

BOARD FOR HEARING AID SPECIALISTS

MINUTES OF MEETING

The Board for Hearing Aid Specialists met on Monday, November 24, 2003, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 5th Floor, Richmond, Virginia. The following members were present:

Kathy J. Harvey, Chair
Jeffrey M. Rinehart
Thomas M. Frank
Richard E. Linde, M.D.
Paul D. Moran

Board Members not present: Thomas J. Michie
Sonia Quintero

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

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director for RPD
William H. Ferguson, II, Executive Director
Zelda W. Dugger, Board Administrator
Earlyne Perkins, Legal Assistant
Rashaun K. Minor, Administrative Assistant

Also in attendance were: Arva B. Priola, Outreach Coordinator with disAbility
Resource Center
Ronald L. Lanier, Director for the Virginia
Department for the Deaf and Hard of Hearing
Elizabeth Young, Executive Director for the Board of
Audiology and Speech-Language Pathology

There was not a representative present from the Office of the Attorney General.

Kathy Harvey determined there was a quorum and called the meeting to **Call to Order**
order at 9:15 a.m.

The Board took under consideration the agenda and moved agenda item 'I', Virginia Department for the Deaf and Hard of Hearing, after agenda item 'E'. Mr. Rinehart moved to approve the agenda as amended. Mr. Moran seconded the motion. The members voting 'yes' were Mr. Frank, Ms. Harvey, Dr. Linde, Mr. Moran, and Mr. Rinehart . There were no negative votes. The motion passed unanimously. **Approval of Agenda**

Ms. Harvey asked if there was any public comment.

**Public Comment
Period**

Ms. Arva Priola, Outreach Coordinator with the disAbility Resource Center addressed the Board. Ms. Priola requested that all hearing aid dispensers put a t-coil in at least one hearing aid to assist with the use of the telephone and as means of better communication. Ms. Priola recommended that hearing aid dispensers and audiologist be trained and have the proper knowledge of how to use such devices for use by their clients.

Ms. Harvey cited two corrections in the minutes, page 3 second paragraph first sentence 'made' should be changed to 'moved' and page 4 tagline Regulations the third sentence 'The Department and' should be changed to 'The Department of'. Mr. Moran moved to approve the minutes as amended of the Board for Hearing Aid Specialists Meeting April 28, 2003. Mr. Rinehart seconded the motion. The members voting 'yes' were Mr. Frank, Ms. Harvey, Dr. Linde, Mr. Moran, and Mr. Rinehart. The motion passed unanimously. There were no negative votes.

**Approval of
Minutes for
April 28, 2003
Board Meeting**

Mr. Frank moved to approve the September 29, 2003 Informal Fact-Finding minutes of the Board for Hearing Aid Specialists. Dr. Linde seconded the motion The members voting 'yes' were Mr. Frank, Ms. Harvey, Dr. Linde, Mr. Moran, and Mr. Rinehart. The motion passed unanimously. There were no negative votes.

**Approval of IFF
Minutes for
September 29, 2003**

Ms. Harvey and Mr. Moran left the meeting. Mr. Rinehart assumed chairing of the meeting.

**Ms. Harvey and Mr.
Moran leave the
meeting**

In the matter of **File Number 2004-00815, Board v. Gerald J. DuBrino**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Gerald J. DuBrino was present and addressed the Board concerning this case.

**File 2004-00815
Gerald J. DuBrino**

It was noted by Ms. Perkins there was a change in Board Exhibit 1 page 2, the section of the regulations cited, 18 VAC 80-20-170 should be regulation 18 VAC-80-20-30.3. Mr. Frank moved to accept the correction to Board Exhibit 1. Dr. Linde seconded the motion. The members voting 'yes' were Mr. Frank, Dr. Linde, and Mr. Rinehart. The motion passed unanimously. There were no negative votes.

