

**GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS**  
**Board Meeting Minutes \* September 15, 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, September 15, 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.  
Vaughn Bray, BC-HIS, CCCA

**Administrative Staff Present:**

Brig Zimmerman, Executive Director  
Amanda Allen, Licensure Analyst  
Mary Katherine Lindsey, 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 8:38 a.m.

The Board would like to thank Ms. Debbie Brilling, Consumer Member, for her services as a member of the Board, the licensed professionals and the general public, for over four years.

**Agenda:** Approved with two late agenda items:

- Hearing Aid Dealership applicant's revised Bill of Sale
- Rules Discussion:
  - 276-10-.02 Continuing Education
  - 276-3-.01 Bill of Sale
  - 276-13-.01 Unprofessional Conduct

**Minutes:** June 16, 2015

**Mr. Murphy moved, Mr. Bray seconded, and the Board voted to approve the June 16, 2015 meeting minutes as presented. None opposed, motion carried.**

**Correspondence:**

- Jackson, L. NBC-HIS

The Board voted for the administrative staff to respond as recommended to the correspondence listed above.

**Petition for Variance or Waiver:**

- Harfouch, Ragaa- Rule 276-10-.02/43-20-15

**Mr. Stock motioned, Mr. Murphy seconded, and the Board voted to deny the petition but allow Ms. Harfouch to obtain all of the fourteen (14) required continuing education hours online by December 31, 2015. None opposed, motion carried.**

**Ratify Listing of Licenses Administratively Issued between Meetings June 16- September 14, 2015:**

<b>License #</b>	<b>Licensee Name</b>
HAA000104	Cerbone, Debra Ann
HAA000105	Barnes, Caleb David
HAA000106	Cantrell, Larry Joseph
HADS000932	Brumbill, Mark William
HADS000933	Goerndt, Kristie Jo
HADS000934	Peterson, Joshua David
HADS000935	Medori, Michael Vincent
HADS000936	Olejniczak, Brian
HAP000232	Mihalis, Constantine Vasilios
HAP000233	Morgan, Kailyn Lee
HAP000234	VonWaldner, Caroline Rene
HAP000235	Davis, Rhonda D
HAP000236	Hunter, Alvin Neil
HAP000237	Akins, Maxine Lafaye

**Hearing Aid Dealerships**

HADE035103	ACA-Hearing Aids	2140 Peachtree Rd Ste 350 Atlanta, GA. 30309
HADE035104	Connect Hearing, Inc.	13015 Brown Bridge Rd, Unit 220 Covington, GA. 30016
HADE035105	Ear Nose & Throat Specialists, LLC	4181 Hospital Drive Ste 102 Covington, GA. 30014
HADE035106	Advanced Hearing Aid Centers	580 E Crossville Rd Roswell, GA. 30075
HADE035107	Advanced Hearing Aid Centers	440 Barrett Pkwy # 343 Kennesaw, GA. 30144
HADE035108	Miracle Ear/Armin of GA Inc	3626 Walton Way Augusta, GA. 30909
HADE035109	Connect Hearing	1524 Church Street Decatur, GA. 30030
HADE035110	Beltone Hearing Aid Centers	9925 Haynes Bridge Rd Alpharetta, GA. 30022
HADE035111	Beltone Hearing Aid Centers	5485 Bethelview Rd Cumming, GA. 30040
HADE035112	Miracle Ear/Armin of GA Inc	11900 Hwy 280 E. Black Creek, GA. 31308

**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 Director's Report:**

- 2016 Board Meeting dates:
  - Tuesday, March 15, 2016

- Tuesday, June 14, 2016 – Conference Call Meeting
  - Tuesday, September 13, 2016
  - Tuesday, December 13, 2016 – Conference Call Meeting
- (All meetings are scheduled to begin in Open Session at 8:30 a.m.)*

**Dr. Cote motioned, Mr. Stock seconded, and the Board voted to accept the 2016 Board meeting dates as presented. None opposed, motion carried.**

**Rules Discussion:**

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

(1) 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.

