BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS 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 <u>Call to Order</u> the meeting to order at 9:01 a.m.

Dr. Hecker introduced Dr. Pamela S. Chavis, the newly appointed Ophthalmologist member.

Introduction of New Board Member

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

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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 Opticians Meeting testing."

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

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.

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

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.

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 Statistics licensing and examination statistics with the Board. (See Addendum 1)

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

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

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 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 Report a change to the apprenticeship hours from a 3-year, 6,000 hour

Public Comment

File Number 2015-01989, Matthew J. Franklin

Old Business

on Optician Apprenticeships Board for Hearing Aid Specialists and Opticians Minutes of Meeting April 15, 2015 Page 4 of 7

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 Practical Exam Dates by the Board: March 13, 2015 and August 14, 2015. Six applicants participated in the March exam.

2015 Optician

Other Business

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

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

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 Spanishlanguage 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.

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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 Exam RFP Update 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

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 Board for Hearing Aid Specialists and Opticians Minutes of Meeting April 15, 2015 Page 6 of 7

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. Hecker adjourned the meeting at 10:52 a.m.

Action CHAIR

<u>Adjourn</u>

Eric B. Hecker, PhD, Chair

W. DeBoer, Secretary

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Addendum 1 - Hearing Aid Specialists and Opticians Exam Statistics

HEARING AID SPECIALISTS GENERAL EXAM STATISTICS REPORT - PRACTICAL

	TOTAL			FIRST TIME				TOTAL		
EXAM	EXAMS	EXAMS	PERCENT	EXAMS	EXAMS	PERCENT	EXAMS	EXAMS	PERCENT	EXAMINEES
DATE	TAKEN	PASSED	PASSED	TAKEN	PASSED	PASSED	TAKEN	PASSED	PASSED	SCHEDULED
10/15/2014	30	14	46.67%	23	10	43.48%	7	4	57.14%	30

	EXAMS	EXAMS	PERCENT
CONTENT DESCRIPTION	TAKEN	PASSED	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

		1	TOTAL	1
EXAM		EXAMS	EXAMS	PERCENT
DATE	CONTENT DESCRIPTION	TAKEN	PASSED	PASSED
11/12/2014	RULES & REGULATIONS	28	21	75.00%
11/12/2014	HAS THEORY	30	18	60.00%

HEARING AID SPECIALISTS GENERAL EXAM STATISTICS REPORT - PRACTICAL

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

	EXAMS	EXAMS	PERCENT
CONTENT DESCRIPTION	TAKEN	PASSED	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

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

		:		(OPTICIAN	IS					
	•	•	GENERA	L EXAM S	TATISTICS	REPORT - V	VRITTEN				
		TOTAL			FIRST TIME	E		RE-EXAM		TOTAL	
EXAM	EXAMS	EXAMS	PERCENT	EXAMS	EXAMS	PERCENT	EXAMS	EXAMS	PERCENT	EXAMINEES	
DATE	TAKEN	PASSED	PASSED	TAKEN	PASSED	PASSED	TAKEN	PASSED	PASSED	SCHEDULED	
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
	_	·	GENERA	L EXAM ST	TATISTICS F	REPORT - P	RACTICAL				
		TOTAL			FIRST TIME	E		RE-EXAM		TOTAL	
EXAM	EXAMS	EXAMS	PERCENT	EXAMS	EXAMS	PERCENT	EXAMS	EXAMS	PERCENT	EXAMINEES	
DATE	TAKEN	PASSED	PASSED	TAKEN	PASSED	PASSED	TAKEN	PASSED	PASSED	SCHEDULED	
12/5/2014	39	35	89.74%	17	16	94.12%	22	19	86.36%	39	Board Approval
							EXAMS	EXAMS	PERCENT	•	
	CONTENT I	DESCRIPTIO	N				TAKEN	PASSED	PASSED		
	ADJUSTING	AND BENC	H EDGING				39	34	87.18%		
	SPECTACLE	ANALYSIS	PAIR I				39	37	94.87%	•	
	SPECTACLE	ANALYSIS	PAIR II				39	34	87.18%	•	
	WRITTEN						14	11	78.57%		Overali - Nov. 2014
	SPECTACLE						39	19	48.72%		
	LENS IDENT	TIFICATION	S				39	37	94.87%		
	SCHOOL			•			8	7	87.50%		
	APPRENTIC	ESHIP					31	28	90.32%		
	FINISHING	LAYOUT					39	25	64.10%		
3/13/2015	6	6	100%	4	4	100%	2	2	100%		New Added Month - Board
							EXAMS	EXAMS	PERCENT		
	CONTENT	DESCRIPTIO	N				TAKEN	PASSED	PASSED		
	ADJUSTING	AND BENC	H EDGING				6	3	50.00%		
	SPECTACLE	ANALYSIS	PAIR I			·	6	5	83.33%		
	SPECTACLE	ANALYSIS	PAIR II				6	4	66.67%		
	WRITTEN						0	0	0.00%		
	SPECTACLE	ANALYSIS	PAIR III				6	5 .	83.33%		
	LENS IDEN	TIFICATION	S				6	6	100.00%		
	SCHOOL						2	2	100.00%		
	APPRENTIC	ESHIP					4	4	100.00%		
	FINISHING	LAYOUT					6	4	66.67%		

