



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

April 25, 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.

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 9:17 a.m.

MEMBERS PRESENT

Rony Soto, Board Chair
Dana Mario
Elizabeth Adebayo
Paul Beckner
Heather Hanley

MEMBERS ABSENT

none

STAFF PRESENT

Lisa Guglietta, Board Executive Director
Katie Goldrick, Board Associate Executive Director
Sheila York, Esq., Board Counsel
Lauren McShane, Investigations Supervisor
Anastasia Bouikidis, Investigations Intern

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, called for a motion to approve the April 25, 2025 meeting agenda. Thereafter a motion was made by Heather Hanley, seconded by Elizabeth Adebayo and VOTED (roll call); **to approve the April 25, 2025 agenda as drafted.**

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

opposed: none

PUBLIC MEETING MINUTES

Rony Soto, Chair, called for a motion to approve the draft public meeting minutes of 1/17/25.

Thereafter a motion was made by Elizabeth Adebayo, seconded by Heather Hanley and VOTED (roll call); **to approve the public meeting minutes of January 17, 2025 as drafted.**

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

opposed: none

CORRESPONDENCE

The Board discussed an email dated 1/29/25 from Suzanne Younker, Au.D. regarding whether cerumen removal was within the scope of practice for Hearing Instrument Specialists in Massachusetts. Board Counsel, Sheila York, noted that cerumen removal is not specifically stated in the Board statutes. She further noted that Board regulations 265 CMR 6.03 (3) state that if upon inspection of the ear canal during a hearing aid fitting and upon questioning of the client there is evidence of cerumen the client shall be instructed to see a physician. Member Dana Mario, who is both a licensed Audiologist and a licensed Hearing Instrument Specialist, stated that cerumen removal was within scope for an audiologist. He also suggested a change in the wording of the regulations from physician to “appropriate health care provider”. Board Chair, Rony Soto, stated that cerumen removal was an invasive procedure for which hearing instrument specialists were not specifically trained. The Board gave direction to staff to respond that per the regulations cerumen removal was **not** within the scope of practice for Hearing Instrument Specialists in Massachusetts.

DISCUSSION

265 CMR 2.00 THROUGH 10.00 REGULATION REVIEW

The Board continued its discussion about proposed changes to the regulations. Attorney York reminded the Board that some of the changes the Board was interested in making needed to go through the legislature and not through the regulations as they involved changing the state law. The Executive Director reported on her discussion of the Board’s proposed statutory changes during a meeting with the Director and Deputy Director of BHPL. The Deputy Director who specializes in policy explained that it was a matter of timing with the legislative cycle and proposed changes could not be introduced until September of 2026. Attorney York explained that the Board did not have to wait until then to run the proposed changes up to administration for review. There may be resistance to the changes if they do not align with the goal of increasing pathways to licensure. The Executive Director and Attorney York will work on a

memo explaining the legislative changes the Board would like to recommend to the legislature and how those changes will bring the Board in line with other states. The Board agreed that the top priorities were: changing the education requirement to be a high school diploma plus two years of college, requiring a practical exam, and requiring a licensed Hearing Instrument Specialist to have at least two years of experience before they can become a sponsor.

Attorney York informed the Board that she has another Board Counsel working on recommending updates to the regulations and statute based on the FDA final rule change which allowed over the counter (OTC) hearing aids to be sold without a prescription. The recommended updates will be presented at the July meeting. Attorney York stated that the Board could advise on whether there are any practice standards that should apply when a Hearing Instrument Specialist is selling an OTC hearing aid. Board members noted that a hearing instrument specialist may be liable if they worked on someone's OTC hearing aid which they did not service and sell.

The Board agreed that the requirement of direct supervision for an apprentice should be on site for six months. The Board did not have any changes to the continuing education regulations. Regarding 265 CMR 6.00, standards of practice, it was noted that a medical evaluation is not required to sell a hearing aid unless a red flag requires the patient to be referred out to a physician. Accurate results are needed for the prescription for hearing aids. A patient under age 18 needs to see an ENT. It was noted that a 45-day trial period from the date of receipt of a hearing aid would be optimal. Regulation 265 CMR 6.06 states that hearing aids shall not be delivered to a consumer in Massachusetts through the mail unless all provisions of 265 CMR 6.03 are met. Attorney York suggested that the Board leave this regulation as written.

The Chair asked board members to look over the regulations and bring concerns and suggestions to the next meeting. Attorney York reminded the Board that they should not share the comments with each other but bring them to her or the Executive Director.

INVESTIGATIVE PROCESS

Lauren McShane, Investigations Supervisor, attended the meeting to answer questions from Board members. Ms. McShane oversees a team of investigators who participate in many investigations across different boards. The Chair asked how the Board could make sure that clinics were following the regulations and how to go about investigating these practices. The Board had learned of apprentices who were working on their own without proper training, as well as an apprentice who had no sponsor. Ms. McShane reviewed the complaint process and noted that it relied heavily on the public, including members of the profession, to file complaints if there are concerns. The investigations department at BHPL operates on a shared resource model whereby based on need, complaint numbers, and concerns of the Board, the needs get met by cross training and cross sharing of the investigations team. As the need increases, the department will meet it. The number of complaints is tracked. It was noted that the Board had three complaints investigated from 2022 to the current date. Investigations does not have the authority to drop in and perform random inspections for the Hearing Instrument Specialists Board. A facility may be inspected if there is a complaint regarding individuals there who are licensed or pending licensure and are misrepresenting themselves as hearing instrument

specialists. The Board may vote to open a complaint based on something that came up in a Board meeting through interviewing an apprentice.

When a complaint comes in, a triage assessment is conducted by investigations staff, Board Counsel and Board staff. A staff assignment is an internal preliminary investigation that may or may not require patient records. A statement may be needed by an apprentice sponsor, for example, to clarify the situation. It would have to be escalated to a formal complaint for the Board to move forward with discipline.

Individual licensees can be investigated as the Board has jurisdiction over their licenses. If the Board has concerns about a particular company's policies around apprentice training and supervision, opening a complaint against a sponsor or licensee would serve to get the message across to the business. Investigations could make a referral to the Attorney General's office if a possible pattern of regulatory violations occurs with licensees of a particular company. Ms. McShane added that while consumer and anonymous complaints are the primary way in which complaints get opened, there is also the renewal process during which licensees attest to criminal matters in or out of the state that opens an investigation. The department is in communication with many agencies throughout the state such as law enforcement, the Attorney General's office and Medicaid/Medicare for billing issues.

ADJOURNMENT

At 10:41 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 executive session per G.L. c. 30A, § 21(a)(1) to review the character of an applicant for licensure.**

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 4/25/2025*
- *Draft public meeting minutes of 1/17/25*
- *Email dated 1/29/25 from Suzanne Younker, Au.D.*
- *Board Regulations 265 CMR 2.00 through 10.00*