

GEORGIA STATE BOARD OF HEARING AID DEALERS & DISPENSERS
Board Meeting Minutes * June 14, 2016
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 14, 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
Dr. Donald N. Cote, M.D; ABO Board Certified
Kadyn Ochs Williams, AUD (via teleconference)

Absent

Vaughn Bray, BC-HIS, CCCA

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 8:30 a.m.

Agenda: Approved with late agenda items

- Internet sale of Hearing Aids in Georgia – J. Murphy

Minutes:

- March 15, 2016

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

Petitions for Waiver or Variance:

- Beasley, M. – Rule 276-14-.03

Mr. Stock moved, Dr. Cote seconded and the Board voted to grant the petition request of M. Beasley. None opposed, motion carried.

- Lee, J. – Rule 276-14-.03(b)(3)

Mr. Stock moved, Dr. Cote seconded and the Board voted to deny the petition request of J. Lee for failure to prove a substantial hardship as defined under O.C.G.A. § 50-13-9.1. None opposed, motion carried.

Application Ratify List: 3/15/16 - 6/13/16

• **Dispensers:**

HAA000114 Scott Gunter Brunson
HAA000115 Rashaun Morris Johnson
HAA000116 Patrick Alan Lockett

HADS000957 Alvin Neil Hunter
HADS000958 Chelasea Bernice Jane Dworak
HADS000959 Annalyn Rebecca Tocci
HADS000960 Charles Lewis Martin
HAP000250 Josh Ramdman Lorber
HAP000251 Brittany Ann Clark

- **Dealerships:**

HADE032141 The Hearing Aid Center, 1106 Hospital Drive Stockbridge, GA 30281
HADE035142 The Hearing Aid Center, 101 McWilliams Drive Peachtree City, GA
HADE035143 The Hearing Aid Center, 6160 Peachtree Dunwoody Road Sandy Springs, GA 30328
HADE0351144 Georgia Hearing Aid Outlet, 3333 Buford Drive Ste 1098 Buford, GA 30548
HADE035145 Northeast Georgia Hearing Aid, 165 Towne Center Pkwy Hoschton, GA 30548
HADE035146 All About Hearing Aids, INC, 310 West Main Street Cumming, GA 30040

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

Misc. Discussion Items:

- **2016 New Legislation**

General discussion regarding new legislation passed into law during the 2016 legislative session that effects all professional licensure Boards: HB 821, HB 952 and SB 367. These bills will remain posted for Board review and reference.

Board Rules Discussion:

- **Rule 276-2-.01 ~~Time and Place of Examination~~**

~~The Examination of applicants for a dispenser's license and an apprentice permit shall be conducted at least once during each calendar quarter. The examination will be held at 237 Coliseum Drive, Macon, Georgia unless otherwise determined by the Board. The completed application with all documents and fees must be received in the Board's office at least forty five (45) days before the scheduled examination.~~

Dr. Cote moved, Mr. Stock seconded and the Board voted to refer the proposed rule amendment to 276-2-.01 to the AG's office for a Memo of Authority, and to post for the minimum thirty days for public view with a public rules hearing to be conducted the next available date following the thirty day posting. None opposed, motion carried.

- **Rule 276-2-.04 ~~Conduct of Examination~~ Repealed**

~~(1) Before commencing the examination each applicant will draw a number, seal it in an envelope with his name, and deliver the sealed envelope with the corresponding number on the outside to the examiner in charge. Each applicant shall write his number on every sheet containing answers to the examination questions, but not his name, initials, or other means of identification. If an applicant shall sign his name or write his initials or other identification marks upon his examination paper, such action shall be considered as misconduct and shall be sufficient cause for rejection of his paper.~~

~~(2) Each applicant shall sign an attendance slip or other form provided at the beginning of each session of the examination and such signature must be identifiable to the signature of the applicant on his application.~~

~~(3) All supplies necessary for the written examination will be furnished by the Board, and, after use, shall remain the property of the Board.~~

~~(4) Answers in all examinations must be made on blanks furnished by the Board and must be completed within the time allotted for each subject, which will be stated on the examination questions and problems.~~

Dr. Cote moved, Mr. Murphy seconded and the Board voted to refer the proposed rule amendment to 276-2-.04 to the AG's office for a Memo of Authority, and to post for the minimum thirty days for public view with a public rules hearing to be conducted the next available date following the thirty day posting. None opposed, motion carried.

- **Chapter 276-7 FEES, ~~RENEWAL, AND REINSTATEMENT~~**

Note: This is a change to the Chapter's title only. There is another rule, 276-14 that is titled "Renewal and reinstatement Process" so this chapter's title is incorrect.

Mr. Stock moved, Dr. Williams seconded and the Board voted to refer the proposed rule title amendment to 276-7 to the AG's office for a Memo of Authority, and to post for the minimum thirty days for public view with a public rules hearing to be conducted the next available date following the thirty day posting. None opposed, motion carried.

