

MEETING MINUTES
TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: June 18, 2021

TIME: 9:00 A.M.

LOCATION: Health Related Boards
665 Mainstream Drive
Nashville, TN 37243

COMMITTEE MEMBERS

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

COMMITTEE MEMBERS

ABSENT: Lordy D. Smith, Consumer Member

STAFF

PRESENT: Mrs. Diana Hunley, Regulatory Board Administrator Director II
Doris VanOvermeiren, Board Administrator 1 Ashley
Fine, Associate General Counsel

Ms. VanOvermeiren called the meeting to order at 9:00 a.m. A roll call vote was conducted, and a quorum was present. The meeting was turned over to Board Chair, Jackie Miller.

Review/Approve Minutes

Upon review of the February 9, 2021 minutes, Mr. Fetterman made a motion, seconded by Ms. Yarnell to approve the minutes. The motion carried.

Office of Investigations Report

Lori Leonard, from the Office of Investigations presented the reports for investigations. There are currently no monitored licensees under discipline. In the year 2021, Investigations has received

one new complaint regarding unprofessional conduct. Currently there are four (4) open complaints that are being investigated and/or reviewed for the year 2021.

Legislative Report

James Held, Legislative Liaison with the Department of Health, informed the committee of the legislative updates.

Public Chapter 37 effective March 23, 2021

Public Chapter 153 effective April 13, 2021

Public Chapter 179 effective April 20, 2021

Public Chapter 242 effective April 28, 2020¹ and may be appealed July 1, 2025

Public Chapter 291 effective July 1, 2021

Public Chapter 328 effective July 1, 2021

Public Chapter 357 effective May 11, 2021

Public Chapter 453 effective the July 1, 2021

Public Chapter 531 effective July 1, 2021

Public Chapter 532 effective May 25, 2021

Mr. Miller asked questions concerning non-licensed individuals practicing telehealth in Tennessee. Mr. Held answered, the individuals that are licensed in another state and provide proof on licensure can practice telehealth on a volunteer basis. Mrs. Yarnell gave an example of the how the telehealth may work from another state.

Mrs. Fine stated the telehealth discussion would be addressed later in the meeting.

Office of General Counsel

Ms. Fine reminded the board members of and read the Conflict-of-Interest Policy and the Open Meeting Act. She stated there were no consent orders, no agreed orders, and no open cases in the Office of General Counsel. A rulemaking hearing will be held today regarding the rules incorporating 2019 PC 323, concerning NBC-HIS National Board Certification for Licensure and removal of the requirement for applicants to submit documentation from a medical doctor.

Administrative Report

Ms. VanOvermeiren presented the following Administrator's report:

There is currently a total of 175 licensed Hearing Instrument Specialists, and 11 licensed Apprentices.

Ms. VanOvermeiren stated that from February 18, 2021 through June 17, 2021 there were four (4) newly licensed Hearing Instrument Specialists and eleven (11) newly licensed Apprentices. During the same time frame there were twenty-three (23) renewals with twenty (20) renewals completed online. None reinstated; One (1) retired; one (1) expired and no diseased.

Discuss and Ratify/Deny Newly Licensed

New Licenses

Mr. Miller called for a motion to ratify the list of Licensed Hearing Instrument Specialists. Upon review, Dr. Fetterman made a motion to ratify the February 18, 2021 through June 17, 2021 list of Licensed Hearing Instrument Specialists, seconded by Ms. Yarnell. The motion carried. The list of 4 newly licensed Hearing Instrument Specialists was approved to go before the Board of Communication Disorders and Sciences on August 3, 2021, to be ratified.

Hearing Instrument Specialist

Charles Martin Jones
Matthew Spence Lyon
Kelli Sanderson
Jenny Simmons

Mr. Miller called for a motion to ratify the list of Apprentice Licenses. Upon review, Dr. Fetterman made a motion to ratify the February 18, 2021 through June 17, 2021 list of Apprentice Licenses, seconded by Ms. Yarnell. The motion carried. The list of 11 newly licensed Apprentices was approved to go before the Board of Communication Disorders and Sciences on August 3, 2021, to be ratified.

Apprentice Licenses

Brett Bonenberger
Christine Fish-Gilliam
Vanita Cobb Gray
Valerie Lynn Pyles
Jacqueline C Smith

Mr. Miller called for a motion to ratify the Reinstated Licensee. Upon review, Dr. Fetterman made a motion to ratify the February 18, 2021 through June 17, 2021 Reinstated Licensee, seconded by Ms. Yarnell. The motion carried. The list of 1 newly licensed Reinstated Licensee was approved to go before the Board of Communication Disorders and Sciences on August 3, 2021, to be ratified.

Reinstated Licenses

Lee T Elder

Review Licensure Files

Mrs. Fine reviewed with the Board on the Fresh start act and ask the board member to state for the record no connection to the profession for the indication.

- a. C. Duncan, Apprentice application reviewed, Mrs. Fine reviewed with the Board on the Fresh start act. Mr. Duncan explained his circumstances for the action. The board stated for the record no connection to the profession for the indication.

Upon review Mr. Miller made a motion, seconded by Dr. Fetterman to approve the application for apprentice license. A roll call voted was conducted, all in favor of the motion. The motion carried.

