



HEARING AID DISPENSERS PRACTICE COMMITTEE MEETING MINUTES

May 26, 2010

Department of Consumer Affairs
2005 Evergreen Street
"Hearing Room"
Sacramento, CA

Committee Members Present

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

Board Members Present

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

Board Members Absent

Monty Martin, M.A.

Guests Present

Dennis Van Vliet, California Academy of Audiology
Tricia Hunter, Hearing Health Care Providers California
Cindy Peffers, Hearing Health Care Providers California
Jody Winzelberg, California Academy of Audiology
Marcia Raggio, California Academy of Audiology
Rebecca Bingea, University of California, San Francisco

Staff Present

Annemarie Del Mugnaio, Executive Officer
Don Chang, Legal Counsel
Kathi Burns, Board Staff
Cynthia Alameda, Board Staff
Yvonne Crawford, Board Staff
Debbie Newcomer, Board Staff
Lori Pinson, Board Staff

I. Call To Order

Deane Manning called the meeting to order at 1:39 p.m.

II. Introductions

Those in attendance introduced themselves.

III. Discussion Regarding Implementation of Legislation AB 1535 – Assembly Member Jones – Authorization for Audiologists to Dispense Hearing Aids/Merger of the Speech-Language Pathology & Audiology Board and the Hearing Aid Dispensers Bureau – Discuss Necessary Regulation Changes Pertaining to License Renewal Requirements & Continuing Professional Development – California Code of Regulations Section 1399.140-1399.143

Ms. Del Mugnaio explained that in the meeting packet was a proposal related to redesigning the continuing education (CE) program specifically for licensed hearing aid dispensers. She explained the context of the changes as reflected in the March 24, 2010 Hearing Aid Dispenser Committee Meeting Minutes, which included increasing the continuing education hours to twelve (12) hours annually and limiting courses that are not directly related to the practice of hearing aid dispensing. The document in the agenda packet reflected the requested changes and included provisions to define “related” and “indirect client care courses” and places a limit of four (4) hours that may be applied to the requisite twelve hours annually. The Committee also discussed placing a limit on the number of self-study courses that may be obtained.

Ms. Del Mugnaio indicated that the proposal is a draft document, but that she would like to schedule a hearing once the Committee has a final recommendation. Section 1399.140.1 defines direct client care courses as current practices in the fitting of hearing aids. She explained that the indirect client care course definition was modeled after the speech-language pathology and audiology continuing professional development definitions. Ms. Del Mugnaio pointed out that under Section 1399.141, there are examples of courses that are outside the acceptable course content, and that such content includes marketing and sales courses. Proposed amendments were included that would exclude any manufacturer courses where the courses focus on product-specific information in terms of marketing or sales. Existing provisions authorize course hours for the ethics of marketing and advertising or business practices. Under the proposed amendments, courses in ethics would be included under the indirect client care courses.

Discussion ensued regarding courses offered by hearing aid manufacturers that focus primarily on the marketing of new products. The Committee discussed the option of eliminating the approval of courses; however, it was determined that licensees would have difficulty discerning which course content would be deemed acceptable under the new provisions.

Ms. Del Mugnaio indicated that the Board needs to clearly identify which courses are considered marketing by employing subject matter experts (SMEs) who may determine the course relevance and whether the content is deemed directly relevant, related, or indirect client care.

Ms. Del Mugnaio recommended that we continue with course approval in-house and use SMEs to review courses and make recommendations regarding course relevance.

The Committee expressed concerns regarding timely processing of courses. Ms. Del Mugnaio responded that, with the use of four or five SMEs who are familiar with the hearing aid dispensing subject matter, courses could reasonably be approved within 30 days. Additionally, adding the capability of filing applications electronically, with hard copies to follow, would expedite the approval process. The Committee also expressed concern that manufacturer courses are not designed as educational courses that provide an added layer of public protection, but instead, are geared toward the marketing of a particular product and are more of a financial incentive for the manufacturer and provider. It was stated that manufacturer product courses are not prohibited, but all such courses may not apply toward CE hours for license renewal.

M/S/C: Grimes/Green

The Committee voted to approve the CE proposal be accepted with the following amendments: Increase hearing aid dispensing CE hours to 12 hours annually, of which three (3) hours may be in related or indirect client care and an additional three (3) hours in self-study; exclude courses related to personal finances, business matters, marketing and sales, increased profitability, and office operations that are not for the benefit of the consumer; and

specify time frames for approval of CE applications within 30 days as opposed to 45 days. It was also recommended that the proposal be set for hearing.

IV. Review Proposal to Clarify Song-Beverly Consumer Warranty Act (California Civil Code Section 1793.02)

Ms. Del Mugnaio explained the background and history, which included difficulties encountered in enforcing the Song-Beverly Consumer Warranty Act. At the March 24, 2010 Committee Meeting, the Board's Legal Counsel requested that the Board draft proposed changes. Mr. Green agreed to review the provisions that have been difficult to define or interpret. He prepared an overview of other states' provisions regarding the refund and return of hearing aids.

Ms. Del Mugnaio indicated that it would be less challenging to establish time frames than to establish a definition for completion of fitting.

Mr. Green referenced his issue paper, as related to the refund and return policies of other states, and stated that the Board needs to define reasonable time frames for the return of hearing aids for a refund, which services include non-refundable fees (loss to dispensers), and the maximum number of different hearing aid models that may be used by a client on a trial basis.

Ms. Del Mugnaio stated there are four issues of concern related to the enforcement of Song-Beverly provisions:

- time frame of completion of fitting;
- tolling (should this exist or not);
- documentation provided to consumers upon adjustment/return; and
- time frame of adjustment period.

Discussion ensued related to defining time periods for completion of the hearing aid fitting, trial periods/right to return, and unbundling of fees.

Ms. Del Mugnaio requested that Mr. Manning and Mr. Green come up with language to submit to the Board's Legal Counsel before the July 26, 2010 meeting.

Mr. Manning adjourned the meeting at 2:50 p.m.