

**BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS
DRAFT MINUTES OF MEETING**

The Board for Hearing Aid Specialists and Opticians met on Wednesday, April 15, 2015, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 1, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Deborah Bauer-Robertson
Jon D. Bright
Judith M. Canty
Pamela S. Chavis, MD
Edward L. DeGennaro
Robert E. Flippin
Mark C. Grohler
Eric B. Hecker, PhD
Bonnie Mayhew
Arva B. Priola
Bruce R. Wagner

The following member was not present:

L. Frederick Lassen, MD

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director/Regulatory and Public Affairs
Demetrios J. Melis, Executive Director
Stephen Kirschner, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant
Dawne Cooper, Administration/Procurement

A representative from the Office of the Attorney General was present for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Dr. Hecker, Chair, determined that a quorum was present and called **Call to Order** the meeting to order at 9:01 a.m.

Dr. Hecker introduced Dr. Pamela S. Chavis, the newly appointed **Introduction of New Board Member** Ophthalmologist member.

Upon a motion by Mr. Bright and seconded by Ms. Bauer-Robertson, **Approval of Agenda**

the Board moved to adopt the agenda.

The members voting ‘yes’ were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Flippin and seconded by Mr. Bright, the Board voted to approve the minutes of the October 9, 2014 Ad Hoc Committee meeting.

**Approval of Minutes:
October 9, 2014, Ad
Hoc Committee on
Optician
Apprenticeships
Meeting**

The members voting ‘yes’ were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Ms. Mayhew requested that the minutes be amended as follows: Page 6, paragraph 5, line one should read, “Ms. Mayhew asked if independent optical establishments can be required to obtain a business license.”

**Approval of Minutes:
December 10, 2014,
Board for Hearing
Aid Specialists and
Opticians Meeting**

Upon a motion by Mr. Bright and seconded by Mr. Grohler, the Board voted to approve the amended minutes of the December 10, 2014 Board meeting.

The members voting ‘yes’ were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Bright requested that the minutes be amended as follows: Page 4, paragraph 5, should read, “Mr. Bright indicated that there are concerns with the future of the ABO’s written exam. He further stated that the concern is not with the current written exam, but with potential changes that the ABO maybe considering, including online, at-home testing.”

**Approval of Minutes:
February 6, 2015,
Board for Hearing
Aid Specialists and
Opticians Meeting**

Upon a motion by Mr. Wagner and seconded by Mr. Flippin, the Board voted to approve the amended minutes of the February 6, 2015 Board meeting.

The members voting ‘yes’ were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Dr. Hecker asked for public comments. There were none.

Public Comment

In the matter of **File Number 2015-01989, Matthew J. Franklin**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Matthew J. Franklin did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2015-01989, Matthew J. Franklin

Upon a motion by Mr. Flippin and seconded by Mr. Grohler, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Matthew J. Franklin's Hearing Aid Specialist license application.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing and examination statistics with the Board. (See **Addendum 1**)

Statistics

Dr. Hecker asked that a 3-year average be included in future reports to the Board.

Old Business

Mr. Kirschner reported on the three regulatory packages that are moving through the regulatory process: Fee adjustments for both Hearing Aid Specialists and Opticians; and amended regulations for Hearing Aid Specialists.

Regulations

All of the regulatory packages are now in the Governor's Office for review. The Governor's review will be followed by a Public Comment period, after which the regulations will come back to the Board for a final review.

Mr. Kirschner reported on the March 27, 2015 meeting of the Ad Hoc Committee on Optician Apprenticeships and the work of the Committee on amending the "Addendum to the Minimum Standards of Apprenticeship" and the "Work Processes" and the consideration of a change to the apprenticeship hours from a 3-year, 6,000 hour

Ad Hoc Committee on Optician Apprenticeships Report

program to a 2-year, 4,000 hour program. Mr. Kirschner stated that the Committee will be prepared to bring its recommendations to the full Board in the near future.

Mr. Kirschner advised the Board that two additional practical examination dates were added to the calendar for 2015, as requested by the Board: March 13, 2015 and August 14, 2015. Six applicants participated in the March exam.

**2015 Optician
Practical Exam Dates**

Other Business

Mr. Melis introduced Mr. Jim Morris, Executive Director of the American Board of Opticianry and the National Contact Lens Examiners (“ABO”) who appeared at the meeting to provide an update on the current Board approved Optician’s written exams

**Update from ABO-
NCLE**

Mr. Bright, citing advice of counsel for the National Commission of State Opticianry Regulatory Boards (“NCSORB”), recused himself from the meeting.

Mr. Bright recused

Mr. Morris provided the Board with an overview of what the ABO’s role is in providing the optician written exam. He explained that the ABO will provide any examination statistics that the Board may require with regard to the ABO exam. Mr. Morris described the ABO’s computer-based exam registration searchable database, and asked that Board staff provide the ABO with final disciplinary orders, so that they could be added to the database. Mr. Morris provided a description of the content of the computer-based written exam. Mr. Morris also clarified to the Board that no in-home testing is available, nor has it ever been proposed, explaining that four practice exams are available to be taken by exam candidates at home, based on expired exam questions. He further stated that PSI testing centers are the only locations where the written exam is administered.

