



HEARING AID DISPENSERS COMMITTEE MEETING MINUTES

July 26, 2012

Wyndham Garden Hotel
"Aztec Room"
3737 Sports Arena Blvd
San Diego, CA
(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
Claire Yazigi, Legal Counsel
Breanne Humphreys, Staff
Yvonne Crawford, Staff
Ily Mason, Staff

Board Members Present

Monty Martin, M.A.
Carol Murphy, M.A.

Guests Present

Cliff Johnson,
Tricia Hunter, HHP CA
Jacque Georgeson, SDSU
Don Tucker, HHP

I. Call to Order

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

II. Introductions

Those present introduced themselves.

III. Approval of the January 13, 2012 Hearing Aid Dispensers Committee Meeting Minutes

The Committee made minor edits to the minutes.

M/S/C: Grimes/Danz

The Committee voted to approve the minutes as amended.

IV. Review Public Comments to Amendments to the Hearing Aid Dispenser's Advertising Regulations and Related Guidelines (California Code of Regulations Section 1399.127)

Ms. Del Mugnaio reviewed the public comments and recent Board discussion regarding suggested changes to the advertising regulations. The following changes were discussed:

- Place restrictions on advertisements that appear to be a medical research study instead of a marketing strategy.
- Use of the term Audioprosthologist
- Add provisions for including the licensee's name and license number on the advertisements for a specific hearing aid location
- Provide greater clarity on advertising pricing for hearing aids
- Clarify the manner in which professional certifications should be represented to the public

Ms. Del Mugnaio explained that the goal of the Committee is to develop language or advertising concepts that will clarify existing advertising expectations. She stated that she sought comments and suggestions regarding amendments to the advertising regulations from consumer groups, senior groups, members of the Hearing Healthcare Providers (HHP), and members of the California Academy of Audiology (CAA).

Ms. Grimes stated that one of the more egregious misleading advertisements are those which claim that a particular hearing aid can completely eliminate background noise as no existing product has the technology to do that.

Ms. Del Mugnaio responded that any advertisement which makes false claims or creates a false or unjustified expectation of a favorable result is a violation of law pursuant to Business and Professions Code Section 651.

Ms. Grimes inquired regarding the number of complaints the Board receives regarding false or misleading advertisements and whether such complaints are levied by consumers.

Ms. Del Mugnaio stated that a large majority of the complaints received about hearing aid dispensers are relative to misleading advertising, however, such complaints are typically levied by industry professionals.

The Committee determined that the examples as currently provided in regulation are confusing and should be eliminated.

The Committee delegated to Ms. Yazigi and Ms. Del Mugnaio the task of crafting clarifying advertising regulations for review by the Committee members.

Ms. Yazigi asked the Committee for some guiding principles in order to craft amended provisions.

The Committee requested the proposed language be general but provide for implementing language of B&P Code Section 651 regarding misleading advertisements.

Ms. Yazigi stated that she will provide the Committee members with the text of B&P Code Section 651 for reference prior to the next Committee meeting.

V. Update Regarding the Exemption Request of the Federal Drug Administration on Mail Order and Catalog Sales of Hearing Aids (Business & Professions Code Section 2539.2)

Ms. Del Mugnaio stated that the exemption request was mailed to the Federal Drug Administration (FDA) on May 30, 2012 and there has been no response received to date.

Ms. Yazigi commented that the FDA has a regulatory obligation to respond to an exemption request within sixty (60) days.

Ms. Del Mugnaio agreed to follow-up with the FDA.

Ms. Del Mugnaio reported that she has shared the Board's exemption request letter with hearing aid dispensers licensing agencies in other states as well as the International Hearing Society.

Chairperson Manning adjourned the meeting at 2:10 p.m.