

GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS
Board Meeting Minutes * December 9, 2014
Professional Licensing Boards Division, 237 Coliseum Drive * Macon, Georgia 31217

A meeting of the Georgia State Board of Hearing Aid Dealers and Dispensers was held Tuesday, December 9, 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
Dr. Donald N. Cote, M.D; ABO Board Certified
Joseph Stock, BC-HIS
Kadyn Ochs Williams, Au.D.
Deborah Brillling, Consumer Member
Vaughn Bray, BC-HIS, CCCA

Administrative Staff Present:

Brig Zimmerman, Executive Director
Stacey Mitchell, Board Support Specialist

Attorney General's Office:

Wylencia Monroe, Assistant Attorney General

Mr. Jackson, Chair established that a quorum was present and called the Board meeting to order at 8:35 a.m.

Agenda:

Ms. Brillling moved, Ms. Williams seconded and the Board voted to approve the agenda as presented. None opposed, motion carried.

Minutes:

- September 30, 2014
- November 4, 2014 Conference Call

Ms. Brillling moved, Dr. Cote seconded and the Board voted to approve the meeting minutes of 09-30-14 as presented. None opposed, motion carried.

Ms. Williams moved, Mr. Stock seconded and the Board voted to approve the meeting minutes of 11-04-14 as presented. None opposed, motion carried.

Public Rules Hearing – 9:00 a.m.:

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

- 276-9-.02 ~~Repealed~~ **Training Permit.**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

- **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 device 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 aids 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

Ms. Brillig Motioned, Dr. Cote seconded and the Board voted to adopt the proposed new rule Chapter name, 276-9 Permits, and new rule, 276-9-.02 Training Permit, and the proposed amendments to existing rule 276-13-.01 Unprofessional Conduct, as presented. None opposed, motion carried.

Ms. Williams 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

Ratify Listing of Licenses Administratively Issued between Meetings 09-30-14 to 12-04-2014:

Hearing Aid Apprentice:

HAA000085	Usher, Pamela Inez
HAA000086	Smith, Debra Elaine
HAA000087	Smith Jr, Theodore George
HAA000088	Hames, Thomas Hal
HAA000089	Gorman, Trey Rodney

Hearing Aid Dealers:

HADE035068	Affordable Hearing Aid Solutions, Inc.
HADE035069	Beltone Hearing Aid Centers
HADE035070	Southeast Hearing
HADE035071	Connect Hearing, Inc.
HADE035072	Connect Hearing, Inc.
HADE035073	Connect Hearing, Inc.
HADE035074	Connect Hearing, Inc.
HADE035075	Connect Hearing, Inc.
HADE035076	Optimal Hearing Systems, Inc.
HADE035077	M & K Hearing Aid Center, LLC
HADE035078	Centre For Sound Hearing Aids, Inc.
HADE035079	Carol Roobin Bashuk Beltone Hearing Aid Centers
HADE035080	All American Hearing Aid Centers
HADE035081	All American Hearing Aid Centers
HADE035082	All American Hearing Aid Centers
HADE035083	All American Hearing Aid Centers

Dispensers:

HADS000911	Smith, Debra Elaine
HADS000912	Stinehart, David William
HADS000913	Hittleman, Gary A
HADS000914	Scott, Robert Hill, Jr
HADS000915	Reynolds, Tyler Andrew
HADS000916	Smith Jr, Theodore George

Hearing Aid Training Permit:

HAP000217	Chestnut, Daryl Lenard
HAP000218	Cothran, Mary Whitney
HAP000219	Klopschinski, Karen Melissa
HAP000220	Lopez, Omar
HAP000221	Medori, Michael Vincent

Mr. Murphy moved, Mr. Stock seconded and the Board voted to approve the ratify list of licenses issued between meetings as presented. None opposed, motion carried.

Executive Directors Report:

- Revised Dealership Application presented to Board
- Proposed amendments to Board rules presented to Board:
Rules 276-3-.01 CE, 276-10-.02 Bill of Sale and 276-13-.01 Unprofessional Conduct

- **276-3-.01 Bill of Sale.**

At the time of delivery, the dealer or dispenser shall provide to the person supplied with a hearing aid a bill of sale. The bill of sale will contain, as a minimum, the following:

(a) Dealer and Dispenser information:

1. Dealer name and license number.
2. Dispenser name and license or permit number.
3. Street address and office hours of dealer location.

(b) Hearing Aid information:

1. Make, model, and serial number.
2. Description of Condition (new, reconditioned, used).
3. Statement whether there is a guarantee or warranty and the terms thereof.

