



HEARING AID DISPENSERS MEETING MINUTES

June 12, 2013

Department of Consumer Affairs
2005 Evergreen Street
"Hearing Room"
Sacramento, CA

Committee Members Present

Deane Manning, Chair, Hearing Aid Dispenser
Marcia Raggio, Dispensing Audiologist
Amnon Shalev, Hearing Aid Dispenser
Alison Grimes, Dispensing Audiologist
Jaime Lee, Public Member

Staff Present

Annemarie Del Mugnaio, Executive Officer
Claire Yazigi, Legal Counsel
Breanne Humphreys, Program Manager

Committee Members Absent

Rodney Diaz, Otolaryngologist

Board Members Present

Patti Solomon-Rice, Speech-Language Pathologist
Carol Murphy, Speech-Language Pathologist

Guests Present

Cindy Beyer, HearUSA
Jami Tanihana, HearUSA
Tricia Hunter, HHP CA
Linda Pippert, Alpha Vista Services, CSHA
Meghan Giffin, Alpha Vista Services
Jean Jackson, EBS Healthcare
Dennis Van Vliet, Audiologist

I. Call to Order

Chairperson Manning called the meeting to order at 1:40 p.m.

II. Introductions

Those in attendance introduced themselves.

Chairperson Manning appointed board members Marcia Raggio and Jaime Lee to the Committee to meet the Committee structure as defined in statute.

III. Approval of the January 10, 2013 Hearing Aid Dispensers Committee Meeting Minutes

M/S/C: Grimes/Raggio

The Committee voted to accept the minutes of the January 10, 2013 Committee minutes as amended.

IV. Review Proposed Amendments Regarding the Hearing Aid Dispenser’s Advertising Regulations and Related Guidelines (California Code of Regulations Section 1399.127)

Ms. Del Mugnaio referenced the proposed regulatory amendments as provided in the meeting materials. She stated that the Committee had asked Ms. Del Mugnaio and Ms. Yazigi to modify the language from the January 2013 meeting to reflect the provisions that apply to dispensing audiologists and to conduct research regarding the advertising provisions for Dispensing Opticians.

Ms. Yazigi explained that the Dispensing Optician is a business not an individual. The advertising provisions apply to companies not individuals and as such are not consistent with advertising regulations for hearing aid dispensers and dispensing audiologists.

Ms. Del Mugnaio explained the provisions apply only to advertisements published on behalf of a licensee. However, there is a catchall provision that prohibits corporations or any business from advertising in a false and misleading manner.

Ms. Grimes requested that the word “only” be inserted before the type of hearing test that may be performed by a hearing aid dispenser in the proposed provision, *“For hearing aid dispensers, if advertising a hearing test, state that such test is being performed **only** to properly fit, and sell hearing aids.*

M/S/C: Grimes/Lee

The Committee moved to recommend to the Board that the Board approve the proposed text with the insertion of the word “only” in subdivision (b)(2) and notice the proposed changes for a 45-day public comment period and delegate to the Executive Officer the authority to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period and further delegate the authority of the Executive Officer to make any technical and non-substantive changes that may be required in completing the rulemaking file.

V. Development of a Proposed Standard of Care Document for the Practice of Hearing Aid Dispensing

Ms. Del Mugnaio explained that the draft document included in the meeting materials is intended to be a guideline for expert witnesses to reference when evaluating standard of care issues in Board enforcement cases.

Ms. Grimes inquired whether the document is intended to apply to both hearing aid dispensers and audiologists.

Ms. Del Mugnaio stated that it may apply to both in the selection and fitting of a hearing aid.

Ms. Grimes stated that it seems reasonable that the standard of care of scope of practice for hearing aid dispensers should be derived from the blue print of the hearing aid dispensers’ examinations.

Ms. Del Mugnaio explained that the outline was developed based on the hearing aid dispenser’s examination validation study. She pointed out a few grammatical changes and requested the Committee

review the section on under “Fitting Verification and Measurement” and decide whether speech mapping and real ear measurement are acceptable in terms of industry standards.

Ms. Tricia Hunter inquired whether the document is intended to document a scope of practice and if it is, there may be a legal challenge since the document is not a regulation or statute.