- b. C. Jones, Reciprocity application reviewed, explained his circumstances for the action. The board stated for the record no connection to the profession for the indication.

Upon review Dr. Fetterman made a motion, seconded by Mr. Kelly to approve the application for license.

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

Agreed Citations

None at this time

Discuss and take action if necessary, on the Fresh Start Act

Mrs. Fine speaks of the Fresh Start Act, if every misdemeanor were to be seen by the council or is the council staff capable of determining whether or not to be brought before the board. Mrs. Fine gave examples of the type of misdemeanors that were 10 years or older that maybe considered by the staff. Mr. Miller ask that the discussion be tabled to the next board meeting to consider the timeline and concerns of the indications and circumstances. The board further discussed the timeline of different examples of the indications of five years or ten years to be determined by the board staff. Mr. Miller retracted tabling of the Fresh Act Start and the board took a vote. Mr. Miller vote no. Dr. Fetterman, Mrs. Yarnell and Mr. Kelly agreed to the ten years and older indications being maintained by the board staff and listed on the agenda for the board if needing to be discussed.

Upon review Dr. Fetterman made a motion, seconded by Mrs. Yarnell to approve the ten years and prior indications being maintained by the board staff.

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

Discuss and take action if necessary, on the Jurisprudence exam

Mrs. Diana Hunley discussed the jurisprudence exam and the need for an open book exam and/or creating an online exam. Ms. VanOvermeiren asked the board if Mr. Farley, a participant of the meeting, may speak. Mr. Farley referred to the universities that give exams and how they operate. Mr. Fetterman agreed and included further information is needed. Mrs. Yarnell spoke of concerns of cost effectiveness and how this could affect the board and the applicants. Mr. Miller asked that the discussion be tabled to the next board meeting, for more information on what will need to be considered and how it will affect the proctoring of the examination. Mrs. Fine directed the board to rule 1370-02.08, rule .07, for review and discussed the necessary changes to the rule. Mr. Miller asked Mrs. Fine to consider the options for the changes to the rule be made today. Mrs. Fine discussed the processing to the necessary drafts to the rule, the changes made to the wordage in the rules. This would be the rule making process and review, and the board may vote on the changes or table it to the next board meeting. Mrs. Yarnell agreed with the drafting of the rules and Mr. Kelly seconded it. Mrs. Fine spoke of the second changes made to the draft of the rules. Mrs. Fine suggested that they can vote on the changes and information on the cost or table it to the next meeting. Dr. Fetterman is in favor of seeing the information on the cost pertaining to the exam. Mrs. Yarnell seconded the favor. Mrs. Diana Hunley will bring forward the breakdown of the cost of giving the exam.

Discuss and take action if necessary, on appointing proctors for the Middle Tennessee area

Ms. VanOvermeiren spoke of the need for proctors in middle Tennessee. Ms. VanOvermeiren provided the revised letter and application for new proctors and gave the board the geographical layout and list of possible proctors. Ms. VanOvermeiren spoke of contacting the proctors and their advice on becoming a proctor. Mrs. Hunley stated for the record, this is for the practical exam and of the concerns for proctors; how far they are traveling to give the exams and the expense of travel and the cost for the proctors. Mr. Kelly questions how many times the exam should be given. Mrs. Yarnell spoke of how the exams may be given in a time frame for those that might fail the exam. The board discusses the set date to give the exam. Mr. Osborne spoke to the board concerning the procedure and what notification is given to the applicants to become a proctor. Ms. VanOvermeiren explained that the guideline would be listed in the letter. Mrs. Fine discussed with the Council the changes that it may amend its rules and clarify that possible proctors would need to be licensed in Tennessee and NBC-HIS board certified. Mrs. Hunley read conditions of the letter to the board. Mr. Jones asked the board to clarify if a person is licensed in another state and becomes licensed in Tennessee, if that person has to work in Tennessee for two years to become a proctor. Mr. Miller explained, if you are National board certified and have a Tennessee state license they do not.

New Business

Mr. Miller introduced Mr. Theo Morrison, representing the Tennessee Hearing Society to inform the board of the legislation introduced to house bill 920 and senate bill 665 for Hearing Instrument Specialist performing Cerumen management, that passed in the house and any changes to be considered in 2022 in the senate.

Discuss and take action if necessary, for the Telehealth and Telehealth supervision.

The board discussed various telehealth scenarios with regards the rules. Mr. Osborne questioned the board regarding the rules for apprentices. The board attorney Mrs. Fine answered Mr. Osborne's questions concerning the rule. Mr. Farley approached the board regarding the rule concerning apprentice supervision. Mrs. Fine clarified the current supervision rules for the board and Mr. Farley. The board further discussed various scenario's regarding telehealth supervision and the rules. Mrs. Fine discussed with the board the options they can consider for changes regarding telehealth supervision and the rules.

Mr. Miller made a motion to table all telehealth discussions until the next meeting. Mr. Kelly seconded, and Mrs. Yarnell made the third. All voted in favor of the motion. The motion carried.

Adjourn

With no other Council business to conduct, Mr. Miller made a motion to adjourn the meeting seconded by Mr. Kelly. All voted in favor of the motion. The motion carried. The meeting adjourned at 12:20 pm

Ratified 10/22/21, by the Council for Licensing Hearing Instrument Specialists