

MINUTES

**UTAH
HEARING INSTRUMENT SPECIALIST BOARD
MEETING**

July 9, 2008

**Room 475 – 4th Floor - 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 11:05 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Lowell Brown, Chairperson
Morris Mower
David Simmons

Board Members Absent:

Kent Milligan

Guests:

Bruce Sharp, Sharp Hearing Systems
Mike Monahan, Accurate Hearing
Scott Robinson, Sears Hearing Aid Centers

DOPL Staff Present:

David Stanley, Division Director
Ronda Trujillo, Compliance
Kent Barnes, Compliance Supervisor

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

**ADMINISTRATIVE BUSINESS:
MINUTES:**

Mr. Mower seconded by Mr. Simmons made a motion to approve the minutes from the January 9, 2008 Board Meeting, the motion carried unanimously.

Open and Public Meeting, PowerPoint

Mr. Ormond conducted the Open & Public Meetings PowerPoint presentation. No further discussion ensued.

It was determined that a Chairperson needed to be elected for the upcoming year. Mr. Simmons seconded by Mr. Mower made a motion to re-elect Mr. Brown as the Chairperson for the Hearing Instrument Specialist Board for the upcoming year, the motion carried unanimously.

APPOINTMENTS:

9:00 a.m. Compliance

Ms. Trujillo explained that the Division has updated the “Confidential Probation Report”, which Board members complete after each probationary interview. She further explained that the Board Member conducting the interview must complete the “Board Recommendations” section of the form, noting if the probationer is or is not in compliance with their MOU (Memorandum of Understanding) or Stipulation and Order, and the date of the probationer’s next appointment.

9:15 a.m. Harris, Robert

Mr. Ormond reviewed Mr. Robert Harris’s Stipulation and Order, explaining that Mr. Harris has been placed on a three-year probation due to his admission of; placing questionable and misleading advertisements, and failing to specify exact amount of cancellation fee on contracts signed by his customers.

To remain in compliance with his Stipulation and Order Mr. Harris must:

1. meet with the Board on a quarterly basis;
2. submit sample purchase receipts, contracts, and advertisements;
3. performance evaluations must be submitted on a monthly basis for the next six months and quarterly there after until the probation has been completed.

Mr. Harris then appeared for his first scheduled probationary appointment with the Board. Mr. Harris submitted sample advertisements and contract for the Board’s review. The Board was initially concerned that Mr. Harris’s contract may not meet the FDA (Food and Drug Administration) requirements.

After a detailed discussion it was determined that Mr. Harris must submit a list within thirty days, of three licensed Utah Hearing Instrument Specialists, who would be willing to conduct a peer review of Mr. Harris’s practice, and report to the Board on a quarterly basis any findings of misconduct.

It was determined that Mr. **Harris is in compliance with his Stipulation and Order**, and will meet again with this Board on October 8, 2008 at 9:15 a.m.

After the Board adjourned it was determined that due to Mr. Harris’s self-employment status he must submit his own “Employer Reports”, noting his current employment status.

9:30 a.m. Harris, Weston

Mr. Ormond reviewed Mr. Weston Harris's Stipulation and Order, explaining that Mr. Harris has been placed on a three-year probation due to his admission of; placing questionable and misleading advertisements, failing to specify exact amount of cancellation fee on contracts signed by his customers, and failing to timely refund purchase price to two customers.

To remain in compliance with his Stipulation and Order Mr. Harris must;

1. meet with the Board on a quarterly basis,
2. submit sample purchase receipts, contracts, and advertisements,
3. and performance evaluations must be submitted on a monthly basis for the next six months and quarterly there after until the probation has been completed.

Mr. Harris then appeared for his first scheduled probationary appointment with the Board. Mr. Harris failed to submitted sample advertisements and contract, however he agreed to over-night the required information to the Division later that day.

After a detailed discussion it was determined that Mr. Harris is not currently working as an Hearing Instrument Specialist, his primary duties are as a manager of his many locations. Mr. Harris stated that he would be willing to undergo a peer review with Mr. James Carlson, Mr. Ross Western, Mr. Charles Dunford, or Mr. Bruce Sharp in order to meet the "Employer Report" requirement of his Stipulation and Order.

It was determined that Mr. **Harris is in compliance with his Stipulation and Order**, and will meet again with this Board on October 8, 2008 at 9:30 a.m.

After the Board adjourned it was determine that due to Mr. Harris's self-employment status he must submit his own "Employer Reports", noting his current employment status.

DISCUSSION ITEMS:

Utah Hearing Instrument Exam Changes

Mr. Ormond reminded the Board that at the January 9, 2008 meeting it was requested for the Division to:

- o Amend applications to require all licensees to disclose their principal place of business;
- o Contact PSI and ensure that all raters for the Practical exam are compensated for their time, even if the test taker does not appear for the exam; and
- o Amend R156-46a to include violation of the Code of Ethics of the HHPU (Hearing Healthcare Providers

of Utah Association), to be considered Unprofessional Conduct.

Also an outline was to be submitted from HHPU, regarding what the process should be, in relation to individuals who are not licensed as a Hearing Instrument Intern applying to take the Practical Exam.

Mr. Ormond then explained that the application will soon be updated to require each licensee to declare their principal place of business. After speaking with Mr. Barnes it was determined that the raters are employees of PSI and should contact PSI directly regarding receiving compensation for all attended Practical exams. It was further determined that the Candidate Information Bulletin should be updated to ensure that all test takers appear at the test site with all appropriate testing equipment.

The Board then reviewed the proposed changes to R156-46a-302b and 502a. After a brief discussion Mr. Mower seconded by Mr. Simmons made a motion to approve all proposed changes to R156-46a, the motion carried unanimously.

Certificate of Calibration – Verification

The Board reviewed a sample “Certificate of Calibration”, Mr. Ormond explained that the Division was unsure how to determine if a licensee was submitting the appropriate documentation to ensure that the calibrated audiometer is the one the licensee uses in practice. The sample reviewed by the Board did not have the owners name on the certificate.

After a brief discussion it was determined that a “Certificates of Calibration” must be submitted for each audiometer the licensee uses, and the certificate must have the audiometer’s Serial Number, Model, Manufacture, Owners and users names.

Fraudulent Dealings Law Suit

Mr. Ormond stated that Pennsylvania has recently changed their Statute to specify that it is “Unprofessional Conduct” for a Hearing Instrument Specialist to prolong refunding the purchase price of an instrument, after a customer requests a refund. He explained that some Hearing Instrument Specialists will continue to make repairs on an instrument until after the thirty-day refund period has expired, and then the Hearing Instrument Specialist will refuse to refund any of the purchase price.

Mr. Ormond is proposing to emulate Pennsylvania by amending R156-46a-502a (8) to state “using stalling

tactics and excuses to avoid or delay the customer from exercising the 30-day right pursuant to 58-46a-503(1) to cancel a hearing aid purchase.” The Board agreed to the proposed language.

ADJOURN:

11:05 a.m.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 8, 2008

(ss) Lowell Brown

Date Approved

Chairperson, Utah Hearing Instrument Specialist Board

October 13, 2008

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing