2021 is 2302.00 and direct expenditures for 2021 is \$23,639.00, allocated expenditures is \$5,057.00, total expenditures \$28,697.00 Revenue fee generated for 2021 is \$ 57,285.00, total current year net is \$28,587.00, Technology improvements \$468.00 The cumulative amount carried over for the year is \$106,295.00. Direct comparison from year 2019, 2020 and 2021 are down. Revenue expenditures and comparisons for 2019 thru 2021. The cumulative amount carried over the 2 times amount of \$106,295.00. However at this time the finance department does not wish to discuss any fee changes at this time, and may revisit the situation at a later time such as the end of 2022

Discuss legislation and take action if needed

Mr. Miller introduced Mr. Theo Morrison, representing the Tennessee Hearing Society to inform the board of the legislation updates on the house bill 920 and senate bill 665 for Hearing Instrument Specialist performing Cerumen management, that passed in the house January 26, 2022 in the senate health committee.

New Business

Mrs. Fine clarifies for the board the policies and rule voted on for October 22,2021 will be sent to the CDS board on November 9th , 2021 to be ratified. Mr. Miller wants to make sure the counsel ratified the policy and rule. Mrs. Fine and Mrs. Hunley explains about the CDS Board needing to ratify the policy and rule, and the policy won't start immediately.

Adjourn

With no other Council business to conduct, Mr. Kelly made a motion to adjourn the meeting seconded by Mrs. Amanda Yarnell. The meeting adjourned at 10:40 pm

Ratified by the Council for Licensing Hearing Instrument Specialists on January 28, 2022