

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, August 19, 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:

Jon D. Bright
Judith M. Canty
Robert E. Flippin
Mark Grohler
Bonnie Mayhew
Arva B. Priola
Bruce R. Wagner

The following member was not present:

Deborah Bauer-Robertson
Pamela S. Chavis, MD
Edward L. DeGennaro
Eric B. Hecker, PhD
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

A representative from the Office of the Attorney General was present for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Mr. Flippin, Acting Chair, determined that a quorum was present and **Call to Order** called the meeting to order at 9:14 a.m.

Upon a motion by Mr. Wagner and seconded by Mr. Grohler, the **Approval of Agenda** Board moved to adopt the agenda.

The members voting 'yes' were Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were

no negative votes. The motion passed unanimously.

Upon a motion by Mr. Wagner and seconded by Ms. Canty, the Board voted to approve the minutes of the April 15, 2015 Board meeting.

**Approval of Minutes:
April 15, 2015 Board
for Hearing Aid
Specialists and
Opticians Meeting**

The members voting 'yes' were Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Canty and seconded by Ms. Mayhew, the Board voted to approve the amended minutes of the April 15, 2015 Ad Hoc Committee meeting.

**Approval of Minutes:
April 15, 2015 Board
for Hearing Aid
Specialists and
Opticians Ad Hoc
Committee on
Optician
Apprenticeships**

The members voting 'yes' were Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Flippin asked for public comments.

Public Comment

Michelle Nelms, Executive Director of the Opticians Association of Virginia, addressed the Board on the subject of assessment of future opticians. Ms. Nelms expressed the Association's recommendations on how best to select a computerized optician practical exam. The Board took Ms. Nelms' comments under advisement.

In the matter of **File Number 2015-02282, Eren M. Kelly-Wallace**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Eren M. Kelly-Wallace did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2015-
02282, Eren M.
Kelly-Wallace**

Upon a motion by Mr. Bright and seconded by Mr. Grohler, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Eren M. Kelly-Wallace's Optician license application.

The members voting 'yes' were Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2015-02375, Jonathan C. Day**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding

**File Number 2015-
02375, Jonathan C.
Day**

Conference. Jonathan C. Day appeared at the meeting in person, but did not address the Board.

Upon a motion by Mr. Grohler and seconded by Mr. Wagner, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Jonathan C. Day's Hearing Aid Specialist license application.

The members voting 'yes' were Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

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

Statistics

Old Business

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

Regulations

All of the regulatory packages are still in Executive Branch review. This 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 April 15, 2015 meeting of the Ad Hoc 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 a change to the apprenticeship hours from a 3-year, 6,000 hour program to a 2-year, 4,000 hour program. Mr. Kirschner stated that progress is continuing, and the Committee will be prepared to bring its recommendations to the full Board in the near future.

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

Mr. Melis reported that the RFP is still open and that the Committee is reviewing information from proposed vendors. Mr. Melis indicated that January 1, 2016 remains the target date for implementation. Mr. Flippin asked if the Board would be notified when a contract is approved, and Mr. Melis replied that it would.

**Optician Practical
Exam RFP Status**

Mr. Melis initiated a discussion with the Board regarding the Board's approval in December 2013 of the NAO as a provider of related instruction for the Optician Apprenticeship. Mr. Melis informed the

**NAO Related
Instruction Update**

Board members that the Ad Hoc Committee on Optician Apprenticeships had addressed the matter at its April 15, 2015 meeting and had reached a consensus that the Board's intention when it granted its approval in 2013 was to approve the NAO curriculum as one of several options for related instruction and not as the sole provider.

Upon a motion by Mr. Bright and seconded by Ms. Mayhew, the Board voted to accept the Committee's recommendation to recognize the NAO related instruction as one of the approved curriculums.

The members voting 'yes' were Mr. Bright, Ms. Canty, Mr. Flippin, Mr. Grohler, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Other Business

Mr. Kirschner discussed the examiner selection procedure for Hearing Aid Specialist examiners, stating that potential examiners would submit a written request and his/her qualifications to Board staff for review. Staff would then present the examiner candidates to the Board for its approval.

