

**OREGON HEALTH LICENSING AGENCY  
ADVISORY COUNCIL ON HEARING AIDS  
Minutes of October 5, 2007**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Susan Wilson, Director  
Cerynthia Murphy, Program Coordinator  
Karen Nelson, Administrative Assistant

**AUDIENCE MEMBERS**

Andy Evans, Hearing Loss Association of America  
Cathy Schubert, Hearing Loss Association of America  
Scott Austin, Willoughby, Audiology  
Terry McDonald, Frye Electronics  
Andrea Olson, Public Representative  
John McCulley, OSHA

**CALL TO ORDER**

Christopher Gustafson, Chair, called the meeting of the Advisory Council on Hearing Aids at 1:16 p.m. on October 5, 2007, at the Department of Agriculture, Basement Hearing Room, 635 Capitol Street NE, Salem, Oregon, by Chairperson, Christopher Gustafson. Introductions of council members and Oregon Health Licensing Agency staff were made

**APPROVAL OF AGENDA**

**MOTION**

Mr. Cloutier made a motion to approve the agenda. Mr. Plapinger seconded it. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

**APPROVAL OF MINUTES**

**MOTION**

Mr. Peters made a motion to approve the minutes of March 9, 2007. Mr. Frink seconded it. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

**DIRECTOR'S REPORT**

Ms. Wilson stated the Oregon Health Licensing Agency (OHLA) is undergoing internal reorganization to lay a foundation to provide boards, customers and regulated professionals with the best regulatory services and resources. As OHLA's strategic plan develops, the first shift will occur in agency divisions and staff roles. The Administrative Services Division (ASD) is headed by Richard McNew who oversees agency-wide licensing responsibilities, fiscal management, budget and contract management, economic forecasting, human resources and payroll, information technology and systems management, and facility and property control.

Ms. Wilson added the result of reorganization and review will position the agency to maximize existing benefits of economies of scale and to make adjustments smoothly and effectively. The agency will carry forward, to the 2009 Legislature, proposed refinements and promote the value of streamlining and standardizing services and fees. For the record the council supports legislation to streamline and lower fees.

### **REVENUES AND EXPENDITURES**

Richard McNew, ASD Manager, introduced himself to members and addressed the agency budget, revenues, standardization and fees. He reported that OHLA has a budget of \$6,131,235. Mr. McNew explained OHLA's objective in reorganization is geared toward efficiencies -- eliminating unnecessary or redundant processes and improving completed staff work and centralizing work around function to best serve the needs of OHLA customers. He stated that the more efficiencies the agency implements the less staff is required, which will have a beneficial affect on license fees. He noted the agency is reviewing every process and position for the agency's new cost allocation plan.

Mr. McNew provided an overview of the internal review that draws on outside resources and other agencies expertise and assistance to recommend efficiencies in restructuring OHLA accounting models, human resources and information technology. He explained that restructuring is an important step in preparing for future growth and expansion without having to increase fees and add staff when a new program is added to the central agency's administrative oversight.

Mr. McNew reported that when the cost allocation model is completed, he will re-project the budget and revenues and provide OHLA's Director, Susan Wilson, with his best assumptions for fees. He addressed changes to the Customer Service area of the agency and plans to add an express lane and on-site service kiosks to provide customers with additional service options.

Focusing on revenues, Mr. McNew reported that the 2007-09 current agency-wide revenue was \$1,410,646. He pointed out the new reporting tools for agency-wide expenditures and revenues based on actual figures. He noted that the members will be provided information on an on-going basis.

### **ONLINE RENEWALS**

Ms. Murphy explained the percentage of renewals completed online for January through August, 2007 and pointed out the increase for the months of February and June. She explained the agency is working on ways to encourage licensees to renew online and is considering providing incentives for future use of the online renewal system. Ms. Murphy stated the Advisory Council on Hearing Aids is one of the highest rates for online renewal.

Ms. Murphy reported on statistics for January 1, 2007 through August 31, 2007 which reflects the licensing total for the following areas:

#### **Hearing Aid Specialists**

- Original licenses issued – 23
- Licenses renewed – 270
- Late renewals – 33
- Total – 293

**Audiologists licensed to dispense hearing aids**

- Original licenses issued – 4
- Licenses renewed – 109
- Late renewals – 7
- Total - 113

**Temporary licenses**

Original Licenses Issued – 13

Ms. Murphy noted the licensing statistics for January 1, 2006 through December 31, 2006, were included for board member reference:

**EXAMINATION**

Ms. Murphy presented a four year comparison report detailing the increase and decrease in pass/fail rates including the number of examinations administered and the percent passing from 2004 to 2006.

