



Oregon Health Licensing Agency  
Advisory Council on Hearing Aids



11 am, Friday, September 9, 2011  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Don Cloutier, Chair  
Martha Kocer, Vice-Chair  
Dr. Garry Harris  
Jennifer Briggs

**STAFF PRESENT**

Sylvie McMillan, Fiscal Services and Licensing Manager  
David Sparks, Regulatory Operations Manager  
Samie Patnode, Policy Analyst  
Sinnamon Harris, Board Specialist

**MEMBERS ABSENT:**

Shelly Boelter

**GUESTS PRESENT:**

Cheryl Blackman  
Jayann Blanchard  
Scott Frink  
Chris Gustafson

(guest continued)

Tiffany Parret  
John Brenneman  
Scott Austin

\*This meeting was live video streamed.

**Call to Order**

Don Cloutier, Chair, called the meeting of the Advisory Council on Hearing Aids to order at 1:15 pm, Friday, September 9, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

**Introduction of new council member Jennifer Briggs**

**1. Approval of Agenda**

**MOTION:**

Dr. Garry Harris made a motion with a second by Martha Kocer to approve the agenda. Motion passed unanimously.

## **2. Approval of Minutes**

### **MOTION:**

Dr. Garry Harris made a motion with a second by Martha Kocer to approve the minutes for June 16, 2011. Motion passed unanimously.

## **3. Reports**

### **◆ Directors Report**

Sylvie McMillan, Fiscal Services and Licensing Manager explained that due to staffing issues and a full slate of administrative rulemaking scheduled for this summer through the rest of 2011, rulemaking for certain OHLA regulated professions have been postponed. This allows the agency to focus on rulemaking for those professions with the most immediate and significant issues related to public health, safety and risk.

McMillan stated that the agency has developed a strategic plan that prioritizes administrative rulemaking for the next 18 months. She noted the plan is flexible and subject to change depending upon the agency's ability to address staffing issues. McMillan pointed out the agency is undergoing major changes to the makeup of its boards and councils and added the Board of Licensed Dietitians to the agency as a result of the 2011 Legislative Session.

McMillan stated those new professions, those with a temporary rule already in place, or those that are experiencing a significant risk to public safety, are top priority to undergo rulemaking in this strategic plan. Those that fall within these categories are assigned a Level 1 priority. The agency will address emergency issues as they arise.

#### *-2013 Legislative Concepts*

McMillan explained that a legislative concept is a formal idea that the agency vets with its boards or councils to determine if a statute (or law) needs to be revised. It is a lengthy process and McMillan further explained that the Legislative Concepts need to be submitted by early April of 2012 for the 2013 Legislation Session.

#### *-2012 Chair Summit*

McMillan announced a Chair Summit will take place on January 20, 2012, for all the Boards and Councils for a business meeting. The purpose of the meeting is for the boards/councils to let the agency know how it can improve on its services and for the agency to let the boards/councils know where the business of regulation is headed. For example, McMillan stated, at the last Chair Summit the agency introduced the 28-point Investigatory Protocols. One of the concerns at the last meeting was customer service and as a result the agency increased staff in the front lobby service area and added a position who answers the phone. This meeting will also explore the political part of Oregon Health Licensing Agency as a state entity and how it relates to each profession.

### **◆ Statistical Report and Budget**

McMillan presented the statistics that included licensing, examination and regulatory statistics, authorization volume, complaints, and website traffic. McMillan also introduced a chart which outlined how the agency assesses for any indirect costs for all the boards. These plans were developed by fiscal to allocate the shared (indirect) service rates for each board or council under Oregon Health Licensing Agency. The chart shows which board is using what functions of the agency and the costs are based on those services the boards are actually using. Full-Time Equivalent (FTE) Allocation represents all the

agency's employee positions. Shared cost categories are divided into three agency divisions: Administrative Services, Fiscal Services/Licensing, and Regulatory Operations. Each board was placed into a Gold, Silver, or Bronze Plan based on the services used while Cosmetology has its own separate plan. The board will pay a percentage of each of the shared costs, such as, management, rules and legislation, qualifications and licensing, etc. McMillan noted the Silver and Bronze Plans does not include inspections as the agency only performs inspections on those boards with facility licenses. The Investigators keep a detailed log of which board they work on and those hours/ payroll costs are divided out at the end of the month for each board/council. The Advisory Council on Hearing Aids is currently in the Silver Plan.

◆ **Regulatory Operations Division Report**

David Sparks, Regulatory Operations Manager, reported on enforcement activity. Between July 2009, and June 2011, 50 complaints have been filed with the agency and of those 50 complaints, four remain open. The current regulatory reporting period is July 1, 2011 through September 9, 2011. The Agency received no complaints during this reporting period.