Upon a motion by Dr. Linde and seconded by Mr. Frank the Board found clear and convincing evidence and voted to accept the recommendation of the IFF summary and denied Mr. DuBrino's

request for a Hearing Aid Specialist temporary permit based upon Mr. DuBrino not living in the area of the sponsor and that the Board does not have the authority to control, limit or restrict where Mr. DuBrino practices. The members voting 'yes' were Mr. Frank, Dr. Linde, and Mr. Rinehart. There were no negative votes. The motion passes unanimously. Mr. Moran, as the presiding Board member at the IFF, was not present during the discussion or vote. Ms. Harvey recused herself and was not present during the discussion or vote.

Ms. Harvey and Mr. Moran returned to the meeting. Ms. Harvey resumed chairing the meeting.

Ms. Harvey and Mr. Moran return to the meeting

At 10:05 am the Board recessed and reconvened at 10:20 am.

Break

Ms. Harvey introduced Ms. Elizabeth Young, Executive Director for the Department of Health Professions Board of Audiology and Speech-Language Pathology.

Introduction

Ms. Young was attending the meeting to see the Virginia Department for the Deaf and Hard of Hearing presentation.

The Virginia Department for the Deaf and Hard of Hearing (VDDHH) presented to the Board a presentation on the Visor Alert Program.

Virginia Department for the Deaf and Hard of Hearing (VDDHH) presentation

Mr. Ronald Lanier, Director for the VDDHH, introduced Ms. Arva Priola, Outreach Coordinator with disAbility Resource Center. Ms. Priola showed a power point presentation and video on the Visor Alert Program.

Ms. Priola stated the program was supported and funded by the Virginia Association of the Chief of Police, Virginia Department of Motor Vehicles, the VDDHH and several other private businesses.

The purpose of the Visor Alert Program is to improve communication with individuals who are deaf and hard of hearing in particular with the law enforcement. The program is set up, if an individual who is deaf or hard of hearing is stopped by the police instead of making an adverse situation more confusing the individual in the car would point to his ear and the visor, pull the visor down so the police officer could see the Visor Alert Card. Once the police is aware the of the Visor Alert Card the person in the car can give the officer the card and find out the best means of communication to use with the stopped individual.

Ms. Priola stated the cards were to address two issues, safety and communication. Ms. Priola stated the Visor Alert is a voluntary

program and she would like to see all hearing aid dispensers and audiologist make their clients aware of the program and distribute the cards to those individuals that qualify.

Ms. Priola passed out the Visor Alert Cards, wallet cards and brochures on the program (attachment A).

Mr. Lanier fielded questions from the Board and expressed his thanks to the Board for the opportunity for Ms. Priola and him to present this information.

The Board was updated on the status of the current regulations. The Board was informed that the regulatory process for the regulations including the fee decrease was completed and went into effect October 1, 2003. It was noted that the current regulations list the history notes at the end of each section of the regulations.

Regulations

The Board took under consideration the Board for Hearing Aid Specialists Public Participation Guidelines (PPG) revisions to include notification by electronic means and the definition of "Agency" to mean the Board for Hearing Aid Specialists. Mr. Moran made a motion to adopt the Public Participation Guidelines. Dr. Linde seconded the motion. The members voting 'yes' were Mr. Frank, Ms. Harvey, Dr. Linde, Mr. Moran, and Mr. Rinehart. The motion passed unanimously. There were no negative votes.

Public Participation Guidelines

The Board was advised that the Agency hired a Consultant to do a study on the Agency's current adjudication process and address the Agency's case back log. The Consultant's report recommended the use of DPOR staff and former board members to hear cases. The DPOR staff could preside over those cases that were non-technical and a former board member could preside over cases that would require occupational expertise.

Presiding Officer - IFF

The Board did not take any action on this matter.

Ms. Harvey and Mr. Rinehart reported on their attendance at the International Hearing Society 2003 Conference that took place in St. Paul, Minnesota from October 29 to November 2, 2003. Ms. Harvey gave a summary of the progress and changes with other state boards. Ms. Harvey stated that 38 states and 2 provinces are using the NIHIS licensing exam (National Institute of Hearing Instruments Specialist).

