



Arkansas Board of Hearing Instrument Dispensers

Regular Meeting
Friday, August 7th, 2020 | 10:30 A.M
Freeway Medical Center | ADH Rm. 903
5800 W. 10th Street | Little Rock, AR 72204

Minutes

Attendees Present

- Greg Smith, Chairman
- Mark Oyler, Secretary/Treasurer
- Louis McGrail, Au. D, Audiologist
- Randy Fore, Vice-Chairman
- Vicki Howard, Licensed Dispenser (via. Phone)
- Dillard Martin (via. Phone)

Others Present

- Matt Gilmore, ADH
- Joe West, Assistant Attorney General

The Secretary/Treasurer performed a Role Call. Stephanie Pratt, the Executive Director, is out sick. A quorum was met. The Chairman called the meeting to order at 10:33 AM.

Review of Minutes:

Motion: To approve the Board Meeting Minutes from May 12th, 2020, by Louis McGrail. Seconded by Randy Fore. Motion Passed.

Election of Officials:

Motion: To Re-elect Greg Smith as Chairman of the Board, by Vicki Howard. Seconded by Randy Fore. Motion Passed.

Motion: To Re-elect Randy Fore as Vice Chairman of the Board, by Mark Oyler. Seconded by Vicki Howard. Motion Passed.

Motion: To Re-elect Mark Oyler as the Secretary/Treasurer of the Board, by Randy Fore. Seconded by Vicki Howard. Motion Passed.

Commentary and Rules:

Joe West announced that the Board Submitted its Rules before Legislation and they were Approved on September 27th, 2019, and that the Governor Approved the Rules in May of 2020.

Joe West goes on to relay that there were 7 individuals who submitted comments that were received during the Commentary Period from June 13th, 2020 to July 14th, 2020, and 1 individual who commented after.

The first comment is from Dan DeLong pertaining to Article XVI. Joe West explains that this law is set by the Statue and controlled by the State. The Second comment comes from Dan DeLong pertaining to Article XI, Section 3, concerning HIPPA concerns. Joe West explains that this law is set by the Statue and controlled by the State. Vicki Howard also spoke about Mobile Units.

The third comment comes from Tammy Payne pertaining to Article VIII, Section 3, over CEU Approval concerns. Joe West Explains that language been amended to mirror the AR Code. The fourth comment comes from Tammy Payne regarding Article IX, Section 2. The fifth comment comes from Tammy Payne regarding Article IX, Section 6, pertaining to fee concerns.

The sixth comment pertains to Article XI, Section 3, that Tammy Payne and Dan DeLong both addressed. Joe West assures there are no HIPPA Violations. Dr. Louis McGrail speaks over Operator Concerns and Inspections.

The seventh comment refers to Article XII, Section 3. Joe West explains that this is a Language clean up. Refer to AR Code 17-84-309.

The eight comment refers to Article XII, Section 5, with HIPPA concerns raised. Randy Fore and Mark Oyler both spoke on the Specialty of our Profession. It is a *Health* Profession. Refer to AR Code 17-84-309.

The ninth comment is from Jason Massey, pertaining to Article XII, Section 5 and 6. Concerns about HIPPA and Disciplinary Action. Joe West explains that it's just a language clean up.

Chairman, Greg Smith, speaks on the Profession. He states the *most* is not *all* State Board's are governed by individuals who are Active in "said: industry. Examples given were the Nursing Board and the Psychology Board.

The tenth comment pertains to Article IX, Section 4, verification of calibrations pending HIPPA.

The eleventh comment is regarding to Article IX, Section 6. HIPPA concerns were addressed again. Issues with preexisting language were amended.

The twelfth comment is regarding Article XI, Section 3, with concerns raised about the investigating process.

The thirteenth comment pertains to Article XV. There were concerns about this Article but it is preexisting law. Refer to AR Code 17-84-309.

The fourteenth comment is regarding Article XVI, over the Reciprocity Clause. Joe West explains that it is established by Act 420, Mandated by Legislation to implement some sort of Reciprocity.

The Fifteenth comment comes from Shelly York, concerning the Intern to Sponsor ratio. Concerns were raised that the ratio is going from 2:1 to 1:1. The Board commented on the beneficial aspects and the “Stronger Supervision” that will be maintained. Refer to AR Code 17-84-309.

The sixteenth comment dealt with Article VI, questions about Teleconference/Video Monitoring of Interns.

