



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

Commonwealth of Massachusetts
Bureau of Health Professions Licensure
Board of Registration of Hearing Instrument Specialists
250 Washington Street
Boston, MA 02108

Public Meeting Minutes

January 17, 2025

A public meeting of the Massachusetts Board of Registration of Hearing Instrument Specialists (the Board) was held remotely with video and audio conference as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain State of Emergency Accommodations, signed into law on July 16, 2022.

Lisa Guglietta, Executive Director, informed attendees that the meeting was being recorded.

Rony Soto, Chair, noted a quorum of members present via video or phone and called the meeting to order at 9:07 a.m.

MEMBERS PRESENT

Dana Mario
Rony Soto
Elizabeth Adebayo
Paul Beckner
Heather Hanley

MEMBERS ABSENT

none

STAFF PRESENT (AT VARIOUS TIMES)

Lisa Guglietta, Board Executive Director
Katie Goldrick, Board Associate Executive Director
Sheila York, Esq., Board Counsel

ATTENDANCE:

Rony Soto, Chair, took attendance by roll call and a quorum of board members was recorded with the following members present via video conference: *Mario, Soto, Adebayo, Beckner, Hanley*

APPROVAL OF AGENDA:

Rony Soto, Chair, made a motion to approve the January 17, 2025 meeting agenda. Thereafter a motion was made by Elizabeth Adebayo, seconded by Heather Hanley and VOTED (roll call); **to approve the October 18, 2024 agenda as drafted.**

in-favor: Soto, Adebayo, Beckner, Hanley, Mario (advisory vote)

opposed: none

ELECTION OF CHAIR:

Rony Soto called for nominations for Board Chair. Heather Hanley nominated Rony Soto for Chair and Dr. Dana Mario seconded the nomination. The Board VOTED (roll call); **to approve Rony Soto as Chair of the Board.**

in-favor: Soto, Adebayo, Beckner, Mario (advisory vote)

opposed: none

CONFLICT OF INTEREST AND OPEN MEETING LAW REQUIREMENTS:

Sheila York, Board Counsel, reviewed Conflict of Interest and Open Meeting Law Requirements with the Board. Members should contact Attorney York with questions about possible conflicts with applicants, petitioners, or cases before the Board. If possible, members should bring these matters to Board Counsel's attention before the meeting. Attorney York will remind the Board about Conflict of Interest twice per year going forward.

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 10/18/24. Thereafter a motion was made by Rony Soto, seconded by Elizabeth Adebayo and VOTED (roll call); **to approve the public meeting minutes of October 18, 2024 as drafted.**

in-favor: Soto, Adebayo, Beckner, Hanley, Mario (advisory vote)

opposed: none

APPRENTICESHIP EXTENSION REQUESTS

Alexander Yogel, License HEA6513, requested an extension of his apprenticeship to be able to work and retake the International Hearing Society (IHS) exam. This was the first extension request for the licensee. Board members asked questions and discussed the request. Thereafter a motion was made by Elizabeth Adebayo, seconded by Heather Hanley and VOTED (roll call); **to approve an 18-month extension of his apprenticeship.**

in-favor: Soto, Adebayo, Hanley, Beckner, Mario (advisory vote)

opposed: none

Riley Levin HEA495, requested another extension of his apprenticeship to be able to work and retake the International Hearing Society (IHS) exam. The licensee had taken the exam five times. The licensee stated that he was overthinking the questions and was not a good test taker. The licensee's aunt is his sponsor, and he is the third generation in the profession. Board members asked questions and discussed the request. Thereafter a motion was made by Rony Soto,

seconded by Elizabeth Adebayo and VOTED (roll call); **to approve a six-month extension of his apprenticeship.**

in-favor: Soto, Adebayo, Hanley, Beckner, Mario (advisory vote)

opposed: none

Robert Veeder, License HEA6511, requested an extension of his apprenticeship. The licensee did not attend the meeting and therefore the Board was not able to discuss his request for an extension of his apprenticeship.

