

**GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS**  
**Board Meeting Minutes \* March 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, March 15, 2016, 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  
Joseph Stock, BC-HIS  
Vaughn Bray, BC-HIS, CCCA - (Via teleconference)

**Absent**

Dr. Donald N. Cote, M.D; ABO Board Certified  
Kadyn Ochs Williams, Au .D

**Administrative Staff Present:**

Brig Zimmerman, Executive Director  
Amanda Allen, Licensure Analyst  
Linsey Brookins, 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 8:33 a.m.

**Agenda:** Approved as presented

**Minutes:**

December 15, 2015  
January, 19, 2016- Conference Call

**Mr. Murphy moved, Mr. Stock seconded, and the Board voted to approve the December 15, 2015 and January 19, 2016 Conference Call meeting minutes as presented. None opposed, motion carried.**

**Correspondence:**

- IHS Competency Model, Updated - May 1, 2016

**Application Ratify List: 12/15/2015 – 03/14/2016**

HAA000109	Kristen R Goode
HAA000110	Chelsea Bernice Jane Dworak
HAA000111	Alvin Neil Hunter
HAA000112	Constantine Vasilios Mihalis
HAA000113	Caroline Rene VonWaldner
HADS000947	Melissa Ruth Withers
HADS000948	Ben A Harrison
HADS000949	David R Coovert
HADS000950	Kristen R. Goode

HADS000951	Brittany Nichole Howard Boyle
HADS000952	Len B Poole
HADS000953	Sherrie LeMay Mitchell
HADS000954	James Robert Accord
HADS000955	Omar Lopez
HADS000956	Caroline Rene VonWaldner
HAP000244	Matthew Joseph Rucker
HAP000245	Scott Gunter Brunson
HAP000246	Nichole Lynn Dufresne Seunath
HAP000247	Lewis Kyunghoon Kim
HAP000248	Sheretta Duvonda Fielder
HAP000249	Ashley Lynn Kokekangplue

### **Hearing Aid Dealerships**

HAA000113	Caroline Rene VonWaldner
HADE035131	Southern Hearing Centers
HADE035132	Sam's Club Hearing aid Center
HADE035133	Audibel Hearing Aid Center
HADE035134	Audibel Hearing Aid Center
HADE035135	Audiological Consultants Of Atlanta
HADE035136	All American Hearing Aid Centers
HADE035137	All American Hearing Aid Center
HADE035138	Piccolo Hearing Aids
HADE035139	Accurate Hearing Care Solutions
HADE035140	Snellville Hearing Aid Factory Outlet

**Dr. 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.**

### **Public Rules Hearing:**

- **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, mode I, 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**

**Mr. Murphy motioned, Mr. Stock seconded, and the Board voted to adopt the proposed amendments to rule 276-3-.01 as posted. None opposed, motion carried.**

**Mr. Stock moved, Mr. Bray 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. §§ 43-20-6 and 43-20-13.**

**In addition, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-20-6 and 43-20-13 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.**

- **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.

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

**Mr. Stock motioned, Mr. Murphy seconded, and the Board voted to adopt the proposed amendments to rule 276-10-.02 as posted. None opposed, motion carried.**

**Mr. Stock motioned, 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. §§ 43-20-6 and 43-20-15.**

**In addition, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-20-6 and 43-20-15 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.**

- **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**

**Mr. Bray motioned, Mr. Stock seconded, and the Board voted to adopt the proposed amendments to rule 276-13-.01 as posted. None opposed, motion carried.**

**Mr. Murphy motioned, Mr. Stock 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 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 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.**

**Rules Discussion:**

- **Rule 276-10-.01. Continuing Education - Dispensers**

All applicants for biennial renewal of dispenser licenses shall submit proof to the Board of satisfactory completion of ~~fourteen (14)~~ twenty (20) hours of Board approved continuing education relevant to the licensee's professional practice. The renewal period begins January 1st of every even number year to December 31st of the following odd number year, **except** that an initially licensed dispenser licensee shall be exempt from meeting the requirements of this Rule

if, at the time of renewal, said dispensing licensee has been licensed for a period of time less than two (2) years. Continuing education hours completed by an initially licensed dispenser licensee, who at the time of renewal has been initially licensed for less than a two (2) year period, will not be available or "carried over" for credit to meet the requirement for the next biennial license renewal.

- **Rule 276-14-.01. Renewal of License**

Hearing Aid Dealers and Dispenser licenses shall expire on December 31<sup>st</sup> of every odd numbered year. **Licensed Dispensers** are required to obtain ~~fourteen (14)~~ twenty (20) continuing education hours in accordance with Board Rule 276-10.

**After additional discussion and revisions made of the above proposed rule amendments, Mr. Stock motioned, Mr. Murphy seconded, and the Board voted to refer the proposed amendments for rules 276-10-.01 and 276-14-.01 to the AG's office for a Memo of Statutory Authority, then to post 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.**

**In addition, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. 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 hearing aid dealership.**

**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 previous 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, Bray, and Stock.**

**Application Review/Clarification:**

- M.B.

**Recommendation:**

Pending

**Cognizant (Complaints) Report:**

- HA160001 (V. Bray recused)
- HA160003

**Recommendation:**

Pending

Refer to Investigations

**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:**

- December 15, 2015

**At the conclusion of Executive Session on Tuesday, March 15, 2016, 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. Murphy moved, Mr. Stock seconded, and the Board voted to accept the recommendation on the application presented. None opposed, motion carried.**

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

**Board Officer Elections: 2016-2017:**

- **Mr. Murphy motioned, Mr. Bray seconded and the Board voted for Mr. Ralph Jackson to continue as Board Chair. None opposed, motion carried.**
- **Mr. Bray motioned, Mr. Stock seconded and the Board voted for Mr. Jason Murphy to continue as Board Vice-Chair. 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 11:00 a.m. None opposed, motion carried.**

**Minutes recorded by:**

Linsey Brookins, BSS, HC1

**Minutes reviewed and edited by:**

Brig Zimmerman, Executive Director, HC1

**RALPH JACKSON**

Chair

**BRIG ZIMMERMAN**

Executive Director, HealthCare I

These minutes were approved on: **April 22, 2016**