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Notice of Intended Regulatory Action (NOIRA)
Agency Background Document

Agency name	Board for Hearing Aid Specialists and Opticians
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC80-20
VAC Chapter title(s)	Hearing Aid Specialists Regulations
Action title	HB 1254 Amendment (Hearing Aid Specialist Training and Work Permits)
Date this document prepared	August 21, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Board for Hearing Aid Specialists and Opticians (“the Board") intends to amend the Hearing Aid Specialists Regulations to implement the applicable requirements of Chapter 460 of the 2026 Acts of Assembly, effective July 1, 2026. The legislation amends several provisions of the Code of Virginia related to regulatory boards within the Department of Professional and Occupational Regulation, including the Board’s enabling statute in Chapter 15 of Title 54.1 of the Code of Virginia. The legislation establishes (i) training permits that may be issued to applicants training to become a licensed hearing aid specialist; and (ii) work permits that may be issued to any applicant that the Board finds is eligible for examination to become a licensed hearing aid specialist; and directs the Board to promulgate regulations to allow persons to be granted training permits and work permits for a specified period of time.

The goal of this action is to make changes to the regulation to allow for the granting of training permits and work permits for a specified period of time as directed by the legislation.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

No acronyms or technical definitions used in this form.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapter 460 of the 2026 Acts of Assembly provides the mandate for this regulatory change. The legislation amends Chapter 15 of Title 54.1 of the Code of Virginia to establish (i) training permits that may be issued to applicants training to become a licensed hearing aid specialist; and (ii) work permits that may be issued to any applicant that the Board finds is eligible for examination to become a licensed hearing aid specialist. The legislation further directs the Board to promulgate regulations to "…allow persons to be granted training permits and work permits for a specified period of time."

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is Board for Hearing Aid Specialists and Opticians.

Section 54.1-201 of the Code of Virginia provides, in part:

> A. The powers and duties of regulatory boards shall be as follows:
>
> 1. To establish the qualifications of applicants for certification or licensure by any such regulatory board, provided that all qualifications shall be necessary to ensure either competence or integrity to engage in such profession or occupation.
>
> 4. To levy and collect fees for certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the regulatory board and a proportionate share of the expenses of the Department of Professional and Occupational Regulation and the Board for Professional and Occupational Regulation.
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> 5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners, and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ 54.1-100 et seq.) and 3 (§ 54.1-300 et seq.).

In addition, § 54.1-1504.1 of the Code of Virginia states, in part:

> C. The Board shall promulgate regulations consistent with this section to allow persons to be granted training permits and work permits for a specified period of time.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The General Assembly has charged the Board with responsibility for regulating those who engage in the practice of fitting or dealing in prescription hearing aids.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation (i) the minimum qualifications of applicants for licensure, provided that all qualifications are necessary to ensure either competence or integrity to engage in the profession or occupation; (ii) minimum standards to assure continued competency and to prevent deceptive or misleading practices by practitioners; and (iii) requirements to effectively administer the regulatory system administered by the Board.

The General Assembly, through legislation, has determined that the Board issue permits to (i) allow individuals to engage in the regulated activity for a period of time while training to become a licensed hearing aid specialist; and (ii) allow individuals who are qualified to be examined for a hearing aid specialist license to engage in the regulated activity for a period of time prior to becoming licensed.

As the regulation is developed, the Board will need to address (i) the qualifications for permits; (ii) the period of time such permits are valid, including whether such permits may be extended; (iii) the responsibilities of licensees sponsoring a permit holder, including those related to supervision of a permit holder; (iv) fees for permits; and (v) standards of conduct and practice applicable to permit holders and licensed sponsors. The Board may need to address other issues related to temporary permits and work permits to ensure protection of the public health, safety, and welfare, and allow for effective administration of the program.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The Board anticipates amending the regulation to provide for the issuing of training permits and work permits to include provisions for (i) qualifications for permits; (ii) the term of permits; (iii) fees for permits; (iv) responsibilities of licensees who sponsor a permit holder, including responsibilities related to supervision of a permit holder; and (v) standards of practice and conduct applicable to permit holders and licensed sponsors.

The Board also anticipates revising existing provisions in the regulation pertaining to temporary permits to reflect the change in terminology that such permits will now be referred to as training permits.

The Board will also consider any other relevant changes determined to be necessary and appropriate to effectively administer the hearing aid specialist licensure program as it relates to training permits and work permits.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No viable alternatives to the regulatory change have been identified as the requirement for the Board to promulgate regulations regarding the granting of temporary permits and work permits is mandated by statute. As the regulation is developed, the Board may consider less intrusive or less costly alternatives to regulants who may be owners of small businesses as defined in § 2.2-4007.1 of the Code of Virginia.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

This NOIRA is not being used to announce a periodic review or small business impact review.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The Board for Hearing Aid Specialists and Opticians is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: https://townhall.virginia.gov.

Comments may also be submitted by mail, email or fax to:

Ashley Reed, Executive Director
Board for Hearing Aid Specialists and Opticians
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233.
Telephone: (804) 367-8590
Fax: (866) 245-9693

Email: hasopt@dpor.virginia.gov

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (https://townhall.virginia.gov) and on the Commonwealth Calendar website (https://commonwealthcalendar.virginia.gov/). Both oral and written comments may be submitted at that time.