

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, April 20, 2016, 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:

Deborah Bauer-Robertson
Jon D. Bright
Judith M. Canty
Edward L. DeGennaro
Robert E. Flippin
Mark Grohler
L. Frederick Lassen, MD
Arva B. Priola

The following members were not present:

Pamela S. Chavis, MD
Eric B. Hecker, PhD
Bonnie Mayhew
Bruce R. Wagner

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

Jay W. DeBoer, Director
Nick Christner, Deputy Director/Regulatory Programs and
Compliance
Dawne Cooper, Procurement Officer
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 B. Peay, Assistant Attorney General

Ms. Bauer-Robertson, Acting Chair, determined that a quorum was present and called the meeting to order at 9:01 a.m. **Call to Order**

Upon a motion by Mr. Flippin and seconded by Ms. Canty, the Board moved to adopt the agenda. **Approval of Agenda**

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

Mr. DeGennaro arrived at the meeting late and did not vote on this matter.

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.

**Approval of Minutes:
December 16, 2015
Board for Hearing
Aid Specialists and
Opticians Meeting**

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

Mr. DeGennaro arrived at the meeting late and did not vote on this matter.

Ms. Bauer-Robertson asked for public comments. There were none.

Public Comment

Mr. Kirschner discussed Regulant Population statistics with the Board and provided the members with a hand-out illustrating five years of Hearing Aid Specialists and Opticians regulant populations. (See **Addendum 1**)

Statistics

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing and examination statistics with the Board. (See **Addendum 2**)

Old Business

Regulations

Mr. Kirschner reported to the Board on the status of proposed changes to the Hearing Aid Specialists and Opticians Regulations, including fee adjustments for hearing aid specialists and opticians. Mr. Kirschner indicated that during the proposed stage, the Governor requested the Board consider whether the fee adjustments were still necessary. After considering the Governor's request, the Finance section provided several alternative fee structures for the Board to consider. These proposals will be considered later in the meeting.

**HAS and OPT Fee
Adjustment**

HAS General Review

Mr. Kirschner informed the Board that the proposed changes to the Hearing Aid Specialists Regulations resulting from the general review

may take up to 6 to 9 months for final approval. Mr. Kirschner stated that the Board will have an opportunity to vote on the proposed changes later in the meeting.

**Optometry
Regulations**

Mr. Kirschner reported to the Board on a pending petition to propose changes to the Optometrist Regulations, under the Department of Health Professions. The Board members discussed the proposed changes, which are related to providing a patient with pupillary distance measurements. Mr. Kirschner stated that eight (8) public comments have been received; all objecting to the changes. The public comments all suggested that providing the pupillary distance measurement is a function of an optician, not an optometrist.

Mr. Kirschner reported on the January 19, 2016 meeting of the Ad Hoc Committee on Optician Apprenticeships, stating that the revisions to the Standards of Apprenticeship were nearly complete and that the committee is awaiting responses to a few outstanding questions before finalizing the language. He advised the next Ad Hoc Committee meeting will take place immediately following the Board Meeting today.

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

Mr. Melis reported that the Department had issued an Invitation for Bid (IFB) to solicit bids for the re-development of the Optician practical exam along with several other exams within the Department, bundled for cost saving purposes. The bids received were cost prohibitive and the Department will be evaluating other procurement options for the optician practical exam re-development. A discussion ensued regarding the reason for re-developing the current exam versus procuring an existing third party examination.

**Optician Practical
Exam**

At 9:30 a.m., Mr. Bright made a motion that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. Mr. Flippin seconded the motion. The following non-members were in attendance to reasonably aid the consideration of the topic: Ms. Peay, Mr. Melis, Mr. DeBoer, Mr. Nick Christner, and Ms. Dawne Cooper.

Closed Session

The motion was made with respect to the matter identified as agenda item 12. 'Optician Practical Exam.'

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

At 10:28 a.m., upon a motion by Mr. Grohler and seconded by Mr. DeGenarro, the Board voted to reconvene in open session.

Reconvene Open Meeting

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

WHEREAS, the Board for Hearing Aid Specialists and Opticians has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification of Closed Session

WHEREAS, § 2.2-3711.A.7 of the *Code of Virginia* requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board for Hearing Aid Specialists and Opticians hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Members certifying in the affirmative: Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennaro, Mr. Flippin, Mr. Grohler, Dr. Lassen, and Ms. Priola. No members declined to certify.