1.	Name:	Deborah Bauer-Robertson
2.	Title:	Board Member
3.	Agency:	Board for Hearing Aid Specialists and Opticians
4 .	Meeting/IFF Date:	April 15, 2015
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
3.	I do not have a personal in	nterested in any transactions taken at this meeting.
	Signature	9/15/15

1.	Name:	Jon D. Bright
2.	Title:	Board Member
3.	Agency:	Board for Hearing Aid Specialists and Opticians
4.	Meeting/IFF Date:	April 15, 2015
5.	I have a personal interest in the	ne following transaction:
	Pa	esentation by ABO
	Nature of Personal Interest Af	fected by Transaction:
	SFE ATTA	iched Doeumens
	group, the members of which	of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	I did not participate in the	e transaction.
6.	☐ I do not have a personal in	nterested in any transactions taken at this meeting.
	Signature	
	Oignature	Dale

My legal council has advised me to recuse myself during Mr. Morris's presentation due to the threat of litigation against me by Mr. Morris and the American Board of Opticianry. Mr. Chairman I would ask that the minutes of this meeting reflect my absence during this portion of the meeting.

TRANSACTIONAL DISCLOSURE STATEMENT for Officers and Employees of State Government

RECEIVED

1.	Name:	Pamela S. Chavis, MD	BCHO!
2.	Title:	Board Member	
3.	Agency:	Board for Hearing Aid Specialists and Option	ians
4.	Meeting/IFF Date:	April 15, 2015	
5.	I have a personal interest in t	he following transaction:	
	Mone		
	Nature of Personal Interest A	ffected by Transaction:	
	Mone		
	group, the members of which	of the following business, profession, occupa are affected by the transaction:	ation or
	☐ I am able to participate interest. or	n this transaction fairly, objectively, and in the) public
	☐ I did not participate in the	e transaction.	
6.	I do not have a personal	interested in any transactions taken at this n	neeting.
	Jamela Sha Signature	mismo 4/18/15	

1.	Name:	Edward L. DeGennaro				
2.	Title:	Board Member				
3.	Agency:	Board for Hearing Aid Specialists and Opticians				
4.	Meeting/IFF Date:	April 15, 2015				
5.	I have a personal interest in the	ne following transaction:				
	n					
	Nature of Personal Interest Affected by Transaction:					
	non					
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:					
		Ŏ				
	I am able to participate in this transaction fairly, objectively, and in the public interest.					
	or					
	☐ I did not participate in the	e transaction.				
6.	☐ I do not have a personal	interested in any transactions taken at this meeting.				
	for the Sh	m 4/15/15				
-	Signature	Date				

1.	Name:	Robert E. Flippin					
2.	Title:	Board Chair					
3.	Agency:	Board for Hearing Aid Specialists and Opticians					
4.	Meeting/IFF Date:	April 15, 2015					
5.	I have a personal interest in the	he following transaction:					
	Appointed By Nesorca To	SEZUR REMANDERT OF JOU BRIGHTS TERM AS TREASURALZ.					
	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 interest.	n this transaction fairly, objectively, and in the public					
	☐ I did not participate in the	e transaction.					
3.	☐ I do not have a personal i	nterested in any transactions taken at this meeting.					

1.	Name:	Mark C. Grohler		
2.	Title:	Board Member		
3.	Agency:	Board for Hearing Aid Specialists and Opticians		
4.	Meeting/IFF Date:	April 15, 2015		
5.	I have a personal interest in the following transaction:			
	I declare that I am a member of the following business, profession, occupation ogroup, the members of which are affected by the transaction:			
 □ I am able to participate in this transaction fairly, objectively, and in interest. or □ I did not participate in the transaction. 				
6. 🔀 I do not have a personal interested in any transactions taken at this meeting.				
	Mad Hull Signature	- 4/15/15		

1.	Name:	Eric B. Hecker			
2.	Title:	Board Member			
3.	Agency:	Board for Hearing Aid Specialists and Opticians			
4.	Meeting/IFF Date:	April 15, 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 interest.	n this transaction fairly, objectively, and in the public			
	☐ I did not participate in the	e transaction.			
6	I do not have a personal	interested in any transactions taken at this meeting.			
Signature Date					

1.	Name:	Bonnie Mayhew
2.	Title:	Board Member
3.	Agency:	Board for Hearing Aid Specialists and Opticians
4.	Meeting/IFF Date:	April 15, 2015
5.	I have a personal interest in the	ne following transaction:
	fected by Transaction:	
	I declare that I am a member	of the following business, profession, occupation or are affected by the transaction:
	 I am able to participate in interest. 	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	☐ I do not have a personal	interested in any transactions taken at this meeting.
(Signature Signature	24 <u>4-15-2015</u>

1.	Name:	Arva B. Priola		
2.	Title:	Board Member		
3.	Agency:	Board for Hearing Aid Specialists and Opticians		
4.	Meeting/IFF Date:	April 15, 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.			
	☐ I did not participate in the	e transaction.		
3 .	I do not have a personal interested in any transactions taken at this meeting.			
/	Dun Brill	4/15/2015		

1.	Name:	Bruce R. Wagner	
2.	Title:	Board Member	
3.	Agency:	Board for Hearing Aid Specialists and Opticians	
4.	Meeting/IFF Date:	April 15, 2015	
5.	5. I have a personal interest in the following transaction:		
	Nature of Personal Interest Affected by Transaction:		
	of the following business, profession, occupation or are affected by the transaction:		
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
6. At I do not have a personal interested in any transactions t			
	Orcu N. Weef y. Signature	<u>4-15-15</u> Date	