



OKLAHOMA State Department of Health

MINUTES OF PUBLIC MEETING

This meeting of the Consumer Protection Licensing Advisory Council, scheduled to begin at 9:00 a.m. on this the 19th day of August 2022, was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., 301 et seq.] An advance public notice was sent to the Secretary of State's Office of Administrative Rules by Internet specifying the time and place of the meeting here convened. This meeting was given at least forty-eight (48) hours prior notice and no one filed a written request

PUBLIC BODY: CONSUMER PROTECTION LICENSING ADVISORY COUNCIL

DATE: FRIDAY, AUGUST 19, 2022

LOCATION: OKLAHOMA STATE DEPARTMENT OF HEALTH

CONTACT PERSON: ADENA HUDSON TELEPHONE: (405) 426-8256

Agenda Item I

Open Meeting Act

Announcement of filing of meeting and posting of agenda in accordance with Open Meeting Act.

Agenda Item II

Call to Order and Roll Call

The Meeting was called to order by Dr. Grim at 9:06 am.

Present: Bryan Alexander, Michael Grim, Devon McFarland, Erin Meier, Wayne Morris

Absent: None

Quorum is met.

Agenda Item III

Approval of March 4, 2022 Meeting Minutes

Motion to approve the March 4, 2022 minutes as presented made by Bryan Alexander, seconded by Wayne Morris.

Aye: Bryan Alexander, Michael Grim, Devon McFarland, Erin Meier, Wayne Morris

The motion carries.

Agenda Item IV

Program Reports

CHS Program Manager Sam Canella is retiring at the end of August.

Thentia Update – Small delay due to contracts, but we hope to have that back on track soon.

Agenda Item V

Hearing Aid Dealers and Fitters

Federal update for Sale of Hearing Aids. – see New Business.

Agenda Item VI

Medical Micropigmentation

Medical Micropigmentation Workgroup has put forward a policy request change to adjust the Medical Micropigmentation rules. This would update the background check and would relate any infractions to the license or to public health. These changes go through Senior Leadership and Legislative changes have been approved.

Procedures for If misdemeanor or felony convictions are found: If CHS is unable to determine if it relates to the license, or has questions, it will be sent to legal or Senior Leadership for their opinion. Committee wonders if these could also either come to committee or committee member for their official opinion? Will look for official response from legal on this.

Agenda Item VII

Diagnostic X-Ray

Committee appointment of the new Xray Technician appointee is awaiting on the final approval from the Office of the Senate.

Agenda Item VIII

Discussion and Possible Nomination of New Officers

Some of the challenges over the next few years will likely be related to the new FDA rules, and a leadership change would likely be good for the Committee. Dr. Grim is officially resigning as the chair of the committee. Nominations are open for Chair.

Erin Meier nominates Wayne Morris for Chair, seconded by Devon McFarland. Discussion was had.

Motion to approve Wayne Morris for Chair made by Dr. Michael Grim, seconded by Devon McFarland.

Aye: Bryan Alexander, Michael Grim, Devon McFarland, Erin Meier, Wayne Morris

The motion carries.

Agenda Item IX

Old Business

None

Agenda Item X

New Business

FDA Posted their rules in the Federal Register about Over-the-Counter (OTC) hearing aid sales. CHS was made aware of this less than 24 hours before the scheduled meeting start time. These new rules will go into effect mid-October. This allows for 3 categories of hearing aids; 2 over-the-counter (self-fitting and non-self-fitting) and 1 non-over-the-counter. These packages will be labeled OTC. If they are labeled OTC, states cannot restrict the sale of them. The only restriction is age (must be over 18).

States cannot restrict the sale of over-the-counter, so we cannot require licenses for the sale of those OTC. CHS will get the with OSDH Legal Team to see what may need to be changed or added to our regulations. It is possible that this change happens quickly to meet the October start date of the FDA rules, or that Legal decides that our Rules and Regulations only pertain to the non-OTC aids. Perhaps we should update our website to clarify the rules and licensing requirements of HADF.

Wayne Morris brings up the potential of emergency rules being submitted. A large dispenser is trying to get the rules changed so HADF doesn't require on-site supervision for temporary licenses. Wayne Morris states that the Council should probably oppose this happening in fear of empowering bad actors. Emergency rules would have to come through OSDH, but changes of legislature would go through them, and we would be able to give input. OSDH will get these to Policy Review to see where this falls and what action might need to be taken.

Agenda Item XI

Announcements

2023 meeting schedule will be done at the November 4th meeting, so please have you calendars ready for review.

Agenda Item XII

Adjournment

Motion to adjourn the meeting made by Devon McFarland. Seconded by Wayne Morris.

Aye: Bryan Alexander, Michael Grim, Devon McFarland, Erin Meier, Wayne Morris

The motion carried.

The August 19, 2022 meeting adjourned at 10:00 AM.