

DRAFT MINUTES
of the Fifth Meeting of the
Hearing Care Professionals Technical Review Committee
April 2, 2024
9:00 a.m. to Noon

TRC Members Present

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

TRC Members Absent

Mark Malesker, PharmD, RP

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 fifth meeting and the minutes of the fourth meeting.

II. Responses to Questions by the Applicant Group

Misty Schmiel, Executive Director of the Nebraska Hearing Society, presented the revised applicant proposal to the Committee members. Misty's comments presented the summary of the text of the amended proposal which states as follows: 1) Tympanometry has been removed from the proposal entirely while tinnitus care would only be through tinnitus maskers in accordance with manufacturers audiology department staff; 2) Continuing education would be for the purpose of cerumen removal only and cerumen removal is now the principal reason for the changes in scope being sought; and, 3) Only persons defined as adults would be treated by the members of the applicant group. Ms. Schmiel went on to state that under the amended proposal there would be more referrals to Audiologists from members of the applicant group, adding that the additional training would be helpful vis-à-vis matters pertinent to making an appropriate referral. Ms. Schmiel commented that nine states are pursuing very similar proposals this year.

Dr. Nikki Kopetzky, an Audiologist, came forward to comment on the revised proposal on behalf of those Audiologists who are opposed to the proposal. Dr. Kopetzky commented that it's hard to track from one amended version of the proposal to another. Dr. Kopetzky went on to state that the proposal should not call those whom they would treat "patients" rather they are "clients" because the members of the applicant group are not health care providers, rather, they are business people and technology experts. She went on to state that if the applicants are eventually allowed to remove ear wax there would need to be medical triage present to ensure patient safety. As far as hearing tests are concerned she went on to state that the only hearing tests that are accurate are those conducted in a sound booth. Otherwise such tests need to be redone for the sake of accuracy. Pertinent to the referral process referenced by the applicant group Dr. Kopetzky stated that the applicants are not medically trained and are therefore not capable of an appropriate referral. Protocols would be needed to validate referral criteria and as of right now there are none in the amended proposal. Additionally, a valid referral would need to be based upon a valid and

medically articulated diagnosis of the patient in question and it is common knowledge that the applicants are not capable of performing a diagnosis.

Dr. Kopetzky then commented on tinnitus care by stating that this should be completely removed from the proposal and that, as yet, this has not happened.

Dr. Kopetzky expressed concern about the fact that the proposal would allow out-of-state audiologists to participate in the care of Nebraska patients without demonstrating that they are duly licensed vis-à-vis Nebraska standards to do so.

Dr. Kopetzky expressed concern about certain provisions of the amended proposal that seem to limit or restrict the authority of audiologists to dispense necessary items for the treatment of their patients. These items should be removed from the proposal.

III. Public Comments

One committee member asked questions about the next step in the review process which is the public hearing on the proposal. Other committee members indicated that the next meeting should be the public hearing.

IV. Other Business and Adjournment

There being no further business, the committee members unanimously agreed to adjourn the meeting at 10:45 a.m.