

Meeting Minutes
IOWA BOARD OF HEARING AID DISPENSERS
February 4, 2013
Lucas State Office Building, 5th Floor Conference Room, #526
Des Moines, Iowa

Call to Order

Greg Moore, board chair, called the meeting to order at 10:08 am. Moore announced that Stanley Haugland, MD, has resigned from the Board.

Roll Call

Members Present:

Gregory Moore, Au.D, HAD

Jon McAvoy, Public Member

Dotty Walters, Au.D, HAD

Catherine Dangelser, Au.D, HAD

Staff Present:

Sharon Dozier, Board Executive

Barb Christiansen, Administrative Assistant

Pam Griebel, AAG

Barb Huey, Bureau Chief

Tammy Hidlebaugh, Licensure Specialist

Marvin Firch, Outreach and Education Coordinator

Guests Present:

Diana Kautzky, Woodard Hearing Centers and IHA representative

Review Agenda

There were no changes.

Approval of Minutes

A motion was made by McAvoy to approve the November 5, 2012 meeting minutes. A second was received from Walters. All ayes, opposed none, motion carried.

Reports

Board Executive: Sharon Dozier presented the IDPH Certificate of Appreciation to Greg Moore for his service on the board. Dozier thanked Moore for his dedication and leadership during the past nine years, and recognized his considerable time commitment and accomplishments on the Discipline Committee and as board chair.

Exams- Dozier noted that two candidates are taking the exam at DMACC today. She referred to the information regarding the national exam from the International Hearing Society (IHS), which she emailed to everyone prior to today's meeting. The IHS has concluded the standard setting process for the new version of the Licensing Examination for Hearing Professionals. This examination now consists of 80 operational items, and additional items will be pilot tested. State boards are asked to adopt the IHS recommended passing score, which this board currently requires. For the new version, the passing score is a raw cut score of 54, and a percent score of 67.5%. The IHS score report is provided only to the state boards, and will not be distributed to the exam candidates. State boards are asked to report only the pass/fail result to the candidates. The IHS will work with each state this year to transition to a computer-based delivery format. The conversion date is not known at this time, and exam scheduling with DMACC will continue until the conversion date. The price of the online exam will be \$ 225, and will be available at Kriterion testing centers, which includes centers in Cedar Rapids, Urbandale, Omaha, Rochester and Mankato. Dozier also noted that since there were public comments about a board practical exam at the November meeting, the Rules Committee briefly discussed this at their meeting. The committee decided that this would require further review. Dozier stated that in 2000 the board eliminated the practical exam, as the exam was not psychometrically valid. Forty-one states still require a practical exam for licensure, but only 14 of those are using the IHS-developed practical exam. [The board has previously reviewed information on the IHS practical exam.] Dozier suggests that as a starting point in the review of whether to reestablish a practical exam, it would be helpful to review the competency model and study guide for the new licensing examination. Walters added that she recalls that there were problems with the old practical exam.

Bureau Chief: Barb Huey gave a presentation that included board analysis and other statistical information specific to this board. This information has been developed for all of the boards in the Bureau of Professional Licensure. One of the documents is the report to the Legislature, which was the result of legislation that required the IDPH to evaluate boards, councils, and committees for duplication and improvements in efficiency. Huey stated that they were requested to identify boards that could possibly be combined. Since this board and representatives of the Speech Pathology and Audiology Board had held discussions about a possible merger, these boards were identified in the report. Moore asked if anyone had thoughts about this, and there was discussion about the meetings that were held regarding a possible merger. Moore provided a clarification that the speech pathologists were not included in the discussions with the audiologists. He added that the initial request was from audiologist members of the other board, to eliminate licensure fees for audiologists that dispense hearing aids.

AAG: Pam Griebel thanked Greg Moore for his service to the board. She noted that Moore has been very helpful in the review of the board's complaints and the history of the rules. Griebel

then provided a review of ethics and lobbying. If a board member has a direct connection to a pending matter before the board, it could be a conflict of interest to participate in the decision. In such cases, the member should exercise caution and disclose the potential conflict. She also noted that if the board is fair and follows precedent, it is unlikely that a board decision would be challenged. Griebel reviewed access to legal advice during the discipline process, and summarized the gift law. She noted that there is a proposed law change to modify the current exemptions in the gift law, to require certain disclosures that currently fall within one of the exemptions. Regarding lobbying, Griebel stated that if a member is designated by the board to speak to the Legislature, that individual must register as a lobbyist. Griebel will provide the new materials regarding ethics to Dozier to forward to the members.

