

Public Session Meeting Minutes

**Board Members Present:**

Loleata Wigall, Vice Chair (LW)  
Eugene Antonell, Secretary (EA)  
Mark Battite, Board Chair (MB)  
Donald Gross Jr. (DG)

**Staff Present:**

Michael Hawley, Executive Director  
Monique Brown, Administrator  
Lynn Read, Board Counsel  
Debra Tata, Investigator

**Members of the Public Present:**

Robert Mario  
Colin MacKenzie  
Sheri Magnacca  
Jennifer Jackson  
Donna Osis

Anthony Daigneault  
James Yeagle  
Angela Hvusovsky  
Gary Ouellette  
Justin Yerina

**Called To Order:**

- The meeting was called to order at 10:07 a.m. by MB.
- The Executive Director reviewed exit procedures in the case of a fire.

**10:15 Stakeholder Outreach Listening Session:**

The board held a listening session for members of the public to comment on the regulations pursuant to Executive Order 562. All members of the public present were invited to comment. One individual requested to speak.

- **Robert Mario of the Mass Hearing Society:** Mr. Mario indicated that he had 3 areas of concern:
  1. He indicated that there should be courses available for continuing education credit on the topic of state regulations. He said that such education should be a requirement for renewal of licenses. He indicated that the Massachusetts Hearing Society would be willing to develop or help develop such a course. If it did so, the course would be open to all members of the public and not just members of the Massachusetts Hearing Society.
  2. Mr. Mario indicated that there is a growing movement to require all licensees to achieve at least two years of college credit before obtaining a license. The Massachusetts Hearing Society supports this requirement. Many states, Mr. Mario asserted, require two year degrees. Mr. Mario's proposal was for the Commonwealth to require only two years of credit and not a degree of any kind.
  3. Mr. Mario also expressed concern that there are other available outlets for members of the public to obtain hearing aids. He also cited concern over language in a bill that would allow Emergency Medical Technicians to repair hearing aids. Unregulated, the repairs could also involve adjustments to the hearing aids. Mr. Mario indicated that the language regarding repairs is ambiguous. He did not have the number of the bill as the bill is currently being renumbered.

Mr. Mario's commentary concluded at 10:20. The Board asked whether any other members of the public present wished to speak. Hearing no response, the Board Chair indicated that the Board would proceed with other open meeting business but would resume the listening session if, at any time prior to 11:00 a.m., a member of the public arrived for the listening session or if any of those present changed his or her mind and wished to offer comments on the regulations.

**Board Business:**

- Report from Executive Director, Michael Hawley
  - Mr. Hawley reported that configuration sessions for E-Licensing are about to begin. The HE board system is scheduled to be implemented in February of 2016.
  
- Report from Legal Counsel Lynn Read
  - Ms. Read outlined the work that counsel for each board in the Division has conducted pursuant to Executive Order 562 to take a preliminary inventory of all regulations. She described next steps, including drafting potential changes to the Board's regulations for deliberation by the Board at upcoming meetings. The deadline to complete the review is March 2016.
  
- Introduction of Rob Fortes, Deputy Director
  - Mr. Fortes greeted the Board members and briefly described his role as Deputy Director for Policy and Boards.

**Review Meeting Minutes:**

**DG moved to accept the minutes from the April 17, 2015 board meeting. LW seconded. The Motion passed unanimously.**

**Application Review:**

At 10:30, DG recused himself from discussion of Mr. Yerina's application, indicating that he was acquainted with the applicant. DG left the meeting.

- **Justin Yerina**- Mr. Yerina holds a license from Vermont and has applied for reciprocal licensure. The Board was not able to determine whether Mr. Yerina had taken the WRITE OUT : International Hearing Society ("IHS") examination; but determined that he is otherwise qualified for licensure. **LW moved to require that Mr. Yerina submit documentation of his exam score on the IHS exam. If he can show proof of a satisfactory score, he may proceed with the licensing process without taking the IHS exam again. If he is unable to submit the proof or if the score does not meet the Board's requirements, Mr. Yerina will be required to take the examination. MB seconded. The motion passed unanimously.**

At 10:43, DG returned to the meeting.

