

**MINUTES**

**UTAH  
HEARING INSTRUMENT SPECIALIST BOARD  
MEETING**

**January 5, 2010**

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

**CONVENED:** 8:59 a.m.

**ADJOURNED:** 9:54 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Lowell Brown  
David Simmons  
Robert Heygster

**Board Members Absent:**

Kent Milligan  
Morris Mower

**Guests:**

Brent Edman – Hearing Healthcare Providers of  
Utah Society  
Robert Harris

**DOPL Staff Present:**

Ronda Trujillo - Compliance Assistant

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Election of 2010 Board Chairperson

Mr. Brown seconded by Mr. Simmons made a motion to elect Mr. Heygster as the 2010 Board Chair. The motion carried unanimously.

Approval of the October 6, 2009 Board Meeting Minutes

Mr. Brown seconded by Mr. Heygster made a motion to approve the October 6, 2009 Board Meeting Minutes. The motion carried unanimously.

**APPOINTMENTS:**

9:15 a.m. Compliance

Ms. Trujillo explained that Mr. Harris is in compliance with his Stipulation and Order. She then reminded the Board that Mr. Harris must submit copies of any new advertisements, or contracts, since his last appointment on July 7, 2009.

9:30 a.m. Harris, Robert – Probation Interview

Mr. Harris appeared for his scheduled probationary appointment with the Board. Mr. Heygster and Mr. Brown reviewed Mr. Harris's advertisement changes. Mr. Brown then reminded Mr. Harris that he must ensure he is complying with all advertising requirements of the FTC (Federal Trade Commission). Mr. Heygster added that any advertisements which Mr. Harris uses an MSRP (Manufacture Suggested Retail Price), Mr. Harris must ensure that a Hearing Instrument has been sold at that price, in his local area, to meet the FTC requirements.

A detailed discussion ensued, where Mr. Harris requested a list of "guide lines" regarding this issue. Mr. Harris also commented that other Hearing Instrument Specialist advertise in the same manner. Mr. Heygster reminded Mr. Harris that "two wrongs don't make a right", and that "Taking advantage of a client for less money than a competitor, does not make a right either".

Mr. Harris is in compliance with his Stipulation and Order and will meet again with the Board on July 6, 2010.

Mr. Harris then left the meeting. After a detailed discussion the Board determined to require Mr. Harris to submit his price list, advertisements, and sales receipts, at the next meeting to ensure he is in full compliance with his Stipulation and Order, and FTC guidelines.

**DISCUSSION ITEMS:**

Advertising

Mr. Heygster expressed his concern with how some Hearing Instrument Specialists are advertising. He explained that one entity has placed the same add each day, since October 2009. He further clarified that the FTC guidelines prohibit advertising, which

misleads the public.

Mr. Ormond requested copies of the advertisements to be forwarded to Division Investigators for review. It was then determined Mr. Heygster will write a letter, to remind licensees of the FTC guidelines, and additionally recommend advertising guidelines.

#### Web Site

Mr. Heygster expressed his concern that the Hearing Instrument Specialist section of the Division's website refers viewers to the Audiology/Speech-Language Pathology Association sites.

A brief discussion ensued, and the Division agreed to review the current link, and refer viewers to the Hearing Healthcare Providers of Utah Society site.

#### Hearing Aid Facts

Mr. Heygster expressed his concern that the Hearing Instrument Specialist section of the Division's website offers a "Buyers Guide". He recommended removing the document, or adding a similar document to other professions sections.

Mr. Ormond stated the Division is looking at adding a "Buyers Guide" to other sections, in the near future.

#### **CORRESPONDENCE:**

USA Today Article – "Hearing aids made easier"

Reviewed, no further action taken.

#### **ADJOURN:**

9:54 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.*

July 8, 2010

(ss) Robert Heygster

Date Approved

Chairperson, Utah Hearing Instrument Specialist Board

July 12, 2010

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing