



Oregon Health Licensing Agency  
Advisory Council on Hearing Aids



1:00 pm, Monday, November 19, 2010  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Donald Plapinger, Chair  
Don Cloutier, Vice-Chair  
Martha Kocer  
Scot Frink  
Fred Peters  
Dr. Garry Harris

**MEMBERS ABSENT:**

Tricia Leagjeld-Storch

**STAFF PRESENT**

Randy Everitt, Director  
Sylvie McMillan, Business Services Manager  
David Sparks, Regulatory Operations Manager  
Kraig Bohot, Public Information Officer  
Samie Patnode, Policy Analyst  
Nancy Sellers, Senior Policy Analyst  
Cerynthia Murphy, Qualification Analyst  
Sinnamon Harris, Board Specialist

**GUESTS PRESENT:**

Chris Gustafson

\*This meeting was live audio streamed within the Oregon Health Licensing Agency.

**Call to Order**

Don Cloutier, Chair, called the meeting of the Advisory Council on Hearing Aids to order at 1:07 pm, Friday, November 19, 2010, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called for present council members.

**1. Approval of Agenda**

**MOTION:**

Don Cloutier made a motion with a second by Martha Kocer to approve the agenda for November 19, 2011. Motion passed unanimously.

**2. Approval of Minutes**

**MOTION:**

Don Cloutier made a motion with a second by Martha Kocer to approve the minutes for February 26, 2010, as amended. Motion passed unanimously.

### **3. Reports**

#### **• Directors Report**

Randy Everitt, Director, introduced Dr. Garry Harris, new board member. Harris stated he had been an ear, nose and throat (ENT) doctor since 1974 and had a private practice in Sidney, Ohio, for a couple of decades. While in private practice, Harris stated, he owned a hearing aid dealership along with the practice. He has served as an ENT consultant at the Veteran's Administration Southern Oregon Rehabilitation Center and Clinics in White City since 2005.

Everitt explained the new wireless loop system just recently installed into the Rhoades Conference Room. The loop system was suggested by Scot Frink as a means for those persons attending or sitting on the board to use in conjunction with their hearing aids for clarity. Thank you to Chris Gustafson who donated the system and to Scot Frink who donated the technician who set up the system. Everitt confirmed with Fred Peters that the system was in good working order.

Everitt stated OHLA hosted a "Chair Summit" on September 1, 2010. One designated representative from each OHLA board or council was in attendance with the exception of a representative from the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists. The summit was held to provide information regarding the role of the chairs and vice-chairs as it relates to professions regulated by OHLA, the distinction between regulatory and association mission/functions, the OHLA budget, and new investigative protocols. Everitt presented a PowerPoint that outlined the new investigative protocols established by OHLA. This model is applicable to all professions under the agency model. The following key points were highlighted regarding the new investigative protocols:

- Provides multiple gateways in which to end each investigation within a reasonable amount of time;
- Provides checks and balances to ensure that OHLA, the licensee and the complainant are protected; and
- Allows for the agency to contract with subject matter experts to assist with investigations.

A comment was accepted by the council chair from Chris Gustafson, a past Advisory Council on Hearing Aids chair, who outlined an incident with a hearing aid dispenser involved with illegal drugs. Gustafson asked what authority the agency would have to demand a blood test to determine the hearing aid dispenser was safe to work with patients. Everitt replied that anything involving a criminal matter is going to immediately referred to the police department. However, Everitt continued, if the agency believes, based on the police investigation and if charges have been levied, that there is an immediate health risk for the public, the agency may suspend the license. Everitt stated the reason an assistant attorney general is working with the agency is to help with the "tricky" situations.

Everitt explained how the subject matter experts will be chosen. Generally the subject matter expert may be recommended to the agency by board members, and must be licensed in good standing within the profession. The subject matter expert cannot be a member of the board. A "Request for Proposal (RFP) Solicitation" will be posted to <http://orpin.oregon.gov/open.dll/welcome> when there is an opening for a subject matter expert on a board or council.

