

GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS
Board Meeting Minutes * December 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, December 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 (Via teleconference)
Joseph Stock, BC-HIS
Kadyn Ochs Williams, Au.D. (Via teleconference)
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
(Via teleconference)

Mr. Jackson, Chair established that a quorum was present and called the Board meeting to order at 8:34 a.m.

Agenda: Approved as presented

Minutes: September 15, 2015

Mr. Stock moved, Mr. Murphy seconded, and the Board voted to approve the September 15, 2015 meeting minutes as presented. None opposed, motion carried.

Correspondence:

- IHS Standards for Apprentices

The Board tabled this discussion item for a later date.

Application Ratify List: September 15- December 14, 2015:

<u>License Number</u>	<u>Licensee Name</u>
HAA000107	Lopez, Omar
HADS000937	Cerbone, Debra Ann
HADS000938	Smith, Theresa Ann
HADS000939	Barnes, Caleb David
HADS000940	Smith, Mary Cothran
HADS000941	Allison, Patrick Louis
HADS000942	Babb, Jared Ryan

HADS000943	McGhee, John Hoyt
HADS000944	Rowland, Nathan Bryce
HADS000945	Runion, Kasi Amanda
HADS000946	Cantrell, Larry Joseph
HAP000238	McGhee, John Hoyt
HAP000239	Boyle, Brittany Nichole Howard
HAP000240	Carvalho, Lara Ferreira
HAP000241	Jamison, Melissa Corinne
HAP000242	Nalley, Jerry Dewitt
HAP000243	Miller, Lorissa Sue Shively

Hearing Aid Dealerships

HADE035113	All American Hearing Aid Centers	100 Edsel Drive Ste B Richmond Hill, GA. 31324
HADE035114	Mid-South Hearing Aid Center LLC	577 Walnut Street Ste 120 Macon, GA. 31201
HADE035115	Beltone Hearing Aid Center	700 East 2nd Ave Ste C Rome, GA. 30161
HADE035116	Audibel Hearing Aid Centers	918 South Fist Street Jesup, GA 31545
HADE035117	ACA Hearing Aids	6600 Sugarloaf Pkwy Ste 800 Duluth, GA. 30097
HADE035118	ACA Hearing Aids	2424 Roswell Rd, Ste 140 Marietta, GA. 30062
HADE035119	ACA Hearing Aids	875 Mansell Rd Ste B2 Roswell, GA. 30076
HADE035120	Hearing Solutions of North Georgia	11 Hospital Way Blairsville, GA 30512
HADE035121	Optimal Hearing Systems, Inc.	208 Smith Street LaGrange, GA. 30241
HADE035122	ACA Hearing Aids	606 8th Street Griffin, GA. 30224
HADE035123	Sam's Club Hearing Aid Center	9464 Main Street Woodstock, GA. 30188
HADE035124	Hearing Solutions of North Georgia	63 Plott St. Unit D Blairsville, GA. 30512
HADE035125	Tri-State Hearing d.b.a. Beltone	2230 Roswell Rd, Marietta, GA. 30062
HADE035126	Athens Hearing Aid Factory Outlet	3700 Atlanta Hwy Athens, GA. 30606
HADE035127	Advanced Digital Hearing Aids, Inc	1807 Central Avenue Cordele, GA. 31015
HADE035128	ActivEar, LLC	212 Hospital Drive Warner Robins, GA. 31602
HADE035129	Belton Hearing Aid Center	100 Commercial Ct. Savannah, GA 31406

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

Rules Discussion:

- **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.

Authority: §§ O.C.G.A. 43-20-6 and 43-20-13

• **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)

(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 1st of every Even Numbered year and December 31st 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.

Authority: O.C.G.A. §§ 43-20-6 and 43-20-15

• **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.

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

After additional discussion and revisions made of the above proposed rule amendments, Mr. Murphy motioned, Mr. Stock seconded, and the Board voted to post rules 276-3-.01,

276-10-.02 and 276-13-.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.

Mr. Stock moved, Mr. Murphy seconded and the Board voted that the formulation and adoption of these rule amendments 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, 43-20-13, 43-20-15 and 43-20-16.

In addition, 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, 43-20-13, 43-20-15 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 dealerships.

Mr. Murphy moved, Mr. Stock 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, Bray, and Stock.

Application Review/Clarification:

- S.M.H.C.

Recommendation:

Pending

Cognizant (Complaints) Report:

- HA150014
- HA160001 (V. Bray recused)
- HA160002
- HA160003
- HA160004

Recommendation:

Close
Pending
Close
Refer to AG's office
Close

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 15, 2015

At the conclusion of Executive Session on Tuesday, December 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. Jackson 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.

Mr. Stock moved, Mr. Murphy seconded, and the Board voted to accept the Attorney General's Report as presented. None opposed, motion carried.

Mr. Stock moved, Mr. Murphy seconded, and the Board voted to approve the September 15, 2015 Executive Session minutes as presented. None opposed, motion carried.

There being no further business to come before the Board, Mr. Bray moved, Mr. Murphy seconded, and the Board voted to adjourn the meeting at 10:42 a.m. None opposed, motion carried.

Minutes recorded by:

Mary Katherine Lindsey, BSS, HC1

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director, HC1

RALPH JACKSON

BRIG ZIMMERMAN

Chair

Executive Director, HealthCare I

Georgia State Board of Hearing Aid

Professional Licensing Boards Division

Dealers and Dispensers

These minutes were approved on: **March 15, 2016**