

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: May 17, 2019
TIME: 10:00 A.M., CT
LOCATION: Health Related Boards
Poplar Room, Ground Floor
665 Mainstream Dr.
Nashville, TN 37243

COUNCIL MEMBERS

PRESENT: Jackie Miller, Hearing Instrument Specialist, Chair
Bruce L. Fetterman, M.D
Lordy D. Smith, Consumer Member

COUNCIL MEMBERS

ABSENT: Vacant
Vacant

STAFF

PRESENT Christie Taylor, Advisory Attorney
Teddy Wilkins, Unit Director
Michele Tamayo, Board Administrator

The meeting was called to order at 10:01 a.m. by Mr. Miller. A roll call was conducted and a quorum was present. Mr. Miller informed the board of former board member Dr. David Levy's passing and asked for a moment of silence to honor Dr. Levy. After the moment of silence Ms. Wilkins welcomed the public and reminded attendees to sign in so that they may receive CE Credit for the meeting.

Minutes

The Council reviewed the minutes from the February 1, 2019 meeting. Dr. Fetterman made a motion, seconded by Ms. Smith, to accept the minutes as presented. The motion carried.

Investigative Report

Ms. Lori Leonard, Disciplinary Coordinator for all non-nursing boards for the Office of Investigations gave the following report:

The Office of Investigations is currently monitoring one (1) practitioner on probation, who is ready to be taken off probation; however there has been no contact from the practitioner. To recap in 2018 Investigations received and opened a total of five (5) complaints, all for unprofessional conduct. We closed four (4) complaints with no action. In 2019 investigations has opened one (1) new complaint that was for unprofessional conduct, and closed three (3). One closed with no

action, one with a letter of concern and one with a letter of warning. The letter of concern and the letter of warning are not reportable to the National Practitioner Databank and therefore not considered formal discipline. There are currently three (3) open complaints that are currently being investigated and, or reviewed.

Financial Report

Ms. Noranda French gave the following mid-year report:

Mid-year for fiscal year 2019 is December 2018. For this time frame Salaries and Wages totaled \$14,728.00, Employee Benefits totaled \$6,616.00, Travel totaled \$998.45, Communications totaled \$221.00, Professional Services and Dues totaled \$2,161.00, and State Professional Services totaled \$220.00. The Board generated revenue in the amount of \$30,715.00.

We have projected that Salaries and Wages could close at just over \$22,000.00, Employee Benefits could close just under \$10,000.00. We have a place marker of \$3,100.00 for Travel, and Communications could close just over \$500.00. Professional Services and Dues could to close around \$5,200.00 and State Professional Services could close around \$511.00.

Allocated Expenditures, which are the most variable of all the expenditures, are expected to close with Administration at \$1,000.00, Investigations is anticipated to close around \$4,500.00, Legal is expected to close just under \$5,400.00, and the Cash Office we have estimated at \$104.00. The board has the potential to collect \$61,430.00, which would give the Board a possible Current Year Net of \$9,068.00.

Office of General Counsel

Ms. Taylor presented the following OGC report:

The Conflict of Interest and Open Meeting acts were read aloud.

Disciplinary Activity

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

Rule Activity

At this time there are no pending rules.

Legislative Report

House Bill 1023 authorizes an applicant for licensure as a Hearing Instrument Specialist by reciprocity to substitute Board Certification by the National Board for Certification and Hearing Instrument Sciences (NBC-HIS) for the present law that requires two (2) years of college education, has passed. It was signed into law by the Governor on May 8, 2019.

Ms. Taylor informed the Board that this is her last meeting as Board Attorney; she has accepted a Judgeship with a different department. She then introduced Ms. Ashley Fine who will be the new Board Attorney starting June 9, 2019. Ms. Taylor thanked the board for allowing her the opportunity to serve with the board. Mr. Miller and Ms. Wilkins thanked Ms. Taylor for her service to the board.

Administrative Report

Ms. Michele Tamayo presented the Administrator's report to the Council:

There are currently a total of one hundred and sixty seven (167) licensed practitioners, and Sixteen (16) licensed apprentices. Between February 1, 2019 and May 15, 2019 there were five (5) new licensees, five (5) new apprentices, and eleven (11) renewals with six (6) of those completed online for a total of 55%. Further one (1) licensee was reinstated, none (0) retired; and four (4) expired.