Mr. Morris discussed the ABO Spanish-language examinations now being offered, explaining that states may opt-out of the Spanish-language exams by contacting the ABO.

Mr. Morris responded to questions from the Board members.

In response to a question by Mr. Flippin, Mr. Morris stated that the ABO has almost no contracts with other states and is willing and working with Board staff on an agreement with the Board for the use of the ABO’s written exams.

In response to questions from Ms. Priola and Mr. Melis, Mr. Morris stated that the exams do have questions related to the ADA, and test administration is ADA compliant.

In response to a question from Mr. DeGennaro, Mr. Morris indicated that the ABO would like to gradually increase test date availability, and the next expansion would be considered in 2015.

Mr. Morris told the Board that exam registration is open continually on line; 24 hours per day, 7 days per week, and that the four examination periods are open for ten days each.

Dr. Hecker asked the Board members if the Board should make the Spanish-language exam available to its applicants. Mr. Flippin replied that it should be offered if it is available.

Upon a motion by Dr. Hecker and seconded by Ms. Canty, the Board voted to offer the Spanish-language exam to its applicants.

The members voting 'yes' were Ms. Bauer-Robertson, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

**Spanish-language
Optician Written
Exam**

Mr. Bright was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Melis reported that the Optician Practical Exam Request for Proposal was expected to be issued by the end of the week, after which the response period will ensue with an expected end on May 18, 2015. It is projected that the contract may be awarded by July 1st, with a January 1, 2016 implementation.

**Optician Practical
Exam RFP Update**

Mr. Melis introduced several areas on which staff is seeking Board guidance.

**Board Guidance –
Optician Regulations**

The Board discussed Regulation 18 VAC 80-30-20.5.a. – Approved Schools of Opticianry. Upon a motion by Mr. DeGennaro and seconded by Ms. Bauer-Robertson, the Board voted to approve any Commission on Opticianry Accreditation (COA) accredited, two-year program in opticianry.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no

negative votes. The motion passed unanimously.

The Board discussed 18 VAC 80-30-90.C – ABO Status and Initial Application Date, requiring that an applicant shall pass the written and practical examination within two years of the initial test date. Mr. Bright noted that 18 VAC 80-30-70.D. addresses the optician exam, while 18 VAC 80-30-90.C. addresses only contact lens endorsement. Mr. Kirshner stated that 18 VAC 80-30-70.D. was inadvertently omitted, and both regulations should be addressed by the Board.

Upon a motion by Mr. Flippin and seconded by Ms. Canty, the Board voted that for applicants with a current and valid ABO certification at the time of licensure, the initial test date should be viewed as the date of application.

The members voting ‘yes’ were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

The Board discussed its adoption of the National Academy of Opticianry’s (NAO) related instruction at its December 18, 2013 meeting. Mr. Melis asked the Board to consider if its decision was intended to include all related instruction.

Upon a motion by Mr. Flippin and seconded by Ms. Canty, the Board voted to table the discussion about related instruction curriculum until after the meeting of the Ad Hoc Committee on Optician Apprenticeships, scheduled immediately following adjournment of the full Board meeting.

There being no other business to be brought before the Board, Dr. **Adjourn**
Hecker adjourned the meeting at 10:52 a.m.

Eric B. Hecker, PhD, Chair

Jay W. DeBoer, Secretary

Hearing Aid Specialists and Opticians BOARD STATISTICS

Licenses & Temporary Permits Issued – 12-1-2014 through 3-31-2015

Hearing Aid Specialists by Exam	17
Hearing Aid Specialists by Reciprocity	3
Hearing Aid Specialists Temporary Permits	44
Optician by Exam	40
Optician by Reciprocity	0
CLE by Exam	2
CLE by Reciprocity	0
Optician License App Criminal History Review (Pass Matrix)	0

Regulant Population as of 4-1-2015

Hearing Aid Specialist Temp Permits	72
Hearing Aid Specialists	621
Opticians	1901

Complaints – 12-1-2014 through 3-31-2015

New Complaints Received – Hearing Aid Specialists	2
New Complaints Received – Opticians	0
Complaints Pending – Hearing Aid Specialists	0
Complaints Pending – Opticians	0
Complaints Closed – Hearing Aid Specialists	2
Complaints Closed – Opticians	0