- (a) International Institute for Hearing Instrument Studies.
- (b) International Hearing Society.
- (c) Georgia Society of Hearing Professionals.
- (d) American Speech-Language-Hearing Association.
- (e) Georgia Speech-Language-Hearing Association.
- (f) American Academy of Otolaryngology, Head and Neck Surgery, Inc.
- (g) Georgia Academy of Audiology.
- (h) College courses taken for credit or through official audit or seminars sponsored by such colleges.
- (i) Audiology Online ([www.audiologyonline.com](http://www.audiologyonline.com))
- (j) American Academy of Audiology

(2) 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.

(3) ~~A hearing aid dispenser must obtain a minimum of fourteen (14) hours of continuing education per biennium. Of these the required 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. Effective January 1, 2016, a hearing aid dispenser must obtain a minimum of twenty (20) hours of continuing education per biennium.~~

(a) 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). Prior to December 31, 2015, 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. Effective January 1, 2016, a hearing aid dispenser must obtain a minimum of twenty (20) hours of continuing education per biennium, No more than fourteen (14) hours of the required twenty (20) may be obtained via online means with NO more than four (4) hours obtained online in any given twenty-four (24) hour period.

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

1. Anatomy and physiology;
2. Diseases of the ear;
3. Disease control;
4. Otoscopy.

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

1. Testing;
2. Rehabilitation;
3. Counseling;
4. Impressions of the ear.

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

(a) 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;

(b) Continuing Education Hours must be obtained within the two year licensure cycle, i.e. between January 1<sup>st</sup> of every Even Numbered year and December 31<sup>st</sup> of the subsequent Odd Numbered year.

(c) 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;

(d) 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;

(e) 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.

(f) Current (licensed) members of the Board shall also be audited for each renewal cycle that they serve on the Board.

### **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.

*(Note: No changes were proposed to this rule, 276-3-.01; the original memo of statutory authority dated March 16, 2015 provided by the AG's office stands. The proposed amendment to this rule will be posted for a public rules hearing at a later date)*

### **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) Failure of a licensed Dealers employing training or apprentice permit holders shall to post office signage indicating training and apprentice permit holders are present and may be involved in the fitting and dispensing of hearing aid devices when utilizing training or apprentice permit holders.

(d) Failure of a licensed dispenser, training or apprentice permit holder to wear a tag or badge identifying the license or permit held.

After additional discussion and revisions made of the above proposed rule amendments, Mr. Stock motioned, Mr. Bray seconded, and the Board voted refer the proposed amendments to rules 276-10-.02 and 276-13-.01 to the AG's office for a memo of statutory authority and upon receipt, to post rules 276-10-.02 and 276-13-.01 along with the unchanged rule amendment to rule 276-3-.01, for a minimum of 30 days as required with a public rules hearing to be scheduled and conducted the next available meeting date. None opposed, motion carried.

Ms. Williams 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 review the June 16, 2015 meetings Executive session minutes, receive the Attorney General and Cognizant (Complaints) Reports. Voting in favor of the motion were those present who included Board members Jackson, Murphy, Dr. Cote, Williams, Bray, and Stock.

**Application Review/Clarification:**

- S.M.H.C.

**Cognizant (Complaints) Report:**

- HA150009

**Recommendation:**

Closure

**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:**

- June 16, 2015

At the conclusion of Executive Session on Tuesday, September 15, 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.

Mr. Stock moved, Mr. Murphy seconded, and the Board voted to accept the recommendation on the application presented. None opposed, motion carried.

Mr. Murphy moved, Dr. Cote seconded, and the Board voted to accept the recommendation of the Cognizant's report as presented. None opposed, motion carried.

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

Mr. Murphy moved, Dr. Cote seconded, and the Board voted to approve the June 16, 2015 Executive Session minutes as amended. None opposed, motion carried.

There being no further business to come before the Board, Dr. Cote moved, Mr. Stock seconded, and the Board voted to adjourn the meeting at 11:52 a.m. None opposed, motion carried.

**Minutes recorded by:**  
**Minutes reviewed and edited by:**

Mary Katherine Lindsey, BSS, HC1  
Brig Zimmerman, Executive Director, HC1

**RALPH JACKSON**

Chair  
Georgia State Board of Hearing Aid  
Dealers and Dispensers

**BRIG ZIMMERMAN**

Executive Director, HealthCare I  
Professional Licensing Boards Division

These minutes were approved on: **December 15, 2015**