

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, December 16, 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 Grohler
Eric B. Hecker, PhD
L. Frederick Lassen, MD
Bonnie Mayhew
Arva B. Priola
Bruce R. Wagner

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

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

Elizabeth Myers, Assistant Attorney General

Dr. Hecker, Chair, determined that a quorum was present and called **Call to Order** the meeting to order at 9:03 a.m.

Upon a motion by Ms. Canty and seconded by Mr. Flippin, the Board **Approval of Agenda** 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, Dr. Lassen, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Bright and seconded by Ms. Bauer-Robertson, the Board voted to approve the minutes of the August 19, 2015 Board meeting and the August 19, 2015 Ad Hoc Committee on Optician Apprenticeships meeting

**Approval of Minutes:
August 19, 2015
Board for Hearing
Aid Specialists and
Opticians Meeting
and August 19, 2015
Ad Hoc Committee
on Optician
Apprenticeships**

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

Public Comment

Dr. Hecker asked for public comments.

Michelle Nelms, Executive Director of the Opticians Association of Virginia, addressed the Board to offer recommendations for a future RFP to select an Optician practical examination.

The Board took Ms. Nelms' comments under advisement.

There were no additional public comments.

In the matter of **File Number 2015-03072, Edward J. Johnson**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference.

**File Number 2015-
03072, Edward J.
Johnson**

Upon a motion by Mr. Flippin and seconded by Ms. Canty, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Edward J. Johnson's Optician license application.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. Flippin, Mr. Grohler, Dr. Hecker, Dr. Lassen, Ms. Mayhew, Ms. Priola, and Mr. Wagner. The member abstaining was Mr. DeGennaro. There were no negative votes. The motion passed by a majority.

In the matter of **File Number 2016-00937, George McNeil, Jr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference.

**File Number 2016-
00937, George
McNeil, Jr.**

Upon a motion by Mr. Grohler and seconded by Mr. Wagner, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve George McNeil, Jr.'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, Dr. Lassen, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Melis introduced Shannon Webster, the new Examinations Director, to the Board.

Introduction of New Staff

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing and examination statistics with the Board.

Statistics

(See Addendum 1)

Old Business

Edward J. Johnson appeared at the meeting in person and addressed the Board concerning his case.

Comments from Applicants with Cases

George McNeil, Jr. appeared at the meeting in person and addressed the Board concerning his case.

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

Mr. Kirschner advised the Board that all three regulatory packages have been approved by the Governor and the Public Comment period is now open. A public hearing will be held on December 16, 2015, and the Public Comment period will end on December 18, 2015. The Regulations will be reviewed by the Board at its next scheduled meeting on April 20, 2016. Mr. Kirschner further advised the Board that the Governor has asked that the Board review revenue projections for the coming years with regard to the proposed fee adjustments.

Mr. Kirschner reported to the Board that the Public Comment Period for the periodic and small business impact review for its public participation guidelines and regulations had ended on November 9, 2015 with no public comments received. The Board was advised that it could vote to retain the regulations 'as is' or move to review the regulations further for potential changes.

Upon a motion by Mr. DeGennaro and seconded by Dr. Chavis, the Board voted to retain the public participation guidelines and regulations 'as is.'

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

Mr. Kirschner advised the Board that no public comments have been received to-date regarding the Hearing Aid Specialists Regulations and Opticians Regulations.

Upon a motion by Mr. Wagner and seconded by Mr. Grohler, the Board voted to retain 'as is' the Hearing Aid Specialist Regulations, which are currently under a general review.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Dr. Chavis, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Hecker, Dr. Lassen, 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 Ms. Canty, the Board voted to retain the Optician Regulations 'as is.'

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

Mr. Kirschner reported on the August 18, 2015 meeting of the Ad Hoc Committee on Optician Apprenticeships, stating that the revisions to the Standards of Apprenticeship were nearly complete and that the Work Processes had been finalized. He advised the Board that the Committee will continue to work on NAO related instruction and the development of a training video, and that the next meeting of the Ad Hoc Committee has been tentatively scheduled for January 12, 2016.

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

Mr. Melis reported to the Board that the RFP (Request for Proposals) for the Optician practical examination procurement has been canceled and will not be pursued at this time. The Board and staff engaged in a discussion of the RFP and concerns that had been raised during the process. Mr. Melis indicated that DPOR was looking into having the current examination professionally reviewed.

**Cancellation of the
Practical Exam
Procurement Process**

Mr. Melis advised the Board of the proposed Optician practical examination dates for 2016. Practical examinations will be administered in March, August, and December 2016. A June 2016 examination will not take place due to scheduled construction at the examination site.

**2016 Optician
Practical Exam Dates**

Upon a motion by Ms. Bauer-Robertson and seconded by Mr. Flippen, the Board voted to accept the schedule of three practical examination dates for 2016.

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

Other Business

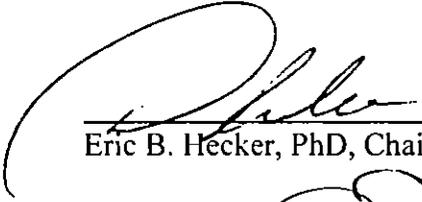
Mr. Kirschner reviewed the examiner selection procedure for Hearing Aid Specialist examiners, which was presented to the Board at its August 19, 2015 meeting. Mr. Kirschner recapped that potential examiners would submit a written request and his/her qualifications to Board staff for review. Staff would then present the examiner candidates to the Board for its approval.

