

MINUTES
of the Third Meeting of the
Hearing Care Professionals Technical Review Committee
November 21, 2023
9:00 a.m. to Noon

TRC Members Present

Daniel Rosenthal, PE (Chair)
David Deemer, NHA
Rebecca Wardlaw, ATC
Theresa Parker, CSW
Wendy McCarty, Ed.D.
Mark Malesker, PharmD, RP
Kevin Low, DDS

TRC Members Absent

Program Staff Present

Matt Gelvin
Ron Briel
Jessie Enfield

I. Call to Order, Roll Call, Approval of the Agenda

Chairperson Rosenthal called the meeting to order at 9:00 a.m. The roll was called; a quorum was present. Mr. Rosenthal welcomed all attendees and informed attendees that the agenda for the meeting and the Open Meetings Law were posted and the meeting was advertised online at <https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>. The committee members unanimously approved the agenda for the third meeting and the minutes of the second meeting.

II. Responses to Questions by the Applicant Group

Jamie York and Emit Jones, Hearing Instrument Specialists, came forward to respond to concerns raised during the second meeting about the need for greater clarity in the applicants' proposal regarding what invasive procedures the proposal would allow versus not allow the members of the applicant group to provide to hearing care patients. These applicant spokespersons informed the committee members that representatives of their group have been working with representatives of NMA and the Audiology profession to make changes in the proposal to address concerns about patient safety. Among the changes to be made are the following: 1) Rehabilitation provisions are to be removed from the proposal, and, 2) all provisions pertinent to Pediatrics are to be removed from the proposal.

Dean Kent, a hearing instrument dealer and business owner, came forward to make comments on behalf of the applicant's proposal. He provided the committee members with information on cerumen management, in general, and on methods by which hearing ability is measured, in particular. Mr. Kent stated that a thirty-second test is administered to a client to determine if there is blockage in the ear canal and, if so, to what extent there is such blockage. Mr. Kent stated that the members of the applicant group should be permitted to perform such measures but that this is not the case under their current scope of practice. Mr. Kent stated that such measures involve only the outer third of the ear canal and that if allowed to do such measure the applicants would not penetrate any deeper than this.

Mr. Kent informed the committee members that the thirty-second test is a "pass/fail" test for determining the degree of blockage by ear wax and is not in any way a diagnosis of a client's overall hearing condition. Theresa Parker asked Mr. Kent if the proposed eight-hour training course would be sufficient to ensure safe cerumen removal vis-à-vis vulnerable elderly clients.

Mr. Kent responded by stating that there would be a two-year waiting period for those applicants who qualify for doing cerumen removal procedures and that this should suffice to ensure safe delivery of these services. He added that this requirement would be added to the text of the final version of the applicants' proposal.

Mark Malesker asked the applicants what additional CE would be provided for those who would be providing cerumen management. There would be a total of thirty-two hours of CE every two years plus a refresher course in cerumen management procedures.

Kelly Pritchett, an Audiologist, stated that the audiometry test referred to Mr. Kent is known as "Typanometry" and this is not pass/fail test, adding that being able to determine what such a test reveals requires the ability to interpret the results and do a diagnosis. She went on to state that the members of the applicant group lack the education and training to do this competently. Dean Kent responded by stating that one does not need to be able to interpret or do a diagnosis in order to measure hearing volume, adding that the applicants would simply record the data provided by a Typanometry test and then follow indicated protocols regarding how to manage any cerumen that they might have. He added that the applicants have no intention of interpreting or attempting to diagnose a client's hearing condition, just removing ear wax, nothing more.

Nikki Kopetzky, an Audiologist, asked Mr. Kent to provide a credible source to document his claim that Typanometry can be used as a "pass/fail" instrument, adding that she knows of no way to use this test in such a manner and that interpretation and diagnosis are always components of such a testing process. Mr. Kent replied by stating that one can simply read what such a test records and then respond to the results via established protocols without engaging in either interpretation or diagnosis. Nikki Kopetzky continued to disagree with Mr. Kent and insisted that there is no way to avoid interpretation when using these kinds of tests, adding that this is why only Audiologists should use such tests.

Dan Rosenthal asked the applicants to submit a list of training elements that the proposal would provide for those who would be doing cerumen management. Nikki Kopetzky asked the applicants to provide a list of states that have passed similar proposals.

III. Public Comments

There were no additional public comments at this time.

IV. Other Business and Adjournment

There being no further business, the committee members unanimously agreed to adjourn the meeting at 10:30 a.m. The next meeting of this TRC is scheduled for 9:00 a.m. on January 16, 2024. Meeting location will be in Conference Room 3H in the Nebraska State Office Building.