Kocer asked about the qualifications for a licensed hearing aid dispenser to become a trainer or supervisor for hearing aid specialist trainees. Sylvie McMillan, Business Services Manager, referred the council to the Oregon Administrative Rules (OAR) 331-610-0020(2) "***The agency will authorize an***

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***Oregon licensed hearing aid specialist to act as designated supervisor of a trainee provided the licensee holds a valid license, has been actively practicing for at least three years, and has not had any disciplinary action or civil penalty imposed by the agency.”***

Frink commented about yellow pages ads which list hearing aid dispensers falsely as audiologist. Frink has filed complaints in the past but has never had any response from the agency about the investigations.

Frink also brought up a subject that he noted may be for further discussions later: the objective measures requirement. When the separation of licenses between the audiologist and dispensers was formed, Frink stated, the audiologists were to perform objective measures. Frink stated he thought the rules the audiologists are required to follow may need to be discussed at some time. Samie Patnode, Policy Analyst, replied, that she was involved in the separation of the two professions and the audiologists are no longer under the hearing aid specialist rules. This agency's rules for hearing aid specialist are more extensive and specific compared to the audiologist rules which may be considered vaguer.

Everitt introduced David Sparks, new Regulatory Operations Manager. Sparks stated he had worked for Oregon Occupational Safety and Health Division (OSHA) for 27 years mostly in a regulatory capacity and the last few years managing litigations for citations. Sparks spoke of his strong sense of value of regulation and being responsive to the regulated community. How he felt it is the agency's responsibility to do outreach in the communities with education to gain regulatory compliance. In his experience with employers he has found most employers comply with the law when (1.) they understand what those laws are, and (2.) they understand how to comply with the law. Sparks commented that the agency needs to be uniform in how it applies rules and regulations so everyone is treated equitably and fairly.

### **Two-Year Associate Degree Discussion**

Everitt presented a two-year associate degree memorandum dated November 3, 2010, to the council and provided the council with a chronology table dated from 2007 to present. Everitt remarked the agency has carefully considered all information dating back to March, 2007, including legislative actions, meeting materials and reports. Everitt stated that the agency appreciates the stakeholder's time and efforts towards implementing improved qualifications for individuals seeking licensure as a hearing aid specialist, but, at this time, based on the information considered, the agency will not introduce any legislation regarding a two-year associate degree program. The agency will proceed with increased practical and theory training requirements pursuant to the Advisory Council on Hearing Aids Education and Examination Committee recommendation to the agency. However, Everitt stated, any association or organization may independently seek legislative action surrounding this issue. If future legislation is introduced, independent of the agency, the agency may assist in the development and help to integrate the concept into the central agency model.

Peters remarked that he has watched this discussion on a two-year associate degree for nine years and has seen no progress. Peters' concern is the hearing aid specialists are working with very expensive hearing aids ranging from \$2,000 to \$4,000 apiece and the expectations to become a hearing aid specialist are through mentoring. Peters was also concerned about the quality of training and the possibility of a trainee picking up the bad habits from their supervisor. Within a school system, Peters, continued, the trainee receives various viewpoints. Peters stated that a two-year degree is essential and minimal training and his viewpoint was for the interest of the consumers.

Everitt responded that the board will be proposing a change in the amount of hours for education from 160 hours to 520 hours.

Plapinger stated he has seen the growing pains of audiologists as they moved from two-year degrees to a four-year degree requirement. Plapinger remarked the legislature is cognizant of the difficult economy at this time so it may be hard to find backing for a proposed two-year degree especially if the hearing aid specialist and other stakeholders such as Costco oppose the concept. Plapinger agreed with Everitt that the stakeholders and hearing aid specialists would need to support the issue before the agency was to move forward.

Everitt introduced Nancy Sellers, new Senior Policy Analyst, for the agency. Sellers remarked that she will be working closely with Patnode to be brought up to speed on the council's issues as she transitions into lead policy analyst for the Advisory Council on Hearing Aids. Sellers advised the council that a state agency, as part of the executive branch, cannot advocate for legislation that the governor's office has not approved. There is a formal process, Sellers explained, for putting in legislation concepts and that process started long before and was locked down many months ago. So, even if the agency wished to move forward with a concept to put in a two-year degree at this point the agency cannot.