◆ **Policy, Legislation & Administrative Rules**

-OHLA Permanent Administrative Rules

Samie Patnode, Policy Analyst, discussed OAR 331-010-005 regarding allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status. The rule defines and clarifies what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of OHLA. The rule also defines and clarifies the terms incompetence and negligence used in ORS 676.612 in regulation to the boards or councils under OHLA.

◆ **Education & Examination Committee Update**

McMillan stated the next Education and Examination Committee to continue reviewing the examination would be on September 29, 2011.

**4. Items for Council Action**

◆ **Approval Administrative Rulemaking Schedule – January 2012**

**Motion:**

Dr. Garry Harris made a motion with a second by Martha Kocer to approve the administrative rulemaking schedule. The motion passed unanimously.

◆ **Hearing Aid Specialist Scope of Practice**

Patnode presented a scope of practice question submitted by Tiffany Parret regarding unlicensed employees cleaning hearing aid devices, changing domes, filters, receivers, and other attachments, programming hearing devices or looking in a client's ear. Patnode gave an overview of the process for the council to respond to practice and procedure questions.

**Motion:**

Dr. Garry Harris made a motion with a second by Martha Kocer to forward the questions to agency Assistant Attorney General (AAG) for review and have the scope of practice committee meet if the AAG required more clarification from the council members. The motion passed unanimously.

◆ **2012 Chair/Vice-Chair**

Nominations were held for chair and vice-chair.

Jennifer Briggs nominated Don Cloutier for Chair. Martha Kocer nominated Jennifer Briggs for Chair. There were no other nominations for chair.

**Motion:**

The council voted three votes for Jennifer Briggs to one vote for Don Cloutier as Chair. Jennifer Briggs was elected 2012 Chair.

Jennifer Briggs nominated Martha Kocer for Vice-Chair. There were no other nominations for Vice-Chair.

**MOTION:**

The council voted unanimously for Martha Kocer as Vice-Chair.

◆ **2012 Committee Members**

**MOTION:**

Dr. Garry Harris made a motion with a second by Martha Kocer to approve the 2012 Advisory Council on Hearing Aids Committee as outlined below. The motion passed unanimously.

2012 Committees	
Practice and Procedures	Garry Harris, M.D., Jennifer Briggs, Martha Kocer
Enforcement	Don Cloutier, Martha Kocer, Shelly Boelter
Education/Examination	Don Cloutier, Martha Kocer, Shelly Boelter
Legislation/Rules	Don Cloutier, Shelly Boelter, Jennifer Briggs
Customer Connection	Garry Harris, M.D.

◆ **2012 Council Meeting Dates**

The agency proposed the following dates for the Advisory Council on Hearing Aids to conduct regular council business: February 17, June 15, and October 26, 2012. The council meetings will start at 1 pm.

**MOTION:**

Dr. Garry Harris made a motion with a second by Martha Kocer to accept the 2012 full council meeting dates as presented by the agency. The motion passed unanimously.

◆ **2012 Practical Examination Dates**

The agency has made arrangements to hold the practical examinations for 2012 at the Red Lion Hotel, 3301 Market Street, N.E., Salem, Oregon. The proposed practical examination dates are: January 19, April 15, July 19, and October 4, 2012.

**MOTION:**

Dr. Garry Harris made a motion with a second by Martha Kocer to accept the 2012 proposed practical examination dates. The motion passed unanimously.

### **5. Public Comment**

Chris Gustafson commented about working with the Education and Examination Committee as an Invited Technical Expert. He stated the Oregon Hearing Society is working to hold classes to “train the trainer” in order to make sure all the necessary paperwork is completed before a trainee is ready for the examination. He also spoke about addressing the issue of a supervisor’s requirement to sign off on all contracts initiated by trainees.

Tiffany Parret commented that patients or clients do change the domes themselves. So is it really something an employee cannot do if the client is trained to do the same thing. Clinics are taught in retirement homes for the clients to change filters, domes, etc. themselves. The current administrative laws do not address the issues. Can a caregiver in the community not clean a resident’s device?

Scot Frink commented that common sense needs to be used regarding the issue of who can clean, etc. hearing aids. Manufacturer’s instructions that come with the hearing aids discuss how to show the client how to clean their hearing aids. Frink continued with an example of employees in his office who have been trained in over two years to check and clean hearing aids along with technicians who restore hearing aids to their proscribed settings once they come back from the manufacturer.

Scott Austin asked what position on the board new member Jennifer Briggs held.

### **6. Executive Session-Place Holder**

The council did not enter into executive session.

### **7. Other Council Business/Council Interest File**

There was no other council business.

The meeting adjourned at approximately 2:42 pm.

Prepared by: Sinnamon Harris, Board Specialist