

**Oregon Health Licensing Agency
Advisory Council on Hearing Aids
Minutes of March 9, 2007**

MEMBERS PRESENT

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

MEMBERS ABSENT

Scott Frink, Hearing Aid Specialist

REALTIME RECORDER

LNS Court Reporting and Captioning

STAFF PRESENT

Susan Wilson, Director
Larry Peck, Regulatory Operations Division Manager
Samantha Patnode, Council Liaison

GUESTS

Andy Evans, Hearing Loss Association of America
Paul J. Willoughby, Audiologist
Nancy Dunn, Chair, Board of Examiners for Speech-Language &
Pathology and Audiology
John McCulley, Oregon Speech Hearing Association
Scott Austin, Hearing Aid Specialist

CALL TO ORDER

The meeting of the Advisory Council on Hearing Aids convened at 1:15 p.m. on March 9, 2007, at the Oregon Health Licensing Agency in the Rhoades Conference Room, 700 Summer Street NE, Suite 320, Salem, Oregon, by Chairperson, Christopher Gustafson.

APPROVAL OF AGENDA

MOTION

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

APPROVAL OF MINUTES

MOTION

Mr. Cloutier made a motion and Mr. Peters seconded to approve the minutes of October 6, 2006. The motion passed with Mr. Cloutier, Mr. Gustafson, Mr. Peters, Ms. Leagjeld-Storch, and Mr. Plapinger voting aye.

REPORTS

Revenues & Expenditures

Ronald Riggs, Fiscal Services Division Manager, provided members with an overview of the Board's fiscal status including revenue and expenditures for July 1, 2005 – January 31, 2007, reporting a \$135,916 cash balance.

Online Renewals

Mr. Riggs stated there were a total of 59 online renewals from December 2006 through January 2007 for cosmetology. Mr. Riggs stated that an incentive for renewing online will be offered next biennium and individuals will have the capability of late renewal of licenses using the online (electronic payment) service. Mr. Plapinger inquired if the hearing aid fees will be decreased to \$25. Mr. Riggs stated that the subcommittees did not approve the uniform fee package, and it doesn't appear likely to pass the full committee; however, based on the current cash balance there may be a fee decrease.

Compliance

Mike Tryon, Chief Enforcement Officer, reported the Advisory Council on Hearing Aids percentage of overall OHLA complaints received for 2006.

January 1 through December 31, 2006:

- Total Number of Licenses – 389
- Total Number of Complaints – 21
- Overall Percent of OHLA Complaints – 8%

He presented statistical complaint information for January 1, 2006 through December 31, 2006;

January 1, 2006 to December 31, 2006

Hearing Aid Complaints Received – 21

Audiologists Licensed as Hearing Aid Specialists Complaints Received - 3

Proposed Orders – 4

Final Orders – 2

Mr. Tryon reported the Advisory Council on Hearing Aids percentage of overall OHLA complaints received for 2007 to date.

January 1, 2007 to Date

- Total Number of Licenses – 381
- Total Number of Complaints – 0
- Overall Percent of OHLA Complaints – 0%

He presented statistical complaint information for January 1, 2007 to date January 31, 2007;

January 1, 2007 through January 31, 2007

Hearing Aid Complaints Received – 0

Audiologists Licensed as Hearing Aid Specialists Complaints Received - 0

Proposed Orders – 0

Final Orders – 0

Mr. Tryon drew the Council's attention to a summary of the 2 complaints closed since the October 6, 2006, council meeting.

He provided an overview of telephone inquiries regarding contract agreements and rescission rights received since the October 6, 2006 council meeting.

- 15 telephone inquiries regarding hearing aid contracts and consumer rights;

- 11 telephone inquiries responding to general requests such as licensee and complaint verification, rule clarification, and other questions;
- 26 total telephone inquiries.

Mr. Tryon presented a four year comparison report detailing the increase and decrease in complaints received, the ratio of complaints per licensee base, and orders written for 2003 to 2006.