Frink stated he would encourage the members who remain on the board to pursue the two-year degree. He mentioned the last education and examination committee was full of consumers who wanted to know why the council was not doing more to protect the consumer by requiring a two-year degree. Frink stated it was primarily hearing aid dispensers who were blocking the issue. Frink clarified what the council's education and examination committee is advocating in the way of education: 520 hours of practical training and an education program through the National Hearing Aid Society *Distance Learning Program for Professionals in Hearing Health Sciences* for theory. Perhaps, Frink remarked, the council needs to review who can actually become a trainee supervisor and add in restrictions. For example, if hearing aid specialists have violations on their record then they should not be allowed to be a trainee supervisor.

Frink answered Dr. Harris' question about the availability of a two-year degree currently in Oregon. Frink assured him that the current requirements did not preclude a dispenser from obtaining a two-year degree. Frink has contacted Oregon community colleges and a trade school in Portland that are interested in creating a program for hearing aid dispensers. The colleges reported that they are getting a flood of students who cannot afford a four-year program and the students are looking for trades that they can get into with a two-year degree. Currently, the community colleges have waiting lists for nursing, pharmacology, fire training, and respiratory therapy and would love to have another program to offer to the public.

Gustafson stated he was a strong believer in the two-year program but traditionally people coming into the hearing aid dispensing business are coming in as a second or third career move later on in life. With family obligations that person cannot afford to quit work and attend college full time for a two-year degree. Gustafson offered, as an idea, if that person had some previous college credits or already had a two-year degree they may be able to take just the proscribed courses and receive a one-year certificate.

Everitt summarized the discussion by stating that the agency was not taking the two-year degree off the agenda, but just needs to give the agency and the council a chance to work towards a consensus for future legislation. Everitt stated he would be more than happy to attend association meetings to talk about the two-year issue to stakeholders.

- **Outreach and Communications**

Kraig Bohot, Public Information Officer, stated the *Central Issues* goal is to provide a snapshot of the issues the council is currently considering in order to give stakeholders a general idea of the issues being discussed. *Central Issues* will go out in email lists, a link to be subscribed to, and online on OHLA website. Bohot presented the draft of the Advisory Council on Hearing Aids that focused on three issues: How Much Training, Education Needed for Competency; Persona Sound Amplifiers: Hearing Aids or Not; and Earmold Fees Refundable to Consumer. Bohot stated the section entitled: By the Numbers: Advisory Council on Hearing Aids will provide statistics on licensing, pass/fail on examinations, and regulatory compliance. The News You Can Use: Resources for Licensees, Consumers section provides links directly related to the Advisory Council on Hearing Aids.

Bohot shared a call he received from a *Statesman Journal* reporter who writes a Sunday column called "Not So Lame" that includes professions regulated by the state of Oregon. She was inquiring about hearing aid specialists and Bohot used the opportunity to explain about consumer's return rights of hearing aid products.

- **Statistical Report**

Sylvie McMillan presented an overview of statistics related to the board. Statistics included were licensing statistics, pass/fail rates for the hearing aid written and practical examination, active license trends, complaints, proposed and final orders, age diversity of practitioners and temporary hearing aid specialists, and website traffic.

- **2010-2011 Budget**

McMillan presented the statement of cash flow for the 7/01/09-9/30/10 period and the projected cash flow statement through 6/30/2011. Cash balance as of 9/30/2010 was \$192, 242.53. She noted the change in allocation that went into effect on October 1, 2010 when the audiologists no longer had to be licensed under the agency. The allocation rate now only includes the indirect costs of Director's Office, Business Services Division, and the Licensing Division. The Regulatory Operations Division costs are now usage cost. The Regulatory Operations Division Manager's salary falls under the Director's Office. McMillan explained how the OHLA investigators keep track of the hours they spend upon each board's business (with vacation days and sick leaves factored into all OHLA costs). The allocation, therefore, for the rest of the biennium from October 1, 2010 to June 30, 2011 will be 1.87%.