- **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.

Mr. Stock moved, Dr. Williams seconded and the Board voted to refer the proposed rule amendment to 276-10-.01 to the AG's office for a Memo of Authority, and to post for the minimum thirty days for public view with a public rules hearing to be conducted the next available date following the thirty day posting. None opposed, motion carried.

- **Chapter 276-12 ~~COMPLAINTS AND INVESTIGATIONS~~ REPEALED**

Note: This is a change to the Chapter's title.

- **Rule 276-12-.01 ~~Procedure~~ Repealed**

~~Complaints shall be accepted only in written form (by letter to Board or by filing online via internet). Complaints will be recorded in the log by name of the parties and referred to the cognizant for disposition.~~

- **Rule 276-12-.03 Cognizant Repealed**

The Board shall appoint a cognizant. After review of the complaint by the Cognizant member, recommendations shall be made by the cognizant to the board for further review and recommendations.

Dr. Cote moved, Mr. Stock seconded and the Board voted to refer the proposed rule amendments to 276-12-.01 & .03 to the AG's office for a Memo of Authority, and to post for the minimum thirty days for public view with a public rules hearing to be conducted the next available date following the thirty day posting. None opposed, motion carried.

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

Hearing Aid Dealers and Dispenser licenses shall expire on December 31st 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.

- **Rule 276-14-.03. Reinstatement of License**

Following the late renewal penalty period, all non-renewed licenses will be revoked by operation of law for non-renewal, and an application for reinstatement must be submitted to seek re-licensure.

(a) Reinstatement shall be within the sole discretion of the Board.

(b) A person applying for reinstatement ~~on or after April 1 of every even numbered year must~~ shall submit the following:

1. For both **dealer and dispenser** applicants for reinstatement, a completed reinstatement application and the **non-refundable** reinstatement application fee; and
2. For only **dispenser** applicants for reinstatement, applying within one (1) year of the effective date of the lapsed license, verification of ~~fourteen (14)~~ twenty (20) hours of Board approved continuing education obtained within two years of the date the reinstatement application is received by the Board administrative staff (Refer to Board Rule 276-10 for continuing education information).
3. For only **dispenser** applicants for reinstatement, applying after one (1) year of the effective date of the lapsed license, verification of the retake and passage of both the written and practical examinations required for licensure within one year of the date of the reinstatement application is received by the Board administrative staff, and verification of ~~fourteen (14)~~ twenty (20) hours of Board approved continuing education obtained within two years of the date the reinstatement application is received by the Board administrative staff (Refer to Board Rule 276-10 for continuing education information).

(c) Individuals currently/actively licensed and practicing full time in the field of dispensing hearing aids in another state or jurisdiction filing for the reinstatement of a lapsed or revoked Georgia hearing aid dispensers license shall submit verification of twenty (20) hours of Board approved continuing education obtained within two years of the date of the reinstatement application (Refer to Board Rule 276-10 for continuing education information).

Mr. Stock moved, Dr. Cote seconded and the Board voted to refer the proposed rule amendments to 276-14-.01 & .03 to the AG's office for a Memo of Authority, and to post for the minimum thirty days for public view with a public rules hearing to be conducted the next available date following the thirty day posting. None opposed, motion carried.

Mr. Stock moved, Dr. Williams 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., and, 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 dealers.

Mr. Stock moved, Dr. Cote 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, Cote, Williams and Stock.

Application Review:

Recommendation:

- | | |
|--------|---|
| • C.G. | Pending Exam Passage |
| • D.G. | Pending receipt of additional information |
| • P.L. | Pending Exam Passage |
| • A.M. | Pending Exam Passage |
| • J.W. | Pending receipt of additional information |
| • M.B. | Approved |
| • J.L. | Pending Exam Passage |

Cognizant (Complaints) Report:

Recommendation:

- | | |
|------------------------------|---|
| • HA160001 (V. Bray Recused) | Close |
| • HA160003 | Pending receipt of additional information |
| • HA160006 | 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:

Recommendation:

- | | |
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| • March 15, 2015 | Approve as presented |
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At the conclusion of Executive Session on Tuesday, June 14, 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. Stock moved, Dr. Cote seconded, and the Board voted to accept the recommendation on the applications as presented. None opposed, motion carried.

Mr. Murphy moved, Ms. Williams seconded, and the Board voted to accept the recommendation of the Cognizant’s report as presented. None opposed, motion carried.

Dr. Cote moved, Mr. Stock 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 March 15, 2015 Executive Session minutes as presented. None opposed, motion carried.

There being no further business to come before the Board, Mr. Jackson moved, Mr. Stock seconded, and the Board voted to adjourn the meeting at 11:16 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: **September 27, 2016**