Advertising Violation in Phone Directory

Mr. Tryon pointed out 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". The BSPLA review was conducted to verify compliance with ORS 681.250(2) and OAR 335-005-0025 requiring businesses who advertise under the "Audiology" section to have an audiologist on staff.

Licensing

Ms. Murphy, OHLA Licensing Manager, reported on statistics for January 1, 2006 through December 31, 2006 which reflects the licensing total for the following areas.

January 1, 2006 to December 31, 2006

Hearing Aid Specialists

- Original Licenses Issued – 30
- Licenses Renewed – 357
- Late renewals – 51
- Total – 387

Audiologists Licensed to Sell Hearing Aids

- Original Licenses Issued – 14
- Licenses Renewed – 145
- Late renewals – 16
- Total – 159

Temporary Licenses

- Original Licenses Issued – 15

She reported on statistics for January 1, 2007 through January 31, 2007 which reflects the licensing total for the following areas.

January 1, 2007 to January 31, 2007

Hearing Aid Specialists

- Original Licenses Issued – 3
- Licenses Renewed – 59
- Late renewals – 3
- Total – 62

Audiologists Licensed to Sell Hearing Aids

- Original Licenses Issued – 1
- Licenses Renewed – 23
- Late renewals – 2
- Total – 22

Temporary Licenses

- Original Licenses Issued – 0

Continuing Education Audit

Ms. Murphy stated that during the October 6, 2006 Council Meeting, the Council was provided with a status

report of the 2005 continuing education audit. She reported each licensee was sent an audit notification letter requiring them to submit verification of completion of 12 hours continuing education. She reported that out of the 25 licensees audited, all submitted the required number of continuing education hours.

Ms. Murphy pointed out a letter OHLA sent to all audiologists licensed to dispense hearing aids. She explained that OHLA notified the BSPLA that the continuing education (CE) hours obtained for license renewal to practice Audiology under ORS 681 would be recognized and accepted by OHLA as meeting the annual 12 hour CE requirement for license renewal to dispense hearing aids under ORS 694. Mr. Plapinger asked if the courses, subjects and meetings approved by the BSPLA would be accepted; Ms. Murphy confirmed those would be accepted without further review or undergoing another approval process by OHLA.

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.

She reported the examination results for January 1, 2006 through December 31, 2006:

- NIHIS Examination
Number Conducted – 5
Percent Passing – 71%
- Oregon Laws and Rules Examination
Number Conducted – 45
Percent Passing – 67%
- Audiologist Taking the Oregon Laws and Rules Examination
Number Conducted – 23
Percent Passing – 61%
- Practical Examination – 1A Audiometric Testing
Number Conducted – 23
Percent Passing – 91%
- Practical Examination – 1B Masking
Number Conducted – 24
Percent Passing – 67%
- Practical Examination – 2 Earmold Impressions
Number Conducted – 18
Percent Passing – 78%
- Practical Examination – 3 Fitting and Selection
Number Conducted – 24
Percent Passing – 50%

She reported the examination results for January 1, 2007 through January 31, 2007:

- NIHIS Examination
Number Conducted – 6
Percent Passing – 100%
- Oregon Laws and Rules Examination
Number Conducted – 7
Percent Passing – 71%
- Audiologist Taking the Oregon Laws and Rules Examination
Number Conducted – 1
Percent Passing – 100
- Practical Examination – 1A Audiometric Testing

- Number Conducted – 6
- Percent Passing – 100%
- Practical Examination – 1B Masking
 - Number Conducted – 6
 - Percent Passing – 100%
- Practical Examination – 2 Earmold Impressions
 - Number Conducted – 7
 - Percent Passing – 100%
- Practical Examination – 3 Fitting and Selection
 - Number Conducted – 9
 - Percent Passing – 33%