Plapinger asked what the impact to the budget was with the audiologist having left the agency. McMillan explained the new cost allocation process was put into place to help prevent increasing licensing fees. McMillan stated the council is stable and there is no need to increase fees at this time.

Everitt further explained the inspectors had previously been billed across all the boards equally. The new cost allocation model only cost the board when the inspectors are used for that particular board.

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- **Regulatory Operations Division Report**

Regulatory Operations Manager David Sparks reported on enforcement activity from February 13, 2010 through November 4, 2010. The agency had received 14 complaints. Please see below:

**Critical Licensing concerns: 1**

(1) the investigation is ongoing.

**Licensing Concerns: 1**

(1) the Agency found no violation(s) of Oregon Revised Statutes (ORS) and/or Oregon Administrative Rules (OAR)

**Service concerns: 12**

(6) the Agency found no violation(s) of ORS and/or OAR.

(1) the respondent and complainant resolved the issues of the complaint.

(1) was referred to another agency due to lack of jurisdiction.

(1) investigation found alleged violations and a civil penalty was assessed.

(3) investigation are ongoing.

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- **Decision Making and Referral**

Patnode stated at the summit that she presented a new procedure which is being implemented across all OHLA professions. The procedure creates a protocol for the agency to follow when inquiries are received from interested parties regarding scope of practice or practice procedures related to specific agency program. The protocol will allow the board or council the opportunity to review the inquiry and decide on the subsequent action. When reviewing an inquiry the board or council may:

- Determine an answer to the inquiry if the answer is explicitly clear in statute or administrative rule;
- Refer the inquiry to the Scope of Practice, Standards & Procedures Committee for review;
- Refer the inquiry to the Assistant Attorney General (AAG); or
- Decline to address the inquiry.

Patnode noted that if the AAG is involved then there would be a direct cost associated with the advice. She stated a pre-determined limit could be designated for AAG costs. Patnode provided example inquiries the agency had received and an example letter to be sent to interested parties in response to an inquiry.

Patnode also stated that all responses to these inquiries are considered public records and may be published by the agency

- **2011 Legislation –LC524 – OHLA**

Patnode provided a brief overview of proposed 2011 legislation. She noted that currently the agency oversees 11 distinct programs, each having its own statutory requirements for licensure, renewal, licensure status, licensure posting requirements and terminology. The new provisions, if approved, would standardize authorization status for all agency programs and define authorization, applying it uniformly throughout agency statutes. The new provisions, if approved, would also consolidate all active, inactive, and expired renewals into agency statutory authority. This would allow the agency to carry out each program renewal process uniformly. It would also consolidate program fee provisions into agency statutes and allows the agency to charge for dormant renewals and educational classes or training.

Patnode stated the agency currently does not have explicit language allowing for the issuance and regulation of a temporary hearing aid specialist license. Language needs to be adopted providing the agency the authority to issue and regulate temporary licenses to individuals seeking licensure as a hearing aid specialist who are otherwise waiting to take the examination. During the 2009 Legislative Session specific provisions relating to temporary licensure authority were repealed. An amendment will allow the agency to continue to issue temporary licenses and set standards for potential hearing aid specialists who meet qualifications for temporary licensure. The change will also allow the agency to regulate and ensure that consumer protection and standards are being met by temporary license holders.

- **OHLA Permanent Administrative Rules – Affidavit of Licensure**

Patnode provided a summary of changes made to OHLA administrative rules. The rule defines the different types of affidavit of licensure, which is a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure which includes “incoming” and “outgoing.” “Incoming” is the circumstance in which OHLA receives an affidavit of licensure from another regulatory authority stating that an individual holds an authorization. “Outgoing” is the circumstance in which OHLA sends an affidavit stating that an individual holds an authorization. Patnode explained the rule is necessary to begin to eliminate a potential avenue of licensing fraud in Oregon and other states by requiring protocols when receiving and sending affidavits of licensure. She noted the rule has been implemented for all agency programs.

