Oregon Health Licensing Agency (OHLA)
ADVISORY COUNCIL ON HEARING AIDS

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1:00 pm Friday, October 2, 2009
700 Summer Street N.E., Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT
Donald Plapinger, Chair
Don Cloutier, Vice-Chair
Fred Peters
Tricia Leagjeld-Storch
Martha Kocer

MEMBERS ABSENT
Scot Frink

GUESTS PRESENT
Real Time Captioner
Christopher Gustafson

OTHERS PRESENT
Randy Everitt, Director
Larry Peck, Licensing Manager
Samantha Patnode, Policy Analyst
Sinnamon Harris, Board Specialist
Amanda Perkins, Board Specialist
Kraig Bohot, Public Information Officer
Mike Simpson, Quality and Statistical Analyst
Tim Molloy, Regulatory Operations Manager
Sylvie McMillan, Business Services Manager

Minutes were revised on November 4, 2010, by Samantha Patnode, Policy Analyst, to reflect discussion related to 2011 Legislative discussions.

Call to Order
Donald Plapinger, Chairperson, called the meeting of the Advisory Council on Hearing Aids to order at 1:04 pm on Friday, October 2, 2009, at the Rhoades Conference Room, located in the Oregon Veterans' Affairs Building, 700 Summer Street NE, Salem, Oregon.

Introduction of Randy Everitt

I - Approval of Agenda
MOTION
Don Cloutier made a motion with a second by Martha Kocer to approve the agenda for October 2, 2009. The motion passed unanimously.

II - Approval of Minutes
Minutes from February 27, 2009 were reviewed and posted to web after the meeting.

III - Reports

A. Director's Report

Randy Everitt, Director, opened by emphasizing that the Oregon Health Licensing Agency's (OHLA) primary objective is public safety. He informed the board that the agency is here to provide adequate information in order to guide them in a productive, congenial, and collaborative way. He also stated that OHLA will be clear and transparent regarding the budget and that the council will be participants in budget conversations and decisions. He stated that OHLA wants to encourage open discussions and that he and staff are always available to assist whenever it is needed.

1) Outreach and Communication

Kraig Bohot, Public Information Officer, provided information regarding the Department of Consumer Business Services (DCBS) license directory. This portal provides a single information source for Oregon licenses, certifications, permits, and registrations. Bohot also spoke about the quarterly newsletter "What's Up at DAS" (Department of Administrative Services). It featured Oregon's upcoming "Transparency" Web site that provides easy public access to information on state agencies' revenues, expenditures, contracts, staff salaries, etc. Bohot closed by quickly addressing agency closures due to furlough days.

B. Administrative Services Division

1) Statistical Report

Mike Simpson, Quality and Statistical Analyst, presented an overview of statistics relating to the board. Statistics included were licensing and examination statistics, active license trends, proposed and final orders, age diversities, and Web site traffic. Mike provided the board with the report, and a copy was placed in council documents for retention. Mike proposed that the agency construct some fee scenarios, and to meet with council member/s to discuss.

2) 2009 Annual Performance Report

Mike Simpson presented an annual performance progress report for the fiscal year 2008-2009, and proposed key performance measures for biennium 2009-2011. Simpson provided the board with these reports, and copies were placed in council documents for retention.

C. Regulatory Operations Division

Tim Molloy, Regulatory Operations Manager, reported enforcement activity received since the last board meeting. Tim stated the agency had received 16 complaints. Eleven of these complaints were service related, three were licensing related, one was sanitation related and one was a critical sanitation. File numbers 09-5594, 09-5711, 09-5606, 09-5719, 09-5607, 09-5729, and 09-5628 were unfounded. File number 09-5710 was determined with out action. File numbers 09-5577, 09-5721, 09-5621, 09-5742, and 09-5664 were resolved. File number 09-5707 was determined with a civil penalty but after talking with the respondent and correcting the issue of the complaint the civil penalty was withdrawn and the case closed. File numbers 09-5665 and 09-5746 are service related complaints that are still currently being investigated.

D. Licensing/Policy Division

1) 2009 Legislation

Samie Patnode, Policy Analyst, provided an overview of 2009 legislation.

HB 2058B Passed – Standardizes health profession regulatory boards and removes certain boards from jurisdiction of Department of Human Services (DHS).

HB 2059B Passed – Requires health professional licensees to report prohibited or unprofessional conduct of another licensee to regulatory board responsible for licensee. Punishes failure to report by maximum of $720 fine. Requires board to report prohibited conduct to law enforcement agency. Requires licensee arrested for felony or convicted of misdemeanor or felony to report conviction or arrest to licensee's board.

HB 2118C Passed – Requires OHLA to investigate complaint against health regulatory board licensee, applicant or other person alleged to be practicing in violation of law. Requires that public members of health professional licensing boards review investigatory material and report concerning complaint against licensee. Allows health professional regulatory board to obtain fingerprints for purpose of conducting criminal background checks on board employees, volunteers or applicants for employment. Allows board to release or withhold personal electronic information i.e. address, personal telephone number for person licensed by board. Requires release of information if request for information is made for public health or state health planning purpose. Specifies that health professional regulatory board has continuing jurisdiction over person notwithstanding change in licensing status of person. Requires Director of OHLA to prepare periodic reports regarding licensing, monitoring and investigative activities of agency and submit reports to Governor.

HB 2243B Passed – Changes name of Board of Examiners of Nursing Home Administrators to Nursing Home Administrators Board. Establishes OHLA as provider of administrative and regulatory oversight and centralized service for board.