Ms. Murphy clarified questions on the pass/fail ratio. Ms. Murphy reported the January 11, 2007 examinations were held at Portland State University, Smith Memorial Center Portland, Oregon, noting that the examination results will be mailed upon receipt of scores from the International Hearing Society (IHS). Six candidates were scheduled for the written segment of the examination and seven were scheduled for the practical portion, of which the candidates completed the following exams:

Written Examination:

- Six took the entire examination as an initial attempt;

Practical Examination:

- Six took all sections as their initial attempt;
- One re-took the earmold impression and hearing aid fitting and selection

Ms. Murphy reported the October 12, 2006 examinations were held at Portland State University, Smith Memorial Center Portland, Oregon, noting that the examination results were mailed to the candidates. Three candidates were scheduled for the written segment of the examination and five were scheduled for the practical portion, of which the candidates completed the following exams:

Written Examination:

- Two took the entire examination
- One re-took the IHS portion of the examination

Practical Examination:

- Two candidates were scheduled to take all sections of the practical examination
- One candidate re-took the audiometric (P1) section
- One candidate re-took the audiometric (P1) section and hearing aid fitting and selection
- One candidate re-took the hearing aid fitting and selection (P3) section.

Ms. Gustafson inquired on the number of questions on the Oregon Law/Rules section of the examination; Ms. Murphy stated there are 20 questions on the exam. In response to inquiry as to why audiologists have a predominantly higher fail rate on the Oregon Law/Rules section, Ms. Murphy explained that individuals are not studying the laws/rules in preparation for the examination, and having failed the examination, they study and then are passing without difficulty. Council members discussed the additional time to process retakes, expense to candidates to retake the exam and candidates' lack of preparedness.

Members suggested increasing the time lapse between examinations to a month as incentive to study, and also recommended that after the second failure to pass the examination the candidate be required to retake the entire HAS examination (written and practical). Ms. Gustafson suggested providing notice to candidates regarding the lack of study as the main reason for the high failure rate of the Oregon Law/Rules section. Mr. Paplinger suggested that individuals wait three months to retake a failed Oregon Law/Rules section and that the financial impact may be incentive to study and pass the test. Ms. Wilson stated it would require a rule change. Mr. Gustafson recommended deferring the issue to the Rules Committee when the rules are opened for review, and that the Committee consider imposing a time delay of one month between exam

retake and that upon failing the Oregon Law/Rules section a second time the candidate be required to retake the entire examination.

Ms. Murphy pointed out the Examiner Confidentiality Statement and noted the following guidelines have been developed for individuals contracted through Oregon Hearing Aid Society (OHAS) to adhere to when serving as an examiner at the Hearing Aid Specialist practical examination. She noted the agency requests compliance regarding the following guidelines:

- Limit conversation with candidates to instructions or clarification directly related to the examination process.
- Avoid giving any verbal indication or insinuation of candidate's performance (success or failure) on the examination
- Write any comments or notations related to your evaluation of the candidate's performance on the score sheet.
- Avoid coaching or prompting the candidate during any phase of the examination.
- Do not discuss the examination, candidate's performance, or results of examination with a candidate at any point during or after the examination process.
- Refer any calls you may receive from candidates about the examination or their performance to the agency

Outreach and Communication

Kraig Bohot, OHLA Communications Officer, presented the OHLA board and council orientation video. He explained that the volunteer citizens that serve on eight different boards and councils are invaluable regulatory resources, providing professional knowledge and a consumer perspective. Mr. Bohot stated that the video and handbook highlights the roles and responsibilities of volunteer citizen boards and council members, the OHLA regulatory model and professions, and legislation and administrative rulemaking, and additional resources.

Mr. Bohot thanked members of OHLA's Customer Connection Committee for reviewing the handbook.

Mr. Bohot thanked Chris Gustafson for participating in the video and thanked Don Plapinger for helping with the presentation at Hearing Loss Association of Oregon.

