

BOARD OF HEARING AID DEALERS AND FITTERS

Minutes of June 20, 2006 Board Meeting

I. CALL TO ORDER

Gilbert Poliquin, Chair, established that a quorum was present and called the meeting to order at 9:11 a.m.

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

Members Absent: None.

Others Present: Amy Mills, AAG; Penny Vaillancourt, Board Administrator; Kevin Cookson, OLR Health Investigator; Jennifer Mooney, Board Clerk; and Anne L. Head, Director, OLR.

II. OLD BUSINESS

A. APPROVAL OF MINUTES:

Bob Bruder made a motion to accept the minutes of April 18, 2006. Dawn Dufkin-Britt seconded the motion.

Vote: 4 in favor

III. NEW BUSINESS

A. COMPLAINT PRESENTATION

2006-HEA-2078

A complaint was filed against a licensee alleging unprofessional conduct.

After a review and discussion Sallie Chisholm motioned to dismiss the complaint due to lack of evidence of any violation. Dawn Dufkin-Britt seconded the motion.

Vote: 4 in favor

2006-HEA-2431

A complaint was filed against a licensee alleging unprofessional conduct.

After a review and discussion Gilbert Poliquin motioned to schedule an adjudicatory hearing for violating 32 MRSA § 1658 N(2) and 1658 N(5) as specified under board rules Chapter 7, Code of Ethics 1(M). Sallie Chisholm seconded the motion.

Vote: 4 in favor

In lieu of an adjudicatory hearing the board voted to offer a consent agreement to resolve the matter and will give the licensee 45 days to respond.

The terms of the consent agreement are as follows: admissions to the following two violations: negligence and unethical conduct and a fine of \$250.00 per violation for a total of \$500.00. The compliance document to be submitted to the board within 45 days from licensee having received it and the fines to be submitted to the board within 45 days from the date the licensee signed the consent agreement.

Motion was made by Bob Bruder and was seconded by Sallie Chisholm.

Vote: 4 in favor

After a review of the documents in the complaint cases 2078, 2431, and 2432 – the Gilbert Poliquin made a motion to file a complaint regarding advertising issues and was seconded by Sallie Chisholm.

Vote: 4 in favor

2006-HEA-2432

A complaint was filed against a licensee alleging unprofessional conduct.

After a review and discussion Gilbert Poliquin motioned to schedule an adjudicatory hearing for violating 32 MRSA § 1658 N(2) and 1658 N(5) as specified under board rules Chapter 7, Code of Ethics 1(M). Sallie Chisholm seconded the motion.

Vote: 4 in favor

In lieu of an adjudicatory hearing the board voted to offer a consent agreement to resolve the matter and will give the licensee 45 days to respond.

The terms of the consent agreement are as follows: admissions to the following two violations: negligence and unethical conduct and a fine of \$250.00 per violation for a total of \$500.00. The compliance document to be submitted to the board within 45 days from licensee having received it and the fines to be submitted to the board within 45 days from the date the licensee signed the consent agreement.

Motion was made by Bob Bruder and seconded by Sallie Chisholm.

Vote: 4 in favor

Motion to file a complaint regarding advertising issues was made by Gilbert Poliquin, seconded by Sallie Chisholm.

2006-HEA-2561

A complaint was filed against a business license for failing to renew and practicing without a license.

After a review and discussion of the materials provided, the board voted to offer a consent agreement in violation of 32 MRSA § 1658 A(2).

The terms of the agreement are as follows: admissions to the following violation: business entity may so engage in the business of selling or offering for sale hearing aids without a license to do so and a fine of \$650 for the violation, and the licensee to accept a formal warning. Both the compliance document and the fine are to be submitted to the board within 30 days from the date of signing the consent agreement

Motion to offer the consent agreement with a letter of warning was made by Bob Bruder and was seconded by Sallie Chisholm.

Vote: 4 in favor

Motion to set an adjudicatory hearing in lieu of consent agreement not being accepted was made by Gilbert Poliquin and was seconded by Bob Bruder.

Vote: 4 in favor

B. COMPLAINT ITEMS

- **2005-HEA-2038**

After review and discussion Bob Bruder motioned to have the letter of guidance kept in the licensee's file for a period of 1 year. Dawn Dufkin-Britt seconded the motion.

Vote: 3 in favor and 1 recusal (Sallie Chisholm)

- **2005-HEA-078**

After review and discussion the purchase agreement, Sallie Chisholm made a motion to send a letter to the licensee outlining amendments that need to be made to the purchase agreement such as typo in the website address, cost of ear molds and lab fees need to be indicated on return portion of agreement, amend the return of aids language to indicate the purchaser will be reimbursed at time of said return, and include language referencing trade-in amounts. The revised purchase agreement is to be submitted to the board for approval. Bob Bruder seconded the motion.

Vote: 4 in favor

C. CEU REQUESTS REVIEW

- Audit-CEU's – 9 approved

D. RENEWAL APPLICATION REVIEW

Michael Luney

Motion to approve Mr. Luney's request for renewal of his trainee permit was made by Bob Bruder and seconded by Dawn Dufkin-Britt.

Vote: 4 in favor

E. MISCELLANEOUS

Anne Head discussed with the board a legislative project involving both the BESPAs and the Hearing Aid Dealers & Fitters statutes. The work will focus on updating the existing Audiology statute, as well as reviewing both programs in anticipation of the 2007 Sunset Review process. Ms. Head also addressed the Speech Language Pathology and Audiology Board on the same subject.

2006 Seminar

Penny Vaillancourt to draft agenda and submit approval of the 2006 continuing education seminar.

IV. OTHER BUSINESS

A. ADMINISTRATOR'S REPORT

Nothing to report at this time.

B. IHIS CONVENTION

Sallie Chisholm motioned to send a member of the board to the IHIS convention in October 18-21, 2006. Bob Bruder seconded.

Vote: 4 in favor

V. ADJOURN:

Motion was made by Bob Bruder and seconded by Dawn Dufkin-Britt to adjourn the meeting. The meeting was adjourned at 12:47 p.m.

Vote: 4 in favor

The next meeting is scheduled for Tuesday, July 18, 2006.

Respectfully submitted,

Jennifer Mooney, Board Clerk