

**GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS**  
**Board Teleconference Meeting Minutes \* November 4, 2014**  
Professional Licensing Boards Division, 237 Coliseum Drive \* Macon, Georgia 31217

A Conference Call meeting of the Georgia State Board of Hearing Aid Dealers and Dispensers was held Tuesday, November 4, 2014, in the Professional Licensing Boards division offices located at 237 Coliseum Drive, Macon, Georgia 31217.

**The following Board members were present:**

Ralph T. Jackson, Jr., Chair  
Jason Murphy, Vice-Chair  
Vaughn Bray  
Joseph Stock, BC-HIS  
Kadyn Ochs Williams, Au.D.  
Deborah Brillling, Consumer Member  
Dr. Donald N. Cote, M.D; ABO Board Certified

**Administrative Staff Present:**

Brig Zimmerman, Executive Director  
Stacey Mitchell, Board Support Specialist

**Attorney General's Office:**

Wylencia Monroe, Senior AAG

Mr. Jackson, Chair established that a quorum was present and called the Board meeting to order at 8:31 a.m.

**Agenda:**

Agenda – Approved as presented

**Public Rules Hearing**

- 276-9-.01 Apprentice Permit

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted]

**Chapter 276-9 Repealed (276-9-.01 thru 276-9-.04) Permits**

**276-9-.01 Repealed Apprentice Permit.**

(1) In order to apply for a hearing aid apprentice permit, the applicant shall:

(a) Submit an Application for a Hearing Aid Apprenticeship Permit and the required fee;

(b) Submit a "Statement of Supervision" from the licensed Georgia hearing aid **dispenser** who will supervise the apprentice permit holder's practice;

(c) Submit a "Statement of Supervision" from the licensed Georgia hearing aid **dealer** who will employ the apprentice permit holder, supervise the apprentice permit holder and who can attest that the applicant is capable of making the tests and applying the techniques required to dispense hearing aids in accordance with OCGA 43-20;

(d) Submit proof of age as confirmed in a secure and verifiable document, as defined in Code Section 50-36-2;

(e) Submit proof of passage of the practical portion of the examination required for a license to dispense hearing aids.

(2) Upon approval of the application, a non-renewable apprentice permit will be issued for a period of one (1) year. A non-renewable, one-year apprentice permit allows the permit holder to practice while in an apprenticeship and under the supervision of a licensed dispenser.

(a) The applicant may request delay in issuance of the apprentice permit for good cause shown, and the granting, or denial, of such request is within the discretion of the Board. The holder of an apprentice permit may request a stay of the effective period of the permit for good cause shown, and the granting, or denial, of such request is within the discretion of the Board.

(b) Every apprentice permit holder shall be approved to sit for the next available written exam and every subsequent scheduled examination until all sections of the written exam are passed, or the permit expires or is revoked by the Board. The board shall have the power to revoke a permit without a hearing if the holder of an apprentice dispenser permit fails to pass the written portion of the examination on two occasions.

(3) An apprentice permit holder shall be at all times the permit is in force in an “apprenticeship” under the indirect supervision of a Georgia licensed hearing aid dispenser. Adequate supervision by a Georgia licensed hearing aid dispenser shall include, but not be limited to, the following:

(a) Indirect supervision means the Georgia licensed hearing aid dispenser responsible for the apprentice permit holder’s supervision is, at a minimum, accessible by telephone during working hours and must be readily available to the apprentice permit holder for direction, guidance and instruction;

(b). The supervising Georgia licensed hearing aid dispenser shall be in face-to-face contact for a minimum of eight (8) hours during the apprentice permit holder’s work week. The onsite contacts shall include, but are not be limited to, a documented review by the supervisor of all paperwork prepared, and the direct observation of testing procedures by the apprentice permit holder;

(c) Both supervisors and supervisees are required to maintain a contemporaneous record of the date, duration and a brief summary of the pertinent activity for each supervision session to be submitted to the Board upon request. At any time the Board has the right to request documentation of supervision.

(d) While under indirect supervision of a Georgia licensed hearing aid dispenser, an apprentice permit holder may engage in the practice of dispensing of hearing aid devices.

(4) There may be no more than two (2) apprentice permit holders under a supervising Georgia licensed hearing aid dispenser at any given time. Apprentice permit holders must cause a current supervising Georgia licensed hearing aid dispenser to submit to the Board in writing that they are no longer the apprentice permit holder’s supervisor, and the reason for the disassociation in order for an apprentice permit holder to obtain a new supervising Georgia licensed hearing aid dispenser.

(5) All apprentice permit holders must be identified as such by name tags. Dealers employing apprentice permit holders shall post office signage indicating apprentice permit holders are present and may be involved in the fitting and dispensing of hearing aid devices.

**Authority: O.C.G.A. §§ 43-20-3, 43-20-6, 43-20-9 and 43-20-11**

**Ms. Brillling Motioned, Mr. Stock seconded and the Board voted to adopt the proposed new rule Chapter name, 276-9 Permits, and new rule, 276-9-.01 Apprentice Permit, as presented. None opposed, motion carried.**

**Ms. Brillling moved, Mr. Stock seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-20-3, 43-20-6, 43-20-9 and 43-20-11**

**Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-20-3, 43-20-6, 43-20-9 and 43-20-11 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of hearing aid dispensing and dealers.**

**Discussion of proposed amendments, changes and corrections to new/amended rule for training permit, and unprofessional conduct:**

- 276-9-.02 Training Permit
- 276-13-.01 Unprofessional Conduct

- **276-9-.02 ~~Repealed~~ Training Permit.**

(1) In order to apply for a hearing aid training permit, the applicant shall:

(a) Submit an Application for a Hearing Aid Training Permit and the required fee;

(b) Submit a “Statement of Supervision” from the licensed Georgia hearing aid dispenser who will supervise the training permit holder’s practice;

(c) Proof of Age as confirmed in a secure and verifiable document, as defined in Code Section 50-36-2.

