

BOARD OF HEARING AID SPECIALISTS
GENERAL BUSINESS MEETING
Telephone Conference Call
PHONE NUMBER: (888) 670-3525
PARTICIPANT CODE*: 4552635641
October 25, 2017 at 10:00 a.m. EST

I. CALL TO ORDER

The meeting was called to order on Wednesday, October 25, 2017 at 10:00 a.m. EST by Mrs. Leanne Polhill, Board Chair.

ROLL CALL

Those present for all or part of the meeting included the following:

Members Present:

Leanne E. Polhill, HAS, Chair
Randy Ellsworth, HAS, Vice-Chair
John Fischer, HAS
Douglas Moore, HAS
Maria Hernandez

Marlene Stern, Esq. Board Counsel
Jennifer Wenhold, Executive Director
Abigail Chapman, Regulatory Supervisor
Court Reporter: For the Record Reporting,
Jessica Renchen
(850) 222-5491

Staff Present:

Thomas Hollern

Members Absent:

Robert Pickard, MD
Pamela Dechmerowski, HAS

II. APPROVAL OF MINUTES

A. August 15, 2017 General Business Meeting Minutes

The minutes of the August 15, 2017 general business meeting were reviewed and following review, the Board took the following action:

Motion: by John Fischer to approve the minutes as presented.

Second: by Maria Hernandez.

Vote: unanimous.

III. PETITION FOR DECLARATORY STATEMENT

A. Allegro Credit, Petitioner - Section 484.053(1), F.S.

The Petitioner, Allegro Credit, was represented by counselors Justin Hosie, Esq. and Erica Kramer, Esq. Petitioner filed a petition seeking a Declaratory Statement to be issued by the Board in order to answer the question presented as to whether the Petitioner must also be licensed as a hearing aid specialist under Section 484.053(1), F.S., in order to originate leases of hearing aids through licensed specialists. Petitioner cites applicable laws as Section

484.053(1)(a), F.S., Section 484.041(3), F.S., and Section 484.0401, F.S., and given the language of the cited statutes, contends that the Petitioner is not required to also obtain a Hearing Aid Specialist license when it will merely originate leases for those hearing aids chosen and fitted with the assistance of a Licensed Specialist who is solely responsible for conducting and interpreting hearing test for purposes of selecting suitable hearing aids, making earmolds, or ear impressions, and providing appropriate counseling to customers. The Petitioner seeks a Declaratory Statement from the Board confirming that it need not be licensed as a Hearing Aid Specialist in order to originate the leases through licensed specialists in Florida.

After discussion, the Board took the following action:

Motion: by John Fischer to approve the Petition and respond in the affirmative to confirm that the Petitioner need not be licensed as a Hearing Aid Specialists in order to originate the leases of hearing aids through licensed specialists in Florida.

Second: by Randy Ellsworth.

Vote: 5/1.

IV. RULES DISCUSSION

A. 64B6-4.002, F.A.C. Examination and Re-examination fees

A letter was received from Marjorie C. Holladay with the Joint Administrative Procedures Committee in response to the proposed rule. Mrs. Stern provided a rule draft for the Board's consideration.

Following discussion, the following action was taken by the Board:

Motion: by Randy Ellsworth to approve the amended draft language with the additional deletion of Rule 64B6-4.002(3), F.A.C.

Second: by John Fischer.

Vote: unanimous.

SERC: Statement of Estimated Regulatory Costs

Motion: by Randy Ellsworth that this proposed rule amendment has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of this rule being filed.

Second: by John Fischer.

Vote: unanimous.

Motion: by Randy Ellsworth that the proposed amendment to this rule would not constitute a minor violation.

Second: by John Fischer.

Vote: unanimous.

V. REPORTS

A. Marlene Stern, Esq., Board Counsel

i. Annual Regulatory Plan

Mrs. Stern provided the Annual Regulatory Plan for the period beginning October 1, 2017 and ending September 30, 2018 for the board members' review and ratification.

Motion: by John Fischer to approve the ratification of the Annual Regulatory Plan.

Second: by Thomas Hollern.

Vote: unanimous.

ii. Rules Reports

Mrs. Stern provided a monthly rules report for October 2017 for the board members' review.

B. Jennifer Wenhold, Executive Director

i. Financial Reports

a. Budget Report – Expenditures by Function

Mrs. Wenhold provided budget information for period ending June 30, 2017 for the Board's review.

b. Two Year Cash Analysis

Mrs. Wenhold provided a two year cash analysis with correspondence from Mendy Simmons, Senior Health Budget Analyst, for the Board's review.

c. Financial Reports – MQA Annual Report for FY16/17

Mrs. Wenhold provided financial reports included in the Medical Quality Assurance annual report for FY16-17, which include FY16-17 report of revenues, expenditures and cash balance by profession; projected six year cash balance; and Expenditure by Function report with correspondence from Mendy Simmons, Senior Health Budget Analyst, for the Board's review.

ii. Legislation

a. SB 280: Relating to Telehealth

Mrs. Wenhold discussed 2018 legislation. SB 280 is a bill filed on telehealth creating Section 456.4501, F.S.; defining terms, establishing the standard of care for telehealth providers, authorizing telehealth providers to use telehealth to perform patient evaluations as well as the incorporation of additional provisions in Chapter 456, which will apply to all the boards.

C. Leanne E. Polhill, Chair Report

Mrs. Polhill discussed an increase in legislative efforts such as SB 280 to ensure the Board's practice act is current and that there will be a potential impact to hearing aid specialists in the future. She expressed the need for the Board in conjunction with professional associations in Florida to evaluate and update the governing laws and rules for the profession.

VI. ADJOURNMENT

Meeting adjourned at 11:45 a.m. EST.