

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

The Board for Hearing Aid Specialists and Opticians met on Tuesday, August 19, 2014, 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:

Deborah Bauer-Robertson
Jon D. Bright
Judith M. Canty
Robert E. Flippin
Mark C. Grohler
Bonnie Mayhew
William C. Russ
Bruce R. Wagner

The following members were not present:

William H. Bearden, III, MD
Eric B. Hecker, PhD
L. Frederick Lassen, MD
Arva B. Priola

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

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.

Joshua Laws, Assistant Attorney General

Mr. Flippin, Chair, determined that a quorum was present and called **Call to Order** the meeting to order at 9:02 a.m.

Mr. Melis led the Board members and staff in introductions. **Introductions**

Upon a motion by Mr. Bright and seconded by Ms. Bauer-Robertson, **Approval of Agenda** the Board voted to adopt the agenda.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms.

Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Mr. Russ, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Melis introduced an amendment to the July 21, 2014 New Board Member Training Minutes to indicate that the meeting was adjourned by Mr. Kirschmer at 2:46 p.m.

Upon a motion by Ms. Canty and seconded by Mr. Bright, the Board voted to approve the minutes of the December 18, 2013 Board meeting and the amended minutes of the July 21, 2014 New Board Member Training Meeting.

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

Mr. Flippin asked if there was any public comment.

Ms. Kristina Green, licensed optician and President of the Opticians Association of Virginia, addressed the Board on (1) the subject of exam eligibility for optician exam candidates; and (2) the ratio of optician apprentices to licensed opticians, recommending a ratio of 1 to 1.

Mr. Melis reviewed Hearing Aid Specialists and Opticians licensing statistics.

Mr. Kirschner reviewed complaints received, pending, and closed for Hearing Aid Specialists with the Board. Mr. Kirschner reported that there were no complaints, received, pending, or closed for Opticians.

Mr. Melis reviewed the Optician and Hearing Aid Specialist examination statistics with the Board.

Mr. Melis reported to the Board on the procurement process for the NCSORB computer-based National Optician's Practical Examination.

The Board discussed the potential of a conflict of interest during the procurement process for Board members who are also members or board members of NCSORB. The consensus reached by the members was that no conflict is anticipated.

**Approval of Minutes:
December 18, 2013
Board for Hearing
Aid Specialists and
Opticians Meeting
and July 21, 2014
New Board Member
Training Meeting**

Public Comment

Statistics

Old Business

**NCSORB (National
Commission of State
Opticianry
Regulatory Boards)**

Mr. Flippin has requested funding for one representative of the Board to attend the NCSORB meeting in September 2014. Mr. Melis agreed to make the necessary inquiries.

**Other Board
Business**

Mr. Melis presented the following proposed elections policy to the Board:

Elections Policy

Board Policy: Election of Chair and Vice-Chair

Election of Chair and Vice Chair will occur at the first Board meeting after July or at the first meeting after the Governor makes appointments. Newly elected Chairs will assume their position at the next Board meeting after elections are held.

If the Chair position is held by an Optician member, the Vice Chair position shall be a Hearing Aid Specialist member. If the Chair position is held by a Hearing Aid Specialist member, the Vice Chair position shall be an Optician member.

The Chair position shall alternate between the professions every year. Mr. Melis stated that the 2014 elections will take place at the December 10, 2014 meeting.

Upon a motion by Mr. Bright and seconded by Ms. Mayhew, the Board voted to approve the proposed election policy as written.

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

Mr. Kirschner provided the Board with copies of the proposed Opticians Criminal History Application Review Matrix for consideration. The Matrix details convictions that will not be reviewed by the Board during the license application process, consistent with the Regulations.

**Opticians Criminal
History Matrix**

Upon a motion by Ms. Canty and seconded by Mr. Russ, the Board to adopt the Opticians Criminal History Application Review Matrix as

written and include a reporting feature wherein a report of applicants who pass the matrix will be provided to the Board at its meetings.

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

Mr. Melis introduced Ms. Beverly Donati, Division Director of the Virginia Registered Apprenticeship in the Department of Labor and Industry (DOLI), and discussed with the Board the need to review the DOLI Opticians Apprenticeship Program. Mr. Melis suggested an ad hoc committee be formed to examine the apprenticeship program. The following Board members volunteered to sit on the ad hoc committee: Mr. Flippin, Ms. Mayhew, Ms. Canty, Mr. Bright and Ms. Bauer-Robertson. Mr. Melis asked that Board members send comments and/or suggestions to him.