Ms. Murphy reported the examination statistics for January 1, 2007 through August 31, 2007:

NIHIS Examination -	Number conducted – 17 Percent passing – 82%
Oregon Laws and Rules Examination-	Number conducted – 38 Percent passing – 66%
Audiologist Taking the Oregon Laws and Rules Examination-	Number conducted – 9 Percent passing – 78%
Practical Examination – 1A Audiometric Testing-	Number conducted – 18 Percent passing – 89%
Practical Examination – 1B Masking-	Number conducted – 18 Percent passing – 83%
Practical Examination – 2 Earmold Impressions-	Number conducted – 19 Percent passing – 100%
Practical Examination – 3 Fitting and Selection-	Number conducted – 27 Percent passing – 59%

Ms. Murphy noted the examination statistics for January 1, 2006 through December 31, 2006, were included for board member reference:

**EXAMINATION**

Ms. Murphy reported the July 12, 2007 examinations were held at Portland State University, Smith Memorial Center Portland, Oregon. Proctors were Chris Gustafson (lead proctor), Dave Montros and Roz Sinclair. The test subjects were Marge Brown and Yvette Tamamoto. The written examination began at 8:30 a.m. and ended at 11:00 a.m. and the practical examination began at 12:00 a.m. and ended at 4:30 p.m.; there were no problems or incidents during either examination.

## **REGULATORY OPERATIONS**

The Oregon Health Licensing Agency's *Regulatory Operations Division (ROD)* conducts statewide, onsite inspections for licensed facilities and responds to and investigates complaints. Onsite facility inspections include surveillance and monitoring businesses, independent contractors and practitioners. Special Investigations are based on the result of citizen complaints or cases involving critical issues – both civil and criminal, such as bacterial/viral infection outbreaks, unlicensed or illegal practice, prohibited acts, fraud or trade practice violations, incompetence or violations of practice standards and other critical issues involving the health and safety of consumers. The division is responsible for taking disciplinary action against licensees who are found in violation / non-compliance of state law.

Tim Molloy, ROD Manager, presented the division's statistical reports on complaints as follows:

### **January 1 through December 31, 2006:**

- Total number of licenses – 389
- Total number of complaints – 21
- Overall percent of OHLA complaints – 8%

### **January 1, 2006 to December 31, 2006**

- Hearing aid complaints received – 21
- Audiologists licensed to dispense hearing aids complaints received - 3
- Proposed Orders – 4
- Final Orders – 2

### **January 1, 2007 through August 31, 2007**

- Hearing aid complaints received – 6
- Audiologists licensed to dispense hearing aids complaints received - 0
- Proposed Orders – 1
- Final Orders – 1

### **January 1, 2007 to Date**

Hearing aid specialists:

- Total number of licenses – 411
- Total number of complaints – 6
- Overall percent of OHLA complaints – 5%

Mr. Molloy drew the Council's attention to a summary of the one complaint closed since the March 9, 2007, council meeting.

### **Complaint #07-5050**

On April 24, 2007, OHLA received an anonymous complaint regarding licensee being arrested on a federal warrant. An investigation was conducted and no violations were found. Licensee's name was searched on State and Federal information services and could not be located. The case was closed June 11, 2007.

Mr. Molloy stated that there were currently two open files which are currently under investigation.

Mr. Molloy provided an overview of the "call log" regarding information on consumer purchase contracts from March 9, 2007 to current.

- A total of 14 telephone inquiries regarding licensing,
- Seven telephone inquiries for information regarding hearing aid contracts and consumer rescission rights *and*
- Seven telephone inquiries for general information such as licensee and complaint verification, rule clarification and other questions.