(2) Once approved and issued, the training permit shall authorize the person to dispense hearing aids only under “DIRECT SUPERVISION AND IMMEDIATE OBSERVATION” of a Georgia licensed hearing aid dispenser who shall be responsible for trainee’s compliance with this chapter. Adequate supervision by a Georgia licensed hearing aid dispenser shall include, but not be limited to, the following:

(a) Direct supervision means the Georgia licensed hearing aid supervising dispenser shall be physically present with the training permit holder at all times in the Georgia licensed dealership.

(b) A training permit is issued only for a six (6) month period and may be renewed as often as necessary for subsequent six (6) month time periods so long as the requirements for issuance of permits are met for

each renewal. In order to renew a training permit, the permit holder must submit an application for a training permit indicating renewal and the required fee.

(c) Both supervisors and supervisees are required to maintain a contemporaneous record of the dates, duration, type and a brief summary of the pertinent activity of the supervision to be submitted to the Board upon request. At any time the Board has the right to request documentation of supervision.

(d) While under the direct supervision and immediate observation of a Georgia licensed hearing aid dispenser, a training permit holder may engage in the practice of dispensing of hearing aid devices.

(3) In order to become a licensed Hearing Aid Dispenser the holder of a training permit must pass all portions of the practical and written examinations required for licensure.

(4) The holder of a training permit may apply for an apprentice permit at any time pursuant to Board rule 276-9-.01, however, both permits cannot be held at the same time.

(5) There may be no more than one (1) training permit holder under a supervising Georgia licensed hearing aid dispenser at any given time. Training permit holders must cause a current supervising Georgia licensed hearing aid dispenser to submit to the Board in writing that they are no longer the training permit holder's supervisor, and the reason for the disassociation in order for a training permit holder to obtain a new supervising Georgia licensed hearing aid dispenser.

(6) All training permit holders must be identified as such by name tags. Dealers employing training permit holders shall post office signage indicating training permit holders are present and may be involved in the fitting and dispensing of hearing aid devices.

**Authority: O.C.G.A. §§ 43-20-6, 43-20-11 and 43-20-12**

**Mr. Stock motioned, Mr. Bray seconded and the Board voted to post the proposed new rule, 276-9-.02 Training Permit, with changes as discussed for the required thirty (30) days minimum with a public rules hearing to be conducted the next available meeting date. None opposed, motion carried.**

**Mr. Bray moved, Ms. Williams seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-20-6, 43-20-11 and 43-20-12**

**Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-20-6, 43-20-11 and 43-20-12 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of hearing aid dispensing and dealers.**

- **276-13-.01 Unprofessional Conduct.**

O.C.G.A. §§ 43-1-19 and 43-20-16 authorize the Board to take disciplinary action against licensees for unprofessional conduct or committing any professionally immoral act. Unprofessional conduct shall include, but not be limited to, the following:

(a) Dispensing a hearing aid de vice or instrument in the absence of an appropriate dispenser/client relationship. An appropriate dispenser/client relationship exists when:

~~(2) An appropriate dispenser/client relationship exists when:~~

~~(a) 1.~~ The licensed dispenser assumes the responsibility for the dispensing of a hearing aid device or instrument and exercises the judgment necessary regarding conducting testing, determining the suitability for use of a hearing aid, assisting with the selection of suitable aids to properly compensate the hearing condition, to fit a ids to the client and to counsel and instruct in the use of the hearing aid device or instrument;

~~(b) 2.~~ The licensed dispenser has a sufficient knowledge of the client to initiate at least a general or preliminary determination of a hearing deficiency. This means that the dispenser has recently seen and is personally acquainted with the client by virtue of a proper examination and/or by appropriate and timely follow-up evaluation; and

~~(c) 3.~~ The dispenser is readily available for follow-up care in case of the failure of the device or instrument.

(b) The failure of a licensed Georgia hearing aid dispenser to supervise an apprentice or training permit holder with regard to the minimum requirements stipulated for a Georgia licensed hearing aid dispenser supervisor as defined in rule 276-9-.01 and 276-9-.02.

(c) All training or apprentice permit holders must be identified as such by name tags. Dealers employing training or apprentice permit holders shall post office signage indicating training and apprentice permit holders are present and may be involved in the fitting and dispensing of hearing aid devices.

**Authority: O.C.G.A. §§ 43-1-19, 43-20-6 and 43-20-16**

**Mr. Bray motioned, Ms. Williams seconded and the Board voted to post the proposed new rule amendment to 276-13-.01 Unprofessional Conduct, with changes as discussed for the required thirty (30) days minimum with a public rules hearing to be conducted the next available meeting date. None opposed, motion carried.**

**Mr. Bray moved, Ms. Williams seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-20-6 and 43-20-16**

**Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-20-6 and 43-20-16 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of hearing aid dispensing and dealers.**

**Revised Bill of Sale for Board Review/Approval:**

- Piedmont ENT Hearing, LLC HADE034948  
Discussion tabled until next scheduled Board meeting.

There being no further business to discuss, the Board adjourned at 8:59 a.m.

The next scheduled Board meeting will be held on December 9, 2014 @ 8:30 a.m.

**Minutes recorded by:**

Stacey Mitchell, Board Support Specialist

**Minutes reviewed and edited by:**

Brig Zimmerman, Executive Director, HC1

**RALPH JACKSON**

Chair

**BRIG ZIMMERMAN**

Executive Director HC-1

These minutes were approved on: **December 9, 2014**