Ms. Yazigi explained that the document should not reflect a scope of practice, but a reference document with points of discussion for experts to rely on when determining whether they believe a deviation of standard of care exists. She stated the document preamble should be changed to reflect the information as a content guideline for experts.

Ms. Del Mugnaio explained that the Board needs to develop a guidance document to assist experts in enforcement proceedings.

Ms. Grimes suggested that the scope of the project be clearly defined as writing a scope of practice document is an extremely complex and time-consuming project.

Ms. Grimes suggested that the Committee members provide individual comment on the document to Ms. Del Mugnaio and that the collective suggestions be brought back to the Committee for review.

Ms. Del Mugnaio stated that she would email the document to the Committee members and summarize the comments received to be presented at the October Committee meeting.

VI. Review of Approved Continuing Education Courses for Hearing Aid Dispensers on Related Professional Topics

Ms. Del Mugnaio referenced a continuing education (CE) table, as included in the meeting materials, listing Board approved courses and providers. She referenced courses that are approved but may not be discipline-specific, rather the courses are “related” to the practice of hearing aid dispensing. Ms. Del Mugnaio further stated that the courses listed in the document that are currently defined as “manufacturer” courses would no longer be acceptable if the proposed regulatory changes are adopted. She commented that there may be an issue with hearing aid dispensers finding applicable or approved CE courses. She explained that the document is informational only.

Ms. Grimes suggested that the Board be open to expanding the CE regulations to accept more self-study hours since there are many quality and comprehensive courses being offered through self-study.

Ms. Del Mugnaio stated that the Board should move to the next agenda item since the discussion is transitioning to regulatory provisions and not individual courses.

Tricia Hunter and Ms. Raggio both commented that they have no issue with the CE course offerings at their respective association conferences. They commented that the providers are receptive to developing courses that are educational and not product specific and are eager to provide information on technological advances in a general format.

VII. Consider Proposed Amendments to Continuing Education for Hearing Aid Dispensers (California Code of Regulations 1399.140-1399.144)

Ms. Del Mugnaio explained that in reviewing the proposed regulatory changes, she noted a few inconsistencies. She stated that courses in business practices are listed as outside the acceptable course content area, but the term business practices appears in other provisions as applicable.

Ms. Del Mugnaio made note of the suggested substantive changes to proposed regulations:

- Section 1399.140 (a) - Changing the operative date in subdivision (a), to reflect January 1, 2015, to allow for ample time for licensees to comply with the new provisions once adopted.
- Section 1399.140(b)- Establishing that course completion documents shall be maintained for 2 years, which is consistent with speech-language pathologists and audiologists.
- Section 1399.141(a)(1) - Striking “business practices” from the required description of course content.
- Section 1399.141(a)(2)- Striking “business practices” from the indirect client care course examples.
- Section 1399.141(a)(3) – Striking neurological disorders from the examples of related courses.
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Ms. Grimes advocated for removing the limit on self-study and add language to require that each self-study course have a mandatory post-test the licensee must complete to obtain credit for the course.

Ms. Grimes inquired whether there is a regulation requiring that CE courses be open to all licensees.

Ms. Del Mugnaio confirmed that there is a regulation requiring that CE courses be open to all licensees.

Chairperson Manning and Mr. Shelev commented that the balance between the nine (9) hours of live courses and the three (3) hours of self-study is an appropriate balance.

Ms. Raggio stated that she receives positive feedback about the in-person presentations from attendees of the professional conference.

Ms. Yazigi suggested the following changes:

- Add clarifying language be added to Section 1399.140(a)(2) explaining which courses are not subject to the three (3) hour self-study limitation.
- Add the word “as” to Section 1399.141 (a)(1) in the section...*shall be current practices “as” related to the fitting of hearing aids.*
- Amend Section 1399.141(a)(4) to refer to the training and experience in teaching courses....and delete the term “certification” from that provision.
- Make grammatical changes to Section 1399.141(c) regarding the notification of the final decision within ten (10) days of the appeal.

M/S/C: Grimes/Raggio

The Committee recommended to the full Board that the proposed CE regulations for hearing aid dispensers be adopted as amended (see amendments above).

Ms. Del Mugnaio requested the Committee to review a CE chart included in the meeting materials that will be posted on website to inform licensees of the current CE requirements and that being proposed in the regulatory amendments.

Chairperson Manning adjourned the meeting at 3:32 p.m.