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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 19, 2024**

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.

Executive Director Lisa Guglietta noted a quorum of members present via video or phone and called the meeting to order at 10:30 a.m.

**MEMBERS PRESENT**

Dana Mario  
Rony Soto  
Elizabeth Adebayo  
Heather Hanley

**STAFF PRESENT**

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

**ATTENDANCE:**

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

**APPROVAL OF AGENDA:**

Ms. Guglietta called for a motion to approve the January 19, 2024 meeting agenda. Thereafter a motion was made by Heather Hanley, seconded by Dana Mario and VOTED (roll call); **to approve the January 19, 2024 agenda as drafted.**

*in-favor: Mario, Soto, Hanley, Adebayo*

*opposed: none*

### **ELECTION OF OFFICERS:**

Ms. Guglietta called for nominations for Board Chair. Heather Hanley nominated Dana Mario. Attorney York recommended that the Board member in the Audiologist seat not serve as Chair until she had an opportunity to research the issue. Thereafter Dana Mario nominated Rony Soto for Chair, seconded by Heather Hanley and VOTED (roll call); **to elect Rony Soto as Chair of the Board.**

*in-favor: Mario, Soto, Hanley, Adebayo*

*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.

### **PUBLIC MEETING MINUTES**

The Board discussed the draft public meeting minutes of 7/28/23. Thereafter a motion was made by Heather Hanley, seconded by Dana Mario and VOTED (roll call); **to approve the public meeting minutes of July 28, 2023 as drafted.**

*in-favor: Soto, Mario, Adebayo*

*opposed: none*

*abstain: Hanley*

### **EXECUTIVE DIRECTOR REPORT**

Ms. Guglietta welcomed the new Board members Heather Hanley and Elizabeth Adebayo. She reminded Board members to log into their state email accounts at least once a month to ensure that their accounts remain active. Ms. Guglietta welcomed the new Board Associate Executive Director, Katie Goldrick.

### **APPRENTICESHIP EXTENSION REQUESTS**

**Erica Patterson, License HEA485** requested an extension of her apprenticeship to be able to work under her new sponsor and take the International Hearing Society (IHS) exam. This was the first extension request for the licensee.

Thereafter a motion was made by Dana Mario, seconded by Heather Hanley and VOTED (roll call); **to approve an 18-month extension of her apprenticeship.**

*in-favor: Mario, Hanley, Adebayo, Soto*

*opposed: none*

**Jessica Niedzwiecki, License HEA225** requested an extension of her apprenticeship to be able to work and take the International Hearing Society (IHS) Exam. She was unable to attend the meeting.

**Roney Desousa, License HEA488** requested an extension of his apprenticeship to be able to work and take the International Hearing Society (IHS) Exam. He stated that he has had three mentors and has not yet taken the exam. This was the first extension request for the licensee. Thereafter a motion was made by Dana Mario, seconded by Elizabeth Adebayo and VOTED (roll call); **to approve an 18-month extension of his apprenticeship.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

**Louise Boyd, HEA504** requested an extension of her apprenticeship before her license expired on 2/1/24. She needs to complete the newest version of the IHS course and has not yet taken the International Hearing Society (IHS) exam. Ms. Boyd was not able to attend the meeting and was represented by Eileen Le, AUD.

Thereafter a motion was made by Dana Mario, seconded by Heather Hanley and VOTED (roll call); **to approve an 18-month extension of her apprenticeship.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

**Kimberly Senra, License HEA500** requested an extension of her apprenticeship to be able to work and take the International Hearing Society (IHS) exam. She has not taken the exam due to a medical/family leave. This was the first extension request for the licensee.

Thereafter a motion was made by Dana Mario, seconded by Heather Hanley and VOTED (roll call); **to approve an 18-month extension of her apprenticeship.**

*in-favor: Mario, Hanley, Adebayo, Soto*

*opposed: none*

**Ronald Urnetta, License HEA480** requested a second extension of his apprenticeship to be able to work and retake the International Hearing Society (IHS) exam. Mr. Urnetta explained that he suffered a family loss that impacted his ability to continue with training and exam preparation. Mr. Urnetta described a lack of in-person mentorship and supervision through his employer, Beltone.

Thereafter a motion was made by Dana Mario, seconded by Elizabeth Adebayo and VOTED (roll call); **to approve a 6-month extension of his apprenticeship on the condition that his supervision is fully in-person and the licensee and his sponsor attend the April 19, 2024 meeting to provide an update to the Board.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

## **DISCUSSION**

Chief Prosecutor Jessica Uhing-Luedde presented the **Prosecutorial Discretion and Alford Plea Policies** to the Board.

## **Alford Plea Language**

Alford Plea Language is to be used for all Bureau of Health Professions Licensing boards. The purpose is to promote consistency and facilitate settlement. All consent agreements shall contain language indicating that the consent agreement does not contain admissions or findings, but licensees acknowledge that there are sufficient facts in the complaint from which the Board could reasonably find grounds for discipline. The Board discussed approving the policy.

Thereafter, a motion was made by Dana Mario, seconded by Rony Soto, and VOTED (roll call); **To approve the Alford Plea Language Policy.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

### **Prosecutorial Discretion**

This policy will reduce the need for Counsel to appear before the Board for formal reconsiderations where said reconsiderations will not substantively change the outcome of a disciplinary matter. The Board discussed the Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit.

Thereafter, a motion was made by Heather Hanley, seconded by Rony Soto and VOTED (roll call); **to approve the Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

### **Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure**

This policy was presented to the Board to outline procedures to be followed for the summary suspension of a license, in advance of a hearing, in order to prevent an immediate and serious threat to the public health, safety, and welfare. The Board discussed the policy.

