I OPENING STATEMENT AND ROLL CALL

A regular meeting of the New Jersey Hearing Aid Dispensers Advisory Committee was held at 124 Halsey Street, Newark on the 6th floor on Friday, April 1, 2016. Jennifer Schaal, Chair of the Committee announced that pursuant to the Open Public Meetings Act, notice of this meeting was prepared in the office of the Board and mailed out to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press, and the Trenton Times. The meeting was called to order at 10:00 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

PRESENT
Jennifer Schaal, AuD.
Charles Herb
David Weesner, AuD.

ALSO PRESENT
Debra Levine, DAG
Renee P. Clark, Executive Director
Sonia Claudino, Administrative Staff

II APPROVAL OF MINUTES

A motion was made by David Weesner, seconded by Charles Herb to approve the November 13, 2015 Public Session minutes as written. The motion carried by unanimous vote.
III REGULATORY ANALYST

a. Charles Manning, Regulatory Analyst to discussed:

1. Proposed changes to N.J.A.C. 13:35-8.17 (b) 1&2 (c), (d) & (f) licensing examination approved by the Committee on October 3, 2014 to state (b) that the ILE is The International Licensing Examination offered by the International Hearing Society (IHS) and a jurisprudence examination offered by the Committee testing knowledge relating to the laws and regulations governing the practice of fitting and dispensing hearing aids, © A candidate shall not be eligible to take the jurisprudence or practical examinations until he or she has successfully passed the ILE, (d) In order to pass the jurisprudence examination a candidate shall attain a score of 70 or greater and (f) A candidate who has successfully passed the ILE shall have two years from the date he or she passed the ILE to take and successfully pass the jurisprudence and practical examinations. A candidate who has not passed the jurisprudence and/or practical examinations within this two year time-frame shall be required to re-take the ILE prior to retaking the jurisprudence and practical examination.

After review, a motion was made by Charles Herb, seconded by David Weesner to approve the changes. The motion carried by unanimous vote.

2. Proposed changes to N.J.A.C. 13:35-8.20 (b) and (c) education requirements to state (b) Evidence of 20 documented course hours of continuing education, of which no more than 10 may be completed online, shall be required of each applicant as a condition of biennial license renewal, (c) The number of creditable course hours and course contents must be accepted and approved by the International Institute for Hearing Instruments Studies (IIHIS), the educational arm of the International Hearing Society (IHS), and the Committee.

After review, a motion was made by David Weesner, seconded by Charles Herb to approve the changes. The motion carried by unanimous vote.
III  REGULATORY ANALYST (cont.)

a. Charles Manning, Regulatory Analyst to discussed:

3. Proposed changes to N.J.A.C. 13:35-8.3 (a) 3 & 4 to indicate proof of successful completion of the third year of a doctoral degree in audiology in an American Speech Language Hearing Association accredited college or university after January 1, 2008 and (4) proof of successful completion of a master’s or doctoral degree in audiology from an American Speech Language Hearing Association accredited college or university after January 1, 1993.

After review, a motion to not approve the proposed changes and leave N.J.A.C. 13:35-8.3(a) 3 & 4 as it currently is was made by David Weesner, seconded by Charles Herb. The motion carried by unanimous vote.

b. The Committee reviewed Assembly No. 1553 which eliminates salary for part-time members of certain boards, commissions, and independent authorities.

After review, a motion was made by David Weesner, seconded by Charles Herb to vote against Bill since attending meetings and proctoring examinations takes time out of their practice and therefore causes loss of revenue. The Committee members feel their expertise is needed to protect the consumers. The motion carried by unanimous vote.

IV  NEW BUSINESS

a. Joy Wilkins, Director of Professional Development, International Hearing Society submitted correspondence regarding the Licensing Examination-Updated Competency Model.

The Committee reviewed it for informational purposes.

b. Kristen Olsen Campbell, ScD submitted an inquiry as to whether only individuals who have a hearing aid dispensing license are permitted to clean a hearing aid and that other unlicensed office staff is not permitted to clean hearing aid for patients.