HB 2345C Passed – Directs DHS to establish or contract to establish impaired health professional program. Specifies components of program. Directs DHS to contract with independent third party to establish monitoring entity for impaired professionals. Specifies duties of monitoring entity. Authorizes health profession licensing boards to participate in impaired health professional program. Specifies procedures by which board may refer licensee to program. Prohibits boards from establishing alternate impaired health professional programs. Requires Department of Human Services to report on program to Governor, Legislative Assembly and health profession licensing boards on or before January 31, 2011. Deletes existing impaired professional programs of health profession licensing boards. Applies to licensees identified by health profession licensing boards, and disciplinary proceedings commenced, on or after July 1, 2010.

HB 3232C Passed – Continues to unify the central agency model to maximize the benefits of economies of scale, regulatory consistency among multiple professions, and accountability to Oregon consumers and the agency's licensees. The measure strengthens the agency's ability to take appropriate action to ensure consumer protection, improving business practices, setting appropriate educational standards and professional accountability, improving customer service.

HB 2242 – Failed

2011 Legislation
The council discussed the need for the Legislation and Rules Committee to meet and discuss future statutory language regarding education and training requirements for hearing aid specialists. The discussion may include reciprocity requirements, practical and theory hours and a two-year associate degree. The council reviewed the current membership of the Legislative and Rules Committee. The council requested Chris Gustafson be added to the committee as a Subject Matter Expert.

The Legislation and Rules Committee agreed to meet on January 22, 2010, at 1 pm. The agency requested the committee schedule an additional meeting on February 26, 2010, at 9 am for additional revisions if necessary. This meeting would be held prior to the regularly scheduled council meeting at 1 pm.

2) Change in Requirements for Audiologists

OHLA and the Board of Examiners for Speech-Language Pathology and Audiology (BSPA) have been working collaboratively to accommodate audiologists who, as of January 1, 2010, will no longer be required to be licensed hearing aid specialists. This change in licensure requirements is due to the passage of House Bill 3232 in the 2009 Legislative Session. OHLA and BSPA will work collaboratively on all complaints related to audiologists and hearing aid specialists when appropriate.

3) Agency Permanent Administrative Rules

Presented by Samie Patnode, the Permanent Administrative Rules address requirements for completion of a fingerprint and criminal background check and amendments pertaining to application requirements and procedures for issuing and renewing authorizations to practice. The rules also clarify requirements for acceptable documentation and personal identification of applicants to strengthen applicant licensure qualification criteria.

4) National Examination Requirements – OAR 331-610-0040

Samie Patnode addressed current requirements in order to obtain licensure in Oregon when coming from another state. Currently, after OHLA determines training and/or licensure qualifications, the applicant is required to take and pass both the national written examination and the Oregon Laws and Rules examination even if they have taken the national written exam in another state previously. Patnode proposed the question, why are applicants being required to retake the national written exam in Oregon if they have already taken and passed it. After discussion and review of OAR 331-610-0040, which outlines examination/licensing requirements, the council determined that a person obtaining licensure in Oregon that has taken and passed the national written examination in another state is not required to retake the national written exam.

MOTION
Donald Cloutier motioned to approve the business practice to not require an applicant to retake the national written examination if they have taken and passed the national written examination in another state. Martha Kocer seconded the motion. Motion passed unanimously.

IV - Items for Board Action

A. 2010 Council Meeting Dates

MOTION
Don Cloutier motioned to approve the proposed 2010 board meeting dates: February 26, 2010 and October 1, 2010. Martha Kocer seconded the motion. Motion passed unanimously.

B. 2010 Subcommittees

MOTION
Don Cloutier motioned to keep sub-committees as they currently are with the exception of removing Christopher Gustafson from the Public Protection and Safety committee. Trisha Leagjeld-Storch seconded the motion. Motion passed unanimously.

Sub-Committee List	
Examination	Don Cloutier, Scot Frink, Martha Kocer
Legislation and Rules	Scott Frink, Don Plapinger, Don Cloutier
Education/Curriculum/Continuing Education	Scott Frink, Don Cloutier, Marha Kocer, Christopher Gustafson - consultant
Public Protection and Safety	Fred Peters, Tricia Leagjeld-Storch
Enforcement	Scott Frink, Don Cloutier, Don Plapinger
Communication Committee	Fred Peters, Tricia Leagjeld-Storch
Customer Connection	Fred Peters

C. 2010 Chair and Vice-Chair

MOTION
Martha Kocer motioned for Donald Plapinger to remain chair and Donald Cloutier to remain vice-chair. Donald Cloutier seconded the motion. Motion passed unanimously.

D. 2010 Examination Dates

MOTION
Tricia Leagjeld-Storch motioned with a second by Martha Kocer to approve the following proposed 2010 examination dates:

January 7, 2010
April 8, 2010
July 22, 2010
October 7, 2010

Motion passed unanimously.

Free Hearing Test Requirements

The agency recommended that the council adopt a position statement regarding free hearing tests. This position statement clarifies that a hearing aid specialist that advertises or promotes "free" hearing tests must provide a copy of the hearing test (known as an audiogram) to the consumer free of charge. The position statement does not prevent hearing aid specialist from charging professional fees for hearing tests as specified in Oregon Administrative Rules (OAR)331-601-0000(22b).

The agency will notify all audiologists licensed as hearing aid specialists who have renewed or received initial licensure between July 1, 2009 to December 31, 2009, that they are eligible to receive a partial refund.

MOTION
Don Cloutier motioned to adopt the recommended position statement regarding free hearing tests. Martha Kocer seconded the motion. Motion passed unanimously.

V – Public Comment
No public was provided.

VI – Executive Session
No executive session at this time.

VII – Other Board Business
No other board business at this time.

A. Board Interest File
No items were place in board interest file at this time.

Don Plapinger, Chair, adjourned the Advisory Council on Hearing Aids meeting at 3:13 pm.

Prepared by: Amanda Perkins, Board Specialist