**Optician
Apprenticeship**

Mr. Melis shared with the Board a request from staff for clarification of the Hearing Aid Specialist application requirement for a copy of the applicant's high school diploma or transcript. After discussion, the Board consensus was that a copy of the high school diploma or transcript was not required if the applicant had submitted evidence of a higher degree.

**Hearing Aid
Specialist license
requirement question
– High School
Diploma**

Mr. Kirschner provided the Board with the proposed fee adjustments for Opticians and Hearing Aid Specialists. Mr. Melis informed the Board that the Board had adopted the new fee structure at the December 18, 2013 meeting.

Regulations

**Hearing Aid
Specialist and
Optician Fee
Adjustment**

Upon a motion by Mr. Wagner and seconded by Ms. Bauer-Robertson, the Board voted to approve the proposed regulations incorporating the fee structure as illustrated below:

Range of Fees:

Fee Type		Current Fee	New Fees
New applicant	Optician	100	85
Renewal	Optician	100	115
Late Renewal	Optician	25	35
Reinstatement	Optician	100	85
Fee Type		Current Fee	New Fees
New applicant	Hearing Aid Spec	30	85
New applicant	Hearing Aid Spec	30	85

by reciprocity			
New applicant Temporary Permit	Hearing Aid Spec	30	85
Renewal	Hearing Aid Spec	20	115
Reinstatement	Hearing Aid Spec	30	85

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

Mr. Melis provided an historical background of the proposed amendments to the Hearing Aid Specialist Regulations, and informed the Board that the next stage in regulatory review process would be a public comment period, after which the Board will be asked to approve the amendments for submission to the Executive Branch.

**Hearing Aid
Specialist Regulatory
Review**

Mr. Kirschner provided the Board members with copies of the proposed Regulations and reviewed with the members a summary of the regulatory amendments.

Upon a motion by Mr. Wagner and seconded by Mr. Grohler, the Board voted to approved the proposed regulations.

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

Mr. Kirschner reported that the DPOR exams section received notice from the Director of the ABO-NCLE that the written exam will be offered four times a year, and requested that the Board decide if it wishes to expand the written test dates from two to four times per year.

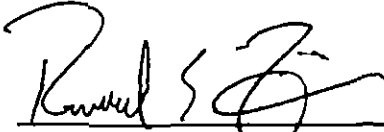
ABO-NCLE Testing

Upon a motion by Mr. Bright and seconded by Ms. Canty, the Board voted to approve the recommendation to offer the ABO-NCLE written Opticians exam four times per year, in February, May, August, and November.

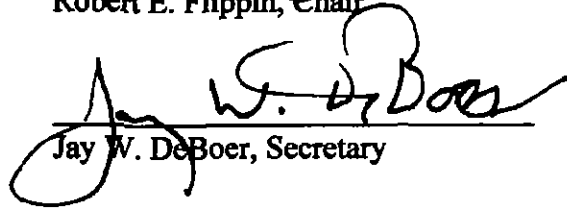
The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Mr. Russ, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

There being no further items for discussion, Mr. Flippin adjourned the **Adjourn**

meeting at 10:48 a.m.



Robert E. Flippin, Chair



Jay W. DeBoer, Secretary

**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: August 19, 2014
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

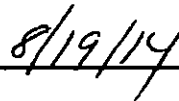
I did not participate in the transaction.

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



Signature

Date



**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: August 19, 2014
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:


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

8/19/2014
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: August 19, 2014
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:

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

8-19-14
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: August 19, 2014
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

8-19-2014

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: August 19, 2014
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.

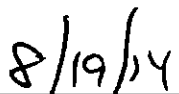
or

I did not participate in the transaction.

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



Signature



Date

**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: August 19, 2014
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

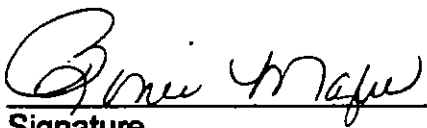
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

**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: August 19, 2014
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.

Bruce R Wagner
Signature

8/19/14
Date