- **Stephen Tarr**- Mr. Tarr holds active licenses in Florida, Colorado and Illinois and has applied for reciprocal licensure. He has been practicing actively for Six years. **LW moved to allow Mr. Tarr proceed with the licensing process without taking the IHS exam. DG seconded. The motion passed unanimously.**
  
- **Sheri Magnacca**- Ms. Magnacca practices in Canada and holds the require certificates to practice there. He was disciplined (fined) by the Association of Hearing Instrument Practitioners of Ontario for a violation of the code of professional conduct. Ms. Magnacca has applied for reciprocal licensure. The Board asked about the discipline and Ms. Magnacca indicated that it was for a 2012 incident in which she was involved in marketing to the patients of an audiologist. Ms. Magnacca described the incident and showed that she has paid the fine and remains in good standing with the Association of Hearing Instrument Practitioners of Ontario. **DG moved to allow Ms. Magnacca to proceed with the licensing process without taking the IHS exam. LW seconded. The motion passed unanimously.**

Board of Registration of Hearing Instrument Specialists  
1000 Washington Street 1<sup>st</sup> Floor Room 1C, Boston, MA 02118

Date: July 17, 2015 Time: 10:00 am

- **Colin MacKenzie**- Mr. MacKenzie appeared and asked the Board to accept the Vermont licensure exam in lieu of the IHS exam. The Board indicated that the exams are not similar enough to allow this. Mr. MacKenzie inquired about whether the Board would extend his apprenticeship. He was informed that the Board cannot, under the regulations, extend an apprenticeship if the apprentice has completed one year of full time work.

**Apprenticeship Extension Requests:**

- **Donna Osis**- Ms. Osis has taken and failed the IHS exam four times. She has completed her apprenticeship and is ineligible to renew. **LW moved to allow Ms. Osis to begin the process to undertake a new apprenticeship. DG seconded. Motion passed unanimously.**

At 11:35, DG recused himself from discussion of Mr. Ouellette's application, indicating that he was acquainted with the applicant. DG left the meeting.

- **Gary Ouellette**- Mr. Ouellette has taken and failed the IHS exam four times. He has completed his apprenticeship and is ineligible to renew. **MB moved to allow Mr. Ouellette to begin the process to undertake a new apprenticeship. LW seconded. Motion passed unanimously.**

At 11:40 DG returned to the meeting.

**Wall Certificates:** Wall certificates were signed for the following new licensees:

- Tina Gardella
- Timothy Kelley
- Kristen Kemos
- Brook Totman

**Open Session for Topics not reasonably anticipated 48 hours in advance meeting:**

The board briefly discussed the comments offered in the regulatory outreach session. The Board was concerned that increasing the licensure requirements may create the kind of barrier to business that executive order 562 was designed to alleviate. The Board agreed with the need for regulatory training and discussed various ways this might be accomplished. The idea of some type of state sponsored training was discussed. There was also discussion of hearing aid repairs with a mention of Federal government tracking of hearing aid parts.

**Cases, Investigative Conference [Closed session pursuant to G.L. c.112 §65C]:**

**DG moved to enter Investigative Conference: Closed session pursuant to M.G.L. c. 112, § 65C. The motion was seconded by EA. Motion passed unanimously.**

At the end of the investigative session, the open meeting resumed.

During the Investigative Conference the Board voted to take the following actions:

- HE-14-004 – dismiss with advisory
- HE-15-001 – dismiss with advisory

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- HE-15-002 – dismiss with advisory
- HE-15-010 – forward to Office of Prosecutions
- HE-15-002 – forward to Office of Prosecutions

**12:30 p.m. Adjournment:**

**DG moved to adjourn the meeting. LW seconded. Motion passed unanimously.**

Respectfully Submitted,



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Michael Hawley  
Executive Director

**Documents used in Public Session:**

- Copy of April 14, 2015 draft Board Meeting Minutes
- Copy of Justin Yerina's Application
- Copy of Sheri Magnacca's Application
- Copy of Steven Tarr's Application
- Letter from Donna Osis requesting apprenticeship extension
- Letter from Gary Ouellette requesting apprenticeship extension
- Wall Certificates