IHS PRACTICAL EXAMINATION

Sierra Sharpe, Director of Professional Development at the International Hearing Society (IHS), gave a presentation on the Practical Examination being offered by IHS. The practical examination is a supplemental exam that could be offered in addition to the ILE exam. There are six (6) sections of the exam, and each has its own weight. Certain sections of the exam require either the use of artificial props or a third person. IHS recommends two proctors be assigned to each candidate. IHS will provide a rubber ear, or the Board provides a mannequin. The test subject must sign a waiver provided by the Board and sign a Confidentiality Agreement provided by IHS. The Practical Examination is estimated to take 2 to 2.5 hours to complete. The Board must provide space sufficient for the examination. The Board would be responsible to recruit, hire, train, and retain qualified proctors for the examination. Proctors should be individuals who hold a license to fit and dispense hearing aids. The applicant must pass the overall exam and not each section. The exam fee is \$200 which does not include costs for shipping or proctors.

CORRESPONDENCE

The Board discussed the IHS Licensing Board Update for the Fourth Quarter of 2024 dated 12/11/24. It was noted in the update that following the release of the October 2022 FDA's OTC/prescription hearing aid rule, some states have passed legislation or were issuing regulatory guidance to secure "order the use of" language for hearing aid specialists. The update further maintained that it is important that all 50 states authorize hearing aid specialists and audiologists to "order the use of" prescription hearing aids, as the licensure of prescription medical devices, including prescription hearing aids, falls under state jurisdiction.

DISCUSSION

URAMP Presentation Feedback

The Executive Director asked for feedback from the Board on the URAMP presentation from the last meeting. The Unified Recovery and Monitoring Program is a non-disciplinary and voluntary program for monitoring the rehabilitation of licensed health care professionals who seek support for their mental health or substance use or who are referred to the program by their licensing board. Dr. Dana Mario stated that he thought it was a good program. Rony Soto, Chair, asked if the Board could wait to give recommendations until a licensee was enrolled in the program. The Executive Director responded that yes, the Board could wait, and that the Board would be consulted for their expertise if there was a Hearing Instrument Specialist in the program.

BOARD PROCEDURE FOR APPRENTICESHIP EXTENSION REQUESTS

The Board discussed the process for apprenticeship extension requests. The Board agreed that licensees who are requesting a second extension need to appear before the Board. The Executive

Director asked if the Chair would approve first apprenticeship extensions or if Board staff could be delegated authority by the Board to approve them. Heather Hanley stated that for first time requests it would be easier to give staff authority to approve. Dr. Dana Mario suggested that the Board may want to consider changing the amount of time granted if staff were going to automatically approve first extensions as opposed to staff granting 18 months. The statute states that an apprentice license may be reissued for 18 months only. Rony Soto suggested six months as other states only give apprentices one year. It was noted that the six-month period could help motivate licensees to better prepare for the exam. Dr. Mario added that apprentices will need to go before the Board to request a further extension. Upon further discussion the Board agreed that apprentices would need to appear before the Board to request an additional 12-month extension. Thereafter a motion was made by Rony Soto, seconded by Dr. Dana Mario and VOTED (roll call); **to delegate authority to staff to approve a six-month extension to an apprentice who is requesting a first extension and has no history of Board discipline.**

in-favor: Soto, Adebayo, Beckner, Hanley, Mario (advisory vote)

opposed: none

After the vote, Rony Soto, Chair, asked about what could be done if an apprentice had still not passed the exam after a second extension was granted. Would the Board be able to require the apprentice to reapply and start a new apprenticeship? Board Counsel responded that she would need to look into what the Board had done in the past and clarified that this would mean the licensee would lose all the completed apprentice hours. The Chair stated that three years should be more than enough time to get a Hearing Instrument Specialist license. The statute envisioned three years as the time frame as it requires one full calendar year apprenticeship and one 18-month extension if needed. Board Counsel asked if the Executive Director could run a report to see in the past five years how many apprentices needed beyond three years. If apprentices were having trouble passing the exam, the Board could educate them better earlier on about available resources.

