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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

July 28, 2023

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.

Mr. Antonell noted a quorum of members present via video or phone and called the meeting to order at 10:26 a.m.

MEMBERS PRESENT

Eugene Antonell, Chair
Stanley Zoll
Dana Mario
Rony Soto

STAFF PRESENT

Lisa Guglietta, Board Executive Director
Eboni Lewis, Board Associate Executive Director
Sheila York, Esq., Board Counsel

ATTENDANCE:

Mr. Antonell took attendance by roll call and a quorum of board members was recorded with the following members present via video conference: *Antonell, Zoll, Mario, Soto*

APPROVAL OF AGENDA:

A motion was made by Stanley Zoll to approve the agenda, seconded by Dana Mario and VOTED (roll call); **to approve the July 28, 2023 agenda.**

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

PUBLIC MEETING MINUTES

The Board discussed the draft public meeting minutes of 4/21/23. Thereafter, a motion was made by Dana Mario, seconded by Stanley Zoll and VOTED (roll call);

to approve the public meeting minutes of April 21, 2023 as drafted.

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

EXECUTIVE DIRECTOR REPORT

Ms. Guglietta reported that the Board could use more members as four members are required for a quorum. The Board will not be able to meet if one of the current members is unable to attend. She requested that current Board members inform colleagues and members of the public who may be interested in serving on the Board. The open seats include a public member and a hearing instrument specialist. Interested individuals can email a letter of interest and resume to the Board.

APPRENTICESHIP EXTENSION REQUESTS

Priscilla Campbell, License HEA494, requested an extension of her apprenticeship to be able to work and retake the International Hearing Society (IHS) Exam. She has taken the exam twice. Thereafter a motion was made by Stanley Zoll to approve an 18-month extension of her apprenticeship, seconded by Dana Mario and VOTED (roll call); **to approve an 18-month extension of her apprenticeship.**

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

Riley Levin, License HEA495, requested an extension of his apprenticeship to be able to work and retake the International Hearing Society (IHS) Exam. He has taken the exam twice.

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

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

Joseph Pereira, License HEA459, requested an extension of his apprenticeship to be able to work and retake the International Hearing Society (IHS) Exam. He has taken the exam seven times and has been granted one 18-month extension from the Board in the past. Board members offered Mr. Pereira advice on obtaining study resources and courses from IHS. Mr. Pereira stated that he has two board certified specialists working with him on passing the exam and is confident he will pass. Because Mr. Pereira has been a licensed apprentice since 2019 and has had one extension, the Board agreed only to approve a six-month extension.

Thereafter a motion was made by Dana Mario to approve a 6-month extension of his apprenticeship, seconded by Stanley Zoll and VOTED (roll call); **to approve a 6-month extension of his apprenticeship.**

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

Katherine Baker, HEA498, requested an extension of her apprenticeship. Her license expires on 10/1/23 and she has not yet taken the International Hearing Society (IHS) Exam. She requested an 18-month extension in case she did not pass her exam before her license expires and the Board does not meet until 10/20/23.

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

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

DISCUSSION

International Hearing Society (IHS) Practical Exam

The Board discussed the new IHS Practical Examination for hearing healthcare professionals. The exam has been updated and modernized to include items which are better assessed in a hands-on setting rather than on a multiple-choice exam. The Practical Exam is a complement to the International Licensing Examination for Hearing Healthcare Professionals (ILE) which is used in the current licensing process for Hearing Instrument Specialists. Overall the Board is generally pleased with the content of the exam, however it was noted that it should include identification of red flag situations in which hearing aids may not be appropriate. The Executive Director asked the Board to consider the feasibility of offering the practical exam which requires the licensing board to provide an examination room and proctors for the exam. Board members expressed interest in having Sierra Sharpe from IHS attend the October meeting to discuss the exam. Attorney York stated that the current statute requires a written or electronic exam and that board regulations may need to be changed for the Board to offer the practical exam.

Thereafter a motion was made by Dana Mario to table the practical exam discussion until the October meeting, seconded by Stanley Zoll and VOTED (roll call); **to table the discussion until October.**

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

Scope of Practice Question for Hearing Instrument Specialists

The Board discussed a question from Kristen O'Connor, AuD. from MassHealth regarding whether V5020 Conformity Evaluation (used also for real ear hearing aid testing) is covered in the hearing instrument specialist scope of practice. The Board gave direction to staff to respond affirmatively that this is included in the scope of practice.

FDA Over-the-Counter Hearing Aids Ruling

The Board discussed the "Dear State Official" letter from the FDA dated October 13, 2022. The letter clarifies that the final rule does not change the necessary qualifications of who may provide hearing healthcare with prescription hearing aids; that it does not require a physician or other

professional's involvement prior to fitting these devices; and does not require an examination of any kind to obtain a prescription hearing aid. According to IHS, several states have either updated their statute or regulation governing hearing aids to align with the FDA final rule regarding over-the-counter and prescription hearing aids by authorizing hearing aid specialists and audiologists to either "prescribe" or "order the use of" "prescription" hearing aids. They have also included language stating that their statute or regulation does not apply to over-the-counter hearing aids. For example you do not need a license to sell over-the-counter hearing aids. The Board discussed using the word "recommend" as in recommending the use of prescription hearing aids or over-the-counter hearing aids. The Board further discussed that an over-the-counter hearing aid is a completely different device than a prescription hearing aid and is meant for mild hearing loss and short-term use. Prescription devices can be adjusted and modified and used for years. Over-the-counter devices are for "perceived" hearing loss and there is no requirement for tests or assessments. Attorney York will gather more information about other states' policies or regulation changes in response to the FDA rule.

Thereafter a motion was made by Eugene Antonell to table the FDA rule discussion until the October board meeting, seconded by Dana Mario and VOTED (roll call); **to table the discussion until the October board meeting.**

in-favor: Antonell, Zoll, Mario, Soto

opposed: none

NEW BUSINESS

Board member Dana Mario knows of a potential new board member who is a Hearing Instrument Specialist soon to be employed in his practice. Dr. Mario asked if it would be a conflict if two board members are from the same practice. Attorney York stated that the person could apply to be on the board and Boards and Commissions would make the decision.

PUBLIC COMMENT

None.

ADJOURNMENT

At 12:11 p.m. a motion to close the public meeting was made by Stanley Zoll, seconded by Dana Mario and VOTED (roll call);

in-favor: Antonell, Zoll, Mario, Soto

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 07/28/2023*
- *Draft public meeting minutes of 4/21/23*

- *Email from Kristen O'Connor, AuD.*
- *IHS Practical Examination email and Jurisdiction Guide*
- *FDA "Dear State Official" letter dated October 13, 2022*
- *Email from Christine Seitz, Manager of Government Affairs at IHS*