

Meeting Minutes
IOWA BOARD OF HEARING AID DISPENSERS
May 6, 2013 10 am
Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Call to Order:

The meeting was called to order by Dotty Walters, Vice Chair, at 10:08 am.

Roll Call:

Members Present:

Dotty Walters, AUD, HAD
Catherine Dangelser, AUD, HAD
Jon McAvoy, Public Member
Jerry Smith, HAD
Jaime Secory, Public Member

Staff Present:

Sharon Dozier, Board Executive
Pam Griebel, AAG
Barb Huey, Bureau Chief
Tammy Hidlebaugh, Licensure Specialist
Barb Christiansen, Administrative Assistant

Guests Present:

Diana Kautzky, Woodard Hearing Centers and Iowa Hearing Aid Association

Election of Officers:

Dangelser nominated Walters for chair. a second was received from McAvoy. All ayes, opposed none, motion carried.

Walters nominated Dangelser for vice-chair. A second was received from McAvoy. All ayes, opposed none. Motion carried.

Review Agenda:

Dozier stated that Case 12-005 is moved from "Pending" to "For Review."

Approval of Minutes:

A motion was made by McAvoy to approve the meeting minutes of February 4, 2013. A second was received from Dangelser. All ayes, opposed none, motion carried.

Reports:

Administrator: Sharon Dozier welcomed new board members Jerry Smith and Jaime Secory. Dozier reported on the following items: Some of the information for today's discussion is provided in hard copy, as the scanner is not currently in use. The board law and rules, as well as related laws are posted on the website; discipline information and other board information is posted there. Everyone is encouraged to review this site periodically. Seven candidates are taking the standardized hearing exam at DMACC today. Board statistics and information were provided to the Iowa Hearing Association for their spring meeting; this information is also provided in the board folders. A joint press release with the Department of Aging regarding online hearing aids continues to be on hold at this time. The continuing education audit process has identified an issue with the continuing education rules, and office staff has received licensee inquiries. This may be discussed with the rules for notice on the agenda. The issue is subrule 645—122.3(2), which caps independent study at 8 hours total, and includes online instruction. The online courses completed by the licensees included those provided by appropriately credentialed presenters, which are monitored/approved by one or more of the following organizations: The American Speech-Language Hearing Assn (ASHA), American Academy of Audiology, and the International Institute of for Hearing Instruments Studies (IIHIS) of the International Hearing Society (IHS). Dozier recommends amending the subrule, since online coursework is not synonymous with independent study. Board members are asked to review and update any changes needed on the roster.

Bureau Chief: Barb Huey stated that she has no report at this time.

AAG: Pam Griebel presented the Annual Guidelines for Board Members. She encouraged the new members to attend the Governor's orientation for new board members this fall. Griebel highlighted open meetings law and compliance by board members with making decisions only during formal meetings that are public noticed. Information was also provided on this topic from the AG webpage. She noted that the law passed creating a new Public Information Board. Also highlighted were requirements for closed board sessions; caution in receiving and handling confidential communication; public records, including use of email; hearings; the gift law; and the primary role of board members to represent the public.

Chair: Dotty Walters welcomed the new board members. Walters made the following committee appointments:

Rules:

Catherine Dangelser

Jerry Smith

Discipline:

Dotty Walters
Jon McAvoy

Smith asked how much information may be discussed at committee meetings. AAG Griebel clarified that committees are not a quorum of the board, and are not decision making bodies. The public may participate at Rules Committee meetings. Committees may make recommendations to the full board.

Rules Committee Report – tabled to Administrative Rules item

Public Comment:

Diana Kautzsky inquired and made comments on the following:

The practical exam- Will the Rules Committee report on this, or will it be discussed at the next meeting?

Senate File 2336- At the last meeting, a report was distributed, which included information on boards in the Department of Public Health that could possibly be combined, including the Boards of Speech and Audiology and Hearing Aid Dispensers. Kautzsky asked if any decisions were reached from this report.

Rule Chapters 122, 123, and 124- Kautzky thanked the board for sending the prenotice of the proposed rules to the Iowa Hearing Association (IHA). IHA forwarded the rules to all of its members. Where are these rules in the process?