Heather Hanley asked about the Chair's suggestion from an earlier meeting to increase the educational requirement for licensure to an associate's degree. Attorney York answered that it would need to be done in a statutory change and that she is keeping a list of statutory changes that the Board wants to recommend. A request to the legislature would be required and an explanation as to why the change. The legislature is trying to reduce barriers to professions unless it is necessary for public safety. Statutory changes can take years to implement.

The Board would like to see changes around apprentices having more direct one-on-one supervision. These changes could be done by regulation. Heather Hanley referred to a prior meeting when an apprentice had stated he was often alone at the practice. Board Counsel suggested a written guidance document that could be distributed to employers. The Board indicated that it wanted further investigation into the practice. The Board gave direction to staff to look into concerns that the Board had raised in a prior meeting about a practice's compliance with the regulations. The practice was Beltone, and the apprentice had described having inadequate direct supervision.

Paul Beckner asked a question about how many investigators there were and if they were qualified to know what board members know as hearing instrument specialists in the field.

Attorney York suggested that the Board could be introduced to the investigations team at a future meeting. The Board has one investigator assigned to it, Ellen D'Agostino, who works with several other boards and reports to the investigations supervisor, Lauren McShane. The Executive Director stated she does not know how many total investigators there are for the Bureau. Paul Beckner expressed his concern for how the Board could enforce the regulations without investigators to go out into the field to different organizations to make sure they are doing things correctly and adhering to the regulations.

265 CMR 2.00, 3.00, AND 4.00 REGULATION REVIEW

The Board began its discussion of regulation review with 265 CMR 2.00 Definitions. Attorney York noted that some of the definitions are taken directly from the statute. The Board could provide Board Counsel with guidance as to what they would like to see in the definitions, and she would determine whether it was consistent with the statute. Regulations are intended to implement the statutory requirement. You cannot have a regulation which conflicts with the statutory requirement. The Chair had provided recommendations for Board Counsel to review.

Rony Soto brought up the question of how long newly licensed hearing instruments had to be licensed to sponsor an apprentice. The statute does not have a restriction on this and only states that the apprentice has to be supervised by a fully licensed hearing instrument specialist. A statutory change would be required to narrow the pool of eligible supervisors to HIS who meet certain other criteria. The Board could take disciplinary action against the new licensee if they are not providing the required supervision. The Board could create a document to give to new licensees that recommends how long a specialist should be licensed before becoming a sponsor. Board Counsel will add the Board's recommendation of two years of licensure before sponsoring an apprentice to the list of statutory changes.

Due to the Federal ruling, language will be added to the definition of "hearing instrument specialist". An additional sentence will read that hearing instrument specialist may order the use of prescription hearing aids.

In 265 CMR 4.00, the Board would like to change the direct supervision requirement from 30 days to a minimum of six months. After that the apprentice shall work in the office with the sponsor at least 50% of the time. Under duties and responsibilities of the apprentice supervisor, the Board recommends on site supervision at all times for the full apprenticeship.

After the Board creates the wording it wants, the agency must then approve the proposed changes. Upon approval the proposed changes get released to the public for comment.

Heather Hanley asked if the Board was going to adopt the practical exam. Attorney York explained that the statute requires a written exam, and the Board would need a statutory change. The Board will have to provide reasons for adopting it. She will put the practical exam on the list of statutory changes wanted by the Board.

ADJOURNMENT

At 11:20 a.m. a motion was made by Rony Soto, seconded by Heather Hanley and VOTED (roll call); **to end the public session and go into closed session per M.G.L. c. 112, § 65C.**

in-favor: Soto, Adebayo, Hanley, Beckner, Mario (advisory vote)
opposed: none

Respectfully submitted,

Lisa M. Guglietta, Executive Director
Board of Registration of Hearing Instrument Specialists

Documents used by the Board during open session:

- *Posted agenda 1/17/2025*
- *Draft public meeting minutes of 10/18/24*
- *Apprentice Extension Requests document*
- *IHS Practical Examination Jurisdiction Guide*
- *IHS Licensing Board Update 2024 Q4*
- *URAMP Introduction and Presentation*
- *Board Regulations 265 CMR 2.0, 3.0 and 4.0*