Hearing Aid Specialist Examination – Examiner Selection Procedure

The Board members viewed a video presentation on the topic of the Freedom of Information Act (FOIA) and the responsibilities of Board members regarding information discussed at public meetings, including what constitutes a public meeting of the Board.

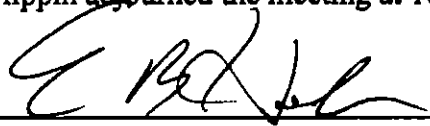
In Service Training

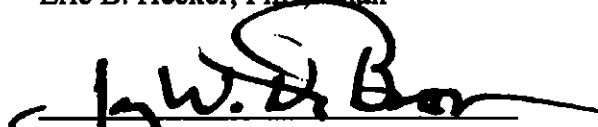
Mr. Flippin addressed the possibility of video or audio recordings of Board meetings to ensure accuracy in the minutes. Staff informed the Board that the infrastructure of the Board's meeting spaces does not support A/V recordings.

A/V Recordings of Board Meetings

There being no other business to be brought before the Board, Mr. Flippin adjourned the meeting at 10:42 a.m.

Adjourn


Eric B. Hecker, PhD, Chair


Jay W. DeBoer, Secretary

Addendum 1 – Hearing Aid Specialists and Opticians Board Statistics and Examination Statistics

**Hearing Aid Specialists and Opticians
BOARD STATISTICS**

Licenses & Temporary Permits Issued – 4-1-2015 through 8-15-2015

| | |
|--|----|
| Hearing Aid Specialists by Exam | 22 |
| Hearing Aid Specialists by Reciprocity | 0 |
| Hearing Aid Specialists Temporary Permits | 24 |
| Optician by Exam | 14 |
| Optician by Reciprocity | 0 |
| CLE by Exam | 1 |
| CLE by Reciprocity | 0 |
| Optician License App Criminal History Review (Pass Matrix) | 3 |

Regulant Population as of 8-1-2015

| | |
|-------------------------------------|------|
| Hearing Aid Specialist Temp Permits | 72 |
| Hearing Aid Specialists | 621 |
| Opticians | 1901 |

Complaints – 4-1-2015 through 8-15-2015

| | |
|---|---|
| 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 |

OPTICIANS AND HEARING AID SPECIALISTS EXAMINATION STATISTICS

| Opticians Exams | Exams Taken | Exams Passed | Percent Passed |
|---|--------------------|---------------------|-----------------------|
| Written – May 2015 | 06 | 03 | 50% |
| | | | |
| Practical March 13, 2015 | 06 | 06 | 100% |
| June 19, 2015 | 06 | 04 | 66.66% |
| | | | |
| Hearing Aid Specialists Exams | Exams Taken | Exams Passed | Percent Passed |
| Written March 4, 2015 ILE Theory | 18 | 11 | 61.11% |
| VA – Rules/Regs July 8, 2015 ILE Theory | 19 | 18 | 94.73% |
| July 8, 2015 ILE Theory | 34 | 16 | 47.05% |
| VA – Rules/Regs | 29 | 21 | 72.41% |
| | | | |
| Practical February 2, 2015 | 20 | 14 | 70% |
| June 8, 2015 | 33 | 18 | 54.54% |

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Jon D. Bright
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 19, 2015
5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction: _____

NONE

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

8/19/15

Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Judith M. Canty
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 19, 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:

PRESIDENT - OPTICIANS ASSOC. OF VIRGINIA

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Judith M. Canty
Signature

8-19-15
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robert E. Flippin
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 19, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

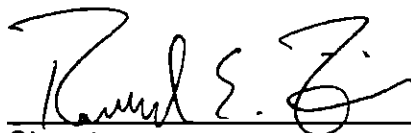
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

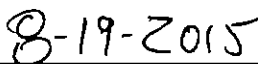
or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.



Signature



Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Mark C. Grohler
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 19, 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.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature



Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Bruce R. Wagner
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 19, 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.

or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.

Bruce R. Wagner
Signature

8/19/15
Date