

KENTUCKY LICENSING BOARD OF HEARING INSTRUMENT SPECIALISTS
BOARD MEETING MINUTES

February 4, 2011
2:00 PM

A regular Board meeting of the Kentucky Licensing Board for Specialists in Hearing Instruments was held at the Office of Occupations and Professions located at 911 Leawood Drive in Frankfort, KY.

BOARD MEMBERS PRESENT

Steve Clark
Gerry Gordon Brown
Debra Drewry
Faron Blakeman
Lisa Nelson Brown
Michael Hoagland
Peter Pearlman

OCCUPATIONS & PROFESSIONS STAFF

Shannon Tivitt, Executive Director
David Garr, Deputy Executive Director
Carolyn Benedict, Board Administrator

BOARD MEMBERS NOT PRESENT

Greg Osetinsky, M.D.
Arthur Azar

OFFICE OF THE ATTORNEY GENERAL

Angela Evans – Assistant Attorney General

CALL TO ORDER

Mr. Clark called the meeting to order at 2:00 PM.

APPROVAL OF MINUTES

The minutes from the December 9, 2010 meeting were reviewed. Mr. Pearlman made a motion to approve the minutes with amendments. Mr. Hoagland seconded the motion. The motion carried.

FINANCIAL STATEMENT

Following the review of the financial statement, Mr. Hoagland made a motion to accept the financial statement as submitted. Ms. Brown seconded the motion. The motion carried.

EXECUTIVE DIRECTOR'S REPORT

Ms. Tivitt introduced herself to the Board. Mr. Garr informed the Board that the Kentucky State Board for Proprietary Education was currently undergoing an audit. He stated there was a 32 question questionnaire that Boards would have to complete if they had to undergo one as well. Mr. Garr offered to let Board members see a copy of the questions so they could familiarize themselves with them should an audit occur. Board members said they would like to have it emailed to them. Mr. Garr said he would send it to Ms. Benedict for distribution.

OLD BUSINESS

Mr. Clark reminded Board members that Mr. Blakeman and Mr. Pearlman were continuing with the revision of the Laws and Regulation portion of the written exams. They hope to have it ready for the Board to review at the April 7, 2011 Board meeting.

The discussion with regard to when refunding 90% of the purchase price to a consumer takes effect. Does it take effect "upon receipt" of the hearing instrument, as the statute states, or does it take effect at the time of purchase when the purchase agreement is signed? Following a lengthy discussion Mr. Pearlman made a motion that the Board's policy was to be that prior to the actual receipt of a hearing aid a consumer was entitled to 100% of their money back. Ms. Brown seconded the motion. The motion failed with 4 members voting against the motion and 3 members voting in favor.

NEW BUSINESS

Mr. Clark stated that new Board officers were to be elected at the first meeting of the year and opened the floor for motions. Mr. Pearlman nominated Mr. Clark to continue serving as the chair. Ms. Brown seconded the motion. The motion carried. Mr. Blakeman nominated Mr. Hoagland as vice chair. Mr. Pearlman seconded the motion. The motion

carried. Finally, Mr. Pearlman nominated Ms. Brown to continue serving as the secretary. Mr. Blakeman seconded the motion. The motion carried.

Mr. Hoagland discussed proposed revisions to statutes KRS 367.110 - 300 related to advertising. Mr. Hoagland stated that this law was adverse to current telemarketing laws Dispensers currently operated under. He asked that the Board continue to track the law and take action if needed.

Mr. Blakeman stated that there was a new product, made by Envoy Medical, being marketed as Esteem. He stated that it was a product actually implanted in the ear drum. Board members expressed concern regarding safety issues.

COMPLAINTS

The following report and recommendations were made by the Complaint Committee:

10-04 – Ongoing – Charges Filed

10-05 – Ongoing – Charges Filed

10-09 – Dismissed - Committee's recommendation seconded by Mr. Hoagland. Motion carried

11-01 - Ongoing

Janice Keen – Ongoing

APPLICATION REVIEW

The application committee made a recommendation that the following applications be approved:

Jonathan E. Ater – Under the sponsorship of Marsha Mattingly

Bradley Ferguson – Under the sponsorship of Gregory Blevins

Theresa L. Keen – Under the sponsorship of Lisa Hinton

Lisa S. Schultz – Under the sponsorship of Robert Holland

Ms. Brown seconded the motion. The motion carried.

CONTINUING EDUCATION

Mr. Pearlman made a motion that the following be approved:

BelTech-Modification and Repair for up to 5 hours

ProFit 2011 for up to 5 hours

Ms. Gordon-Brown seconded the motion. The motion carried.

APPROVAL OF TRAVEL AND PER DIEM

Mr. Pearlman made a motion to approve the travel and per diem. The motion was seconded by Mrs. Gordon-Brown. The motion carried.

NEXT MEETING

Mr. Clark reminded the board that the next meeting is scheduled for Thursday, April 7, 2011. The complaint committee will meet at 12:30 p.m. with the regular meeting of the board beginning at 2:00 p.m. Licensing exams will be administered on Friday, April 8, 2011 at the Transportation Cabinet Conference Center. Exams are to begin promptly at 8:30 a.m. Board members are encouraged to arrive by 8:00 a.m.

ADJOURNMENT

Having no further business before the Board, Mr. Pearlman made a motion that the meeting would be adjourned at 3:45 p.m. The motion was seconded by Ms. Gordon-Brown. The motion carried.

Approved
April 7, 2011