Other Business

The Board discussed the language in Virginia Code and the Optician Regulations with regard to who may engage in the practice of opticianry. The Optician Regulations include in its grounds for disciplinary action, “allowing any person to engage in the practice of opticianry, except an optician apprentice or student enrolled in a course in a school of opticianry under the direct supervision of a licensed optician.” Virginia Code provides an exemption for “any person who does not hold himself out to the public as an optician, and who works exclusively under the direct supervision and control of a licensed physician or licensed optometrist or licensed optician, and in the same location.” The Board discussed advice from board counsel that the regulations can be stricter than the law. Mr. Melis commented that the effect of these provisions is that while an unlicensed

18 VAC 80-30-160.A.8 and Code of Virginia § 54.1-1506.3: Who may engage in the practice of opticianry

individual may legally perform optician tasks as indicated in the Code, an optician may be disciplined if he allows unlicensed activity other than by an optician apprentice or student enrolled in a school of opticianry.

Regulations

Mr. Kirschner distributed a hand-out of proposed fee adjustments to the Hearing Aid Specialists and Optician fees. Mr. Kirschner reported to the Board that there had been no public comment received regarding the proposed fee adjustments.

Fee Adjustment Proposals

The Board reviewed the Hearing Aid Specialists proposed fee change submitted on February 27, 2014, and two subsequent proposals. After discussion, Mr. Grohler made a motion, seconded by Ms. Priola, that the Board adopt the fees in Proposal A. **(See Addendum 3)**

HAS Fee Adjustment Approval

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

The Board reviewed the Opticians proposed fee change submitted on February 27, 2014, and two subsequent proposals. After discussion, during which it was determined by the Board that no changes to the current fee structure were required, Mr. Flippin made a motion, seconded by Ms. Canty, that the Board retain the current Opticians fees and cancel the fee change regulatory action.

OPT Fee Adjustment Approval

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

Mr. Kirschner distributed a copy of the proposed changes to the Hearing Aid Specialists Regulations and reviewed the changes with the Board. Mr. Kirschner informed the Board that no public comment was received during the Comment Period that ended on December 18, 2015.

HAS General Review Approval

Upon a motion by Mr. Grohler, and seconded by Dr. Lassen, the Board voted to approve the proposed changes to the Hearing Aid Specialists Regulations as written.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Dr. Lassen, and Ms. Priola. The member abstaining was Mr. DeGennaro. The motion passed by a

majority.

There being no other business to be brought before the Board, Ms. **Adjourn**
Bauer-Robertson adjourned the meeting at 11:03 a.m.

