

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, April 12, 2017, 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
L. Frederick Lassen, MD
Teresa D. Leeper
Debra Ogilvie, AuD
June H. S. Rogers
Bruce R. Wagner

The following members were not present:

Melissa Gill
Mark Grohler
Eric B. Hecker, PhD
Laura Lee Kleiner
Bonnie Mayhew
Arva B. Priola

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

Mr. Wagner determined that there was a quorum present, and called Call to Order the meeting to order at 9:10 a.m.

Mr. Melis instructed the Board that an Acting Chair would be required Appointment of Acting Chair to conduct the business of the Board until elections would occur later on the Agenda.

Upon a motion by Ms. Rogers to nominate Ms. Canty as Acting Chair, seconded by Mr. DeGennaro, the board voted to accept the nomination and appoint Ms. Canty Acting Chair.

The members voting 'yes' were Ms. Canty, Dr. Chavis, Mr. DeGennaro, Dr. Lassen, Ms. Leeper, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously, and Ms. Canty assumed the Chair.

Mr. Melis advised the Board that the Agenda was amended to include the Minutes of the May 27, 2016 Ad Hoc Committee on Optician Apprenticeships Meeting.

Approval of Agenda

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

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

Upon a motion by Ms. Rogers and seconded by Mr. DeGennaro, the Board voted to approve the minutes of the May 27, 2016 Ad Hoc Committee on Optician Apprenticeships Meeting.

**Approval of Minutes:
May 27, 2016 Ad Hoc
Committee on
Optician
Apprenticeships
Meeting**

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

Upon a motion by Mr. Wagner and seconded by Ms. Ogilvie, the Board voted to approve the minutes of the August 17, 2016 Board for Hearing Aid Specialists and Opticians Meeting.

**Approval of Minutes:
August 17, 2016
Board for Hearing
Aid Specialists and
Opticians Meeting**

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

Ms. Canty asked for public comments.

Public Comment

Mr. Robert Flippin addressed the Board regarding the Model Optician Mobility Act of 2016. Mr. Flippin expressed his concern that there was no education requirement included in the Act. The Board took Mr. Flippin's comments under advisement. Mr. DeGennaro asked Mr.

Flippin to provide suggested edits to the Act.

Cases

In the matter of **File Number 2017-01454, Gina Marie Risenhoover**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Gina Marie Risenhoover appeared at the meeting in person and addressed the Board.

File Number 2017-01454, Gina Marie Risenhoover

Upon a motion by Mr. DeGennaro and seconded by Ms. Rogers, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Gina Marie Risenhoover's license application.

The members voting 'yes' were Ms. Canty, Dr. Chavis, Mr. DeGennaro, Ms. Leeper, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. The member voting 'no' was Dr. Lassen. The motion passed by a majority.

In the matter of **File Number 2017-01663, Ashley Brittney Coiner**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ashley Brittney Coiner did not appear at the meeting in person, by counsel, or by any other qualified representative; however, the Board reviewed written correspondence from Ms. Coiner, dated April 10, 2017, providing an explanation for her absence.

File Number 2017-01663, Ashley Brittney Coiner

Upon a motion by Dr. Lassen and seconded by Mr. Wagner, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Ashley Brittney Coiner's license application.

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

No communications were received by the Board.

Communications

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

Statistics

Mr. Kirschner also reviewed the Hearing Aid Specialists and Opticians examination statistics with the Board for all exams administered since the August 17, 2016 meeting. (See **Addendums 2 and 3**)

Old Business

Regulations

Mr. Kirschner advised the Board that the revised Hearing Aid Specialist Regulations resulting from the general review, were effective February 1, 2017, and that the updated regulations were available on the Board's website.

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

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 is currently in executive branch review, after which there will be one final public comment period.

Mr. Kirschner reported that the Committee had approved the Minimum Standards for Apprenticeship and the Work Processes. Mr. Kirschner also indicated that the Committee continues to move forward in its discussion of a video to address the surfacing/finishing portions of the apprenticeship curriculum.

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

Mr. Kirschner advised the Board that the NAO related instructions had been approved, and that the Committee will meet immediately following the Board meeting to review the J. Sargeant Reynolds Community College related instruction curriculum.

Mr. Melis informed the Board that the Agency is expected to transition to the ILE computerized written exam through the International Hearing Society (IHS) by December 2017.

**Hearing Aid
Specialists Written
Exam**

The Board discussed the interpretation of the Regulation related to issuing a second Hearing Aid Specialist Temporary Permit when the maximum eighteen-month temporary permit period has expired (18VAC80-20-40.1). Mr. Melis explained that under the regulations as written, a temporary permit holder could continue to get training after the permit expires so long as they do not work on the public.

**Guidance on Issuing
a Second Temporary
Permit**

Upon a motion by Ms. Ogilvie and seconded by Mr. Wagner, the Board agreed that the Regulation as written, allowing only one six-month extension after the normal 12-month term of the temporary permit, does not permit the issuance of a second temporary permit.

Additionally, after the permit expires, the former permit holder may continue to train under a hearing aid specialist but may not perform work on the public.

