

**Oregon Health Licensing Agency (OHLA)
Advisory Council On Hearing Aids
Minutes of May 8, 2008**

MEMBERS PRESENT

Christopher Gustafson, Chairperson
Scott Frink, Hearing Aid Specialist/Audiologist
Fred Peters, Public Member
Don Cloutier, Hearing Aid Specialist
Tricia J. Leagjeld-Storch, Hearing Aid Specialist

MEMBERS ABSENT

Don Plapinger, Vice Chairperson

STAFF PRESENT

Susan Wilson, Director
Tricia Allbritton, PSPD Manager
Kathryn Helton, Board Liaison

AUDIENCE MEMBERS

John McCaulley, OSHA
Andy Evans, HLA
Paul Willoughby
Scott Austin

CALL TO ORDER

Christopher Gustafson, Chair, called the meeting of the Advisory Council on Hearing Aids to order at 1:19 p.m. on May 8, 2008, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer St. NE, Salem, Oregon.

APPROVAL OF AGENDA

Motion

Mr. Cloutier made a motion and Mr. Frink seconded approval of the agenda. The motion passed with Mr. Gustafson, Mr. Frink, Mr. Peters, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

APPROVAL OF MINUTES

Motion

Mr. Cloutier made a motion and Mrs. Leagjeld-Storch seconded approval of the minutes of October 5, 2007. The motion passed with Mr. Gustafson, Mr. Frink, Mr. Peters, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

REPORTS

DIRECTOR'S REPORT

Ms. Wilson provided an overview of the April 18, 2008, All-Board Meeting at the Red Lion Hotel in Salem, noting reports presented by the Agency's division managers, and a message from the Department of Justice, Assistant Attorney General Jeff Dover. Ms. Wilson discussed the agency reorganization and the proposed fee structure for the 2009-2011 biennium. Members who were

unable to attend the meeting were provided with information and handouts from the meeting.

2009 LEGISLATION

Ms. Wilson stated the Oregon Health Licensing Agency (OHLA) has completed the internal reorganization to lay a foundation to provide boards, customers and regulated professionals with the best regulatory services and resources. The agency will carry forward, to the 2009 Legislature, proposed refinements and promote the value of streamlining and standardizing services and fees. The agency looked back at the last 10 years to determine what could be improved upon and streamlined. Ms. Wilson discussed putting the agency's mission of public safety first by using education and training in lieu of fines.

Ms. Wilson stated the Agency's proposed legislative concept, LC831-01, will achieve many goals related to the agency and unifying standard of refining professional education/training objectives to keep stride with changes and advances and setting core competencies for practice. She noted that this is a well defined piece of legislation that has been discussed with the Council over the previous two or more years. Bill drafting time will begin soon and the Council will be able to review the draft this summer. Mr. Gustafson noted that Washington State made some mistakes in the past with legislation and that it is important that Oregon not get too rushed and make the same mistakes. Ms. Wilson explained that there will be several open discussions for stakeholders to make their concerns known. Mr. Peters talked about walking the fine line between being too wide-open or too restrictive for licensing pathways. Mr. Frink expressed concern that the agency-wide bill might prohibit the Council from passing what is specific and important to the hearing aid profession. Ms. Wilson stated that the legislative concept applies to all programs regarding streamlining, so it is incumbent that concerns about LC831-01 are raised early so they can be addressed.

ADMINISTRATIVE SERVICES REPORT

Richard McNew, Administrative Services Division Manager (ASD), stated that he will email Accounting reports to council members on a monthly basis hereafter, and that the reports will also be posted on the Web; the March report will be sent to members the following week. He discussed the materials provided to board members during the April 18th outreach event, noting the charts depict the new fee detail report showing the change to a two-year renewal cycle. He reported that the fee structure is projected to support board services for five to six years; renewal fees will be reduced \$90 during the two year period – from \$200 per year to \$310 for a two-year license. He recapped the increased percentage of administrative costs passed on to state agencies assessed as general government service charges, and reviewed the proposed fee schedule, pinpointing adjustment in fees, both increases and reductions, shifting the cost to where the complexity, workload and service exists, and the uniformity among all OHLA programs for administrative fees (late, duplicate and affidavits). He explained the proposed fees are a "draft" and there would be further adjustments before the actual fee structure is established and becomes permanent. He reported that his division is currently realigning the revenue balance and expenditures from the previous biennium that is expected to conclude June 2008.

He provided an overview of the cost allocation criteria – number of licensing units or types (programs), application complexity, number of examinations, examination complexity, renewal review, inspections, complaints, risk factor, regulatory oversight and monitoring, and total number of licensees. He explained that every board under 5,000 licensees will pay a flat rate for service fees: indirect cost of 1.75%, and clarified that direct costs will be factored into the calculation to

determine the overall percentage of the agency budget above that small board assessment rate.

Mr. McNew stated he had presented the proposed cost allocation to Department of Administrative Services (DAS) Budget and Management Division (BAM) and Legislation Fiscal Office (LFO) and received approval from both agencies. He explained the “administrative assessment fee” is set up for short term reduction or increase to the licensing fee to cover a variance that may occur for that particular board as a single incidence to recoup costs or return excess funds for a finite period.

Mr. McNew will be encouraging online renewals, especially with the small boards, which will help to streamline and provide more efficiency.

Mr. McNew explained that the agency is in the final stages of the reorganization. This means compiling all documents that are currently in off-site storage and archiving them in our system. This would alleviate the problem of storage costs and provide efficiency to access the information; saving storage costs will also help stabilize the fee rate. He recapped recent improvements stemming from the agency-wide reorganization, and pinpointed specific areas of business practices have been addressed to improve customer service: the phone service and the problems of access. He reported that new lines are now available for board members, specific questions, complaints and that there is also a customer service complaint hotline.

