



HEARING AID DISPENSERS PRACTICE COMMITTEE MEETING MINUTES

May 19, 2011

Hilton San Diego Mission Valley
901 Camino del Rio South
San Diego, CA 92108
(916) 263-2666

Committee Members Present

Deane Manning, Chair, Hearing Aid Dispenser
Robert Green, Au.D.
Sandra Danz, Hearing Aid Dispenser
Alison Grimes, Au.D.
Rodney Diaz, M.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Diane Dobbs, Legal Counsel
Breanne Humphreys, Staff
Michelle Mason, Staff

Board Members Present

Monty Martin, M.A.

Board Members Absent

Lisa O'Connor, M.A.
Carol Murphy, M.A.

Guests Present

Cynthia Peffers, Hearing Health Care Providers CA
Gail Hubbard, Newport Audiology
Jacque Georgeson, San Diego State University/ California Academy of Audiology
Bob McKinney, California Academy of Audiology

I. Call To Order

Deane Manning called the meeting to order at 1:15 p.m.

II. Introductions

Those in attendance introduced themselves.

III. Status of Proposed Regulation Amendments Pertaining to Continuing Education Requirements for Licensed Hearing Aid Dispensers – California Code of Regulations Section 1399-140-1399.143

Ms. Del Mugnaio explained that the proposed regulations were discussed and voted on at the January 26, 2011 Committee meeting and full board meeting. She stated that the Committee recommended to approve the proposed amendments as presented by staff; however, the

recommendations were subsequently revisited by the Board, and further amendments were recommended to strike language in Section 1399.140(d) authorizing a one-year grace period for a licensed hearing aid dispenser to complete the requisite Continuing Education (CE) in the following renewal period. Ms. Del Mugnaio stated that there was some confusion on the part of some of the Committee/Board members as to whether the provision was an exemption for extenuating circumstances surrounding health issues, military service, or other relocation issues, or merely a grace-period. She explained that subsection (d) was not an exemption or “waiver,” and that Section 1399.144 did provide for a Board-approved waiver for verified health, military service, or a substantiated undue hardship.

Ms. Del Mugnaio also requested that the Committee review the proposed definition of self-study as provided for in Section 1399.140 (a)(2).

Ms. Del Mugnaio stated that she recently received inquiries from members of the profession regarding CE courses that may not be specifically within the scope of practice of hearing aid dispensers but are related topics that provide information that assists the hearing aid dispenser in providing a higher-quality of service to consumers, e.g., pediatric amplification, tympanometry, acoustic neuroma. She referenced the proposed definition of “related” course content in Section 1399.140.1.

Ms. Grimes inquired whether the proposed maximum of three (3) hours in self-study must be in directly relevant course work or whether it could include indirect or related hours.

Ms. Del Mugnaio responded that the maximum of three (3) hours may be in any course content areas.

M/S/C: Grimes/Green

The Committee moved to recommend that the full Board approve the continuing education amendments discussed above and notice the proposed regulatory changes for public hearing.

IV. Status of Legislative Proposal Regarding the Song-Beverly Consumer Warranty Act (California Civil Code Section 1793.02) – Review of Background Document of Consideration of Future Regulatory Action

Ms. Del Mugnaio referenced a draft regulatory proposal she prepared related to the provisions of the Song-Beverly Consumer Warranty Act, which includes information provided by Committee members Robert Green and Deane Manning and incorporates background information regarding longstanding legal issues with how Song-Beverly has been misinterpreted. She stated that the draft regulatory proposal outlines return and refund provisions and would provide an exception/exemption within the Civil Code for right-of-return provisions for hearing aids. Ms. Del Mugnaio stated that the draft proposal is a working document that the Board may present to the Legislature to explain the intent of the amendments to Civil Code Section 1793.02 (i), which would provide the Board with regulatory authority to adopt specific provisions for return and refund policies related to the dispensing of hearing aids. She asked the Committee to review the draft and provide feedback on the working document.

The Committee reviewed the document and suggested the following amendments to the draft regulatory document:

- Provider is permitted to retain an amount not to exceed \$200.00 *per hearing aid* upon return of the device for costs incurred in the dispensing of the hearing aid.
- A provision mandating that the consumer should receive their entitled refund within thirty (30) days from the date the consumer returns the hearing aid to the provider.
- Notification to the consumer by the hearing aid dispenser, *via both telephone and mail contact* that a repaired hearing aid device is ready to be retrieved by the consumer.
- Clarification of “tolled” status, which occurs only when the hearing aid is returned to the hearing aid dispenser and/or manufacturer for repair and is not in the possession of the consumer. “Tolled” status does not include an office visit where an adjustment to the device is made by the hearing aid dispenser.

Ms. Del Mugnaio stated that the Board was not able to secure an author for the legislative proposal, as the amendments are not deemed omnibus in nature. She stated that the Hearing Health Care Providers CA has agreed to seek an author for the proposal, with support from the Board and the California Academy of Audiology.

V. Hearing Aid Dispensers Examination Program – 2011 Occupational Analysis

Ms. Del Mugnaio referenced the announcement and application documents included in the meeting packets, which are currently posted on the Board’s website, requesting interested subject matter experts apply to the Board to serve as experts for the Board’s occupational analysis (OA) project.

Ms. Del Mugnaio stated that the Board will be accepting applications until there are at least 35-40 individuals approved to serve as subject matter experts for the Board.

Ms. Danz inquired whether the Board could offer some incentive for licensees to participate in the OA process by awarding CE to licensees who complete the on-line “knowledge, skills, and abilities” survey.

Ms. Del Mugnaio stated that there may be an avenue for the Board to approve a maximum of two (2) hours of CE as indirect client care activity to licensees who complete the on-line survey.

The Committee adjourned at 2:20 p.m.