

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, December 14, 2022, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 4, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Kristina Green, Chair
Debra Ogilvie, AuD, Vice Chair
Darla All
Kaytlyn Young
Pamela Chavis, MD
Bruce R. Wagner
Michael Armstrong, MD

The following members were not present:

Melissa Gill
Pamela Smith
Erik Meland
Stacey Brayboy
Laura Lee Thompson
Saman Aghaebrahim

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

Kishore Thota, Chief Deputy Director
Stephen Kirschner, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Ms. Green determined that there was a quorum present, and called the Call to Order meeting to order at 9:36 a.m.

Mr. Kirschner introduced ABO-NCLE President James Morris and new DPOR staff, Kerri O'Brien, Communications and Digital Media Manager.

Upon a motion by Ms. All and seconded by Ms. Young, the Board voted Approval of Agenda to approve the Agenda.

The members voting 'yes' were, Ms. Green, Dr. Ogilvie, Mr. Wagner, Dr. Chavis, Dr. Armstrong. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Young and seconded by Dr. Ogilvie, the Board voted to approve the minutes of the August 17, 2022, Board for Hearing Aid Specialists and Opticians Meeting

Approval of Minutes:
August 17, 2022
Board for Hearing
Aid Specialists and
Opticians Meeting

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Dr. Armstrong, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Dr. Chavis noted that the minutes should reflect that she requested a printout of the 2015 ANICI Standards. Upon a motion by Dr. Chavis and seconded by Ms. All, the Board voted to approve the minutes of the November 1, 2022, Optician Regulatory Review Committee Meeting as amended.

Approval of Minutes:
November 1, 2022
Board for Hearing
Aid Specialists and
Opticians Meeting

The members voting 'yes' were Ms. Green, Ms. Young, Dr. Ogilvie, Mr. Armstrong, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Wagner and seconded by Dr. Ogilvie, the Board voted to approve the minutes of the November 3, 2022, Hearing Aid Specialist Regulatory Review Committee Meeting.

Approval of Minutes:
November 3, 2022
Board for Hearing
Aid Specialists and
Opticians Meeting

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Ms. Young, Dr. Armstrong. There were no negative votes. The motion passed unanimously.

There were no communications.

Communications

James Morris, President of ABO-NCLE, addressed the board regarding the written and practical exam.

Public Comment

There were no licensing or disciplinary cases to be heard.

CASES

REPORTS

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing statistics with the Board.

Licensing Statistics

Ms. Garnett reviewed the Hearing Aid Specialist's and Opticians examination statistics for all exams administered between December 2021 and December 2022. The Board discussed the exam pass rates.

**Examination
Statistics**

Ms. Rodriguez reported to the Board on the need to increase the optician fees in addition to the pending hearing aid specialist fee increase. She reported that the Board is currently operating at a loss, and fee increases were needed. She provided a chart showing several fee options proposed by the DPOR Finance Section. The Board discussed the different fee proposals.

**Notice of Intended
Regulatory Action -
Optician Licensing
Fees**

Upon a motion by Ms. All and seconded by Dr. Armstrong, the Board voted to initiate a regulatory action to adopt fee proposal B.

The members voting 'yes' were Dr. Chavis, Ms. Green, Dr. Ogilvie, Mr. Wagner and Ms. Young. There were no negative votes. The motion passed unanimously.

Mr. Kirschner reported to the Board that the ILE covers interpretation of tympanometry results but does not test on the actual procedure. The Board discussed this topic. Dr. Armstrong suggested that this procedure could be safely conducted by hearing aid specialists with proper training, were it included in their scope of practice. In response to staff inquiry, the Board members did not express any concerns with the tympanometry content on the ILE exam.

**Tympanometry on
ILE**

Mr. Kirschner presented on the necessary changes to the hearing aid specialist regulations to bring it into compliance with the federal OTC Hearing Aid regulations. He stated that Board Regulation 18 VAC 80-20-270.1.c should be amended as follows to imposed discipline for "Employing to fit or sell prescription hearing aids a person who does not hold a valid license or a temporary permit as required by law, or whose license or temporary permit is suspended;...." Mr. Kirschner report that this would likely be an exempt regulatory action due to the change in federal law.

**Over the Counter
Hearing Aid Act**

Upon a motion by Ms. Young and seconded by Mr. Wagner the Board voted to approve the proposed change to the regulation.

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Dr. Ogilvie, and Dr. Armstrong. There were no negative votes. The motion passed unanimously.

NEW BUSINESS

Mr. Kirschner reported to the Board regarding the use of analog audiometers on the exam. The Board discussed whether to begin using digital audiometers on the exams. The board consensus was that applicants should be tested on the equipment they will use in the clinical setting.

Audiometer Use on Exams – Digital vs. Analog

Upon a motion by Dr. Ogilvie and seconded by Mr. Wagner the Board voted to authorize the department to begin exploring what steps are needed to begin testing with digital audiometers, including the formation of an examination committee if changes are needed on the exam.

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Ms. Young, and Dr. Armstrong. There were no negative votes. The motion passed unanimously.

The Board recessed the meeting at 11:00am.

Recess

Dr. Armstrong left the meeting at 11:01am.

Dr. Armstrong Leaves

There no longer being a quorum of the Board, Ms. Green adjourned the meeting at 11:10 a.m.

Adjourn



Kristina Green, Chair



Demetrios J. Melis. Board Secretary

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

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


1. Name: Darla All
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFT Date: December 14, 2022
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

12/14/22
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 Vice-Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 14, 2022
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.

Debra Ogilvie
Signature

12-14-22
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Kristina F. Green
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 14, 2022
5. I have a personal interest in the following transaction:


_____ N/A _____

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:

_____ N/A _____

- 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

12/14/22

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: December 14, 2022
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: Pamela S. Chavis, MD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 14, 2022
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 interested in any transactions taken at this meeting.

Pamela S. Chavis
Signature

12/14/2022
Date

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

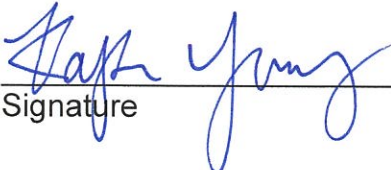
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Kaytlyn Young
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 14, 2022
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

12/14/2022

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Michael Armstrong, M.D.
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 14, 2022

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