

NEW YORK STATE HEARING AID DISPENSING ADVISORY BOARD
MEETING SUMMARY

December 7, 2020

The meeting was held by the Department of State, Division of Licensing Services, via WebEx conferencing. A virtual meeting was held to comply with COVID-19 social distancing directives. Due to the fact the meeting of the NYS Hearing Aid Dispensing Advisory Board was held remotely, the public hearing section was held in abeyance.

I. INTRODUCTIONS, ROLL CALL AND QUORUM ANNOUNCEMENT

The meeting was called to order at 1:06 p.m. A. Penzabene took roll call and declared that there was not a quorum present. The official attendance was as follows:

BOARD MEMBERS

Jerry Bergman
Florence Butler
Peter Fisher
Eric Freeman
Anne Orsene
Zhanneta Shapiro

Excused:

Ana Hae-Ok Kim
Anthony Macera

DEPARTMENT OF STATE STAFF

Jodi DeLollo
David Mossberg
Ernita Gantt
Ernest Delaney
Denise Tidings
Emily Lupe
Shannon Maguire
Marcella Rose
Alison Lacy

EX-OFFICIO BOARD MEMBERS

Amy Penzabene, representing
Rossana Rosado, Secretary of State,
Board Chair
Jason Kramer, representing NYSED
Commissioner
Anita Vigorito, representing NYS DOH
Commissioner

OTC SUBCOMMITTEE MEMBER

Eric Matson, HLAA-NYS/Rochester

VISITORS

Barbara Ahern, Hearing Health Care Alliance of NY
(HHCANY)
Fred Goossen, HHCANY, International Hearing Society
(IHS)

II. SUBCOMMITTEE AND DEPARTMENT REPORTS

A. Enforcement Report – E. Gantt provided an Enforcement Unit report. She stated that there was very little activity from January 2020 to present. She reported that four complaints against hearing aid dispensers were received during this period and that all four were closed. She provided information regarding the disposition of each complaint: one was not in violation, two were withdrawn, and one was insufficient. E. Gantt explained the nature of the closed complaints: one involved an inquiry of an administrative fee that was charged after cancellation of the service and the other was filed over an allegation of unlicensed activity; there was not enough evidence to substantiate that claim.

J. Bergman inquired about obtaining more specifics on the nature of the complaints (how they are processed, what type of feedback was received, and whether there is any public disclosure of the specifics). E. Gantt explained that more specific details could be obtained through a FOIL request and added that there are currently 12 cases opened and that open cases cannot be discussed.

A. Penzabene stated that we could provide a written report for the next meeting which would provide the number of cases closed, the number of cases opened, and the methods they were closed by and reiterated that we cannot provide specifics.

J. Bergman clarified that he is interested in gaining a better understanding of the State's enforcement of complaints by obtaining information regarding the types of complaints as well as the type of violation, how the complaint was brought to our attention, and how it was adjudicated. He stated that he was not interested in the specifics but, rather, an evaluation of the system and how it is working to resolve issues.

E. Freeman suggested that awareness of complaints brought forth through other organizations, such as a dispenser's failure to discuss telecoils, should be brought to the State's attention.

B. Processing Report – E. Lupe reported on the provided November 2019 and November 2020 statistical reports. She explained that the total number of businesses and licensees are listed by county, class code, and license type and that the 2020 figures only include active licensees and may not cover expired licenses covered by EO 202.11 which allows licensed individuals to extend their license term during the current State of Emergency.

C. Education Report – A. Lacy reported that the Bureau of Educational Standards continues to audit hearing aid dispensing renewal applications. She mentioned that those renewals that do not indicate approval code numbers or do not appear to include telecoil, infection control, and NYS and federal law, in addition to the balance of required hours, are not processed; they are sent to the Bureau for an educational compliance audit. A. Lacy stated that a renewal license will only be granted when satisfactory proof of education is provided. She reported that to date, 57 licensees have been audited and 52 have complied; of the five noncompliant, three are within the timeframe to respond. A. Lacy stated that course availability appears to be adequate and has not been an issue raised by any of our licensees.

E Freeman inquired whether the State will be able to provide CEU coverage through online programs due to COVID-19. A. Lacy stated that approved schools may teach CE courses using live distance education and will go back to the classroom setting once the temporary approval period for distance education is lifted. E. Freeman asked if current programs could offer online courses. A. Lacy clarified by stating that they would first need to email the Bureau of Educational Standards for approval and that the course must be conducted live.

- E. Examination Report- S. Maguire reported the examination statistics for 2020. She stated that the Hearing Aid Dispensing written exam was administered to 33 applicants with a pass rate of 52 percent and that the practical exam was administered to 53 applicants with a 100 percent pass rate; the practical exam was administered to 33 audiologists and 20 trainees. S. Maguire mentioned that instructions on requesting written examination dates may be found on agency's website.

III. NEW BUSINESS

- A. Executive Order Update – D. Mossberg reported that due to the continuing COVID-19 emergency the Governor has extended an Executive Order allowing those licensed by the Department of State to have their license remain in effect until January 1, 2021. He stated that the order, in part, was to allow licensees additional time as necessary to complete their continuing education during the pandemic.

J. Bergman asked for clarification on continuing education audits. D. Mossberg explained that if renewals are received without an applicant affirming that they have taken the required areas of continuing education, including telecoil, they will be audited. A. Lacy added that the completed courses must be listed on the renewal.

IV. 2021 ADVISORY BOARD MEETINGS

- A. Next Meeting – D. Tidings announced that she will soon be reaching out to Board members to schedule 2021 Hearing Aid Dispensing Advisory Board meeting dates.

Board members closed with some discussion regarding various areas of concern. Some of these areas include hearing aid manufacturers advising dispensers that telecoils are not necessary given the advances in technology, the challenges of being able to remotely support clients, concerns over manufacturers selling OTC's as hearing aids, and how to get more done as a Board to help hearing aid users and provide dispensers with information. It was reported that the OTC Subcommittee is still waiting on the FDA to put forth OTC regulations for review.

A Penzabene reminded Board members that they should submit potential agenda items for future meetings to D. Tidings.

V. ADJOURNMENT

A motion to adjourn the meeting was made by J. Bergman and seconded by E. Freeman. The meeting was adjourned at 1:54 p.m.