

MEETING MINUTES
TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: October 16, 2020
TIME: 9:00 A.M., CT
LOCATION: Health Related Boards
WebEx Virtual 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
Lordy D. Smith, Consumer Member
Amanda Yarnell, Hearing instrument Specialist

COUNCIL MEMBERS

ABSENT: Gary L. Kelly, Hearing instrument Specialist

STAFF

PRESENT Teddy Wilkins, Unit Director
Doris VanOvermeiren, Administrative Assistant 1
Ashley Fine, Assistant General Counsel

Ms. Wilkins read the opening statement. Due to gathering restrictions imposed by the Covid – 19 virus, it is necessary to conduct this meeting telephonically. Ms. Wilkins read the required script, noting all votes must be conducted by roll call. Ms. Wilkins establish a quorum, ask if the board members were able to hear each other, and all documents were received prior to the meeting.

Mr. Miller called the meeting to order at 9:05 a.m.

New Board Member

Ms. Wilkins introduced the new board member, Amanda Yarnell Hearing instrument Specialist.

Minutes

The Council reviewed the minutes from the July 17, 2020, meeting. Mr. Fetterman made a motion, seconded by Ms. Smith to accept the minutes as presented. A roll call vote was conducted, all voted in favor of the motion. The motion carried.

Investigative Report

Lori Leonard, Disciplinary Coordinator for all Non-nursing Boards gave the following report:

There are currently no monitored practitioners. No new complaints, no open complaints. Currently there are three (3) open complaints that are being investigated and/or reviewed. In the year 2020 Investigations has received no new complaints.

Financial Report

Noranda French reported the fiscal year report for 2020. The fiscal close numbers for 2018 through 2020. Total expenditures for payroll for the year 2020 is \$28,566.00, direct expenditures \$32,909.00, allocated expenditures \$7,724.00, total expenditures \$40,633.76. Revenue generated for 2020 \$59,382.72, total year net \$18,748.96, Technology improvements \$1,387.27. The cumulative amount carried over \$78176.91. Direct comparison from year 2016 through year 2020 very good. Revenue Sources 74.31% obtained by renewal, 17.96% obtained by application fees. Ms. French give a description of the allocated expenditures, Revenue expenditures and comparisons. Ms. French review the policy for the financial report that is required at the end of the fiscal year with the board. The financial department is not recommending any modifications to the current fee structure due to Covid 19 at this time.

Office of General Counsel

Ms. Ashley Fine presented the following OGC report:

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

Disciplinary Activity

The Office of General Counsel (OGC) does not have any open case files.

Rule Activity

Ms. Fine stated the rules incorporating Rule 2019, Public Chapter 323 regarding NBC, HIS for licensure. The removal of the requirement for applicants to submit documentation from a medical doctor will remain in internal review.

Administrative Report

Ms. Wilkins presented the following Administrator's report:

There is currently a total of 174 licensed Hearing Instrument Specialists, and 17 licensed Apprentices.

Ms. Wilkins stated that from July 13, 2020 through October 13, 2020 there was one (1) newly licensed Hearing Instrument Specialists and two (2) newly licensed Apprentices. During the same time frame there were twenty-two (22) renewals with nineteen (19) renewals completed online for a percentage of 82%. None reinstated; none retired; None expired and no diseased

Mrs. Wilkins speaks of the governor's executive order that extended the renewal date from March thru September have now reverted back to the original expiration date for renewing during the pandemic. Mrs. Wilkins stated she had printed the wrong report and apologizes and will send the corrected report to the board members.

New Licensees

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

John Bohnenberger

New Apprentice Licenses

No new apprentice

Reinstated License

No reinstatements

New Business

Ms. Wilkins opens the discussion of the proceedings for the Practical exam that has not been given during the pandemic. Management has agreed for the location for the Practical exam to be scheduled at the Health-Related Board location. Mrs. Wilkins gave a description of items needed to be in place for the exams and an estimated time for when the exams can be given. Mrs. Wilkins ask for suggestions for the protocol when entering the building, such as temperature, wearing face mask, face shield, answering the questions of possible exposure to COVID 19. To ensure the examiners, candidates, and test subjects are to follow these procedures when entering the building. Face masks will be worn by everyone during the testing, candidates and test subjects must wear a face shield over the mask, a possible cover up for the test subject, the candidate will use rubber gloves when coming in contact with the test subject during the exam, social distancing will be maintained unless absolutely necessary. Mrs. Wilkins ask the board members if these are agreeable and expectable preventive measures. The board members agree. Dr. Fetterman asks if candidates and test subjects are required to be tested for COVID prior to the exam. Ms. Fines states the board can use either approach of the negative test or the guidelines of self-checking for the symptom's as well as the added protection of temperature checked and the questions when entering the building. This decision will be to the counsel. Ms. Yarnell speaks to the board concerning the COVID testing. Dr. Fetterman replies with the CDC guidelines on the testing protocol and the changes that can occur. Dr. Fetterman makes a motion that the candidates and test subjects be required to be tested for COVID prior to the exam as extra precaution. Ms. Yarnell asks where do the participants get tested, Dr. Fetterman replies it would be at the discretion of the precipitants. Mrs. Wilkins suggest a time when the precipitants presents the results of testing before the exam. Dr. Fetterman suggest 96 hours to be tested and bring a copy the negative results. Ms. Yarnell agrees Mr. Miller states concern for any privacy act problems. Ms. Fine speaks of the concerns of the HIPPA Laws and using other type of statements to bring in concerning the results of being tested in place of the actual record. Mrs. Wilkins asks the board members want to present results of a negative COVID test or assentation that the precipitants are COVID negative. Mrs. Wilkins suggest herself and Ms. Fine will work on the documents needed. The board members state if the document can be created not to infringe on the privacy act they are in favor. Board members voted, Mr. Miller, Dr. Fetterman, Ms. Yarnell and Ms. Smith agree. Mrs. Wilkins ask for a motion for the protocol previously discussed for the practical exam.