Mr. McNew reviewed the statistic sheets provided by Mike Simpson. The statistics are based on a “biennium” chart, preferred by the legislature. Although the statistics show online renewals for this program are at 38%, the agency will be encouraging licensees to use the on-line renewal system to reduce costs and remove time delays in providing service; the goal is to reach 80%. The agency will be sending members monthly reports by email containing statistical reports, agency-wide expenditures, revenue detail, and organizational charts, and posting the information on the agency’s Web site.

REGULATORY OPERATIONS

MAIL ORDER HEARING AIDS

Mr. Molloy, Regulatory Operations Division Manager, was not present for the meeting. The Council discussed mail order hearing aids. Ms. Wilson stated that this issue has been resolved based on previous Attorney General advice and legislation that passed two biennium’s ago. Mr. Gustafson announced that when he meets with Oregon Hearing Aid Society he will suggest that manufacturers of hearing aids should be policing of the sale of hearing aids. He suggested another alternative of working with the Food and Drug Administration (FDA), as hearing aids are considered a medical device, and have the FDA restrict or prohibit the interstate commerce of hearing aids. Mr. Frink stated that the states of Texas and Florida has dealt with this situation by banning the sale of hearing aids from mail-order manufacturers in that state. The Council requested staff research any federal restrictions for interstate sale of hearing aids, how it is controlled and the improvements that could be made.

OUTREACH AND COMMUNICATION

Kraig Bohot, Communications Coordinator, presented disciplinary actions (Final Orders) on the Web site available to the public. He explained this is still a “work-in-progress” and a joint effort with

the Regulatory Operations Division to develop a work flow to post the actions on the Web site, maintain current status and archive records after a sufficient period of time -- possibly seven years. Posting the disciplinary actions provides public information to the consumers.

Mr. Bohot reported he is developing a procedure with Mr. Simpson and Mr. Blanchard to link this process to the agency's database. He is also checking links and updating information on the Web site to provide the most current information possible.

Mr. Bohot stated he is developing drafts of Council member biographies to post on each programs Web site. He requested that council members provide any updated information as needed. Mr. Bohot announced that a review of the Agency's reorganization will be given at a Stakeholders Outreach on June 4, 2008.

He noted Oregon's birthday is in 2009 and there is a link to that information from our Web site. Mr. Bohot requested information from the council members to mark milestones that are council specific that could be added to our Web site.

Mr. Bohot stated some statistics for the Web site that overall there were 13,630 total hits to the Web site and 35,000 page visits in the month of April. For the Advisory Council on Hearing Aids there were 849 visitor and 3,284 page visits. Mr. Frink asked about adding a direct link to the Hearing Aid Specialist homepage for consumers to "find a hearing aid professional" using a zip code.

COMMITTEES AND REPORTS

Cerynthia Murphy, Agency Board and Rule Analyst, presented the report from the Education Committee meeting on February 15, 2008. The Council's objective is to establish a standardized training model, inclusive of either a certification or associate degree program, as a condition of licensure as an Oregon hearing aid dispenser. Committee members reviewed other states' requirements to determine equivalency standards based on education, training and examination.

- Recommended subject requirements included: communications, customer relations, interviewing and counseling, business management, professional responsibilities and courses covering hearing instruments and technologies.
- Qualification pathways were identified by chart to show which schools have met certain qualifications.
- Reciprocity pathways were noted by chart to show the state licensing requirements comparison from Arizona, Colorado, Idaho, Nevada, Utah, Washington and Oregon.

Questions centered on the potential number of schools that would offer a 2 year program allowing expenses to stay low; if there were too many schools offering a program it would sabotage each other with low enrollment.

Ms. Murphy explained how changes in law provide for a "grandfathering" or transition period, and noted there would be approximately 18 months between the legislative concept, passage of the new law, outreach and education of the industry and those affected by the change during the

interim before the law takes effect (January 2010).

Ms. Allbritton noted information was gathered as a feasibility study for decisions that will be made at a later time. Mr. Gustafson thanked Ms. Murphy for the excellent job doing this research and report and that it is a huge step in the right direction. Mr. Gustafson asked if Oregon would accept an individual who passed the Washington state examination under a form of reciprocity? Ms. Wilson said it would need to be a rule change for a Washington exam to be acceptable in Oregon. Discussion focused on various equivalencies and reciprocity pathways. Ms. Wilson asked that a committee meeting be scheduled with representatives from the council and staff and make a checklist of an equivalency of training which would be acceptable to the Council. Open dates for this meeting would be after June 21st, possibly in July. Staff noted they would contact the Committee members regarding available meeting dates in July.

ITEMS FOR COUNCIL ACTION

None

EXECUTIVE SESSION

None

OTHER COUNCIL BUSINESS

Ms. Bryant, Policy Analyst, spoke about inviting people to be on the Council and about re-appointments. The Council discussed changing the Council designations (titles) to facilitate getting council positions filled, without being so specific regarding representations. Mr. Frink agreed, but not to leave it too open that a lay person might be making inappropriate decisions.

PUBLIC COMMENT

John McCulley, OSHA spoke about a health concept proposal. The bill proposes that health related licensing boards will have public members 50% minus one. This is just at the concept stage.

MISCELLANEOUS

The council interest file was made available for member's review.

MOTION

Meeting was adjourned at 3:23 p.m.

I attest that the Advisory Council on Hearing Aids Board minutes of May 8, 2008, are a true and accurate reflection of the matters discussed and the views of the participants.

Lisa A. Murphy, Board & Qualification Specialist