

TENNESSEE COUNCIL FOR LICENSING HEARING INSTRUMENT SPECIALISTS

DATE: May 8, 2015

TIME: 9:00 A.M., CT

LOCATION: Health Related Boards
Poplar Room, Ground Floor
665 Mainstream Dr
Nashville, TN 37243

COUNCIL MEMBERS
PRESENT: Thomas Stewart, Hearing Instrument Specialist, Council Chair
Frederick Rayne, M.D
Randy Williams, Hearing Instrument Specialist
Lordy Dell Smith, Consumer Member

COUNCIL MEMBERS
ABSENT: Jerry Hall, Hearing Instrument Specialist

STAFF
PRESENT: Teddy Wilkins, Unit Director
Hannah Lanford, Office of General Counsel
Charles Custer, Board Administrator

Mr. Stewart called the meeting to order at 9:14 a.m. A quorum was present.

Minutes

The Council reviewed the minutes from the March 27, 2015 meeting. Mr. Williams made a motion, seconded by Dr. Rayne, to approve the minutes with a minor change of wording showing Dr. Rayne as absent and not present. The motion carried.

Office of General Counsel

Ms. Lanford advised the Council that the Office of General Counsel has five (5) open cases. There are no consent orders and no agreed orders to be presented to the Council. There is one (1) case that is being contested, and may be presented at the next meeting as a contested case hearing.

Ms. Lanford advised that there is legislation affecting all Health Related Boards, which the legislative liaison is here to discuss.

Rule 1370-02-.06, regarding exam fees has been ratified by the Board of Communication Disorders and Sciences and is now back at the Attorney General's office awaiting approval.

Legislative Report

Valerie Nagoshiner, legislative liaison, spoke to the Council regarding several Senate Bills that affect the Council.

- Public Chapter 154 – This act would allow the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.
- Public Chapter 94 – This act defines “abuse” and “neglect” for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Dept. of Health. It does not impact the

definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days.

- Public Chapter 502 – This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.
- Public Chapter 268 – This act makes disclosures of protected healthcare information permissible in medical malpractice lawsuits.

Investigative Report

Nichelle Dorroh, from the Office of Investigations advised the Council that there are currently seven (7) cases open, and two (2) current reviews in the field.

Financial Report

Mr. Custer presented an explanation from the finance department of how the IHS contract is billed to the Council. This was in response to a question raised at a previous meeting.

Administrative Report

Mr. Custer presented the Administrator's report to the Council, which also included a report on the current status of the Council Operations Fee.

New Licenses

Dr. Rayne made a motion, seconded by Mr. Williams, to ratify the following new license. The motion carried. Mr. Stewart did not vote.

- Cynthia Whiston – 793

Reinstatements

Dr. Rayne made a motion, seconded by Ms. Smith, to ratify the following reinstatement. The motion carried. Mr. Stewart did not vote.

- Kimberly Glynn – 693

Correspondence

The Council revisited the prior letter from Antonieta Slover, who had inquired about the Jurisprudence exam and the wording of some questions. During this discussion, Mr. Custer also advised the Council that there is a Tennessee statute that allows exam applicants to review their exams, if a request is made; and because of that statute, Ms. Slover was within her rights to review the exam, and question the scoring. After discussion, Ms. Smith made a motion, seconded by Mr. Williams, to change the wording of the item in question to reflect the rule, verbatim. The motion carried.

Adjourn

With no other Council business to conduct, Dr. Rayne made a motion, seconded by Mr. Williams, to adjourn the meeting. The motion carried, and the meeting adjourned at 10:05 a.m.

Ratified by the Council of Hearing Instrument Specialists on September 25, 2015