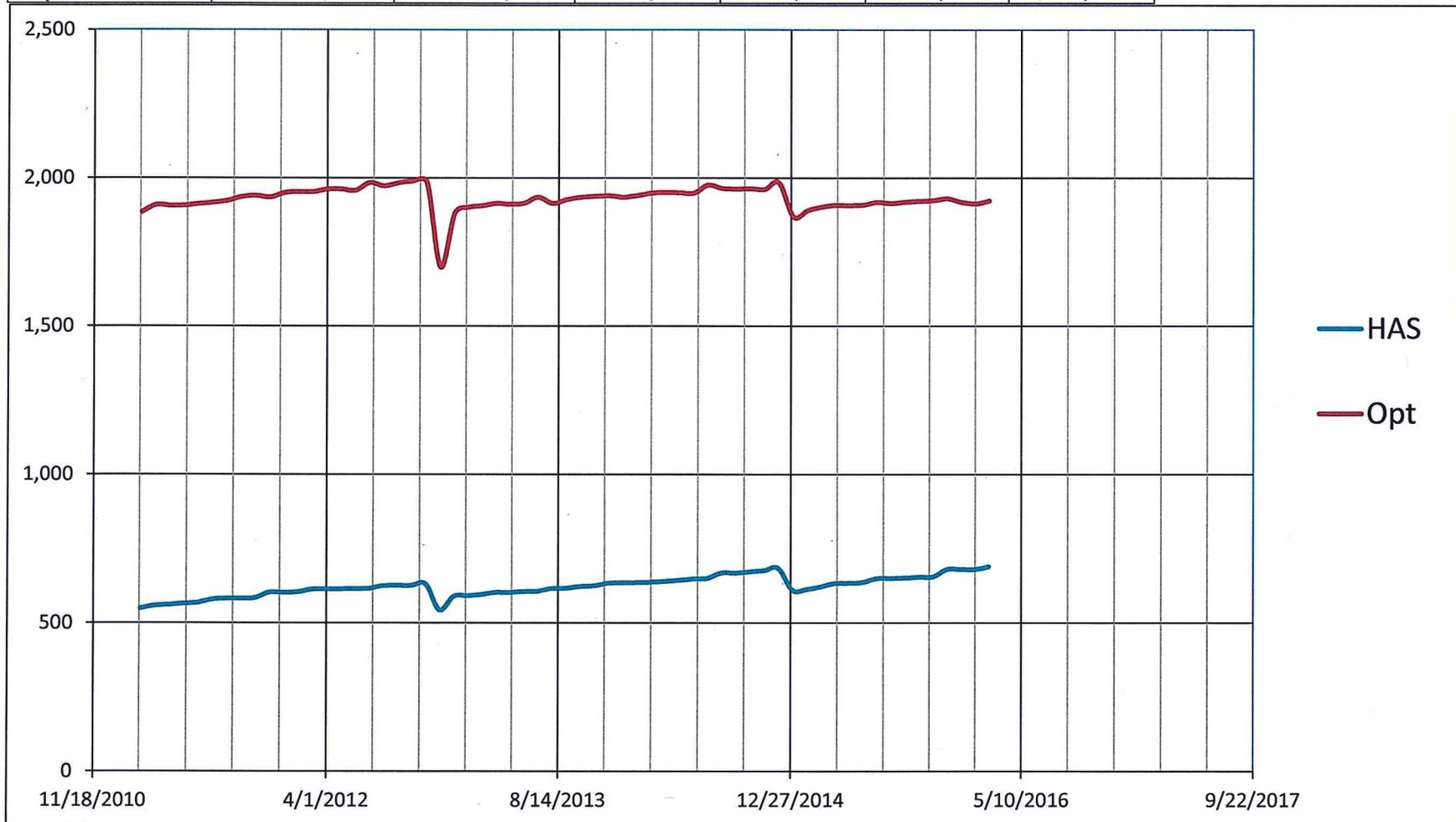
Deborah Bauer-Robertson, Acting Chair

Jay W. DeBoer, Secretary

HEARING AID SPECIALIST AND OPTICIAN REGULANT POPULATION FROM MARCH 1, 2011 TO MARCH 1, 2016

ADDENDUM 1

Board	3/1/2011	3/1/2012	3/1/2013	3/1/2014	3/1/2015	3/1/2016
HAS	549	613	596	637	621	690
Opt	1,885	1,953	1,906	1,949	1,901	1,923



Hearing Aid Specialists and Opticians BOARD STATISTICS

Licenses & Temporary Permits Issued – 12-15-2015 through 04-15-2016

Hearing Aid Specialists by Exam	10
Hearing Aid Specialists by Reciprocity	0
Hearing Aid Specialists Temporary Permits	20
Optician by Exam	12
Optician by Reciprocity	0
CLE by Exam	0
CLE by Reciprocity	0
Optician License App Criminal History Review (Pass Matrix)	0

Regulant Population as of 4-1-2016

Hearing Aid Specialist Temp Permits	71
Hearing Aid Specialists	690
Opticians	1923

Complaints – 12-15-2015 through 4-15-2016

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

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	
02/01/2016	24	14	58.33	14	08	57.14	10	06	60.00	24

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
AUDIOMETRIC	23	15	65.21%
MAINTENANCE AND REPAIR	16	12	75.00%
SPEECH TESTING	19	14	73.68%
EARMOLD IMPRESSIONS	16	16	100.00%

HEARING AID SPECIALISTS

GENERAL EXAM STATISTICS REPORT - WRITTEN

EXAM DATE	CONTENT DESCRIPTION	TOTAL		
		EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
03/02/2016	RULES & REGULATIONS	22	14	77.27%
03/02/2016	HAS THEORY	25	06	24.00%

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	
*Feb 2016	17	12	70.58%							17

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	
03/11/2016	24	14	58.33%	18	08	44.44%	06	06	100.00%	24

CONTENT DESCRIPTION	EXAMS TAKEN	EXAMS PASSED	PERCENT PASSED
ADJUSTING AND BENCH EDGING	24	13	54.16%
SPECTACLE ANALYSIS PAIR I	24	19	79.16%
SPECTACLE ANALYSIS PAIR II	24	11	45.83%
WRITTEN **	17	12	70.58%
SPECTACLE ANALYSIS PAIR III	24	08	33.33%
LENS IDENTIFICATIONS	24	22	91.66%
SCHOOL	01	01	100.00%
APPRENTICESHIP	23	11	47.82%
FINISHING LAYOUT	24	10	41.66%

*Written exam statistics from ABO.