The new International Hearing Society exam- Is there any new information on when this will be implemented? [There is no new information on the implementation date.]

The press release on Internet hearing aid sales- Why is this still on hold? Kautzky stated that IHA is very concerned, as the public is being taken advantage of and often seeks the assistance of licensed hearing aid dispensers after having problems with hearing aids purchased from the Internet. Kautzky stated that the risk is great for those patients. She understood that there is a draft, but the delay in getting this information out to the public is not acceptable. The issue has been before the board for some time, and Kautzsky again offered her support and assistance to get this done. She believes that IDPH has an obligation to communicate to the public on this issue.

Administrative Rules:

Proposed amendments to Chapters 121, 123, and 124– Dozier reported that at the last board meeting these were approved for pre-notice. She stated that a comment was received from Michael Tyskland in support of the proposed language in Chapter 123, regarding the clarification

that all hearing tests/medical evaluations are valid for 6 months for all ages served, and in the case of a replacement instrument (lost or damaged), within one year of dispensing, a hearing test/evaluation is not required, and is applicable to all ages of clients. Tysklind had requested the review that resulted in the clarification language.

Dozier noted that if the rules are approved for notice, she can add a transition statement, as the International Hearing Society has not yet scheduled the date when the automated examination format will be implemented. She further recommended the board consider making the change to the continuing education rules in Chapter 122 to recognize that nationally approved online coursework would not be considered independent study; this would ensure that the rule does not unduly prohibit education offered by providers of online coursework. The audit process allows the board to review such courses to assure they are appropriate.

Walters recognized Diana Kautzky for a question. Kautzky had questions about the proposed amendment in the discipline rules, Chapter 124, regarding listing the licensee's address of primary site of practice in advertising. How would an Internet company provide a primary site of practice in their advertising? Are they exempt? AAG Griebel clarified that mail order sales do not require a license of any type from this board, and the proposed amendment was based on the practice of licensed hearing aid dispensers. It requires licensees that have satellite offices, e.g., in a library, to always list their primary site of practice in their advertising. Kautzky questioned if language could be included in the rules to state the ways that licensed hearing aid dispensers protect the public, to address the issue of Internet sales. Griebel stated that mail orders are regulated by the federal government through the FTC, and the 8th Circuit Court has ruled that Internet sales are not within the jurisdiction of licensure boards. This would need to be addressed at the federal level. Smith added that the federal law was passed in approximately 1975 that addressed this area of regulation.

A motion was made by Dangelser to notice the proposed rule amendments with the addition of a transition statement for the national online examination in Chapter 121, and the removal of online instruction from independent study in Chapter 122. A second was received from Smith. All ayes, opposed none, motion carried.

Applications: None

Old Business: None

New Business: None

Correspondence:

Michael Kramer– This licensee was told he did not pass the audit because he exceeded 8 hours of online coursework. The changes that were noticed to the rules today would make those hours

acceptable. A motion was made by Secory to approve the completed continuing education hours for this licensee. A second was received from Smith. All ayes, opposed none, motion carried. The Rules Committee may further investigate the issue of online hours, to decide where additional specificity may be needed. Walters recognized Kautzky, who asked if the proposed rule change means that all 32 hours may be obtained online. There was additional discussion, and the Rules Committee will review options.

The Board took a break at 11:35 am.

Complaints:

A motion was made by Dangelser to enter into closed session at 11:42 am to discuss confidential material related to applications and complaints according to Iowa Code Chapter 21.5(1) a and d. A second was received from McAvoy. Roll call taken.

Smith aye

Walters – aye

Secory – aye

Dangelser – aye

McAvoy – aye

Motion carried.

The board returned to open session at 12:00 Noon.

Actions taken following closed session:

A motion was made by Smith to close the following cases: 10-015, 13-001 and 12-005. A second was received from McAvoy. All ayes, opposed none, motion carried.

Hearings: None

Remaining 2013 board meetings:

August 5, 2013

November 4, 2013

Adjournment:

A motion was made by Walters to adjourn the meeting at 12:03 pm. A second was received from Secory. All ayes, opposed none, motion carried.

The minutes were approved by the Board on August 5, 2013.