Thereafter a motion was made by Rony Soto, seconded by Heather Hanley and VOTED (roll call); **to approve the Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

### **Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions**

The Board discussed whether to adopt the Bureau of Health Professions Licensure's policy Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions. Currently Board staff track and follow up on licensees' compliance with probation monitoring requirements. If the Board adopted the policy, Karen Fishman, Probation Department Coordinator at the Bureau, would be able to assist Board staff with probation monitoring cases.

Thereafter a motion was made by Rony Soto, seconded by Heather Hanley and VOTED (roll call); **to approve the Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions policy.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

### **Social Security Numbers and Department of Revenue License Actions.**

Under the policy an applicant who has not provided a social security number may not be issued a license unless the applicant has provided a signed affidavit averring that the applicant is a foreign national and not physically present in the United States at the time of applying for licensure, or his or her visa for lawful entry is related to employment that requires such licensure. An applicant may not renew a license until a social security number is provided. The Board's adoption of the policy authorizes the Executive Director to act on the Board's behalf as specified in the policy. The Bureau on behalf of the Board may report social security numbers to the Department of Revenue for purposes of tax and child support reporting. The Board discussed the policy.

Thereafter a motion was made by Heather Hanley, seconded by Rony Soto and VOTED (roll call); **to approve the policy Social Security Numbers and Department of Revenue License Actions.**

*in-favor: Mario, Adebayo, Hanley, Soto*

*opposed: none*

### **2024 Board Meeting Dates**

The Board discussed and approved the 2024 Board meeting dates which are January 19<sup>th</sup>, April 19<sup>th</sup>, July 19<sup>th</sup>, and October 18<sup>th</sup>. The Board agreed to change the meeting start time to 9:00 a.m. going forward. Executive Director Lisa Guglietta will adjust the Webex meeting calendar invitations to reflect the change.

### **Request for Acceptance of Out-of-State Apprenticeship Hours Towards MA Apprenticeship Requirements**

Anthony Tortorici is applying for hearing instrument apprentice licensure in Massachusetts. The Board discussed his request to apply the work time and supervised clinical hours he completed in Maryland toward the supervised clinical hours and work time required for his Massachusetts apprenticeship. Mr. Tortorici provided the Board with his apprentice work log and a letter from his Maryland supervisor. Board member Dana Mario requested that staff get clarification on the discrepancy in numbers noted in Mr. Tortorici's email and those on his log before proceeding.

Thereafter a motion was made by Dana Mario, seconded by Heather Hanley and VOTED (roll call); **to approve the request to count the applicant's Maryland apprenticeship hours toward his required Massachusetts apprenticeship hours.**

*in-favor: Mario, Adebayo, Hanley*

*opposed: none*

*recused: Soto*

### **Email dated 11/17/23 from Collyn Gallant, AuD, regarding osseointegrated implant vs. hearing aid: scope of practice question**

Dr. Collyn Gallant emailed the Board regarding a Hearing Instrument Specialist who fitted a patient with a Baha. In her email Dr. Gallant wrote that it was her understanding that a processor attached to a surgical implant is not considered a hearing aid. In her email Dr. Gallant cited the

regulation 265 CMR 2.01 definition of a hearing aid. Dr. Gallant requested an advisory from the Board on whether sound processors attached to surgical implants are considered hearing aids or not.

The Board discussed Dr. Gallant's email. It was noted that hearing instrument specialists work with bone conduction devices. The regulations do not explicitly prohibit hearing instrument specialists from working with Baha's. Dana Mario noted that it is a gray area regarding bone oscillator attachments that are head bands versus surgical ports. More clarification is needed around what training hearing instrument specialists receive on bone oscillator devices. The Board considers the fitting of a BAHA to be an advanced technique that would be within the scope of practice of a hearing instrument specialist only if the specialist has received specific and sufficient training to perform that service and is working in an appropriate health care setting under proper supervision. Attorney York advised that the Board did not have to comment on the specific situation described in the advisory request at this time if they did not have enough factual information. If an individual is concerned that a Hearing Instrument Specialist provided services outside his or her scope of competency or otherwise violated laws or regulations enforced by the Board, the individual may submit a complaint which can then be investigated by the Board.

Thereafter a motion was made by Dana Mario, seconded by Heather Hanley and VOTED (roll call); **to direct staff to respond as stated above and to further discuss this scope of practice question, including the training that a hearing instrument specialist receives on bone oscillator devices and clarifying the definition of a hearing aid at the next meeting.**

*in-favor: Mario, Soto, Adebayo, Hanley*

*opposed: none*

### **NEW BUSINESS**

None.

Board member Heather Hanley needed to leave the meeting.

### **PUBLIC COMMENT**

Roney Desousa commented on the off-site practices of Beltone staff and lack of in-person supervision from sponsors.

### **ADJOURNMENT**

The meeting adjourned at the end of public comment at 12:48 p.m.

Respectfully submitted,

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

**Documents used by the Board during open session:**

- *Posted agenda 1/19/2024*
- *Draft public meeting minutes of 7/28/23*
- *Prosecutorial Discretion and Alford Plea Policies*
- *Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure*
- *Policy: Delegation of Authority for Staff Actions Relative to Monitoring Licensing Conditions*
- *Staff Action Policy: Social Security Numbers and Department of Revenue License Actions*
- *2024 Board Meeting Dates*
- *Email Request by Anthony Tortorici for Acceptance of Out-of-State Apprenticeship Hours*
- *Email from Collyn Gallant, AuD, regarding osseointegrated implant vs. hearing aid: scope of practice question*