



TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

July 28, 2023

MINUTES

The regular Council meeting of the Tennessee Council for Licensing Hearing Instrument Specialists was called to order at 9:11 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Ms. Sammi Wyatt, acting Council Chair.

Board members present:

- Amanda Yarnell, Hearing Instrument Specialist,
Board Chair (By Phone)
- Gary L. Kelly, Hearing Instrument Specialist, Secretary
- Sammi J. Wyatt, Hearing Instrument Specialist
- Lordy D. Smith, Consumer Member
- Bruce L. Fetterman, M.D

Staff present:

- Candyce Wilson, Unit 1 Director
- Ingrid Rodriguez, Board Administrative 2
- Kristen Moon, Associate General Counsel

CONFLICT OF INTEREST POLICY

Ms. Moon reminded the Council of the Conflict-of-Interest Policy as well as the Open Meeting 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, Council business may only be discussed by Council members during the meeting. Members should not discuss the Council's business at any time other than during the open meeting. The prohibition applies to phone calls, emails, and text messages. Council 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.

CODE WORD

ANNOUNCE 1ST Code word for Continuing Education Credit (Specialist)

LEGISLATION OFFICE REPORT

Ms. Ellen Gose, Legislative Liaison, presented an overview of Bills that have passed during the latest Legislative selection.

Noteworthy Health-Related Legislation

- The Department of Health's administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Non-Health Related Legislative Activity of Note

- June 19th is now designated as a state holiday for Juneteenth.
- State employees are authorized to use sick leave from a sick leave bank to care for a sick minor child of the employee.
- State employees must be provided six paid weeks of leave for the birth of the employee's child or because of the employee's adoption of a child.
- "Send Me" is now an additional state motto.
- The legislature passed an extensive transportation modernization act.
- The legislature passed a teacher paycheck protection act that, among other things, raises the minimum teacher salary to \$50,000 by 2026.
- Law enforcement officers and the district attorney general's office may extend criminal immunity to persons who are experiencing a drug overdose and who are seeking medical assistance.

Pertinent Public Chapters

*All Public Chapters are hyperlinked to the actual document on the Secretary of State's website. Public Chapter No. 1—SB1/HB1—Johnson/Lamberth This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor's sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a 2 hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

Public Chapter No. 41—SB256/HB75—Johnson/Lamberth

This law allows law enforcement or the district attorney general's office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. This was a Department of Mental Health and Substance Abuse's legislative initiative.

Public Chapter No. 48—SB11/HB2—Johnson/Zachary This law extends certain provisions within the code regarding Covid-19 established during the 2021 Special Session. This bill was effective on March 21, 2023.

Public Chapter No. 49—SB94/HB50—Johnson/Lamberth This law codifies the Acts of the 2022 legislative session. This law was effective on March 21, 2023.

Public Chapter No. 55—SB680/HB895—Reeves/Hurt This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

Public Chapter No. 99—SB925/HB1429—Lundberg/Hicks This law removes the requirement that a provider of home medical equipment services that has a principal place of business outside this state maintain an office or place of business within this state. This law also requires the board for licensing health care facilities to promulgate rules to identifying contacts for state surveyors and state surveys. This law was effective on March 31, 2023.

Public Chapter No.103—SB1225/HB0556—White/Littleton This law requires that court clerks notify the health facilities commission, instead of the department of health, when an offender is placed on the registry of persons who have been determined to have abused, neglected, misappropriated, or exploited the property of vulnerable individuals. This law also requires that notice must be provided within 90 days of conviction of the offense. This law became effective on March 31, 2021.

Public Chapter No.114—SB255/HB74—Johnson/Lamberth This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as 3 referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1,

Public Chapter No.125—SB701/HB729—Crowe/Hulsey This law clarifies the emergency medical backup requirement for speech language pathologists using endoscopes so that the procedure may be performed when a physician is on the premises or is remotely available regardless of whether the procedure is performed in a community or institutional setting. This act takes effect July 1, 2023.

Public Chapter No.156—SB40/HB206—Roberts/Ragan This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

Public Chapter No. 168—SB600/HB90—Hensley/Moody This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a person in obtaining a

criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

Public Chapter No. 188—SB277/HB325—Johnson/Lamberth This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. This law was a Department of Health legislative initiative.

