

GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS

Board Meeting Minutes * June 16, 2015

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, June 16, 2015, 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
Amanda Allen, Licensure Analyst
Mary Katherine Lindsey, Board Support Specialist
Chrissy Lewis, Complaint/Compliance 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 8:38 a.m.

Agenda: Approved as presented

Minutes: March 17, 2015

Ms. Brillling moved, Mr. Murphy seconded, and the Board voted to approve the meeting minutes of 03-17-2015 as presented. None opposed, motion carried.

Correspondence-Discussion Item:

- HB232 – Changes to Practice Act – Passed/Signed into law By Governor Deal – Becomes effective 07-01-2015. Changes:
 - Change in definition of Public at Large appointed member;
 - Board Officers (Chair/V ice-Chair) – Only Licensed Dispensers may serve as elected Board officers;
 - Nationwide background/fingerprint checks for all applicants for licensure;
 - Increase in number of CE Hours from 14 to 20.

Ratify Listing of Licenses Administratively Issued between Meetings 03-17-2015-06-15-2015:

| License # | Licensee/Facility Name |
|-----------|------------------------|
| HAA000099 | Rowland, Nathan Bryce |
| HAA000100 | Runion, Kasi Amanda |
| HAA000101 | Smith, Mary Cothran |

| | |
|------------|---------------------------|
| HAA000102 | Accord, James Robert |
| HAA000103 | Harsh, Lemuel |
| HADS000928 | Chestnut, Daryl Lenard |
| HADS000929 | Ryan, Austin Elude |
| HADS000930 | Pitt, Nicholas Brikash |
| HADS000931 | Crespo, Jerry Travis |
| HAP000225 | Turner, Maria Del Rosario |
| HAP000226 | Foster, Gary Eugene |
| HAP000227 | Barnes, Caleb David |
| HAP000228 | Jones, William Bruce |
| HAP000229 | Gault, Caitlin Elise |
| HAP000230 | Kebede, Hossana Adale |
| HAP000231 | Tocci, Annalyn Peele |

Hearing Aid Dealerships

| | | |
|------------|----------------------------------|--|
| HADE035090 | All American Hearing Aid Centers | 2326 Warm Springs Road Columbus, GA. 31904 |
| HADE035091 | NuEar | 4360 Chamblee Dunwoody Rd Ste 180 Atlanta, GA 30341 |
| HADE035092 | NuEar | 4450 Hugh Howell Rd # 5 Tucker, GA. 30084 |
| HADE035093 | All American Hearing Aid Centers | 75 North Grove St Suite C Dahlonga, GA. 30533 |
| HADE035094 | NuEar | 4992 Bill Gardner Pkwy Locust Grove, GA. 30248 |
| HADE035095 | NuEar | 2911 Chapel Hill Rd Ste 145 Douglasville, GA. 30135 |
| HADE035096 | The Hearing Aid Center | 1000 Hawthorne Ave Ste O Athens, GA. 30606 |
| HADE035097 | The Hearing Aid Center | 771 Old Norcross Rd Ste 135 Lawrenceville, GA. 30046 |
| HADE035098 | Beltone Hearing Center | 1108 B Washington St. Perry, GA 31069 |
| HADE035099 | Optimal Hearing Systems, Inc. | 2180 Satellite Blvd. Duluth, GA. 30097 |
| HADE035100 | Beltone Hearing Center | 913 Tennessee St. Ste 102 Cartersville, GA. 30120 |
| HADE035101 | McDonnell Hearing Solutions | 2024 Pinestree Blvd. Ste B Thomasville, GA. 31792 |
| HADE035102 | Sam's Club Hearing Aid Center | 15 Mill Creek Cir. Pooler, GA. 31322 |

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

Executive Director's Report:

- **Rule 276-13-.01 Unprofessional Conduct** – Proposed changes/amendments revisited.

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 wear a tag or badge identifying the license or permit held.

Following discussion and revisions to prior proposed amendments/additions to rule 276-13-.10, the Board agreed on all new changes.

Mr. Stock moved, Ms. Brillong seconded and the Board voted to refer the newly revised rule 276-13-.01 Unprofessional Conduct, to the AG's office for a Memo of Statutory Authority, and upon receipt of memo, to post proposed rule amendments for a public hearing to be scheduled next available meeting date. None opposed, motion carried.

Bill of Sales Requirements:

The Board conducted an audit of actively licensed dealerships and developed a checklist of the minimum acceptable mandatory requirements of items to be listed on every dealerships Bill of Sale pursuant to the Board rules:

1. Dealer name
2. Dealer license number (HADE_____)
3. Space for Dispenser(s)/Permit holder(s) name
4. Space for Dispenser(s)/Permit holder(s) license number (HADS_____/HAA____HAP_____)
5. Street Address for dealer location
6. Office hours of dealer location
7. Space for make of Hearing Aid device dispensed
8. Space for model of Hearing Aid device dispensed
9. Space for the Serial Number of Hearing Aid device dispensed
10. Condition of the hearing aid (new, used, reconditioned)
11. Statement of whether there is a guarantee or warranty and the terms
12. Sale price, including any discounts, trade-in allowances, and sales taxes
13. ALL capital letters for Refund policy or All Sales Final language
14. Blue or Black ink for # 13 above
15. 12 point font for # 13 above
16. EXACT language in the rule 276-3-.01 (c) (2)

17. Space for signature or initials of the customer immediately after for Refund policy or All Sales Final language
18. Serial Number of the Audiometer used for examination
19. Date of the most recent calibration of the Audiometer
20. Name of hearing aid user
21. Address of hearing aid user
22. Name and address of purchaser, if different than user
23. Date of delivery to user or purchaser
24. Signature of purchaser at the bottom of the document, or with acknowledging receipt of hearing aid device and bill of sale

Mr. Bray moved, Mr. Stock seconded, and the Board approved the listing as developed, and in addition, motioned to have administrative staff draft and send out by e-mail address to all dealerships on file with active licenses. None opposed, motion carried.

Mr. Stock moved, Mr. Murphy seconded and the Board voted to enter into Executive Session 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 (Complaints) Report. Voting in favor of the motion were those present who included Board members Jackson, Murphy, Dr. Cote, Williams, Bray, Stock, and Brilling.

Application Review/Clarification:

- ACA Approved for licensure

Cognizant (Complaints) Report:

- HA150008- Closed. Complainant withdrew complaint
- HA150013- Closed. No additional information required
- HA150014- Closed. Refer to Optometry Board
- HA150015- Closed. No additional information required

Additional information required:

- HA150009

Assistant Attorney General Report:

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

Mr. Bray moved, Ms. Brilling seconded. None opposed, motion carried.

Executive Session Minutes:

- March 17, 2015

At the conclusion of Executive Session on Tuesday, June 16, 2015, 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.

Ms. Brillig moved, Mr. Bray seconded, and the Board voted to accept the recommendation on the application that was presented. None opposed, motion carried.

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

Mr. Bray moved, Ms. Williams seconded, and the Board voted to accept the Attorney General’s Report as presented. None opposed, motion carried.

Ms. Brillig moved, Dr. Cote seconded, and the Board voted to approve the March 17, 2014 Executive Session minutes as presented. None opposed, motion carried.

There being no further business to come before the Board, Mr. Stock moved, Ms. Williams seconded, and the Board voted to adjourn the meeting at 12:21 p.m. None opposed, motion carried.

Minutes recorded by:

Mary Katherine Lindsey
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: **September 15, 2015**