



Oregon Health Licensing Agency
Advisory Council on Hearing Aids



1 pm, Friday, June 17, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Don Cloutier, Chair
Martha Kocer, Vice-Chair
Scot Frink
Dr. Garry Harris

MEMBERS ABSENT:

Tricia Leagjeld-Storch

STAFF PRESENT

Randy Everitt, Director
Sylvie McMillan, Fiscal Services and Licensing Manager
David Sparks, Regulatory Operations Manager
Kraig Bohot, Public Information Officer
Nancy Sellers, Senior Policy Analyst
Amanda Perkins, Board Specialist

GUESTS PRESENT:

Scott Austin
Ron Hunt

*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 1pm, Friday, June 17, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

1. Approval of Agenda

MOTION:

Scot Frink 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 November 19, 2010. Motion passed unanimously.

3. Reports

◆ Directors Report

Randy Everitt, Director, presented a letter from former Governor Ted Kulongoski addressed to the board expressing the former governor's sincere appreciation for the board's service and dedication during his administration.

◆ Outreach and Communications

Kraig Bohot, Public Information Officer, presented an overview of public information activities at OHLA which included:

- *Licensing Line*;
- Print Publications;
- OHLA Web Site;
- Media Relations;
- Presentations;
- Public Record Requests;
- Application Forms; and
- *Central Issues*.

Bohot also explained how to sign-up in order to automatically receive *Central Issues* or *Licensing Line* via email.

◆ Statistical Report

Sylvie McMillan, Fiscal Services and Licensing Manager, McMillan, presented an overview of statistics related to the board. Statistics included were licensing, examination and regulatory statistics, active license trends, complaints, and website traffic.

◆ 2010-2011 Budget

McMillan presented the statement of cash flow for the 7/01/09-4/30/2011 period and the projected cash flow statement 7/01/2009 through 6/30/2011.

McMillan provided an overview of a proposed cost allocation model for the agency pertaining to the agency's small boards or councils. She noted that all boards or councils under the agency's umbrella, other than the Board of Cosmetology, are considered "small boards or councils." The model is similar to the method currently used to figure the allocation cost for regulatory, but entails examining all aspects of the agency's services and apportioning them out. For example, not every small board has an examination that is administered by the agency, whereas, some boards have more than one examination, etc. She said more information and details will be available after July 1, 2011, and will be presented at the next council meeting. McMillan also noted that there is no intention of raising any fees. Everitt remarked that the agency's hope was to be able to balance out each board or council with this financial plan.

◆ Regulatory Operations Division Report

David Sparks, Regulatory Operations Manager, reported on enforcement activity. He stated between July 2009 and June 2011, 48 complaints had been filed with the agency. Five complaints remained opened. Sparks said during the current regulatory reporting period of November 5, 2010, through June 14, 2011, the agency had received 16 complaints.

Sparks explained why a complaint that originated in May, 2010, had taken an unusual amount of time to

be concluded. After performing research on the case Sparks found that main problem was the complexity of the complaint against an individual who had worked out of several different facilities and involving seven consumers. The complaint has now been concluded and a notice will be issued. Sparks noted with the new investigatory protocols in place the agency will be able to move through cases at a much smoother rate.

Scot Frink spoke about his concern regarding waiting in the agency's phone system to obtain information about how to file a complaint. He had waited more than an hour at one point. Everitt addressed the issue of the agency's phone system. Everitt explained that research has shown some calls come into the agency and do not go anywhere. OHLA has complained to Department of Administrative Services (DAS) about the phone system issues on several occasions. Meanwhile, Everitt stated, agency staff are alerted if there is a high volume of incoming calls and are trying to monitor those calls by the hour to make sure they get answered. Everitt understands the frustration of people trying to call in and is working on resolving the issues.

◆ **Policy, Legislation & Administrative Rules**
-Legislative Overview

Nancy Sellers, Senior Policy Analyst, presented a memorandum outlining an overview of the legislative process and the role of the board member in this process.

Hierarchy of Law Governing State Agencies

- US and Oregon Constitutions
- Oregon Revised Statutes
 - *Oregon Laws*
 - *Budget Notes*
- Governor's Executive Orders/Agency Directives
- Oregon Administrative Rules
- Agency Policies
- Agency Practices

OHLA works closely with the Governor's Office, Department of Administrative Services, partner agencies, stakeholder groups and the Legislature to ensure that all bills, potential amendments and budgets that may impact the agency and its stakeholders are fully vetted and understood.