- **Education/Examination Committee Verbal Report – 10/26/10**

Cerynthia Murphy, Qualification Analyst, stated the Advisory Council on Hearing Aids Education and Examination Committee has met on several occasions for a review of training in lieu of a two-year degree. The recommendations of the committee will be gone over in detail under Items for Council Action.

#### **4. Items for Council Action**

- **Increased Training Requirements**

Murphy read the issue statement which outlined the details of the Education and Examination Committee’s recommendations for requirements for individuals seeking licensure as a hearing aid specialist to the council.

##### **1) Hearing Aid Specialist Training**

Defer to the legislation and rules committee to increase training requirements to include completion of specified practical and theory training as follows:

###### **Theory**

Completion of the International Hearing Society’s (IHS) *Distance Learning Program for Professionals in Hearing Health Sciences* under direct supervision.

###### **Practical**

Completion of 520 hours of practical training under the direct supervision of an approved supervisor specified in the following core competencies:

60 Hours Audiometric Testing

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60 Hours Counseling Regarding Hearing Examination  
60 Hours Hearing Aid Selection  
60 Hours Ear-Mold Impressions  
180 Hours Hearing Aid Fitting and Follow-Up Care  
60 Hours Business Practices (which includes: ethics, regulations and sanitation and infection control)  
40 Hours Electives; elective hours may be completed in any of the above categories.

## **2) Certification of Training**

Require a Certification of Completion Form for the practical and theory training, which must be submitted by the supervisor. In addition, the supervisor must maintain and complete a Practical Training Tracking Form during the period of time the trainee is completing the training program and must retain the form for a period of two years after the trainee has completed the training program.

## **3) Hearing Aid Specialist Training Program**

Approve the training program packet, which encompasses the specified training requirements and certification of training as follows:

### **Hearing Aid Specialist Training Program Introductory Letter**

Explains the number of hours required for the core competencies, including completion of the International Hearing Society's (IHS) Distance Learning for Professionals in Hearing Health Sciences, the role of the supervisor, and retention period of tracking form.

### **Certification of Training Form**

The Certification of Training Form separates the specific content and hours of training within each of the core competencies in a checklist format. This form is required to be signed by both the hearing aid specialist trainee and the supervisor certifying the specific content and hours in the training program have been completed.

### **Hearing Aid Specialist Practical Training Tracking Form**

Hearing Aid Specialist Practical Training Tracking Form tracks training hours and content on a daily basis and weekly basis to assist the hearing aid specialist trainee and supervisor in completing the required Certification of Training Form.

## **ADDITIONAL DISCUSSION:**

### **4) Trainee Supervisory Requirements**

Defer to the legislation and rules committee, the supervisory requirements issue. The committee reviewed trainee registration requirements listed within Oregon Administrative Rule (OAR) 331-610-0020. This rule states the agency will authorize an Oregon licensed hearing aid specialist to act as a designated supervisor of a trainee provided the licensee: holds a valid license, has been actively practicing for at least three years, and has not had any disciplinary action or civil penalty imposed by the agency. The committee recommends changing the administrative rules for supervisory requirements to include:

- 1) Completion of the IHS Distance Learning Program for Professionals in Hearing Health Sciences for supervisors who have multiple trainees fail the examination **or** are current licensed hearing aid specialist for three years with National Board Certification and no history of multiple violations within the previous three years, **and**
- 2) Current licensed hearing aid specialist for four years and no history of multiple violations within the previous three years.

#### **5) Pathways for Licensure**

Defer to the legislation and rules committee to add a pathway for licensure for individuals who have equivalent experience and training.

#### **6) Examination Passing Rate**

Defer to the legislation and rules committee to increase the practical examination passing score; the committee reviewed the pass/fail ratios for the practical portion of the examination, noting the average passing rate for the last three years is 95% for sections P1 and P2 and 64% for the P3 section; the committee recommends, with the increase in training requirements, increasing the examination passing score from 70% to 75%.

