

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, December 13, 2017, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 3, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Judith M. Canty
Pamela S. Chavis, MD
Edward L. DeGennaro
Melissa Gill
Mark Grohler
Laura Lee Kleiner
L. Frederick Lassen, MD
Debra Ogilvie, AuD
Arva B. Priola
June H. S. Rogers
Bruce R. Wagner

The following members were not present:

Teresa D. Leeper
Bonnie Mayhew

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

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 B. Peay, Assistant Attorney General

Ms. Canty determined that there was a quorum present, and called the meeting to order at 9:00 a.m. **Call to Order**

Ms. Canty introduced new Optician Board member Melissa Gill. **Introduction of New Board Member**

Upon a motion by Mr. DeGennaro and seconded by Mr. Wagner, the Board moved to adopt the Agenda. **Approval of Agenda**

The members voting 'yes' were Ms. Canty, Mr. DeGennaro, Ms. Gill, Mr. Grohler, Ms. Kleiner, Dr. Lassen, Ms. Priola, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Dr. Chavis was not present, did not participate in the discussion, and did not vote on this matter.

Upon a motion by Ms. Rogers and seconded by Mr. Grohler, the Board voted to approve the minutes of the July 12, 2017 Board for Hearing Aid Specialists and Opticians Meeting and the November 1, 2017 Optician Exam Committee Meeting.

**Approval of Minutes:
July 12, 2017 Board
for Hearing Aid
Specialists and
Opticians Meeting
and November 1,
2017 Optician Exam
Committee Meeting**

The members voting 'yes' were Ms. Canty, Mr. DeGennaro, Ms. Gill, Mr. Grohler, Ms. Kleiner, Dr. Lassen, Ms. Priola, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Dr. Chavis was not present, did not participate in the discussion, and did not vote on this matter.

Dr. Chavis arrived at the meeting at 9:10 a.m.

**Dr. Chavis Arrived
at the Meeting**

No communications were received by the Board.

Communications

Ms. Canty asked for public comments.

Public Comment

Ms. Leah Exline addressed the Board with a question regarding the display of licenses. The Board informed Ms. Exline that the Board's staff would be in touch with her to provide the requested information.

Case

In the matter of **File Number 2017-02921, Bruce Pierre Powell**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Bruce Pierre Powell appeared in person at the meeting and addressed the Board.

**File Number 2017-
02921, Bruce Pierre
Powell**

Upon a motion by Dr. Lassen and seconded by Ms. Priola, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Bruce Pierre Powell's Hearing Aid Specialist license application.

The members voting ‘yes’ were Ms. Canty, Dr. Chavis, Mr. DeGennaro, Ms. Gill, Mr. Grohler, Ms. Kleiner, Dr. Lassen, Ms. Priola, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2018-00909, Travis Sentell Massenburg**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Travis Sentell Massenburg did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-00909, Travis Sentell Massenburg

Upon a motion by Mr. DeGennaro and seconded by Dr. Lassen, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Travis Sentell Massenburg’s Optician license application.

The members voting ‘yes’ were Ms. Canty, Dr. Chavis, Mr. DeGennaro, Ms. Gill, Mr. Grohler, Ms. Kleiner, Dr. Lassen, Ms. Priola, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

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

Statistics

Mr. Kirschner also reviewed the Hearing Aid Specialists and Opticians examination statistics with the Board for all exams administered between August and November 2017.

Old Business

Mr. Kirschner reported that the Hearing Aid Specialist fee adjustment remains in the Executive Branch/Governor’s Office for review.

Regulations – HAS Fee Adjustment

Mr. Melis advised the Board of the meeting of the Optician Examination Committee on November 1, 2017, indicating that the Committee was provided an overview of the RFP process, and had nominated Ms. Canty and Ms. Rogers to serve on the DPOR exam procurement committee. Mr. Melis further indicated the RFP is anticipated to be completed by the end of February with proposals from potential exam vendors to be reviewed by mid-summer 2018.

Committee on Optician Examinations Report

Mr. Melis advised the Board of the OTC Hearing Aid Act of 2017, and stated that the FDA will be developing regulations to implement the Act making OTC hearing devices available to the public. Mr. Melis stated the regulatory process will likely be lengthy, roughly

Over-the-counter Hearing Aid Act of 2017 Report

approximating a minimum of two years to complete. He further advised the Board that Virginia Code states that hearing aid devices must be dispensed by a licensed hearing aid specialist, and that staff will be consulting with counsel to interpret the Act.

Mr. Melis conducted an overview of the examination procurement process.

**Optician
Written/Practical
Exam Request for
Proposal Process
Overview**

Mr. Melis reported to the Board that the work of the committee on the Optician Apprenticeship Standards was complete, with the exception of the completion of a video to provide related training on the practice of surfacing. Mr. DeGennero advised the Board that progress continues on the development of the video, and that the projected completion date is the second week of January 2018.

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

Other Business

Mr. Melis reported to the Board that a change to the Hearing Aid Specialists Regulations, effective February 1, 2017, allows for the use of the computer-based International Licensing Examination (ILE) examination, which will be available in 60-day periods, four times per year, beginning January 18, 2018.

**ILE Examination
Change**

The required Conflict of Interest webinar was presented to the Board.

Training

There being no other business to be brought before the Board, Ms. Canty adjourned the meeting at 11:13 a.m.

Adjourn

Judith Canty, Chair

Jay W. DeBoer, Secretary

Hearing Aid Specialists and Opticians BOARD STATISTICS

Licenses & Temporary Permits Issued – 7-1-2017 through 11-30-2017

Hearing Aid Specialists by Exam	25
Hearing Aid Specialists by Reciprocity	0
Hearing Aid Specialists Temporary Permits	26
Optician by Exam	15
Optician by Reciprocity	0
CLE by Exam	0
CLE by Reciprocity	0
Optician License App Criminal History Review (Pass Matrix)	4

Regulant Population as of 12-1-2017

Hearing Aid Specialist Temp Permits	59
Hearing Aid Specialists	703
Opticians	1,886

Complaints – 7-1-2017 through 11-30-2017

New Complaints Received – Hearing Aid Specialists	6
New Complaints Received – Opticians	1
Complaints Pending – Hearing Aid Specialists	2
Complaints Pending – Opticians	0
Complaints Closed – Hearing Aid Specialists	4
Complaints Closed – Opticians	1