**Hearing Aid
Specialist
Examination –
Examiner Selection
Procedure**

After discussion and upon a motion by Dr. Lassen, which was seconded by Mr. Grohler, the Board voted to accept the proposed procedure for selecting Hearing Aid Specialist examiners.

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

There being no other business to be brought before the Board, Dr. **Adjourn** Hecker adjourned the meeting at 10:35 a.m.


Eric B. Hecker, PhD, Chair

for Eric Hecker
Deborah Bauer-Robertson
Acting Chair


Jay W. DeBoer, Secretary

Addendum 1 – Hearing Aid Specialists and Opticians Board Statistics and Examination Statistics

Licenses & Temporary Permits Issued – 8-16-2015 through 12-14-2015

Hearing Aid Specialists by Exam	29
Hearing Aid Specialists by Reciprocity	0
Hearing Aid Specialists Temporary Permits	25
Optician by Exam	12
Optician by Reciprocity	0
CLE by Exam	1
CLE by Reciprocity	0
Optician License App Criminal History Review (Pass Matrix)	0

Regulant Population as of 12-1-2015

Hearing Aid Specialist Temp Permits	76
Hearing Aid Specialists	656
Opticians	1924

Complaints – 4-1-2015 through 8-15-2015

New Complaints Received – Hearing Aid Specialists	3
New Complaints Received – Opticians	0
Complaints Pending – Hearing Aid Specialists	0
Complaints Pending – Opticians	0
Complaints Closed – Hearing Aid Specialists	3
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	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED	
03/14/2015	42	28	66.66%	32	28	87.50%	11	6	54.54%	42

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
AUDIOMETRIC	26	13	50.00%
MAINTENANCE AND REPAIR	32	29	90.62%
SPEECH TESTING	21	14	66.66%
EARMOLD IMPRESSIONS	32	30	93.75%

HEARING AID SPECIALISTS

GENERAL EXAM STATISTICS REPORT - WRITTEN

EXAM DATE	CONTENT DESCRIPTION	TOTAL		
		EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
11/9/2015	RULES & REGULATIONS	38	30	78.94%
11/9/2015	HAS THEORY	44	29	65.90%

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	
1/07/2015	05	02	40.00%	05	02	40.00%	0	0	00.00	05

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	
2/04/2015	11	02	18.18%	10	02	20.00%	1	0	00.00	11

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
ADJUSTING AND BENCH EDGING	11	04	36.36%
SPECTACLE ANALYSIS PAIR I	11	05	45.45%
SPECTACLE ANALYSIS PAIR II	11	03	27.27%
WRITTEN	05	02	40.00%
SPECTACLE ANALYSIS PAIR III	11	03	27.27%
LENS IDENTIFICATIONS	11	10	90.90%
SCHOOL	00	00	00.00%
APPRENTICESHIP	11	02	18.18%
FINISHING LAYOUT	11	04	36.36%

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Deborah Bauer-Robertson
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

12/16/15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Jon D. Bright
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction: _____

NONE

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

12/16/15

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Judith M. Canty
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.

Judith Canty
Signature

12-16-15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Pamela S. Chavis, MD
2. Title: Board Member.
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

DNA

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.

Pamela S. Chavis MD
Signature

12/16/15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Edward L. DeGennaro
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

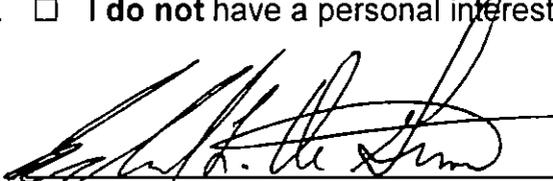
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

12/16/15
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Robert E. Flippin
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NCSOTIS

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Robert E. Flippin
Signature

12-12-15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Mark C. Grohler
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.


Signature

12/16/15
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Eric B. Hecker
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

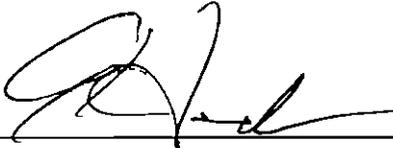
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

12-16-15

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: I. Frederick Lassen, MD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction: _____

NA

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NA

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

I. F. Lassen
Signature

12/16/15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Bonnie Mayhew
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.

Bonnie S. Mayhew
Signature

12-16-2015
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Arva B. Priola
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.

Arva B. Priola
Signature

12 / 16 / 2015
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

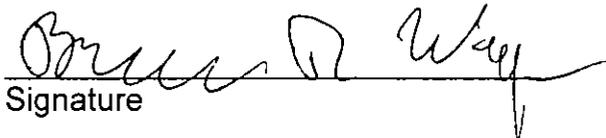
1. Name: Bruce R. Wagner
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 16, 2015
5. I have a personal interest in the following transaction:

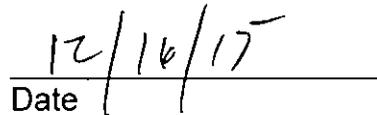
Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.


Signature


Date