Ms. Wilkins stated the Tennessee Hearing Society (THS) would not be holding their conference in Pigeon Forge this year. The International hearing Society (IHS) national conference will be held in Nashville this year and the THS meeting will be held in conjunction with the IHS conference.

Ms. Wilkins mentioned that she has spoken to the board liaison to the governor's office about new board members, and we are close to finally getting at least one new board member.

New Licensees

Upon review Dr. Fetterman made a motion, seconded by Ms. Smith, to approve the new licensees, licensed from September 26, 2018 to January 30, 2019. The motion carried.

947 Elmore, Beth Ann
960 Graves, Katie
942 Mealer, Lori
930 Middlebrook, Stephanie
949 Noble, Mark
937 Oliver, Allison
946 Price, Jaima
847 Rogers, Leann

Upon review Dr. Fetterman made a motion, seconded by Mr. Miller, to approve the new licensees, licensed from February 1, 2019 to May 15, 2019. The motion carried.

961 Cordell, Gregory
958 Hudson, James
962 James, Charles Zachary
956 Kurtz, Angela
871 Meadows, Travis

Reinstatements

Upon review Dr. Fetterman made a motion, seconded by Mr. Miller, to approve the reinstated license. The motion carried.

878 Amos, Luke
429 McFatridge, Kathy

File Review

Ms. Tamayo presented the following file:

Kathy McFatrige submitted an application to reinstate her license which has been retired since 1991; she has not practiced in the profession at all during this time. Since she has not practiced in such a long time Ms. Wilkins and I felt it was best the Board make the final decision on whether or not to reinstate the license.

Ms. McFatrige was invited to approach the podium.

Mr. Miller asked Ms. McFatrige if after 20 years with all the changes in the industry and technologies, if she felt up to date and whether or not she felt she could do a good job. Ms. McFatrige stated she has completed over 26 hours of continuing education in the last 2 months because she too had concerns about the changes in the profession. She has completed over 20 hours of observation with a friend who is an Audiologist. Ms. McFatrige explained her background was in Audiology, but she fell in love with dispensing hearing aids and ended up opening her own practice for hearing aid dispensing. After her second child was born she quit her practice and spent the last 20 years homeschooling her children. Ms. McFatrige stated she has completed the online ILE prep course, and researched any items she was not familiar with, she has watched or read numerous videos and articles, and reread her introduction to Audiology text book. Ms. McFatrige stated she is convinced that she can do a good job and really loves helping people.

Ms. Wilkins asked if Ms. McFatrige has ever been licensed as an Audiologist. Ms. McFatrige stated that she had, but she could not reinstate that license due the fact she has a Master's degree in audiology and Tennessee now requires a Doctoral degree.

Ms. Taylor informed the board that if there were any concerns at this time per TAC 63-1-104(d) they have the authority to grant a conditional license to an applicant who has been out of clinical practice for an extended period of time. Ms. Wilkins reminded the Board that in her letter to the Board Ms. McFatrige stated she has a company interested in hiring her. They are aware of her circumstances and will have her shadow another practitioner at first.

Mr. Miller stated that whatever we do today could set a precedent, not to offend (Ms. McFatrige) but the board needs to make sure you or anyone that may come after you with this circumstance is qualified. However in this case with what you have presented, all the continuing education hours, etc. I recommend that Ms. McFatrige receive a full license. Dr. Fetterman seconded the motion, the motion carried.

Dr. Fetterman made a motion to add Ms. McFatrige to the current list of ratified reinstated licensees, seconded by Mr. Miller, the motion carried.

New Business

Ms. Wilkins proposed a rule change to remove 1370-02-.05(h) which states *An applicant shall submit documentation from a medical doctor that, in his professional opinion, the applicant is physically capable of practicing his profession.*

No other profession licensed by the Bureau of Licensure and Regulation requires this. The application also asks a similar question, therefore it is redundant and an additional expense for the applicant. I would like to see the rule amended to take this condition out of the rules.

Dr. Fetterman made a motion, seconded by Ms. Smith, the motion carried.

Ms. Taylor suggested a possible rule change for reinstating licensees to avoid further circumstances like Ms. McFatrige's. The board chose to table this for a later discussion.

Adjourn

With no other Council business to conduct Mr. Miller made a motion to adjourn the meeting seconded by Ms. Smith. The motion carried. The meeting adjourned at 10:52 a.m.

Ratified by the Council for Licensing Hearing Instrument Specialists on September 20, 2019