The seventeenth comment pertains to Article VII, Section 2, on. The Article has been amended to mirror AR Code 17-84-309. Testing is done more than once a year (usually) which is more than the AR Code requires. This is done as a courtesy, by the Board.

The eighteenth comment raised more concerns about Interns based off pre-existing language.

The nineteenth comment pertains to Article VII, Section 5. Joe West explains this is a language clean up.

The twentieth comment pertains to Article VIII, Section 2, B. Joe West explains this is a language clean up. Refer to Article III, Section 5.

Motion: Motions by Louis McGrail to Remove the Reference of \$300, in Section 2. Seconded by Greg Smith. Motion Passed.

The twenty-first comment was regarding Article VIII, Section C. Language clean up. Renewing after a 60 Day period will require an Individual to re-test to become Licensed once more. Mirrors AR Code 17-84-309.

The twenty-second comment was over Article VIII, Section 3, concerning CEU approval. Refer to AR Code 17-84-309.

The twenty-third comment referred to Article VIII, Section A, regarding Ethics and CEU Ethics to be obtained annually.

The twenty-fourth comment referred to Article VIII, Section 5, concerning Inactive Status for Licenses and CEU’s for Inactive Licensees.

The twenty-fifth comment pertained to Article IX, Section 6, with concerns on HIPPA. Joe West explained that it is just a language clean up.

The twenty-sixth comment discussed Article XI, Section 2. Joe explained that this was a language clean up. Concerns over HIPPA.

Motion: To have the Language changed to “any licensee” or “Intern/Applicant” to “Individual” by Mark Oyler. Seconded by Randy Fore. Motion Passed.

The twenty-seventh comment referred to Article XI, Section 3, with concerns with the Board's Right to investigate Complaints. Refer to AR Code 17-84-309.

The twenty-eighth comment referred to Article XII, Section F, and Section G. Joe West explained that this is a simple language clean up and that no changes are being made.

The Twenty-ninth comment referred to Article XII, Section 9, regarding Investigation Rights. Refer to AR Code 17-84-309.

The thirtieth comment pertained to Article XVI, with concerns requiring three (3) letters of recommendation. Dr. Louis McGrail spoke on the similar requirement for the Audiology Board and that he was required to submit. Greg Smith and Vicki Howard agreed that three (3) letters of recommendation are a reasonable request.

The thirty-first comment covered the Active-Duty Military receiving automatic Licensure vs. Reciprocity according to Act 820 of 2019. Legislative Mandate.

The thirty-second comment came from Dan DeLong. He brings up concerns about Article XI, Section 3, Article XV. Reciprocity was brought up and all backed by the AR Code 17-84-309.

The thirty-third comment came from Arthur Payton and was submitted after June 14th, 2020, but the Board accepted the comments. Article XI, Section 3, Article XV were mentioned with concerns about HIPPA concerns during Investigations. Refer to AR Code 17-84-309.

Joe West spoke about Article XVII and how it relates to the Statue, AR Code 17-84-309.

Motion: To approve the new Laws and Amendments by Louis McGrail. Seconded by Mark Oyler. Motion Passed.

Joe West reviewed the final steps in the Promulgation Process for the "New Rules".

Motion: To authorized Stephanie Pratt or Joe West to prepare the final documents needed for Legislation by Mark Oyler. Seconded by Randy Fore. Motion Passed.

The Chairman Greg Smith commented on the Efforts of the Board and its members. The Chairman commended all who serve the Board.

Dispenser Applications:

Motion: By Mark Oyler to approve Jon Bonenberger's Dispenser Application. Seconded by Louis McGrail. Motion Passed.

Official Board Form Revisions:

Motion: By Vicki Howard to add Calibrations Requirements and Certifications to be sent in with the Dispenser Application. Seconded by Mark Oyler. Motion Passed.

Financial Reports:

Motion: By Louis McGrail to defer the approval and review of May to July Financial Reports due to Stephanie Pratt being absent. Seconded by Mark Oyler. Motion Passed.

Scheduling of Next Meeting:

Motion: By Randy Fore to set the next Meeting Date for October 23rd. 2020, at 10:30 am, location to be determined. Seconded by Louis McGrail. Motion Passed.

Motion: To Adjourn the Meeting by Louis McGrail. Seconded by Randy Fore. Motion Passed.

Meeting Adjourned at 12:26 PM.