Upon review Dr. Fetterman made a motion, seconded by Ms. Yarnell. A roll call voted was conducted, all in favor of the motion. The motion carried.

The next item for discussion:

The Saruman Management for Hearing Instrument Specialists.

Mrs. Wilkins introduces Mr. Morrison and is joined by Mr. Kelly, the president of the Tennessee Hearing Society. Mr. Morrison speaks of the Saruman management that is the removal of ear wax. Mr. Morrison discusses the issues guided by the principles of the International Hearing Society. The position of removal Saruman is within the scope of practice of a hearing aid specialist. It is a necessary component of a practice of hearing aid dispensing. As proper Saruman management ensure optimum outcome of a hearing aid user in the operation of a hearing aid. Mr. Morrison speaks of the procedure being done but not in Tennessee, and not being listed in the state statue. And points out that other states listed it as an authorized practice for hearing aid specialist and list the states. Mr. Morrison refers to Mr. Kelly to give a state and local perspective for the issue. Mr. Kelly speaks of the benefits for the Saruman management for Hearing specialist, the hearing impaired, and public with hearing aids. Mr. Kelly talks of the instruments and doctor referral's that are required as well as training needed to be certified and knowledgeable. The of the removal of ear wax would be a great benefit to Tennessee. Mr. Miller speaks for the need of the position to be added for the professions in the field and the Hearing Instrument Specialists. Ms. Fine is asked to advise to the board, Ms. Fine explains the limitations. The counsel is limited by both the statue, practice act and by the rule of the counsel. Ms. Fine reads the rule of the counsel in 1370-02-.02 paragraph one.

Ms. Fine explains the board can amend the rule. Ms. Fine reads statute under 63-17-201 for the practice act and definition for the practice of dispensing and fitting hearing instruments and reads the definition. Ms. Fine states Mr. Morris stated earlier the removal of ear wax or Saruman impaction is not pacifistically listed in the scope of practice and statute. The advice would be to require legislative action and change for the addition of that mode of practice to be added to the practice act and state. Ms. Fine explains if the rule is passed and included in the practice act, with the legislative change would allow the practice of Saruman impaction or removal of ear wax. Mr. Miller asks Mr. Morrison what the next steps are. Mr. Morrison reply's, The Tennessee Hearing Society to move forward with legislation are in the process. Working closely with legal counsel and the board, keeping the board updated in the most efficient and effective manor to help more people. Mrs. Wilkins ask if there need to be a vote. Ms. Fine says the board can vote.

Mr. Mills request a motion for moving forward with the amendment. Ms. Smith made a motion, seconded by Ms. Yarnell. The board discusses the process of the vote. Ms. Yarnell added there would need to be some formal training included. Mr. Mills added by the certification. Mrs. Wilkins added to be fully licensed, Mr. Morrison included the certifications standards approved by IHS. Ms. Fine speaks of the vote as to instruct on what to do, but a counsel vote that is open to the ideal and would like to see legislation passed and discussion of the details from legislation of what would be need in the future.

All in favor of the motion. The motion carried.

The next item for discussion:

The next item is to discuss and take action if needed regarding the rule making and hearing. Ms. Fine cover these in the report. Discuss legislation and take action. Mrs. Wilkins discussed this with the legislation liaison Patrick Powell the day before and nothing new to report since the last meeting. Ms. Wilkins asks is there any other. Mrs. Wilkins informs the board she will email the board the attentive dates for the board meetings for 2021 that are tentative and the progress of the practical exam. Mrs. Wilkins asks to give the list of attendees to receive credit for the legal requirement that was in the meeting.

Ms. Watson, Ms. Elmore, Mr. Pennington, Mr. Hardy, Mr. Jackson, Mr. Mayo, Ms. Pacedid, Mr. Odie, Mr. Perkins, Mr. McCormick, Mr. Bohnenberger, Mr. Abernathy, Mr. Garcia, Ms. Brain, Mr. Houston, Mr. Kelly, Mr. Tadack, Mr. Mitchell, Mr. Hubbert, Mr. Chandler, Mr. Williams, Mr. Tack, Mr. Hendricks and Mr. Stacio. Ms. Collard.

Adjourn

With no other Council business to conduct, Mr. Miller made a motion to adjourn the meeting seconded by Dr. Fetterman. A roll call voted was conducted and all voted in favor of the motion. The motion carried. The meeting adjourned at 12:20 pm

Ratified by the Council for Licensing Hearing Instrument Specialists on February 19, 2021