Public Chapter No. 194—SB451/HB165—Lowe/Butler This law authorizes employees of a public accommodation to ask for certain information about a guide dog in training. A person who utilizes a guide dog is subject to the same liability for damages as a person whose pet causes damage to a place of public accommodation. Fraudulently representing that an animal is a service animal or service animal in training to an employee of a public accommodation is a Class B misdemeanor. A misrepresentation of service animal is a Class B misdemeanor and 4 requires 100 community service hours to be served. This law is effective on July 1, 2023.

Public Chapter No. 201—SB721/HB498—Massey/Martin This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIAA-compliant electronic means. This law was effective on April 24, 2023.

Public Chapter No. 252—SB221/HB273—Roberts/Terry This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board’s attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

Public Chapter No. 270—SB859/HB982—Reeves/Terry This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

Public Chapter No. 285—SB1237/HB306—Hensley/Bulso This law requires, in connection with an interscholastic athletic activity or event where membership in the TSSAA (Tennessee Secondary Athletic Association) is required, a student enrolled in a private school in this state to participate in an athletic

activity or event only in accordance with the student's sex as defined in code. This does not prohibit a student whose sex is female from participating on a team designated for male students if the school does not offer a separate team for female students in that sport. This law was effective on April 28, 2023.

Public Chapter No. 300—SB551/HB448—Lowe/Davis

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a 5 meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

Public Chapter No. 306—SB924/HB577—Rose/Parkinson This law adds as an enhancement factor that can be considered during sentencing if a defendant has been convicted of aggravated assault or attempted first degree murder on the grounds or premises of a healthcare facility. Healthcare facility is defined as a hospital licensed under title 33 or 68. This law takes effect July 1, 2023.

Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

Public Chapter No. 327—SB0004/HB0435—Massey/White This law establishes a deaf mentor and parent advisor program to assist families in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind at the Tennessee Schools for the Deaf and the West Tennessee School for the Deaf. This law makes a pilot program established in 2019 for the West Tennessee School for the Deaf permanent and applicable statewide to Schools for the Deaf. This law is effective on July 1, 2023.

Public Chapter No. 332—SB0068/HB0234—Roberts/Ragan This law makes permanent rules filed with the Secretary of State on or after January 1, 2022, which are set to expire on June 30, 2023, remain in effect until repealed, amended or superseded by legislative enactment. This law was effective on May 5, 2023.

Public Chapter No. 337—SB269/HB317—Johnson/Lamberth This law designates June 19th as as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. This was one of Governor Lee's legislative initiatives.

Public Chapter No. 353—SB1443/HB727—Roberts/Fritts This law requires an LEA to obtain the written, informed, and voluntary signed consent of a student's parent or legal guardian, or the student if they are 18 years of age or older, before the student participates in a survey, analysis, or evaluation. A parent or legal guardian who wishes to excuse the student from participating in health screenings as part of a coordinate school health program must submit a request in writing to the school's nurse, instructor, school, counselor, or principal. As used in this law, "health screening" means vision, dental, blood pressure, and hearing screenings. This law makes other changes regarding a student's receiving of

instruction of sexual orientation curriculum or gender identity curriculum or a student's membership of a club or organization. This law is effective July 1, 2023.

Public Chapter 386—SB193/HB702—Lundberg/Doggett This law adds fentanyl, carfentanil, remifentanyl, alfentanil, and thiafentanil to what constitutes a qualifying controlled substance for purposes of certain felony offenses. This law is on July 1, 2023, and applies to offenses after that date.

Public Chapter No. 412—SB1398/HB1242—Reeves/Powers This law makes it a Class A misdemeanor to knowingly possess xylazine and makes it a Class C felony to knowingly manufacture, deliver, or sell xylazine, or to knowingly possess xylazine with intent to manufacture, deliver, or sell xylazine. This law exempts veterinarians. This law is effective July 1, 2023.