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

Other Business

The Board reviewed a letter from the Food and Drug Administration, dated December 12, 2016, indicating that the FDA would no longer enforce compliance with a required medical examination prior to the dispensing of hearing aids. (See Addendum 4)

Letter from the Food and Drug Administration on the Requirement for Medical Evaluation Prior to Dispensing Hearing Aids

The Board's consensus was that the Virginia Hearing Aid Specialist Regulations requires a medical examination prior to the dispensing of hearing aids, and that the regulation would be enforced. The Board discussed sending a letter to the licensees reminding them of their ongoing regulatory requirement.

The Board discussed sending a Board representative to the NCSORB Annual Meeting, which will take place in Louisville, Kentucky from August 12 through 19, 2017.

National Commission of State Opticianry Regulatory Boards (NCSORB) 2017 Annual Meeting

Upon a motion by Mr. DeGennaro and seconded by Ms. Leeper, the Board voted to nominate Ms. Canty to represent the Board at the meeting.

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

Mr. DeGennaro provided an overview of the Act (See Addendum 5). The Board's consensus is that the Model Optician Mobility Act of 2016 should contain language providing for an educational requirement and practical testing.

Model Optician Mobility Act of 2016

The Department of Labor and Industry has advised the Board that there is no Federal Apprenticeship program for hearing aid specialists. After discussion, the Board reached a consensus to explore the possibility of establishing a hearing aid specialist apprenticeship.

Hearing Aid Specialist Registered Apprenticeship

Mr. DeGennaro made a motion to nominate Ms. Canty as Chair. The motion was seconded by Ms. Rogers. There were no other nominations for Chair. **Elections**

The members voting 'yes' were Ms. Canty, Dr. Chavis, Mr. DeGennaro, Dr. Lassen, Ms. Leeper, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously, electing Ms. Canty as Chair.

Dr. Ogilvie made a motion to nominate Mr. Wagner as Vice-Chair. The motion was seconded by Dr. Chavis. There were no other nominations for Vice-Chair.

The members voting 'yes' were Ms. Canty, Dr. Chavis, Mr. DeGennaro, Dr. Lassen, Ms. Leeper, Dr. Ogilvie, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously, electing Mr. Wagner as Vice-Chair.

Mr. Kirschner conducted Board Member Training on the proper procedures for completing the Conflict of Interest (COI) form. **Board Member Training**

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


Judith Canty, Chair


Jay W. DeBoer, Secretary

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

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

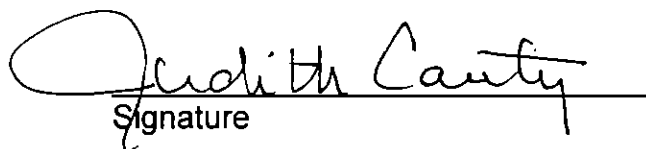
1. Name: Judith M. Canty
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
5. I have a personal interest in the following transaction:

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

4-12-17
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Pamela S. Chavis, MD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
5. I have a personal interest in the following transaction:

None

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:

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 interested in any transactions taken at this meeting.

Pamela S. Chavis
Signature

4/12/17
Date

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

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

1. Name: Edward L. DeGennaro
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

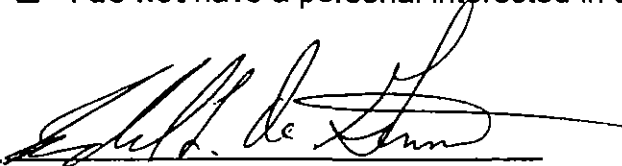
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

4/12/17

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: I. Frederick Lassen, MD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
5. I have a personal interest in the following transaction:

None

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.

I. Frederick Lassen
Signature

4/12/17
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Teresa D. Leeper
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
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:

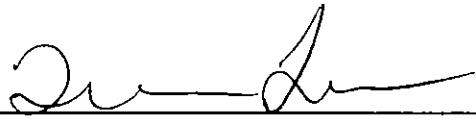
_____ X

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

4/12/17
Date

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

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

1. Name: Debra Ogilvie, AuD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
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.

Debra Ogilvie
Signature

4-12-17
Date

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

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

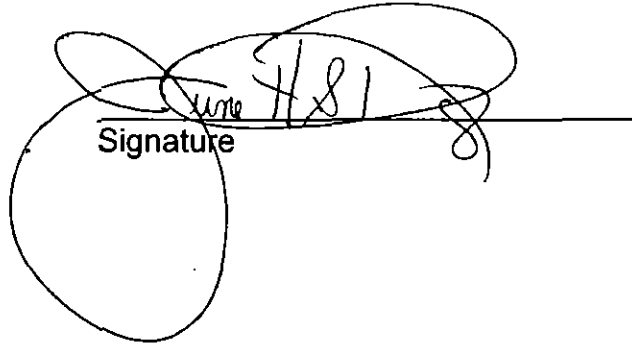
1. Name: June H. S. Rogers
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: April 12, 2017
5. I have a personal interest in the following transaction:

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

12 April 2017
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: April 12, 2017
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.

Bruce R. Wagner
Signature

4/12/17
Date