International Hearing Society 2003 Conference Report

Ms. Dugger provided information to the Board regarding brochures and the Speakers Bureau. There were several areas that could be covered with the brochures and the Speakers Bureau, the consumer venue, the

Brochure/Speakers

professional, and the profession as a career opportunity.

Ms. Dugger handed out the current information that is displayed on the Board's webpage "Buying a Hearing Aid Consumer Guide for Older Virginians" and a draft flyer "What You Should Know About Buying a Hearing Aid". Ms. Dugger stated the current information on the website could be updated to capture the whole spectrum of hearing aid users from children to the elderly. Board members were asked to review this material and provide any comments.

Ms. Dugger stated the Communications Director of DPOR suggested a flyer instead of a brochure; it is cost effective and the flow of information can be easily read.

Ms. Harvey suggested using the newspaper's public service section as an avenue to make professionals and concerned citizens aware of the Board's contact information, changes, regulation revisions and other vital information.

Ms. Harvey also expressed interest in doing speaking engagements.

The Board reviewed its examination statistics for informational purposes.

**Examination
Statistics**

The Board reviewed its quarterly statistics for informational purposes.

**Quarterly Board
Statistics**

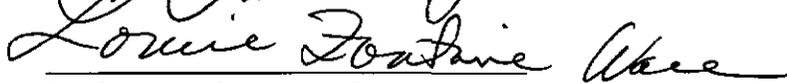
March 29, 2004, July 12, 2004, and November 8, 2004 were scheduled as the Board's 2004 meeting dates.

**2004 Calendar
Dates**

There being no further business to be brought before the Board, the Chair adjourned the meeting at 12:27 p.m.

Adjournment


Kathy J. Harvey, Chair


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

- 1 Name Dr Richard Linde
- 2 Title Board Member- Board for Hearing Aid Specialists
- 3 Agency Department of Professional and Occupational Regulation
- 4 Transaction Board Meeting on November 24, 2003
- 5 Nature of Personal Interest Affected by Transaction None

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction. Supervisor

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature

Richard Linde, MD Date 11/24/03

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1 Name Paul D Moran

2 Title Board Member - Board for Hearing Aid Specialists

3 Agency Department of Professional and Occupational Regulation

4 Transaction Board Meeting on November 24, 2003

5 Nature of Personal Interest Affected by Transaction A.H. Speer

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction Hearing Aid Speer

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature Paul D Moran Date 11/24/03

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1 Name. Jeffery Rinehart

2 Title Board Vice-Chair- Board for Hearing Aid Specialists

3 Agency Department of Professional and Occupational Regulation

4 Transaction Board Meeting on November 24, 2003

5 Nature of Personal Interest Affected by Transaction _____

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature Jeffery Rinehart Date 11/24/03

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1 Name Jeffery Rinehart

2 Title Board Vice-Chair- Board for Hearing Aid Specialists

3 Agency Department of Professional and Occupational Regulation

4 Transaction Board Meeting on November 24, 2003

5 Nature of Personal Interest Affected by Transaction _____

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature  Date 11/24/03

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1 Name Thomas Frank

2 Title Board Member - Board for Hearing Aid Specialists

3 Agency Department of Professional and Occupational Regulation

4 Transaction Board Meeting on November 24, 2003

5 Nature of Personal Interest Affected by Transaction _____

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction _____

_____ hearing aid specialist _____

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature  Date 11/24/03

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

- 1 Name Kathy Harvey
- 2 Title Board Chair - Board for Hearing Aid Specialists
- 3 Agency Department of Professional and Occupational Regulation
- 4 Transaction Board Meeting on November 24, 2003
- 5 Nature of Personal Interest Affected by Transaction _____
-

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction HEARING AID DISPENSERS

(b) I am able to participate in this transaction fairly, objectively and in the public interest

Signature

Kathy Harvey

Date

11-24-03