Sellers made it clear to the board that as OHLA board members they can be a great asset in the legislative process. Board members often play a dual role: both as agents of the state in their official capacity with OHLA, and as private citizens working in their individual professions. If a legislator, staffer or other agent of the Legislature contacts a board member directly regarding policies and legislation of the agency, please clarify with him or her that you are speaking as an individual, and not as a representative of the regulatory/advisory board of which you are a member.

Persons acting as agents of the executive branch of government – including agency management, employees and appointed board and council members – are not allowed to advocate for or against legislation, budgets or other legislative initiatives without the express permission of the Governor's Office.

Sellers reminded board members that if legislators or staffers are looking for an *official response*, please direct them to her or Samie Patnode, Policy Analyst, and they will follow up promptly and keep the board informed.

-Legislative Update

Sellers provided the council with an update of the bills OHLA was tracking and their progress. Below are some highlights:

- SB 222- Durable medical equipment failed but will be re-worked.
- Board of Examiners for Licensed Dieticians - will come under OHLA's umbrella on July 1, 2011.
- HB 2380 - introduced by Representative Greenlick regarding the regulation of direct entry midwives, one of OHLA's boards. The bill had been cut down but the number of board members was able to be reduced to an odd number among other items. It had been an even number and there had been instances where the voting was tied.
- Polysomnographers work in a "sleep lab" and the industry wanted to be regulated. OHLA worked with the Respiratory Therapists and presented a consensus for the bill. The Polysomnographers will be combined with the Respiratory Therapists board and will have two members on the newly combined board.
- The Board of Body Art combined OHLA's body piercing program, which did not have a board or advisory council, with the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists.
- OHLA Fee Bill passed. Sellers stated Randy Everitt and Sylvie McMillan had worked hard at the Legislature to inform and explain OHLA's role in regard to multiple boards and advisory councils under its umbrella.

Randy announced that Nancy Sellers would be leaving at the end of this Legislative session. Everitt expressed the agency's gratitude for her expertise during this administration's first Legislative session. Sellers had been tracking, at the beginning of the session, approximately 200 bills before the bills began dropping out. Everitt stated when he joined the agency it had 11 boards and councils with 17 professions. The agency now has 11 boards which represents 21 professions.

4. Items for Council Action

◆ Approve Rulemaking Schedule

Sellers presented the proposed rulemaking schedule for the council's approval. Sellers stated the council will be working with Samie Patnode, Policy Analyst, for the Legislation and Rules Committee. McMillan answered Scot Frink's inquiry about legislation and rules. She stated that the Education and Examination Committee under Cerynthia Murphy, Qualification Analyst, had worked to develop the new trainee requirements. Those requirements are 520 hours of practical and completion of the International Hearing Society's (IHS) Distance Learning Program for Professionals in Hearing Health Sciences for theory. She had also worked with the committee on changes to the practical examination for permanent licensure. Those recommendations on trainee practical hours and theory requirements, approved by the board, must now be worked through the administrative rulemaking process. McMillan explained the changes to the practical examination itself did not require rule-writing but the changes to the hours and how a hearing aid trainee qualifies does need to go through the administrative rulemaking process. McMillan explained that the Legislation and Rules Committee meeting dates are merely suggestions and the committee may not need all those dates to complete the administrative rule-writing.

Frink stated that he would like the proposed administrative rules to be ready for full council vote on September 9, 2011 as the council had been working on the changes for over a year {in the Education and Examination Committee}. Sellers noted the council needs to approve the rulemaking schedule in order to move forward in the process but the dates may be modified later.

MOTION:

Martha Kocer made a motion to approve the administrative rule-making schedule subject to date changes with a second by Scot Frink. The motion passed unanimously.

5. Public Comment

No public comment was received.

6. Other Council Business/Council Interest File

There was no "Other Council Business" or items in the "Council Interest File."

7. Executive Session-Place Holder

The council did not enter into executive session.

The meeting adjourned at approximately 2:40 pm.

Prepared by: Sinnamon Harris, Board Specialist