

## **BOARD OF HEARING AID DEALERS AND FITTERS**

*Minutes of September 30, 2005 Board Meeting*

### **I. CALL TO ORDER**

Gilbert Poliquin, Chair, established that a quorum was present and called the meeting to order at 9:04 a.m.

Members Present: Gilbert Poliquin, Robert Bruder, Sallie Chisholm, and Dawn Dufkin-Britt.

Members Absent: None.

Others Present: Andrew Black, AAG; Penny Vaillancourt, Board Administrator; Kevin Cookson, OLR Investigator; and Colleen Eugley, Acting Board Clerk.

### **II. OLD BUSINESS**

#### **A. APPROVAL OF MINUTES:**

Robert Bruder made a motion to accept the minutes of July 19, 2005. Sally Chisholm seconded the motion.

**Vote: 4 in favor**

### **III. NEW BUSINESS**

#### **A. COMPLAINT OFFICER REPORT**

##### **HEA-079**

Consumer alleges purchased hearing aids were defective and requested a full refund from the licensee. Complainant has since requested that the complaint be dropped.

Motion by Dawn Dufkin-Britt to dismiss with a letter of guidance regarding clear language in the licensee's purchase agreement to be placed in the licensee's file for one year. Sally Chisholm seconded the motion.

**Vote: 4 in favor**

##### **HEA-080**

A licensee filed a complaint against another licensee alleging that licensee sold an old hearing aid to a consumer under the pretext it was a new hearing aid.

After a review and discussion of the issues involved, Sallie Chisholm made a motion to offer a consent agreement to include an admission of four potential violations including practice of deceit, unethical conduct, negligence/incompetence, and failure to provide notice of disclosure; a formal reprimand, a \$500 fine for each violation; costs associated with the investigation

not to exceed \$1,000; probation for six months; license suspension for 60 days, unannounced random inspection by an agent of the Board within a six-month period, and a reprimand. Robert Bruder seconded the motion.

**Vote: 4 in favor**

The board further motioned to set the matter for an adjudicatory hearing made by Sallie Chisholm and seconded by Robert Bruder citing the four violations in the consent agreement.

**Vote: 4 in favor**

#### **HEA-074**

The complaint was represented with additional information that was requested by the board.

After a review and discussion of the issues involved, Robert Bruder made a motion to dismiss the complaint with a letter of guidance to be placed in the licensee's file for a period of five years regarding bone conduction terminology and to remind licensee to get the medical waiver signed. Dawn Dukfin-Britt seconded the motion.

**Vote: 3 in favor (1 recused - Sallie Chisholm)**

#### **HEA-077**

The complaint was represented with additional information that was requested by the board.

After a review and discussion of the issues involved, Dawn Dufkin-Britt made a motion to dismiss the complaint and seconded by Robert Bruder.

**Vote: 3 in favor (1 recused – Sally Chisholm)**

#### **HEA-076**

Compliance documents were submitted for the board to review for compliance with consent agreement.

Robert Bruder made a motion to send a letter to the licensee requesting additional documentation on the probationary period and to reply that training pursuant to a consent agreement does not count as meeting the board's continuing education requirements, the board tabled the review of the audiograms until receipt of the requested information. The motion was seconded by Sallie Chisholm.

**Vote: 3 in favor (1 recused – Dawn Dufkin-Britt)**

**B. APPLICATION REVIEW:**

Karen Chisholm – application for licensure as a Hearing Aid Dealer & Fitter

The board had requested the supervision log documenting the 750 hours of supervised training. Upon review of the log, there were entries that pre-dated initial licensure as a trainee. Therefore, only 605 hours were documented from 1/6/05 to 9/29/05.

Robert Bruder made a motion to allow the applicant to withdraw the application; Dawn Dufkin-Britt seconded the motion.

**Vote: 3 in favor (1 recused – Sallie Chisholm)**

Motion made by Dawn Dufkin-Britt and seconded by Robert Bruder to file a complaint against the supervisor.

**Vote: 3 in favor (1 recused – Sallie Chisholm)**

**C. CEU REQUESTS REVIEW:**

No CEU requests this month.

**D. CORRESPONDENCE**

None.

**E. MISCELLANEOUS**

Review of the Board's sample hearing aid purchase agreement was tabled.

**IV. OTHER BUSINESS**

**A. ADMINISTRATORS Report**

Ann Head approved the agenda for the annual hearing aid seminar.

The Governor signed an executive order for Maine to assist in efforts to help with Katrina victims' professional licenses. Board can't waive the requirements, but they can assist in expediting licensure.

**V. ADJOURN:**

Motion was made by Bob Bruder and seconded by Gil Poliquin to adjourn the meeting. The meeting was adjourned at 1:05 p.m.

**Vote: 4 in favor**

The next meeting is scheduled for Tuesday, October 18, 2005.

Respectfully submitted,

Colleen Eugley, Acting Board Clerk