Public Chapter No. 426—SB0458/HB0496—Watson/Martin This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

Public Chapter No. 466—SB858/HB952—Reeves/Boyd This law makes several changes concerning the powers and authorities of the Health Facilities Commission, including but not limited to authorizing the Commission to license facilities also licensed by the Department of Mental Health and Substance Abuse Services for the purpose of provide acute care services, authorizes the licensing and regulating of assisted-care facility administrators, amends the duties and responsibilities of the board for licensing health care facilities, authorizes the recovery and collection of civil monetary penalties under certain circumstances, and cleans up references to the Department of Health. This law has multiple effective dates. However, the law in its entirety will become effective on July 1, 2024.

Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan This law creates the "Mature Minor Doctrine Clarification Act." This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID- 7 19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

Public Chapter No. 486—SB1440/HB239—Roberts/Bulso This law defines "sex" in code to mean a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. "Evidence of a person's biological sex" includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate. This law takes effect on July 1, 2023.

CONSIDERATION OF APPLICATIONS

None were present at this time.

APPROVAL OF MINUTES

Upon review of the February 24, 2023, minutes Dr. Fetterman made a motion to approve the minutes. The motion was seconded by Mr. Kelly and the motion carried.

REPORT FROM THE OFFICE OF INVESTIGATIONS

Mr. Roger Knowlton reviewed the complaint statistics report for the year 2023 to date. Mr. Knowlton informed the Council there were five (5) opened complaints and three (3) were closed. One (1) was closed with no action, two (2) received a Letter of Warning. Mr. Knowlton informed the allegations of the new complaints were one (1) for unlicensed practice and four (4) for unprofessional conduct. The Council did not have any questions.

FINANCIAL REPORT

No Financial report was present at this time.

ADMINISTRATIVE OFFICE REPORT

The Council reviewed the statistical licensing report.

There are currently a total of 180 licensed Hearing Instrument Specialists, and 26 licensed Apprentices. Ms. Rodriguez stated that from April 24, 2023, through July 27, 2023, there was seven (7) newly licensed Hearing Instrument Specialists and eleven (11) newly licensed Apprentices. There were thirty-seven (37) renewals with thirty-one (31) renewals completed online. None reinstated; three (3) retired; zero (0) expired.

The Councils meeting dates for 2023/2024 are as following: October 20, 2023, January 19, 2023, July 12, 2024, October 18, 2024.

OFFICE OF GENERAL COUNSEL REPORT

Ms. Moon provided the report from the Office of General Counsel which included the following updates: The Office of General Counsel (OGC) does not have any open cases at this time and are not currently monitoring any licensees. She also reported the Proctor Rules have been approved by the Commissioner Office. Ms. Moon expects to have the Rule making hearing at the next boarding meeting.

CODE WORD

ANNOUNCE 2nd Code word for Continuing Education Credit (Licensure)

CONDUCT NEW BUSINESS

Ratification of New Licensees

The Council read the newly licensed individuals since the last meeting. Dr. Fetterman motioned to ratify the following names on the list below. Ms. Yarnell seconded the motion and it passed.

Apprentice:

Upgrade to Full License:

Voluntarily Retired

Beck, Aubrey A
Hoffman, Howard Scott
Jones, Cory Kenneth
Kail, Laura Beth
Laraway, Shannon
Miller, Lynsey
Pacuinas, Sarah
Pearce, Nickalus
Stackpole, Brooke Lynn
Varnell, Sara

Falconbury, Richard
Frazee, Josyanne Lee
Furlong, Amanda
Horine, Derek
Justice, Whitney
Mathes, Sheena Ann
Stykes, Mechele Lea

Bray, Traci Marion
Garrett, Dana
Tarnoff, Adrienne

Discuss and consider Cerumen Course

Ms. Moon stated the Cerumen Course law was passed in 2022, based on how it's listed the Board does not need to approve courses if it already meets or has been approved by the IHS society. The Council reviewed and discussed Cerumen Course. Dr. Fetterman and Ms. Yarnell agree that the course meets all the requirements.

CODE WORD

ANNOUNCE 3rd Code word for Continuing Education Credit (Communication)

PUBLIC COMMENT

No one present to make a public comment.

ADJOURMENT

Dr. Fetterman motion to adjourn. The motion was seconded by Mr. Kelly the meeting was adjourned at 9:35am.