**All candidates registered and scheduled directly with the ABO.

Hearing Aid Specialists and Opticians Fee Adjustments

Date of Last Fee Increase: 8/1/2005 (Opticians only)
 Date of Last Fee Decrease: 10/1/2003 (Hearing Aid Specialists)

Fee Structure

<u>Fee Type</u>		<u>Current Fees</u>	<u>Fee Change Submitted 2/27/2014</u>	<u>New Proposal A</u>	<u>New Proposal B</u>
Hearing Aid Specialist	Application by Exam	30	85	85	100
Hearing Aid Specialist	Application by Reciprocity	140	85	85	100
Hearing Aid Specialist	Temporary Permit Application	30	85	85	100
Hearing Aid Specialist	Renewal	20	115	100	100
Hearing Aid Specialist	Reinstatement	30	85	85	100
Optician	Application	100	85	100	100
Optician	Renewal	100	115	100	100
Optician	Late Renewal	25	35	25	25
Optician	Reinstatement	100	85	100	100

BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS

AD HOC COMMITTEE ON OPTICIAN APPRENTICESHIPS

DRAFT MINUTES OF MEETING

The Board for Hearing Aid Specialists and Opticians Ad Hoc Committee on Optician Apprenticeships met on Wednesday, April 20, 2016, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia. The following board committee members were present:

Deborah Bauer-Robertson, Acting Chair
Jon D. Bright
Judith M. Canty
Edward L. DeGennaro

The following board committee members were not present:

Robert E. Flippin
Bonnie Mayhew

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

Demetrios Melis, Executive Director
Stephen Kirschner, Regulatory Operations Administrator
Cathy Clark, Administrative Assistant

Representative from the Optician Association of Virginia present for the meeting:

Kristi F. Green

Representative from the Virginia Department of Labor and Industry, Beverley Donati, Apprenticeship Division Director, was not present for the meeting.

Ms. Bauer-Robertson determined there was a quorum and called the meeting to order at 11:23 a.m.

Call to Order

Upon a motion by Ms. Green and seconded by Ms. Canty, the Board voted to approve the minutes of the January 19, 2016 meeting of the Hearing Aid Specialists and Opticians Ad Hoc Committee on Optician Apprenticeships.

**Approval of
Minutes:
January 19, 2016
Board for
Hearing Aid
Specialists and
Opticians Ad Hoc**

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennaro, and Ms. Green. There were no negative votes. The motion passed unanimously.

**Committee on
Optician
Apprenticeships
Meeting**

The Committee is waiting for feedback from Ms. Donati, of the Department of Labor and Industry, regarding the language in Section 7.A. Further discussion of the Standards of Apprenticeship was deferred to the next meeting.

**Standards of
Apprenticeship –
Section 7.A Only**

The Committee discussed the National Academy of Opticianry (NAO) related instruction. Mr. Kirschner informed the Committee that the NAO will provide texts of its related instruction for review by the Committee. The committee requested the NAO allow Ms. Green to review the related instruction curriculum as well. Mr. Kirschner will inquire if Ms. Green may be included in the review of the curriculum.

**NAO Related
Instruction**

The Committee discussed the proposed training video.

Training Video

Ms. Green indicated that the National Federation of Opticianry Schools (NFOS) is unable to provide assistance with developing the video.

No information has been obtained, to date, from the NAO or Vision Council about assisting with the video development.

Mr. DeGennaro agreed to contact Mr. John Seegers, of Laramy-K Optical about possible assistance with the video development. Mr. DeGennaro also stated that he would search the internet for training videos that may already be available.

There was no new business introduced.

New Business

The Committee members agreed that the next meeting date would be determined after the NAO provides the curriculum materials for review.

Next Meeting

There being no further discussion, Ms. Bauer-Robertson adjourned the committee meeting at 12:12 p.m.

Adjourn

Deborah Bauer-Robertson, Chair

Jay W. DeBoer, Secretary