#### **7) Oregon Administrative Rule 331-640-0020; Audiometric Testing Equipment**

Defer to the legislation and rules committee, to add language to the administrative rules regarding audiometric testing equipment; the committee reviewed the administrative rule referencing audiometric testing equipment and recommends adding the word “comprehensive” to the rule language to read as follows:

##### **331-640-0020**

##### **Audiometric Testing Equipment**

Licensed hearing aid specialists shall maintain audiometric testing equipment, currently used in the practice of administering evaluations, in proper working order at all times and shall be prepared to provide their record of at least annual **comprehensive** calibration to a representative of the agency when so requested, upon inspection, or during an investigation conducted by the agency.

#### **Council Discussion Before Motion:**

Plapinger asked Murphy, under the new proposed model, what the training process would be. Murphy replied the trainee, under direct supervision, would concurrently be working on both theory and practical portion. The trainee would never be working with patients without direct supervision until training is completed (both theory and practical) and the trainee obtains a temporary license.

Frink explained how the proposed training hours were derived. 520 hours are 40 hours per week for 13 weeks which is a minimum of three full months of training just to achieve the 520 hours. The theory portion is an additional 30 hours with testing along the way. Frink further explained that sometimes trainees do not see patients full time so it could easily take longer to acquire all the hours, especially if only working part-time.

Gustafson explained the committee has created a Certification of Training worksheet for the supervisor to be able to check off as the training is being completed. In addition, the tracking form must be maintained by the supervisor for a period of two years after the trainee has completed the training

program and provided to the agency upon request.

Murphy remarked that the committee at this point had not recommended that the theory portion be completed before the practical but the issue may be something the legislation and rules committee may wish to discuss.

Kocer explained the International Hearing Society's (IHS) *Distance Learning Program for Professionals in Hearing Health Sciences*. Kocer stated at this time there are seven books in the program including the outer ear, middle ear, inner ear, specified disorders, masking, sterilization, safety and sanitation. After each module is a test that has to be completed and passed before trainees receive their certification. She mentioned 46 states are currently using the IHS examination for licensure and each state has its own practical.

Frink clarified a portion of the trainee supervisory requirements for when a supervisor has multiple trainees fail the examination. Frink believed to have the supervisor take the entire IHS *Distance Learning Program for Professionals in Hearing Health Sciences* was too punitive. Frink explained if a supervisor had multiple trainees failing on, for example, the masking part of the test, then the supervisor would be required to take continuing education for that portion of training only. Murphy stated that this could also be another issue the legislation and rules committee could discuss.

**MOTION:**

Don Cloutier made a motion to approve the committee's recommendations with a second by Scot Frink. The motion passed unanimously.

After the vote Patnode explained to the council that probably at the next council meeting Sellers would bring a administrative rule schedule that would show the comment period, hearing period, and proposed legislative and rules committee meeting dates. Once the schedule was established the legislation and rules committee would start to meet. Patnode cautioned council members to remember that they are making a time commitment if they volunteer to be on the legislation and rules committee today. There will probably be at least three meetings in the coming winter of 2011. The committee will bring its recommendations to the full council once the committee has heard all the comments and reviewed the hearing report.

Plapinger thanked the Education and Examination Committee for all its efforts and said it did a great job. This is a great first step. To come to this increase in hour requirements is significant.

• **2011 Chair/Vice-Chair**

Nominations were held for chair and vice-chair.

Scot Frink nominated Don Cloutier for Chair. There were no other chair nominations.

Don Cloutier nominated Martha Kocer for Vice-Chair. There were no other vice-chair nominations.

**MOTION:**

The board voted unanimously for Don Cloutier for 2011 Chair.

The board voted unanimously for Martha Kocer for 2011 Vice-Chair.

- **2011 Committees**

2011 Committees	
Practice and Procedures	Scot Frink, Garry Harris, M.D., Don Plapinger
Enforcement	Don Cloutier, Scot Frink, Martha Kocer
Education/Examination	Don Cloutier, Scot Frink, Martha Kocer
Legislation/Rules	Don Cloutier, Scot Frink, Don Plapinger
Customer Connection	Garry Harris, M.D.