After review and pursuant to N.J.A.C. 13:35-8.8(4), Chair directed to send Ms. Campbell a copy of the regulation which states that the practice of fitting a hearing aid shall include the cleaning, change of design or alteration of an earmold. Therefore, unlicensed office staff is not permitted to clean hearing aids.
V FYI

a. Charles Grant, Department of Health and Human Services, Office of Inspector General submitted information indicating that Marvin A. Kleinman is excluded from participation in any capacity in the Medicare, Medicaid and all Federal health care programs for Audiology.

Chair directed staff to contact Mr. Grant and advise him that Mr. Kleinman should also be excluded from participation for Hearing Aid Dispensing.

VI HANDOUT(S)

a. Linda Tucker, Legislative Chair of the Speech-Language Hearing Association submitted a request of the pass/fail statistics for applicants who took the hearing aid dispensers examination from March 2010 to September 2015.

A motion was made by David Weesner, seconded by Charles Herb to move this item to Executive Session for advise of counsel.

After review, a motion was made by Charles Herb, seconded by David Weesner to send a letter to anyone who the Committee previously provided the statistics to, indicating that the information provided was inaccurate and within the Hearing Aid Dispensing category it is possible that there is an Audiologist not licensed in New Jersey. The Committee’s records currently separate Audiologist if they are licensed in New Jersey. The motion carried by unanimous vote.

After review, a motion was made by David Weesner, seconded by Charles Herb to send Ms. Tucker a letter stating that the Committee received her request and advise her that the previous statistics released were records maintained by the Committee of 1. Hearing aid dispensers and Audiologists not licensed in New Jersey and 2. New Jersey licensed Audiologists and the data previously provided cannot be relied on since the Hearing Aid Dispenser category may include an Audiologist(s) in a Master degree program. In an attempt to rectify the information provided in Exhibit A, the Committee directed administrative staff to create Exhibit B and going forward the data will be kept consistent to Exhibit B. However, the Committee cannot certify to the accuracy due to name changes and other data that the Committee does not collect. The State is not obligated to create a specifically requested format or to do an analysis. However, it will be happy to provide information that is available. Therefore, the Committee is unable to create the document requested in your March 24, 2016 correspondence, (November 10, 2016 correspondence was never received by the Committee). The motion carried by unanimous vote.
VI  HANDOUT(S) (cont.)

b. Marvin Kleinman

DAG Levine wrote a prosecution letter challenging and refuting Mr. Kleinman’s response to the Provisional Order of Discipline Filed on February 25, 2016.

DAG, Goulding appeared to counsel the Committee to finalize the Provisional Order Filed on February 25, 2016. DAG Goulding recommended as per prosecution letter that Mr. Kleinman’s license remain suspended, civil penalty remain in the amount of $30,000.00 Mr. Kleinman is not to be allowed to derive any profit from his Hearing Aid Dispenser business. However, recommendation was made to modify the Provisional Order of Discipline from a 10 year reinstatement application to 5 years. After discussion, a motion was made by David Weesner, seconded by Charles Herb to approve the recommendations. The motion carried by unanimous vote.

c. Charles Herb discussed N.J.S.A. 45:9A-11 contents of examination to include Real Ear. After discussion, Chair directed that Mr. Herb do a demonstration of Real Ear testing at the next scheduled Committee meeting on the components of the Real Ear practical examination. Committee to possibly do a beta testing at the March 2017 examination.

VII  ADJOURNMENT

Charles Herb made a motion to proceed to Executive Session, seconded by David Weesner, to consider and review advertisement, consumer complaints and other information received pursuant to the Committee’s investigative authority in order to determine whether violations of law, including Committee regulations, have occurred. The results of these deliberations will be made known when, and if, the Committee determines to initiate disciplinary or other enforcement actions. If the Committee chooses to issue a Uniform Penalty Letter, the action will be taken in Public Session immediately after the Executive Session. A motion was made by Charles Herb, seconded by David Weesner to adjourn the meeting at 1:00 p.m. The motion carried by unanimous vote.

Respectfully submitted
HEARING AID DISPENSERS EXAMINING COMMITTEE

Renee P. Clark, Executive Director