Chair: Greg Moore spoke of his appreciation for the opportunity to serve on the board. He thanked the other board members and all state staff members he has worked with while serving on the board. He added that the administration of board operations is both comprehensive and efficient. Moore summarized the meeting that was held on November 5, 2012, to discuss Internet and mail order sales of hearing aids. Attendees from the board were Moore and Walters, as well as AAG Griebel and staff members Dozier and Firch. Paige Thorsen, an attorney from the Department of Aging, and Todd Maas, a licensed hearing aid dispenser, also attended the meeting. The discussion focused on a Minnesota insurance company that previously provided online hearing tests, and still provides direct to consumer sales of hearing aids with instructions for self-administered tests. Moore stated that there was discussion at the meeting regarding the issues consumers face when needing follow up services or having problems with the aids. There was also discussion of federal entities that regulate online sales or products, including FTC and FDA, and a possible education initiative. The group decided to request a joint press release between IDPH and the Department of Aging. Marvin Firch is working on the press release, and he gave a report. He informed the board that the project is currently on hold due to a staff member's leave of absence. Firch has written some information that provides a general 'Buyer Beware' message. He will provide this to the IDPH public information officer, and he has spoken with Ms. Thorsen. Firch hopes that small town newspapers will print the press release. The press release will also be posted on the IDPH and Bureau websites.

Committees

No report

Public Comment

None

Administrative Rules

Dotty Walters reviewed the proposed amendments to the rules in Chapters 121, 123 and 124. Walters stated that the rules are ready for pre-notice. Dozier will add the technical amendments

to reflect the national exam changes and the requirement for additional education when a candidate fails the exam three times. Dozier also summarized the rulemaking process, and added that the board may review any comments received on the pre-notice at the May 6 meeting. The board may then request a formal notice. Based on this, the board could then adopt rules at the August 5 board meeting and the amendments would be effective in October. There was agreement to provide a pre-notice.

Applications

3 temporary permits were issued. The request from James Cahill to retake the national exam was reviewed. Mr. Cahill's request includes materials regarding his completion of a home study course and additional training with a licensed preceptor.

A motion was made by Moore to enter into closed session to discuss confidential material related to applications in accordance with Iowa Code Chapter 21.5(1) a. A second was received from Walters. Roll call vote taken:

Moore – aye

Walters – aye

McAvoy – aye

Dangelser - aye

The board went into closed session at 11:38 am. The board returned to open session at 11:51 am.

A motion was made by Moore to grant the request from James Cahill to take the national exam a fourth time. A second was received from McAvoy. All ayes, opposed none, motion carried.

Old Business

None

New Business

Practical examinations: Greg asked for comments, and recognized Diana Kautzky of the public. Ms. Kautzky stated that the Iowa Hearing Association reviewed this and is not requesting that the board pursue reinstatement of a practical exam at this time. She added that the IHA is interested in knowing whether competency is a concern. She was not required to take a practical exam for licensure, and believes the written exam was easy to pass. She believes a practical exam is needed before providing services, and encourages the board to review the IHS standardized practical exam. Dozier added that two or three of the contiguous states use the IHS practical exam, and that the board has reviewed information about the IHS practical exam in the past. AAG Griebel suggested that a practical exam could be used for remedial purposes, and there was further discussion of the need to have competent persons proctoring such an exam.

Griebel added that if this type of exam is implemented, board members should not proctor the exam. There was general agreement to ask the Rules Committee to continue to review this.

Complaints

A motion was made by Walters to enter into closed session at 12:07 pm to discuss confidential materials related to complaints according to Iowa Code Chapter 21.5(1) a and d. A second was received from McAvoy. Roll call vote taken:

Walters – aye

McAvoy – aye

Moore – aye

Dangelser – aye

Motion carried.

The board moved into closed session at 12:08 pm. The board returned to open session at 12:40 pm.

A motion was made by Moore to close Case 10-014. A second was received from Walters. All ayes, opposed none, motion carried.

A motion was made by Moore to close Case 12-003. A second was received from Walters. All ayes, opposed none, motion carried.

A motion was made by Moore to close Case 12-004. A second was received from Walters. All ayes, opposed none, motion carried.

Moore asked Walters to serve as the interim discipline committee member until the May meeting.

A motion was made by Walters to adjourn the meeting at 12:41 pm. A second was received from Dangelser. All ayes, opposed none, motion carried.

The minutes were approved at the May 6, 2013 board meeting.