- **2011 Council Meeting Dates**

Everitt recommended the council meet at least three times a year instead of the two times they currently meet. Once the council starts meeting in committees they are probably going to wish to bring those committee recommendations to the full council as soon as possible.

**MOTION:**

Don Cloutier made a motion with a second by Scot Frink to approve three annual meetings starting at 1 pm with approval of the following dates: February 25, 2011, June 6, 2011, and September 9, 2011. The motion passed unanimously.

- **2011 Examination Dates**

Proposed examination dates by the agency for the hearing aid specialist practical are: January 27, 2011, April 7, 2011, July 21, 2011, and October 6, 2011. Arrangements have been made for the practicals to be held at the Red Lion Hotel, 3301 Market St. NE, Salem, Oregon.

**MOTION:**

Garry Harris made a motion with a second by Fred Peters to accept the proposed dates for the practical examinations. The motion passed unanimously.

### **5. Public Comment /Other Council Business**

Cloutier commented about the motion from last meeting to make a rule change where the ear mold would not be part of the hearing aid sale. The motion had died for lack of a second. Cloutier asked if he could make the motion again. Frink pointed out that the change that Cloutier is asking for would take a legislative change and could not be changed by rule. Currently, stated Frink, any associated costs of a hearing aid sale, whether it is ear molds, testing or whatever can be part of that non-refundable fee. Frink stated that technically you could charge a patient for ear molds but the total costs of whatever you charge them cannot exceed the ten percent rule or \$250 per instrument rule. Frink stated if you wish to extract hearing aids out of that non-refundable amount it would require a legislative change. That is one of the reason the motion had died for lack of a second.

Frink remarked that he would like to bring up for future meeting discussion the issue of continuing education. Questions of concern surrounding the quality of education have been voiced over continuing education credits. Many specialist, Frink continued, are gaining their continuing education hours strictly by going to manufacturers of hearing instruments. There is a much broader base of education needed besides just learning how to fit using the current software. Frink stated currently the requirement for continuing education hours is 24 hours every other year and of those hours the state already has a restriction of six hours in business practices. Frink proposed adding a minimum of six hours in areas not directly related to physically fitting hearing aids. Frink gave examples of other areas of study more science related such as

anatomy, physiology, and physiological issues. Sellers asked if the council would like to refer the issue of minimum hours of continuing education credits to the education and examination committee.

**MOTION:**

Garry Harris made a motion with a second by Martha Kocer to send the issue of continuing education hours restrictions to the education and examination committee for further discussion. The motion passed unanimously.

Cloutier recommended Chris Gustafson as a potential subject matter expert to work with the regulatory operations division. Gustafson replied that he would apply when there was an opening and he appreciated the vote of confidence.

Don Cloutier made a motion with a second by Garry Harris to move the ear mold non-refundable charge issue to the legislation and rules committee for further discussion. The motion passed unanimously.

Kocer suggested the agency needs to create a consumer's rights booklet so consumers understand their legal rights. Frink acknowledged that the consumer's rights are spelled out in contract but perhaps the consumer needs one more brochure or something to initial that they truly understand their rights. Frink mentioned that the state of Washington has a requirement that the consumer initial their contracts besides signing. Frink stated that may be a legislative change. Sellers suggested referral to the legislation and rules committee for discussion and reference to another committee if appropriate. Frink stated the agency does currently have a tri-fold brochure. We could require that the brochure must be given to the consumer with an initial on the contract that the consumer has received the brochure.

**MOTION:**

Scot Frink made a motion with a second by Garry Harris to move the issue of an additional signed acknowledgement of the protection of consumer's rights to the legislation and rules or other appropriate committee for further review and discussion. The motion passed unanimously.

Plapinger expressed his appreciation to the other committee members and Chris Gustafson for the mentoring and educational 9 ½ years he has enjoyed as a council member.

Frink thanked Plapinger and Peters for giving their time and efforts to the council and assured both of them that all their efforts and contributions were deeply appreciated. The other council members concurred.

**6. Executive Session-Place Holder**

The council did not enter into executive session.

The meeting adjourned at approximately 4:12 pm.