

MINUTES

**UTAH
HEARING INSTRUMENT SPECIALIST BOARD
MEETING**

April 5, 2011

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

CONVENED: 9:02 a.m.

ADJOURNED: a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Yvonne King

Board Members Present:

Robert Heygster - Chairperson
Morris Mower
Ken Hornok
David Simmons

Guests:

Enoch Cox
Doug Dunker, HHPU
Bruce Sharp, Sharp Hearing Systems
Weston Harris, Probation Interview

DOPL Staff Present:

Ronda Trujillo - Compliance Assistant

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the January 4, 2011 Board Meeting Minutes

Mr. Mower seconded by Mr. Simmons made a motion to approve the January 4, 2011 Board Meeting Minutes as written. The motion carried unanimously.

Nominations for Chairperson

Mr. Simmons seconded by Mr. Mower made a motion to nominate Mr. Heygster to remain as Chair. The motion carried unanimously.

H.B. 243

Mr. Ormond discussed H.B. 243.

Mr. Ormond explained that a Board member may

continue to serve on the Board for up to six months after their expiration date until a new member is appointed. Mr. Ormond stated that this helps in maintaining a quorum while in the process of obtaining a new Board member.

Mr. Ormond then explained that an unlicensed individual and the employer could both be fined up to \$1000.00 for the first offense.

Mr. Ormond stated Under 58-1-301.7 (the umbrella chapter), an applicant, licensee, or certificate holder must notify the Division within ten days of a change of address.

APPOINTMENTS:

9:15 a.m. Compliance

Weston Harris;

Ms. Trujillo explained the status of Weston Harris. Ms. Trujillo stated that Mr. Harris has been turning in his employer reports monthly and is not due to turn in advertisements until June. Ms. Trujillo then stated Mr. Harris appears to be compliant with his probation.

Mr. Ormond stated that the Board needs to make a decision on whether Mr. Harris is eligible to go off probation in June or to let him continue with his probation because of the fact that Mr. Harris was not working in the field for a period of time.

Robert Harris;

Ms. Trujillo explained the status of Robert Harris. He was to submit advertisements to Ms. Trujillo. Ms. Trujillo did not receive any advertisements and explained that it appeared that there were no advertisements to run. Ms. Trujillo also stated the Mr. Harris was due to go off probation this June. Mr. Harris appears to be complaint with his probation.

09:30 a.m. Harris, Weston

Mr. Harris appeared before the Board for his scheduled meeting. Mr. Mower performed the interview. It was noted that Mr. Weston will be required to present his advertisements by June. Mr. Harris stated that he would email the advertisements

to Ms. Trujillo when they become due.

Mr. Harris then explained although he did not actively dispense hearing aids for the entire time of his probation period, he would like that time counted because he was still working in the arena.

Mr. Harris made a request of the Board to be released off of his probation in June of 2011.

Mr. Mower seconded by Mr. Hornok made a motion to release Mr. Harris off probation on June 4, 2011, contingent on Mr. Harris submitting advertisements that will be due in June. The motion carried unanimously.

Mr. Harris asked the Board about advertising two for one with respect to hearing aids. The Board expressed concern if this was a true retail price or whether it was being marked up.

Mr. Ormond stated with regards to FTC and FDA regulation, the Division does not enforce those rules unless the FTC or FDA takes action.

Mr. Heygster noted that MSRP was not a true retail price.

Mr. Ormond suggested sitting down with one of the investigators to examine the FTC and FDA requirements.

9:45 a.m. Mark Stevenson

Mr. Stevenson appeared before the Board for his scheduled appointment. Mr. Stevenson is requesting the Board accept his hours as a Hearing Specialist Intern. Mr. Stevenson originally submitted his time but his time appeared to be short because the indirect supervision was not calculated into the total hours worked. Mr. Stevenson also passed all required exams.

Mr. Simmons seconded by Mr. Mower made a motion to issue licensure to Mr. Stevenson as a Hearing Instrument Specialist. The motion passed unanimously.

10:00 a.m. Robert Stevenson

Mr. Stevenson appeared before the Board for his scheduled appointment. Mr. Stevenson gave an overview of his background. Mr. Stevenson is a licensed Audiologist but would like also qualify as a Hearing Instrument Specialist. Mr. Stevenson stated he had completed all required exams but not the required hours. Mr. Stevenson feels his experience as a licensed Audiologist would cover that.

Mr. Stevenson proposed three options that would help a licensed Audiologist obtain licensure:

Proposal One

For Audiologists who have not been actively dispensing hearing aids. Complete either A or B.

- (a) Complete the normal HIS Program as currently outlined by regulation but consider how the required supervision hours should be accomplished.
- (b) Obtain a review by the HIS Board of the applicant's previous training and experience to determine which parts of the current procedures should be completed.

Proposal Two

For Audiologist who have dispensed hearing aids in the past but have not dispensed within the last two years or who have not dispensed for a total of two years.

- (a) Obtain a review from the HIS Board of the applicant's previous training, experience and their supervision to determine which parts of the current procedures should be completed.
- (b) Satisfactorily complete all required exams.
- (c) Complete a sufficient number of dispensing hours with supervision as specified by the HIS Board.

Proposal Three

For Audiologist who have been actively dispensing hearing aids for a minimum of two

years, are currently licensed as Audiologist in the State of Utah, and are currently dispensing hearing aids:

- (a) Satisfactorily meet HIS Board review of Audiologist's training and experience.
- (b) Satisfactorily complete all required exams.
- (c) Upon satisfactorily completing those requirements and the HIS Board requirements, based on the fact that such audiologist already have over two years dispensing experience, allow the Audiologist to begin to supervise HIS Interns without delay as approved by the Board.

These proposals will be mailed out to the associations for further review .

10:15 Tony Patterson

Mr. Patterson discussed the Board's role with respect to licensing.

Mr. Patterson also provided a packet for the Board to review.

In Mr. Patterson's review he touched base on administrative procedure, administrative law, primary purpose of all regulation, the duty to investigate and prosecute, decision making duty, complaints from Board Members, proper decorum for hearings and meetings, open and public meetings act, GRAMA/Records issues, and ethical issues.

In Mr. Patterson's discussion he stressed the importance for Board members to remain neutral and to not discuss Board business outside of the meeting.

Rule Change

Mr. Ormond presented a proposed rule change in R156-46a-502a with respect to unprofessional conduct in regards to advertising. This will be revisited at the next Board meeting.

Hearing aid academy

The Hearing Aid Academy, an educational program, was presented before the Board for review. The Board Recommended having the associations involved. The material provided by the Hearing Aid

Academy will be mailed out to the Board Members for further review.

ADJOURN:

12:32 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.

07/11/2011

Date Approved

Robert Heygster

Chairperson, Utah Hearing Instrument Specialist Board

07/11/2011

Date Approved

Clyde Ormond

Bureau Manager, Division of Occupational & Professional Licensing