



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – April 17, 2020

Board of Registration of Hearing Instrument Specialists

For the period July 1, 2017 through June 30, 2019





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April 17, 2020

Mr. Michael Hawley, Executive Director
Board of Registration of Hearing Instrument Specialists
1000 Washington Street, Seventh Floor
Boston, MA 02118

Dear Mr. Hawley:

I am pleased to provide this performance audit of the Board of Registration of Hearing Instrument Specialists. This report details the audit objectives, scope, methodology, finding, and recommendation for the audit period, July 1, 2017 through June 30, 2019. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Board of Registration of Hearing Instrument Specialists for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMBump".

Suzanne M. Bump
Auditor of the Commonwealth

cc: Layla D'Emilia, Commissioner, Division of Professional Licensure
Eugene Antonell, Chair, Board of Registration of Hearing Instrument Specialists

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EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Board of Registration of Hearing Instrument Specialists (BRHIS) for the period July 1, 2017 through June 30, 2019. The purpose of our audit was to determine whether BRHIS complied with Section 20(h) of Chapter 30 of the General Laws (the Open Meeting Law) and met quarterly to ensure the granting of licenses in accordance with Section 197(f) of Chapter 112, and Section 93 of Chapter 13, of the General Laws.

Below is a summary of our finding and recommendation, with links to each page listed.

Finding 1 Page 5	BRHIS did not meet quarterly.
Recommendation Page 5	If BRHIS believes that it cannot maintain a sufficient number of qualified board members to meet quarterly, it should consider requesting that the Legislature lower the quorum.

OVERVIEW OF AUDITED ENTITY

The Board of Registration of Hearing Instrument Specialists (BRHIS) was established by Chapter 321 of the Acts of 1998, which added Sections 93 and 94 to Chapter 13 of the Massachusetts General Laws, to ensure that registered hearing instrument specialists were properly licensed and trained to dispense hearing aids. Chapter 13 was further amended by Chapter 236 of the Acts of 2014, which changed the quorum for BRHIS meetings from three members to four members.

BRHIS is one of 38 boards of professional licensure within the Division of Professional Licensure (DPL), an agency within the Office of Consumer Affairs and Business Regulation. The board has six members, including one nonvoting member, who are appointed to three-year terms by DPL's commissioner. BRHIS is authorized to issue and administer licenses and license renewals, administer apprenticeships, and resolve complaints against hearing instrument specialists. BRHIS is managed by an executive director and employs an additional staff member for administrative duties.

According to the BRHIS website,

The Board of Registration of Hearing Instrument Specialists protects the public through regulation of the practice and the title of Hearing Instrument Specialist in the Commonwealth of Massachusetts in accordance with [Sections 93 and 94 of Chapter 13, and Section 197(f) of Chapter 112, of the General Laws].

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Board of Registration of Hearing Instrument Specialists (BRHIS) for the period July 1, 2017 through June 30, 2019.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Have all members of BRHIS complied with Section 20(h) of Chapter 30 of the General Laws (the Open Meeting Law), and have they completed the mandatory online ethics training, as required by Chapter 268(a) of the General Laws?	Yes
2. Does BRHIS meet quarterly to ensure the granting of licenses in accordance with Section 197(f) of Chapter 112, and Section 93 of Chapter 13, of the General Laws?	Partially; see Finding 1

To achieve our objectives, we gained an understanding of internal controls that we determined to be relevant to our audit objectives by reviewing BRHIS's internal control plan, policies, and procedures and conducting interviews with key personnel.

In addition, we performed the procedures described below.

- For the objective related to the Open Meeting Law, testing consisted of verification that board members received Open Meeting Law materials and that each member successfully completed online ethics training. Additionally, for each board meeting conducted during the audit period, we verified that the meeting was properly posted, an agenda was provided to members, and board minutes were posted on the BRHIS website.

- We interviewed BRHIS’s executive director and the Division of Professional Licensure’s deputy commissioner of boards to obtain an understanding of how the process of granting a license operated, from receipt of an application to issuance of a license.
- We obtained all the BRHIS meeting minutes for our audit period to ensure compliance with Section 93 of Chapter 13 of the General Laws, which required BRHIS to meet quarterly.
- We reviewed the two board meetings held by BRHIS during the audit period to determine whether there were disciplinary cases sent to BRHIS and not acted on.
- We conducted a review of all 31 new licenses that were approved during our audit period to obtain reasonable assurance that BRHIS granted new licenses in accordance with Section 197(f) of Chapter 112 of the General Laws and Section 3 of Title 265 of the Code of Massachusetts Regulations. We obtained hardcopy license applications and verified that license applications were timestamped, properly completed, and signed by BRHIS personnel and that the licenses granted matched the applications.

To ensure that the population of licenses was reliable, we reviewed a spreadsheet of individuals who had been issued licenses during the audit period, supplied by BRHIS, for duplicates, hidden rows, and columns and verified that there were no formulas in any of the cells. We also traced a sample of 5 of the 31 licenses issued to the original source documents and verified the accuracy of the names, dates, and license numbers. We conclude that the information is sufficiently reliable for use based on the work performed.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Board of Registration of Hearing Instrument Specialists did not meet quarterly.

During our audit period, the Board of Registration of Hearing Instrument Specialists (BRHIS) did not hold six out of eight required quarterly meetings. During this time, four disciplinary cases were delayed for 16 to 32 months before BRHIS heard them. Two of these four cases ended in dismissal; the other two were submitted to the Division of Professional Licensure (DPL) Office of Prosecutions to pursue the adjudicatory hearing process. Infrequent board meetings could result in a lack of proper oversight of BRHIS's operations or in the board being insufficiently informed and thus unable to act in the best interest of the organization.

Authoritative Guidance

According to Section 93 of Chapter 13 of the Massachusetts General Laws, BRHIS "shall meet quarterly or more frequently upon the call of the chairman or upon the call of the majority of board members." BRHIS's internal policy also states that the board meets quarterly.

Reasons for Infrequent Board Meetings

The BRHIS executive director told us in an email,

The Board normally meets quarterly in January, April, July and October. At the time of the meetings during [the audit] period (July 2017, October 2017, January 2018, April 2018, July 2018 and October 2018) there was not a quorum available to meet.

The DPL commissioner, who oversees BRHIS, told us that BRHIS's counsel had sent letters to the Commission for the Deaf and Hard of Hearing and to multiple Massachusetts branches of the Hearing Loss Association of America to address the board member shortages. DPL's commissioner and its deputy commissioner of boards told us these efforts did not identify sufficient qualified candidates to maintain a quorum to conduct board meetings.

Recommendation

If BRHIS believes that it cannot maintain a sufficient number of qualified board members to meet quarterly, it should consider requesting that the Legislature lower the quorum.

Auditee's Response

The Board currently has a quorum and is scheduled to meet in April 2020 to conduct its regular and usual business. In fact, at this time, the Division of Professional Licensure ("DPL") has identified a candidate for one of the vacant positions on the Board. This appointment should occur within a month. That would leave only one vacant position. The addition of another board member will greatly enhance the Board's ability to have a quorum to meet quarterly. . . .

The failure to meet, due to lack of a quorum, did delay the review of four disciplinary matters, as the draft report states. . . .

DPL understands the importance of meeting the statutory requirement for quarterly meetings, and DPL and the Board will continue with its efforts to increase Board membership.

Auditor's Reply

Based on its response, BRHIS will continue to work with DPL to address our concerns in this area.