

Public Session Meeting Minutes

Board Members Present:

Eugene Antonell, Chair (EA)
Camille Catalano (CC)
Donald Gross, Jr. (DG)
Stanley Zoll (SZ)
Loleata Wigall, Secretary (LW)

Staff Present:

Michael Hawley, Executive Director
Lynn Read, Board Counsel
Anne Driscoll, Investigator Supervisor
Thomas F. Burke, Assoc. Executive Dir.

Called To Order:

- The meeting was called to order at 10:00 a.m. by EA.
- The Executive Director reviewed exit procedures in the case of a fire.

Board Business:

- Welcome new board members:
The Board welcomed new members Camille Catalano and Stanley Zoll. Mr. Zoll has been appointed to the Hearing Aid User position on the board. Ms. Catalano has been appointed to the vacant Hearing Instrument Specialist position. Both new members introduced spoke briefly. The public member position on the board remains vacant.
- Review of Minutes:
 - January 20, 2017
DG moved to approve the minutes of the January 20, 2017 meeting as written. LW seconded the motion. The motion passed unanimously.
- Report from Executive Director, Michael Hawley
 - **Board Vacancies:** The Board has one remaining vacant seat. This is the public member position. Mr. Hawley said that he was unaware of any candidates for this position. He noted that public member positions for professional licensure boards are often difficult to fill.
 - **E-Licensing Update:** Mr. Hawley reported that the e-licensing project has been working well for the Hearing Instrument board. Applications and renewals can be submitted on-line. The agency plans to make the process paperless. The target for paperless renewal of Hearing Instrument Specialist licenses is the 2021 renewal cycle. Licensees will receive letters informing them of the new process. There is not yet a specific date for implementation of the paperless applications.
- Report from Legal Counsel Lynn Read
 - **Open Meeting Law:** Attorney Read briefly discussed the open meeting law, especially for the benefit of the new members.

Discussion:

- **Over-the-counter Hearing Aid Legislation-** The Board discussed the federal legislation regarding over-the-counter hearing aid sales. Attorney Read discussed the federal legislation and its impact on hearing instrument dispensing in Massachusetts. Board members expressed concern over the effects of over-the-counter hearing aid sales on public safety. The board also discussed issues related to advertising and direct marketing. An FDA press release regarding the legislation was reviewed. Board Counsel will collect information regarding how over-the-counter hearing aid legislation is being handled in other jurisdictions.
- **Delegations of Authority-** Attorney Read presented for approval a document listing the following delegations of authority granted by the board to appropriate agency staff:

Authority to Execute Orders, Decisions and Agreements to the Board's Executive Director, Associate Executive Director, and the Deputy Commissioner for Policy and Boards of the Division of Professional Licensure, the authority to sign on behalf of the Board Orders to Show Cause, Consent Agreements, and Final Decisions, consistent with terms established by the Board, and to sign off on case closings. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. **A MOTION was made by DG, seconded by LW to approve this delegation. The Motion passed unanimously.**

To delegate the **authority to act as a Presiding Officer** to a Division of Professional Licensure Hearings Counsel for all adjudicatory proceedings conducted pursuant to 801 Code Mass. Regs. §§ 1.00 et seq., in all cases where the Board has voted to issue an order to Show Cause, Summary Suspension Order, Denial of License or other adjudicatory matter or where an Order to Show Cause will be issued, and to instruct the Board staff to invite a Board member to every adjudicatory hearing. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. **A MOTION was made by DG, seconded by LW to approve this delegation. The Motion passed unanimously.**

To delegate the authority to the Executive Director and the Deputy Commissioner for Policy and Boards, in consultation with the Chair, to issue a written **Order of Summary Suspension**, pending a 10-day hearing pursuant to G.L. c. 112, § 65B, after determining, based on sworn affidavits and documentary evidence, that a licensee's continued practice poses an immediate and serious threat to the public health, safety or welfare. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. **A MOTION was made by DG, seconded by LW to approve this delegation. The Motion passed unanimously.**

To delegate authority to execute **Default Final Decisions** on behalf of the Board, revoke current licenses and revoke the right to renew licenses that are lapsed or expired, consistent with terms established by the Board, to its Executive Director, Associate Executive Director or the Deputy Commissioner for Policy and Boards of the Division of Professional Licensure. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board. **A MOTION was made by DG, seconded by LW to approve this delegation. The Motion passed unanimously.**

Board of Registration of Hearing Instrument Specialists
1000 Washington Street 1st Floor Room 1C, Boston, MA 02118
Date: January 18, 2019 Time: 10:00 am

Wall Certificates: Wall Certificates were signed for the following licensees:

- | | |
|-----------------------|---------------------|
| • Tomer Bahar | • Elio Dobem |
| • Paul Beckner | • Clinton Lutz |
| • Eric Gilbert | • Nancy McPhee |
| • Catherine Greenwood | • John Cancellieri |
| • Manuela Magnuson | • Brandy Fitzgerald |
| • Lisa McNamara | • Danielle Burke |

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

- None

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

10:59 DG moved to enter investigative conference [Closed session pursuant to G.L. c. 112 §65C] to consider disciplinary case HE-16-002, 2017-000231-IT-ENF, 2017-000942-IT-ENF, 2017-001252-IT-ENF. MB seconded. The motion passed unanimously.

At 11:03 DG recused himself and left meeting.

At the end of the closed session the open meeting resumed.

During the closed session the Board took the following actions

- HE 2017-000942 – Dismiss
- HE 2017-001252 – Dismiss
- HE-16-002 (20160519HE002-IT-ENF) – Forward to the office of prosecutions
- HE 2017-000231-IT-ENF – Forward to the office of prosecutions

11:45 a.m. Adjournment:

LW moved to adjourn the meeting. SZ seconded. Motion passed unanimously.

Respectfully Submitted,



Michael Hawley
Executive Director

Documents used in Public Session:

- Agenda for January 19, 2019 Board meeting
- January 20, 2017 draft Board Meeting Minutes
- Wall Certificates
- HE Delegations of Authority document
- FDA press release