

**MINUTES**

**UTAH  
HEARING INSTRUMENT SPECIALIST BOARD  
MEETING**

**April 7, 2009**

**Room 475 – 4<sup>th</sup> Floor - 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:00 a.m.

**ADJOURNED:** 10:54 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Lowell Brown, Chairperson  
Blake Webb  
Kent Milligan  
Morris Mower  
David Simmons

**Board Members Absent:**

**Guests:**

**DOPL Staff Present:**

Ronda Trujillo, Compliance

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:  
MINUTES:**

Mr. Mower seconded by Mr. Simmons made a motion to approve the January 6, 2009 Board Meeting Minutes, the motion carried unanimously.

**APPOINTMENTS:**

9:15 a.m. Compliance

Ms. Trujillo explained that, due to Mr. Robert Harris's failure to submit his January Employer Report as required, he is not in compliance with is Stipulation and Order. Ms. Trujillo then added that Mr. Harris must also submit samples of his current purchase receipt, contract, and advertisements from July 2008 to December 2008.

Ms. Trujillo explained that Mr. Weston Harris is in compliance with his Stipulation and Order. She then added that Mr. Harris is no longer working within this profession, and does not have current purchase receipts, contracts, or advertisements from July 2008 to December 2008.

Mr. Ormond then explained that at the January 6, 2009 meeting this Board had requested an Order to Show Cause for Mr. Weston Harris, due to his failure to appear at his scheduled appointment. After the meeting convened it was determined that Mr. Harris should be required to appear at this meeting, and he shall be reminded of his Stipulation and Order requirements.

9:30 a.m. Harris, Robert

Mr. Robert Harris appeared for his scheduled probationary appointment. Ms. Trujillo reminded him that he must submit his Employer Report on a monthly basis, failure to comply with this portion of his Stipulation and Order, has caused him to not be in compliance at this meeting. She then requested copies of his current purchase receipt, contract, and advertisements from July 2008 to December 2008.

Mr. Harris explained that his purchase receipt and contact have not changed. He then supplied samples of his advertisements for the past six months. The Board reviewed Mr. Harris advertisements.

The Board felt that Mr. Harris's advertisements may be misleading to the public. They then suggested that he amend his advertisements to include:

- A coupon, with an expiration date;
- The Manufactures Suggested Retail Price; and
- Brand name, and Model number;

The Board then reminded Mr. Harris that he can not advertise the same sale each week. Adding that to meet Federal requirements he must sell an item more often at full price, than he sells the same item at a sales price.

Mr. Webb seconded by Mr. Simmons made a motion to require that Mr. Harris is not in compliance with his Stipulation and Order, adding that he must submit his delinquent employer report.

Adding that at his next appointment on July 7, 2009 he must submit all advertisements, from January through July 2009, and current employer report, the motion carried unanimously.

Mr. Harris had also contacted the Division prior to this appointment, and inquired if he could be approved to supervise a Hearing Instrument Internship. Mr. Ormond explained that he will not be eligible until after this probation has been completed for a minimum of five years.

9:45 a.m. Harris, Weston

Mr. Weston Harris appeared for his scheduled probationary appointment. Due to his failure to appear at his last appointment on January 7, 2009. Mr. Ormond reminded Mr. Harris that he must:

- Submit his Employer Reports on or before the first of the month, for six months;
- Meet with the Board as requested.

Mr. Harris explained that he is attempting to open a new Hearing Instrument business, has not advertised, and does not have a contract to submit at this time.

Mr. Simmons seconded by Mr. Webb made a motion to require Mr. Harris to meet with the Board again on July 7, 2009, the motion carried unanimously.

10:00 a.m. Rollins, James

Mr. Rollins appeared for his scheduled appointment with the Board. Mr. Ormond explained that Mr. Rollins had lost his Hearing Instrument Internship Supervisor on September 22, 2008, due to miss communication between Mr. Rollins and the Division; his proposed Supervisor was not approved. Mr. Rollins then passed the Practical and National Institute for Hearing Instrument Studies & Exam, prior to the Rules change in December 2008, and obtained additional, supervised, hours in January 2009.

Mr. Ormond questioned if the hours should be accepted, and if Mr. Rollins should be allowed to work under indirect supervision. Mr. Rollins explained that he did not work as a Hearing

Instrument Intern from September 22, 2008 through January 20, 2009.

After a detailed discussion Mr. Simmons seconded Mr. Milligan made a motion to accept the January 2009 hours, and require Mr. Rollins to work under the direct supervision of Mr. David Ruark. Pending the outcome of an investigation into whether Mr. Rollins worked as a Hearing Instrument Intern from September 22, 2008 through January 20, 2009, he may be released from direct supervision under Mr. Ruark, and work under indirect supervision of Mr. Richard Heaps, the motion carried unanimously.

Mr. Ormond then explained to the Board, that due to this situation that the Division has changed our procedure regarding this issue.

Mr. Webb then suggested requiring licensure for the owners of Hearing Instrument Business, or requiring the owner to be a Hearing Instrument Specialist. Mr. Ormond also suggested adding "fine authority" to 58-46a.

**DISCUSSION ITEMS:**

Final Model Contract Approval

This issue was not resolved, tabled until the July 7, 2009 meeting, for final approval.

**ADJOURN:**

10:54 a.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

April 27, 2009  
Date Approved

(ss) Lowell Brown  
Chairperson, Utah Hearing Instrument Specialist Board

April 27, 2009  
Date Approved

(ss) Clyde Ormond  
Bureau Manager, Division of Occupational & Professional Licensing