

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

The Board for Hearing Aid Specialists met on Wednesday, July 8, 2009, 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:

Thomas M. Frank, Chair
Kathy J. Harvey
Olivia Little Kearney
Harry W. Kessler
Dr. Frederick Lassen
Teresa Robinson

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

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director for Licensing & Regulations
William H. Ferguson, II, Executive Director
Zelda Williams, Board Administrator
Michelle Gowen, Administrative Assistant

Representative from the Office of the Attorney General was present for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Mr. Frank, Chair, determined a quorum was present and called the meeting to order at 9:17 a.m. **Call to Order**

Upon a motion by Ms. Harvey and seconded by Mr. Kessler the Board voted to adopt the agenda as written. **Approval of Agenda**

The members voting 'yes' were Mr. Frank, Ms. Harvey, Ms. Kearney, Mr. Kessler, Dr. Lassen, and Ms. Robinson. There were no negative votes. The motion passed unanimously.

Mr. Frank asked if there was any public comment. There was no public comment. **Public Comment**

The Board was informed Governor Kaine had reappointed Ms. Kearney and Dr. Lassen to the Board, and appointed Ms. Arva B. Priola to a citizen member position on the Board. **Board Members**

Upon a motion by Ms. Harvey and seconded by Ms. Robinson, the Board voted to approve the minutes as written of the: **Approval of Minutes:**
March 11, 2009

March 11, 2009 Board for Hearing Aid Specialists Board Meeting
May 20, 2009 Board for Hearing Aid Specialists Informal Fact Finding conference

Board for Hearing Aid Specialist Board Meeting;
May 20, 2009 Board for Hearing aid Specialist IIF Conference

The members voting 'yes' were Mr. Frank, Ms. Harvey, Ms. Kearney, Mr. Kessler, Dr. Lassen, and Ms. Robinson. There were no negative votes. The motion passed unanimously.

Ms. Harvey

Ms. Harvey left the meeting.

In the matter of **File Number 2009-01222, Board v. Linda Gail Bowers**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Linda Gail Bowers did not appear at the meeting in person, by counsel, or by any other qualified representative

File Number 2009-01222, Bowers, Linda Gail

Upon a motion by Ms. Robinson and seconded by Mr. Kessler, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference and found substantial evidence that Linda Gail Bowers violated the following sections of its Regulations.

- Count 1: 18 VAC 80-20-220 A (Effective October 1, 2003)
(five violations)
- Count 2: 18 VAC 80-20-190 C (Effective August 23, 1995)
- Count 3: 18 VAC 80-20-270 1 b (Effective October 1, 2003)

The members voting 'yes' were Mr. Frank, Ms. Kearney, Mr. Kessler, Dr. Lassen, and Ms. Robinson. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Robinson and seconded by Mr. Kessler, the Board voted to accept the recommended sanction contained in the Summary of the Informal Fact-Finding Conference.

Count 1:	18 VAC 80-20-222 A (\$500 each violation)	\$2,500.00
Count 2:	18 VAC 80-20-190 C	\$2,500.00
Count 3:	18 VAC 80-20-270 1 b	\$2,000.00

Total monetary penalty		\$7,000.00

In addition, for Counts 2 and 3 the Board imposed revocation of Hearing Aid Specialists License Number 2101000388 for violation of the regulations.

The members voting 'yes' were Ms. Kearney, Mr. Kessler, Dr. Lassen, and Ms. Robinson. Member voting 'nay' was Mr. Frank. The motion passed by majority

As a Board representative in this case, Ms. Harvey was not present, did not participate in the discussion, and did not vote on this matter.

In the matter of **File Number 2009-01417, Board v. Linda Gail Bowers** the Board reviewed the record which consisted of the investigative file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Linda Gail Bowers did not appear at the meeting in person, by counsel, or by any other qualified representative

File Number
2009-01417, Bowers,
Linda Gail

Upon a motion by Ms. Robinson and seconded by Mr. Kessler, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter and the Summary of the Informal Fact-Finding Conference and found substantial evidence that Linda Gail Bowers violated the following sections of its Regulations.

Count 1: 18 VAC 80-20-220 A 1 (Effective October 1, 2003)
Count 2: 18 VAC 80-20-190 C (Effective August 23, 1995)
Count 3: 18 VAC 80-20-270 1 b (Effective October 1, 2003)

The members voting 'yes' were Mr. Frank, Ms. Kearney, Mr. Kessler, Dr. Lassen, and Ms. Robinson. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Robinson and seconded by Mr. Kessler, the Board voted to accept the recommended sanction contained in the Summary of the Informal Fact-Finding Conference.

Count 1:	18 VAC 80-20-220 A 1	\$500.00
Count 2:	18 VAC 80-20-190 C	\$1,000.00
Count 3:	18 VAC 80-20-270 1 b	\$2,000.00

Total monetary penalty		\$3,500.00

In addition, for Counts 2 and 3 the Board imposed revocation of Hearing Aid Specialists License Number 2101000388 for violation of the regulations.

The members voting 'yes' were Ms. Kearney, Mr. Kessler, Dr. Lassen, and Ms. Robinson. Member voting 'nay' was Mr. Frank. The motion passed by majority

As a Board representative in this case, Ms. Harvey was not present, did not participate in the discussion, and did not vote on this matter.

Ms. Harvey returned to the meeting.

Ms. Harvey

Upon a motion by Mr. Kessler and seconded by Ms. Robinson the Board adopted proposed fee amendments.

Regulations

The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, and Ms. Robinson. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Harvey and seconded by Ms. Robinson, the Board voted to conduct a review of the Virginia rules and regulation part of the written examination

Examination

The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, and Ms. Robinson. There were no negative votes. The motion passed unanimously.

The Board reviewed Quarterly Board Statistics for informational purposes.

Quarterly Board Statistics

Board members completed the Commonwealth of Virginia Conflict of Interest Training.

Conflict of Interest Training

There being no further items for discussion, the Chair adjourned the meeting at 11:45 a.m.

Adjourn

Thomas M. Frank, Chair

Gordon N. Dixon, Secretary