HEARING AID SPECIALISTS

GENERAL EXAM STATISTICS REPORT - PRACTICAL

EXAM DATE	TOTAL		FIRST TIME		RE-EXAM		TOTAL EXAMINEES SCHEDULED																				
	EXAMS TAKEN	EXAMS PASSED	EXAMS TAKEN	EXAMS PASSED	EXAMS TAKEN	EXAMS PASSED																					
10/15/2014	30	14	23	10	7	4	30																				
		46.67%		43.48%			57.14%																				
	<table border="0"> <tr> <td>CONTENT DESCRIPTION</td> <td>EXAMS TAKEN</td> <td>EXAMS PASSED</td> <td>PERCENT PASSED</td> </tr> <tr> <td>AUDIOMETRIC</td> <td>23</td> <td>11</td> <td>47.83%</td> </tr> <tr> <td>MAINTENANCE AND REPAIR</td> <td>25</td> <td>22</td> <td>88.00%</td> </tr> <tr> <td>SPEECH TESTING</td> <td>19</td> <td>15</td> <td>78.95%</td> </tr> <tr> <td>EARMOLD IMPRESSIONS</td> <td>28</td> <td>27</td> <td>96.43%</td> </tr> </table>							CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	AUDIOMETRIC	23	11	47.83%	MAINTENANCE AND REPAIR	25	22	88.00%	SPEECH TESTING	19	15	78.95%	EARMOLD IMPRESSIONS	28	27	96.43%
CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED																								
AUDIOMETRIC	23	11	47.83%																								
MAINTENANCE AND REPAIR	25	22	88.00%																								
SPEECH TESTING	19	15	78.95%																								
EARMOLD IMPRESSIONS	28	27	96.43%																								

HEARING AID SPECIALISTS

GENERAL EXAM STATISTICS REPORT - WRITTEN

EXAM DATE	CONTENT DESCRIPTION		TOTAL	
	EXAMS TAKEN	EXAMS PASSED	EXAMS TAKEN	EXAMS PASSED
11/12/2014			28	21
11/12/2014			30	18
				75.00%
				60.00%

HEARING AID SPECIALISTS

GENERAL EXAM STATISTICS REPORT - PRACTICAL

EXAM DATE	TOTAL			FIRST TIME			RE-EXAM			TOTAL EXAMINEES SCHEDULED
	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	
2/2/2015	20	14	70.00%	13	10	76.92%	7	4	57.14%	20

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
AUDIOMETRIC	16	13	81.25%
MAINTENANCE AND REPAIR	14	11	78.57%
SPEECH TESTING	11	10	90.91%
EARMOLD IMPRESSIONS	13	12	92.31%

HEARING AID SPECIALISTS

GENERAL EXAM STATISTICS REPORT - WRITTEN

EXAM DATE	CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
3/4/2015	RULES & REGULATIONS	19	18	94.74%
3/4/2015	HAS THEORY	18	11	61.11%
		TOTAL		
		EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
		19	18	94.74%
		18	11	61.11%

OPTICIANS

GENERAL EXAM STATISTICS REPORT - WRITTEN

EXAM DATE	TOTAL			FIRST TIME			RE-EXAM			TOTAL EXAMINEES SCHEDULED	
	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED		
11/22/2014	6	6	100.00%	6	6	100.00%	0	0	0.00%	6	Board Approval
11/22/2014	8	5	63%	8	5	63%	0	0	0.00%	8	ABO Approval
2/28/2015	5	5	100%	5	5	100%	0	0	0.00%	5	ABO Approval

GENERAL EXAM STATISTICS REPORT - PRACTICAL

EXAM DATE	TOTAL			FIRST TIME			RE-EXAM			TOTAL EXAMINEES SCHEDULED	
	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED		
12/5/2014	39	35	89.74%	17	16	94.12%	22	19	86.36%	39	Board Approval

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	TOTAL EXAMINEES SCHEDULED
ADJUSTING AND BENCH EDGING	39	34	87.18%	39	34	87.18%	39	34	87.18%	39
SPECTACLE ANALYSIS PAIR I	39	37	94.87%	39	37	94.87%	39	37	94.87%	39
SPECTACLE ANALYSIS PAIR II	39	34	87.18%	39	34	87.18%	39	34	87.18%	39
WRITTEN	14	11	78.57%	14	11	78.57%	14	11	78.57%	14
SPECTACLE ANALYSIS PAIR III	39	19	48.72%	39	19	48.72%	39	19	48.72%	39
LENS IDENTIFICATIONS	39	37	94.87%	39	37	94.87%	39	37	94.87%	39
SCHOOL	8	7	87.50%	8	7	87.50%	8	7	87.50%	8
APPRENTICESHIP	31	28	90.32%	31	28	90.32%	31	28	90.32%	31
FINISHING LAYOUT	39	25	64.10%	39	25	64.10%	39	25	64.10%	39

Overall - Nov. 2014

3/13/2015 6 6 100% 4 4 100% 2 2 100%

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
ADJUSTING AND BENCH EDGING	6	3	50.00%	6	3	50.00%	6	3	50.00%
SPECTACLE ANALYSIS PAIR I	6	5	83.33%	6	5	83.33%	6	5	83.33%
SPECTACLE ANALYSIS PAIR II	6	4	66.67%	6	4	66.67%	6	4	66.67%
WRITTEN	0	0	0.00%	0	0	0.00%	0	0	0.00%
SPECTACLE ANALYSIS PAIR III	6	5	83.33%	6	5	83.33%	6	5	83.33%
LENS IDENTIFICATIONS	6	6	100.00%	6	6	100.00%	6	6	100.00%
SCHOOL	2	2	100.00%	2	2	100.00%	2	2	100.00%
APPRENTICESHIP	4	4	100.00%	4	4	100.00%	4	4	100.00%
FINISHING LAYOUT	6	4	66.67%	6	4	66.67%	6	4	66.67%

New Added Month - Board