(c) Price, Refund and Credit information:

1. Sale price including any discount(s), trade-in allowance(s) and sales tax(es).
2. On the written receipt or bill of sale, in all capital letters shall be printed, or rubber stamped, in black or blue ink, at least twelve (12) point type size, one of the following paragraphs:

THE SALE OF THIS HEARING AID IS FINAL. I UNDERSTAND I AM NOT ENTITLED TO A REFUND OR CREDIT.

(or)

I READ, UNDERSTAND AND HAVE SIGNED OR INITIALED A COPY OF THE REFUND AND RETURN POLICY. THE POLICY STATES IF, AND UP UNTIL WHAT DATE, I CAN RETURN THE HEARING AID FOR A FULL REFUND, A PARTIAL REFUND OF WHAT PERCENTAGE, OR A FULL OR PARTIAL CREDIT. THE POLICY ALSO IDENTIFIES WHAT FEES, IF ANY, FOR SERVICES WILL BE REFUNDED OR CREDITED WHEN THE HEARING AID IS RETURNED FOR REFUND OR CREDIT.

3. The dealer will provide a copy of the refund policy to the person purchasing the hearing aid. The copy of the refund policy should be signed with a separate signature or initials of the customer and the copy that is signed or initialed by the customer will be maintained on file by the dealer with the bill of sale, for at least six (6) years after the delivery of the hearing aid.

(d) Test information:

1. Serial number of audiometer used for examination.
2. Date of most recent calibration of audiometer in (a) above.

(e) User and purchaser information:

1. Name and street address of hearing aid user.
2. Name and address of purchaser. If the same as user, indicate on bill of sale.
3. Date of delivery to user or purchaser.
4. Signature of purchaser to acknowledge receipt of the hearing aid and copy of the bill of sale.

- **276-10-.02 Continuing Education**

(f) Courses offered by the following are preapproved by the Board as means of acquiring the required continuing education hours for license renewal subject to the specific categories as outlined in paragraph 3 of this rule.

- International Institute for Hearing Instrument Studies.
- International Hearing Society.
- Georgia Society of Hearing Professionals.
- American Speech-Language-Hearing Association.
- Georgia Speech-Language-Hearing Association.
- American Academy of Otolaryngology, Head and Neck Surgery, Inc.
- Georgia Academy of Audiology.
- College courses taken for credit or through official audit or seminars sponsored by such colleges.
- Audiology Online (www.audiologyonline.com)
- American Academy of Audiology

(g) All educational opportunities other than those offered by various state approved/sanctioned academies, societies and associations require prior approval from the Board within ~~sixty (60)~~ thirty (30) days prior to the scheduled date of such program. Applications for approval must include sponsor, date, location, subjects, scope, instructors, qualifications of instructors, and classroom hours for each subject.

(h) A hearing aid dispenser must obtain a minimum of fourteen (14) hours of continuing education per biennium. Of these hours, two (2) must be in the medical area (face-to-face only, NOT online), two (2) must be in jurisprudence (Georgia laws and rules) and/or ethics, two (2) must be in patient management. The remainder of hours may be obtained as product specific or on the topic of practice building.

- Online Hours: Of the required fourteen (14) total continuing education hours, a total of six (6) hours must be obtained face-to-face, in person (of these 6 hours, the 2 required hours in the medical area MUST be obtained face-to-face, in person). The remaining eight (8) hours may be obtained via online means, however, NO more than four (4) hours may be obtained online in any given twenty-four (24) hour period.

- Approved areas of study to satisfy the two (2) hours in the medical area are

4. Anatomy and physiology;
5. Diseases of the ear;
6. Disease control;
7. Otoscopy.

- Approved areas of study to satisfy the two (2) hours in patient management are

4. Testing;
5. Rehabilitation;
6. Counseling;
7. Impressions of the ear.

(i) The method of reporting continuing education hours to the Board, IF selected for a Continuing Education Hours audit, shall be as follows:

- Each licensed hearing aid dispenser shall be responsible for maintaining certificates of attendance and any course descriptions, schedules, syllabuses, synopses or abstracts of course content for continuing education courses taken to satisfy the requirements for continuing education for a period of four (4) years from the date of attendance;

- Continuing Education Hours must be obtained within the two year licensure cycle, i.e. between January 1st of every Even Numbered year and December 31st of the subsequent Odd Numbered year.
- The Board shall audit the required continuing education hours of a percentage of dispenser licensees for compliance with all rules and regulations. This percentage shall not be less than fifteen percent (15%) of the licensed Hearing Aid dispensers, randomly selected, each biennium renewal period;
- At the time of license renewal, each dispenser shall certify to the Georgia Board of Hearing Aid Dealers and Dispensers that he/she has completed the continuing education credits required for license renewal;
- In the event a licensee, who is audited, fails to submit certificates of continuing education attendance, or other documentation referred to in paragraph (4)(a) above, of having satisfied the continuing education requirements for license renewal, the application will not be processed until the continuing education audit is completed. A licensee who fails to meet the continuing education requirements is not eligible to renew his/her license and the license will be revoked by operation of law. An application for reinstatement must be filed, in accordance with Board rule 276-7-.01, for any lapsed licenses.
- Current (licensed) members of the Board shall also be audited for each renewal cycle that they serve on the Board.

