

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, August 17, 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:

Judith M. Canty
Pamela S. Chavis, MD
Edward L. DeGennaro
Mark Grohler
Teresa D. Leeper
Bonnie Mayhew
Debra Ogilvie, AuD
Arva B. Priola
June H. S. Rogers
Bruce R. Wagner

The following members were not present:

Melissa Gill
Eric B. Hecker, PhD, Chair
L. Frederick Lassen, MD

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

Jay W. DeBoer, Director
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, Acting Chair, determined that a quorum was present and **Call to Order** called the meeting to order at 9:00 a.m.

Mr. Melis stated that there was an amendment to the Agenda: Consent Order Case 2016-02276, Ana M. Anzola; item 4 on the Agenda, under Section VII. Cases, was removed from the Agenda for further action. In addition, Item 14, under section X. Other Board Business, was amended to read Regulations – Public Participation Guidelines. **Approval of Agenda**

Upon a motion by Mr. DeGennaro and seconded by Ms. Mayhew, the Board moved to adopt the amended Agenda.

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

Upon a motion by Mr. Wagner and seconded by Mr. Grohler, the Board voted to approve the minutes of the April 20, 2016 Board meeting and the April 20, 2016 Ad Hoc Committee meeting.

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

Ms. Canty asked for public comments. There were none.

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

Mr. Kirschner also reported to the Board that the May Optician practical exam was cancelled due to construction at the exam site. Scores for the July Hearing Aid Specialists and August Opticians examinations were not available at the time of this meeting.

Mr. Kirschner reminded the Board that the proposed fee adjustment for Opticians was cancelled at the April 20, 2016 Board meeting. He further reported to the Board that the fee adjustment for Hearing Aid Specialists and the proposed changes to the Hearing Aid Specialists Regulations are both currently in executive branch review.

Mr. Kirschner explained the goals of the Ad Hoc Committee on Optician Apprenticeships for the benefit of the new Board members. He stated that the Committee had reviewed the National Academy of Opticianry's (NAO) related instruction materials and other curricula

**Approval of Minutes:
April 20, 2016 Board
for Hearing Aid
Specialists and
Opticians Meeting
and Ad Hoc
Committee on
Optician
Apprenticeships
Meeting**

Public Comment

Statistics

Old Business

Regulations

**HAS and OPT Fee
Adjustment and HAS
General Review**

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

would be considered. Mr. Kirschner also indicated that a remaining goal of the Committee is creating a video to address the surfacing/finishing portions of the apprenticeship curriculum.

Mr. Melis reported that the Examinations section is evaluating whether the Community College Workforce Alliance is able to conduct an exam review of the optician practical exam.

Optician Practical Exam

Other Business

The Board discussed the topic of allowing a Hearing Aid Specialist Temporary Permit holder to obtain a second temporary permit when the maximum eighteen-month temporary permit period has expired. The Board did not reach a consensus on the subject, and agreed to continue the discussion at the next scheduled Board meeting in December 2016.

Obtaining a Second Hearing Aid Specialist Temporary Permit

Mr. Kirschner distributed a hand-out (see **Addendum 2**) and discussed with the Board legislation requiring an amendment to the Public Participation Guidelines in 18VAC41-11-50, adding a provision that interested persons shall be afforded the opportunity to “be accompanied by and represented by counsel or other representative.”

Public Participation Guidelines Amendment – Fast Track

Upon a motion by Mr. DeGennaro and seconded by Ms. Rogers, the Board voted to approve the proposed amendment to the Public Participation Guidelines for fast-track regulatory action.

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

Mr. Melis advised the Board that elections for Chair and Vice-Chair would take place at the December 14, 2016 meeting.

Elections to be held at December 2016 Meeting

Mr. Melis conducted Board Member Training on the topic of Board Overview.

Board Member Training

Mr. Kirschner conducted Board Member Training on the topic of Meeting Procedures.

There being no other business to be brought before the Board, Ms. Canty asked for a motion for Adjournment.

Adjourn

Upon a motion by Ms. Rogers and seconded by Mr. Wagner, the Board voted to adjourn the meeting at 10:55 a.m.

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

Eric B. Hecker, PhD, Chair

Jay W. DeBoer, Secretary

Hearing Aid Specialists and Opticians BOARD STATISTICS

Licenses & Temporary Permits Issued – 4-16-2016 through 8-15-2016

Hearing Aid Specialists by Exam	7
Hearing Aid Specialists by Reciprocity	0
Hearing Aid Specialists Temporary Permits	23
Optician by Exam	6
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 8-1-2016

Hearing Aid Specialist Temp Permits	70
Hearing Aid Specialists	696
Opticians	1926

Complaints – 4-16-2016 through 8-15-2016

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

18VAC41-11-50. Public Comment.

Part III. Public Participation Procedures

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency, and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § [2.2-4013](#) C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § [2.2-4012](#) E of the Code of Virginia.