

BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS

MINUTES OF MEETING

PUBLIC HEARING MINUTES

The Virginia Board for Hearing Aid Specialist and Opticians held a public hearing on June 3, 2025, at the Department of Professional and Occupational Regulation Offices, 9960 Mayland Drive, 2nd Floor, Board Room 1, Richmond, Virginia, to receive public comment regarding the Board's proposed regulations published in the Virginia Register on April 21, 2025.

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

Kelley Smith, Executive Director
Wendy Duncan, Licensing Operations Administrator
Heather Garnett, Administrative Coordinator

Ms. Smith began the public hearing regarding the Board's proposed regulations at 10:41 a.m. and read an introductory statement regarding the purpose and rules of the hearing.

**COMMENCEMENT
OF PUBLIC
HEARING**

Public comment is noted in the attached transcript.

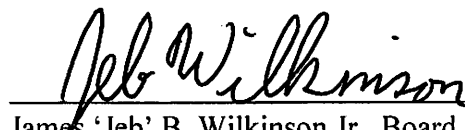
**PUBLIC COMMENT
PERIOD**

There being no further comment, the meeting was adjourned at 10:48 a.m.

ADJOURNMENT



Darla All, Board Chair



James 'Jeb' B. Wilkinson Jr., Board Secretary

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PUBLIC HEARING FOR THE BOARD FOR HEARING AID SPECIALISTS
AND OPTICIANS

JUNE 3, 2024
SECOND FLOOR CONFERENCE CENTER
9960 MAYLAND DRIVE
HENRICO, VIRGINIA 23233
10:30 A.M.

1 MS. SMITH: Good morning. On the
2 record, the hearing is starting at 10:41 a.m. I am
3 Kelley Smith, Executive Director for the Virginia Board
4 for hearing aid specialists and opticians.

5 This is a public hearing held in the
6 Department of Professional and Occupational Regulation,
7 9960 Mayland Drive, Richmond, Virginia.

8 This hearing is being held pursuant
9 to Section 2.2-4007.01 of the Administrative Process Act
10 of the Code of Virginia for the purpose of receiving
11 public comment on the Board's proposed regulations
12 published in the Virginia Register on May 5, 2025, for
13 the hearing aid specialist regulations and April 21,
14 2025, for the opticians regulations.

15 The list of interested parties and
16 organizations which were notified of this process and
17 invited to comment is available upon written request.

18 The staff of the Department of
19 Professional and Occupational Regulation will prepare a
20 report of all public comment received which will be
21 presented to the Board for consideration of any
22 revisions to the revised proposed regulations.

23 Now I would like to present the
24 rules for this public hearing. Comments will be
25 received from any member of the public and initial

1 comments will be limited to a maximum of five minutes
2 depending on the number of individuals who wish to
3 speak.

4 If you have not signed up to speak
5 and you wish to speak today, please sign your name on
6 the sign-up sheet at this time.

7 Staff members may ask speakers
8 questions to clarify statements; however, this is not
9 the proper forum for questions to the Board. If you
10 have a question for the Board, please forward them in
11 writing to the Board.

12 Any speaker who wishes to provide a
13 written statement in addition to his oral public comment
14 or in lieu of oral public comment may do so until July
15 4th, 2025, for the hearing aids specialist regulations
16 and June 20th, 2025 for the opticians regulations.

17 Ms. Robinson, would you like to come
18 up and speak, and if you will hit the little button on
19 the microphone. State your name for the record, please

20 MS. ROBINSON: Yes. I'm Teresa
21 Robinson. I'm a licensed hearing aids specialist in the
22 State of Virginia for the last 44 years.

23 And I'm here to represent the
24 International Hearing Society in partnership with the
25 Virginia Society of Hearing Aids Specialists who

1 represent the interest of licensed hearing aids
2 specialists in Virginia.

3 We appreciate the opportunity to
4 contribute to the Board's general review of hearing aids
5 specialist regulations.

6 We respectfully recommend the Board
7 update the definition in 18VAC80-20-10 to exclude
8 over-the-counter or OTC hearing aids from the definition
9 of hearing aids, clarifying that a license is not
10 required to provide OTC devices.

11 We'd like to add the phrase, order
12 the use of, to align with Virginia statute and FDA
13 terminology. This clarifies hearing aids specialist
14 authority.

15 It does not expand the scope of
16 practice, but it ensures hearing aids specialists are
17 authorized to provide prescription hearing aids under
18 state law.

19 The background for this, in 2022,
20 the FDA created a new category of OTC hearing aids and
21 reclassified all non-OTC hearing aids as prescription
22 medical devices.

23 Under the FDA regulations,
24 prescriptive devices must be dispensed by a state
25 licensed practitioner authorized to prescribe or order

1 them. It is up to each state to define which
2 practitioners have this authority.

3 In an October 22nd letter to the
4 states, the FDA clarified that its intent was for the
5 same professionals, hearing aids specialists and
6 audiologists, who previously dispensed hearing aids to
7 continue to do so.

8 However, many states did not include
9 the term order in their definitions prompting states to
10 revise the regulations.

11 Currently, 18 states, including
12 Virginia in 2023, have passed legislation to align with
13 FDA changes. Five additional states have issued
14 regulatory guidance.

15 We urge the Board to adopt these
16 technical amendments. Again, this is -- hearing aids
17 specialist is consistent with the longstanding practice
18 of the profession ensuring regulatory clarity and
19 protecting patient access to hearing health care.

20 Thank you again for this
21 opportunity. And if you have any questions for me, I'd
22 be glad to answer anything that you might need.

23 MS. SMITH: No, but we appreciate
24 you coming and making a public comment today, and since
25 we have a transcript, we'll be able to take what you

1 just said.

2 MS. ROBINSON: Yeah, I'll give a
3 copy.

4 MS. SMITH: Okay. Thank you.
5 Appreciate it. Thank you for your comments today.

6 The record of the public hearing
7 will be kept open until July 4th, 2025, for the hearing
8 aids specialist regulations, and June 20th, 2025, for
9 the optician regulations, and written comments will be
10 accepted through five p.m., that day. The hearing is
11 now closed on the record at 10:48 a.m.

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CERTIFICATE OF COURT REPORTER

I, Claudia M. Whisenand, hereby certify that I was the Court Reporter at the public hearing for the Board for Hearing Aid Specialists and Opticians, heard in the County of Henrico, Virginia, on June 3, 2025, at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and accurate record of the incidents of the hearing herein.

Given under my hand this 10th day of June, 2025.

Claudia M. Whisenand

Claudia M. Whisenand
Notary Registration No. 291277

My Commission expires:
October 31, 2025

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