- **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 device or instrument in the absence of an appropriate dispenser/client relationship. An appropriate dispenser/client relationship exists when:

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 aids to the client and to counsel and instruct in the use of the hearing aid device or instrument;
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
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. Dealerships 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.

(d) Failing to require each license or permit holder to wear a name tag identifying the license or permit held when the dealership name includes the words "hearing center," "doctor," "ear specialist," "clinic," or "clinical audiologists," or any other term, abbreviation, or symbol that gives the impression that one is being treated by a licensed physician or licensed audiologist.

(e) Failing to post a sign in the dealership visibly available to the public that states, "licensed hearing aid dispensers may be utilized," when the dealership name includes the words "hearing center," "doctor," "ear specialist," "clinic" or "clinical audiologist," or any other term, abbreviation, or symbol that gives the impression that one is being treated by a licensed physician or licensed audiologist.

Dr. Cote moved, Mr. Bray seconded and the Board voted to approve the above proposed amendments to Board rules 276-3-.01, 276-10-.02 and 276-13-.01 as presented and discussed; and to refer same to the Attorney General's office for a memo of statutory authority for the amendments and additions; and further, to post proposed amendments to 276-3-.01, 276-10-.02 and 276-13-.01 upon receipt of said memo for the required thirty (30) days minimum for public view prior to a public rules hearing to be scheduled. None opposed, motion carried.

Miscellaneous Board Discussion Items:

Following discussion, the Board voted on conducting a 100% audit of current, active dealerships Bill of Sale following their March 17, 2015 scheduled Board meeting. Administrative staff will coordinate obtaining the bill of sale from each of the 200 plus active dealerships, and these will be due by February 15, 2015.

In addition, there will be a 100% audit of all 200 plus active licensees continuing education hours this next renewal cycle (12-31-2015) Administrative staff will coordinate notification of licensees.

Mr. Murphy moved, Ms. Williams seconded, and the Board voted to enter into Executive Session at 9:58 a.m. in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 43-1-2(k) (4), O.C.G.A. § 50-14-2(1), to receive the Attorney General and Cognizant Report. Voting in favor of the motion were those present who included Board members Dr. Cote, Williams, Bray, Jackson, Stock, Murphy, and Brilling.

Application(s) Review:

Dealer Applications:

S.S.H.C.

Pending

Cognizant (Complaints) Report:

Recommend closure:

- HA140006
- HA140008
- HA140009
- HA150001*
- HA150002*
- HA150003*

- HA150004*
- HA150005*
- HA150006*
- HA150007

*(*Board member V. Bray recused himself from the discussion and vote on HA150001, 150002, 150003, 150004, 150005 and 150006)*

Recommend Referral to AG's Office:

- HA130014

Assistant Attorney General Report:

Wylencia Monroe, Assistant Attorney General, provided a status report which included information on any cases referred for action, requests for advice and /or requests for authority for proposed rules.

Executive Session Minutes:

- September 30, 2014

At the conclusion of Executive Session at 12:08 p.m. on Tuesday, December 9, 2014, Mr. Jackson declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session.

Mr. Bray moved, Ms. Williams seconded, and the Board voted to accept the recommendations made on the above application presented for review. None opposed, motion carried.

Mr. Stock moved, Mr. Murphy seconded, and the Board voted to accept the recommendations of the Board Cognizant as presented. None opposed, motion carried.

Ms. Brillig moved, Dr. Cote seconded, and the Board voted to accept the Attorney General's Report as presented. None opposed, motion carried.

Dr. Cote moved, Ms. Brillig seconded, and the Board voted to approve the September 30, 2014 Executive Session minutes as presented. None opposed, motion carried.

Officer Elections for 2014-2015:

Ralph Jackson – Board Chair

Jason Murphy – Vice Chair

Sub-Committees:

Ralph Jackson, Jason Murphy, Joe Stock – Application review between meetings

Kadyn Williams and Vaughn Bray - CE Course pre-approval application review between meetings

There being no further business to come before the Board, Mr. Murphy moved, Mr. Bray seconded, and the Board voted to adjourn the meeting at 12:57 p.m. to be followed by the administration of the scheduled practical examinations. None opposed, motion carried.

Minutes recorded by:

Stacey Mitchell, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director, HC1

RALPH JACKSON

Chair

Georgia State Board of Hearing Aid
Dealers and Dispensers

BRIG ZIMMERMAN

Executive Director

Professional Licensing Boards Division

These minutes were approved on: **March 17, 2015**