Ms. Patnode pointed out to the Council a fact sheet on Monitoring of Purchase Contracts and noted that it is also on the Web site. She provided a Medical Evaluation Waiver Be Granted Only to Adults regulatory reminder that was sent to all hearing aid specialists. She announced the next Hearing Loss Association meeting is March 17, 2007 at the Umpqua Community College Campus Center.

Legislation

Ms. Wilson explained that she presented an OHLA Agency Profile before the Ways and Means Subcommittee on Education on January 22, 2007, to acquaint members with the agency model and answer questions, as a precursor to the budget hearing held February 14, 2007, to address specifics of the budget and review the agency's policy packages. Ms. Wilson noted that although both presentations went well she was blind-sighted by the Legislative Fiscal Analyst's recommendation presented on February 15 during the Committee Work Session. The LFO Analyst did not recommend approval of the agency's personnel

package, requesting 5 additional positions, and the uniform fee package.

Ms. Wilson stated that the LFO Analyst did not received critical information requested and the communication disconnect seriously hampered understanding the agency's enforcement workload and staffing needs. She reviewed actions taken to correct the unfinished staff work and provide the Analyst and Committee with the requested data. She noted that there was a slight chance to amend LFO's recommendation as the budget goes to the full Ways and Means Committee. She stated that efforts would continue to secure approval of the agency's budget and policy packages. Ms. Wilson answered questions from members and pointed out the meetings she held during 2006 and 2007 with key stakeholders to discuses the personnel package and uniform fee proposal.

Ms. Wilson provided a copy of the agency's testimony and background information on how a bill becomes a law. She thanked the Council for writing and calling legislators in support of the uniform fee bill. Ms. Wilson noted the following Senate Bills:

- Senate Bill 40 – Allows licensed hearing aid specialists to certify individuals as eligible to receive assistive telecommunications devices or adaptive equipment through Telecommunication Devices Access Program. Mr. Plapinger pointed out on (4) that the audiologist definition is incorrect, because audiologist may not have a Certificate of Clinical Competence.
- Senate Bill 14 – Requires health benefit plans to provide coverage for hearing aids for children.

Mr. John McCulley from the Oregon Speech and Hearing Association commented that the insurance company's cover a single cochlear implant, and this bill will allow for a bilateral cochlear implant to be covered by insurance.

Public Comment

Mr. Andy Evans, Hearing Loss Association of Oregon, thanked OHLA and the Board for the nice work done on the board/council orientation video.

Council Interest File

Mr. Gustafson addressed the Council Interest File

Mr. Gustafson mentioned that an associate degree program for hearing aid specialist in Oregon should be reviewed as well as other certificate based programs and 2-year degree programs. Mr. Willoughby stated that Washington is the only state that requires an associate degree. Ms. Wilson stated that there are two training institutions, one in Washington and Bates College. Mr. Gustafson suggested raising current entry requirements (requiring high school diploma and passing the exam) to completing prescribed education related to the industry. Ms. Wilson suggested considering the private career school model with a prescribed curriculum, but not at the associate degree level. Mr. Gustafson stated that the difference between private career school and a regular two-year community college program will include math, english, science, psychology classes to attain the degree. Mr. Peters suggested researching the different training models. Mr. Willoughby stated that an individual cannot take the national examination until they have practiced in the field for two years. Mr. Gustafson stated that the NBC exam has changed its model to an onsite testing program provided at 250 test sites throughout the country, including one in Salem. Mr. Gustafson stated the NBC exam and board certification is also being considered as part of the requirements.

MOTION

Mr. Peters made a motion and Mr. Cloutier seconded it, to send review of the associate degree program for hearing aid specialists in Oregon to the Education Committee. The motion passed with Mr. Cloutier, Mr. Gustafson, Mr. Peters, Ms. Leagjeld-Storch, and Mr. Plapinger voting aye

Ms. Patnode stated that notice will be sent to all hearing aid specialists of the committee meeting.

Meeting was adjourned at 2:38 p.m.

Samantha Patnode, Board Liaison