Mr. Molloy then directed members' attention to two legal documents, which originated from the Board of Examiners for Speech-Language Pathology and Audiology which stated, "*No actions were taken due to lack of jurisdictional authority based on the information provided.*" Mr. Molloy explained these types of complaints are generated from variety of sources. He used for an example, a complaint generated by an audiologist -- a letter received from the Board of Examiners for Speech-Language and Audiology (BSPLA) regarding a review of business listings in the Yellow Book telephone directory under "Audiology". After discussions regarding overlapping compliance issues and oversight, Director Wilson stated, it is a cooperative effort with other agencies, she explained standard procedures are followed. She noted that Mr. Molloy would be providing an overview of the regulatory operations procedures for investigating a complaint at the next meeting

### **OUTREACH AND COMMUNICATION**

Kraig Bohot, Communications Coordinator, presented an article from the Oregonian which referred to the Oregon Board of Nursing's undergoing problems from a state investigation. The article concluded the Board's actions lacked a sense of urgency to protect the public. This investigation spurred the Department of Administrative Services (DAS) and the Governor's Office to review all state agencies that oversee boards. Ms. Wilson referred to a September 12, 2007 memo from the Governor's Office requesting all health-related licensing boards attend a special meeting on September 24, 2007 to discuss regulatory performance, particularly as it relates to the disciplinary process. OHLA was represented at this meeting.

The Governor's Office expressed a desire for statewide consistency and increased measures of accountability. They requested the following information.

- Number of licensees issued annually,
- Number of complaints received annually,
- Average time elapsed between receipt of complaints and resolution,
- Number of disciplinary actions taken,
- Whether there are clear disciplinary guidelines for determining sanctions,
- What actions are taken on cases with suspected criminal behavior and
- What options are used with providers who are impaired and how each are monitored.

In a memorandum dated October 2, 2007, OHLA provided the Governor's Office with the information requested; Mr. Bohot stated a second phase of this project has been to put all final orders on the web site. Ms. Wilson added that the agency has a two-year strategic plan to continue improving agency processes. Tim Molloy has been assigned to review these processes to ensure OHLA has a streamlined operation and can identify areas in need of change.

Mr. Bohot then provided a tour of the new 3.0 version of the Oregon.gov Web site, which included added features that are compliant with the Americans with Disabilities Act. He highlighted some of the new features, such as scrolling topics, navigation panes and other details. He then demonstrated one of the most notable of the new features-- the ability to make the text size larger. Mr. Bohot reminded members, as stated above, that the OHLA Web site "*License Inquiry*" had been updated to add the current disciplinary status of a license, all final orders and the removal of personal address information from being disclosed.

Ms. Murphy reported that in an effort to keep the boards and councils apprised of the agency's continued communication efforts, OHLA will be providing a Web Analysis Report at the next scheduled board meeting, which will identify the following areas of interest:

- The most popular web pages on the agency's web site,
- The number of visits for each web page,
- The average length of time each page was visited and
- The most popular files downloaded.

Mr. Bohot reported that OHLA now oversees its ninth volunteer citizen board – the Sex Offender Treatment Board (SOTB). Ms. Wilson explained the Board was created by the 2007 Legislative Session. The Attorney General's Sexual Assault Task Force has been in existence for five years and is well-established. Mr. Bohot stated that board members have been appointed by the Governor and confirmed by the Senate. Since Oregon is one of the few states with a Sex Offender Treatment Board, the board will be responsible for establishing statewide treatment models. He referred members to the agency's Web site for more information on the new regulatory program.

### **2007 LEGISLATION**

Ms. Wilson reported that the agency's budget, which included a policy package requesting five additional positions, passed. The legislature approved one permanent and four limited-duration positions. OHLA will be requesting the positions be made permanent during the 2009 Legislative Session.

Ms. Wilson also confirmed passage of HB 3233 by the 2007 Legislature (as mentioned above). HB 3233 established a regulatory program for sex offender therapists under a board within the Oregon Health Licensing Agency's jurisdiction.

Ms. Wilson noted that legislation promoted by OHLA during the 2009 Legislative Session will be presented as an agency bill. She advised that legislation pertaining to public protection will need to be solidified by April 4, 2008.

### **Associates Degree Program for Hearing Aid Specialists**

Members discussed training issues that were reviewed at the previous council meeting. Mr. Gustafson stated an education committee with four members was established: Chris Gustafson, Don Cloutier, Fred Peters, and as an alternate, Scott Frink; the purpose was to review entry-level education requirements for an associate's degree program for hearing aid specialists. Mr. Gustafson provided documentation from Spokane Community College.

Mr. Frink stated higher training standards is his goal as a council member and he explained there are no industry standards for the hearing aid industry - office-to-office within the State of Oregon; training varies quite significantly. He would like to create an associates degree program similar to the one passed by the State of Washington in 2001, which includes a secondary educational program available at a larger technical college in Tacoma, Washington. Mr. Frink stated the requirements for this program could be very beneficial for the industry and regulators. It will provide a way to screen applicants and ensure the training level from applicant-to-applicant is consistent.

Mr. Frink added that if we continue with the current training model, he foresees a problem in the future with access to training providers. Community colleges are looking for programs where they can create technical degrees. Raising the training standards for hearing specialists ensures proper customer care and enough practitioners available to meet the demands of the growing population.

Mr. Frink then outlined some difficulties encountered by the State of Washington with supply and demand. He said ideally we are looking at establishing a program in a metropolitan area but will include an online program with satellite clinics where students can get hands-on experience; limited time will be required for students to go to campus to prove efficiency.

Members expressed concern that students enrolled in the two-year associate degree program through a community college would lack the clinical experience. The issue of obtaining sufficient practical experience was discussed. Mr. Frink noted that a requisite number of hours should be required for "on-campus" training for those enrolled through the on-line training method. He stated that an Arizona school established a standard of 3,500 hours of on-the job practical training as a qualifier.

It was pointed out that it may not be necessary to establish the associate degree program through multiple community colleges if there was already one efficient program. Recognizing satellite clinics throughout the state would accommodate the "practical experience" requirements so students would not be displaced by relocating to training site(s). A hardship exists for persons interested in training to become an audiologist, which is limited to only two schools on the west coast – University of Washington and the University of San Diego.

Ms. Wilson stated minimum core competencies should be established first to ensure public protection. Mr. Frink advised legislation include the date a person would be unable to meet qualifications for licensure unless they completed the specified training. Ms. Wilson stated that the 2009 legislation could contain a grandfather clause to enable individuals who are currently undergoing training or trying to get licensed to comply with the requirements.

#### **MOTION**

Mr. Frink made a motion to establish training criteria for industry standards within the hearing aid industry and to develop a conceptual package to present to the legislature by April, 2008. Mr. Plapinger seconded the motion. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

**ITEMS FOR BOARD ACTION**

**2008 Sub-Committee**

**MOTION**

Mr. Frink made a motion and Mr. Cloutier seconded to approve the 2008 Sub Committees with the following changes. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

Examination	Don Cloutier Scott Frink Christopher Gustafson
Enforcement	Scott Frink Christopher Gustafson Mark Richardson, M.D.
Education/Curriculum/Continuing Education	Don Cloutier Scott Frink Christopher Gustafson
Legislation and Rules	Scott Frink (alternate) Christopher Gustafson Don Plapinger
Public Protection and Safety	Christopher Gustafson Fred Peters Tricia Leagheld-Storch
Customer Connection	Tricia Leagheld-Storch Fred Peters

**PROPOSED COUNCIL MEETING DATES**

**MOTION**

Due to a conflict with the March 7, 2008 proposed scheduled meeting date, Mr. Frink made a motion to change the meeting date to March 14, 2007 and accept the October 3, 2008. Mr. Plapinger seconded the motion. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

**2008 Chair & Vice-chair Appointment**

**MOTION**

Mr. Frink made a motion to retain Christopher Gustafson as chairperson and Don Plapinger as vice-chairperson. Mr. Plapinger seconded the motion. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

**2008 Examination Dates**

**MOTION**

Mr. Plapinger made a motion to accept the exam dates as follows. Mr. Cloutier seconded the motion. The motion passed with Mr. Gustafson, Mr. Plapinger, Mr. Frink, Mr. Cloutier and Ms. Leagjeld- Storch voting aye.

- January 10, 2008
- April 10, 2008
- July 10, 2008
- October 9, 2008

**PUBLIC COMMENT**

No Public Comment

**BOARD INTEREST FILE**

The file was made available for the Board's review.

Meeting was adjourned at 4:09 p.m.

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*I attest that the Advisory Council on Hearing Aids Board minutes of October 5, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.*

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Cerynthia Murphy, Program Coordinator