

## BOARD FOR HEARING AID SPECIALISTS

### MINUTES OF MEETING

The Board for Hearing Aid Specialists met on Monday, November 8, 2004, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4<sup>th</sup> Floor, Richmond, Virginia. The following members were present:

Kathy J. Harvey, Chair  
Thomas M. Frank  
Olivia L. Kearney  
Harry W. Kessler, III  
Richard E. Linde, M.D.  
Thomas J. Michie

Board member not present: Teresa M. Robinson

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

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director for RPD  
Nick A. Christner, Deputy Director of Compliance & Investigations  
William H. Ferguson, II, Executive Director  
Zelda W. Dugger, Board Administrator  
Rashaun K. Minor, Administrative Assistant

There was a representative present from the Office of the Attorney General:

Eric A. Gregory, Assistant Attorney General

Ms. Harvey determined there was a quorum and called the meeting to order at 9:05 a.m. **Call to Order**

Upon a motion by Mr. Frank and seconded by Mr. Michie the Board voted to approve the agenda. The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, Dr. Linde, and Mr. Michie. There were no negative votes. The motion passed unanimously. **Approval of Agenda**

Ms. Harvey asked if there was any public comment. There was no public comment. **Public Comment Period**

Former board members were recognized for their service and dedication to the Board for Hearing Aid Specialists. They were: **Resolution**

Frank McLaughlin Butts  
Ralph Hampton  
Paul D. Moran, Sr.  
Sonia Quintero  
Jeffrey M. Rinehart  
Elaine Hutton Woodward

Ms. Harvey presented resolutions to the following past board members:

Ralph Hampton  
Paul D. Moran, Sr.  
Jeffrey M. Rinehart  
Elaine Hutton Woodward

**Commonwealth of Virginia  
Department of Professional and  
Occupational Regulation**

**Board for Hearing Aid Specialists**

Resolution To

*Ralph Hampton*

**WHEREAS**, Ralph Hampton, has faithfully and diligently served as a member of the Board for Hearing Aid Specialists from 1998 until 2001; and

**WHEREAS**, Ralph Hampton, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Ralph Hampton, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Hearing Aid Specialists wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

**NOW THEREFORE BE IT RESOLVED**, by the Board for Hearing Aid Specialists this eighth day of November, 2004 that Ralph Hampton be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Hearing Aid Specialists; and

**BE IT FURTHER RESOLVED**, that this Resolution be presented to

his and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

**Kathy J. Harvey, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Hearing Aid Specialists**

Resolution To

*Paul D. Moran, Sr.*

**WHEREAS**, Paul D. Moran, Sr., has faithfully and diligently served as a member of the Board for Hearing Aid Specialists from 1996 until 2004; and

**WHEREAS**, Paul D. Moran, Sr., has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Paul D. Moran, Sr., has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Hearing Aid Specialists wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

**NOW THEREFORE BE IT RESOLVED**, by the Board for Hearing Aid Specialists this eighth day of November, 2004 that Paul D. Moran, Sr. be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Hearing Aid Specialists; and

**BE IT FURTHER RESOLVED**, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

**Kathy J. Harvey, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**

**Department of Professional and  
Occupational Regulation**

**Board for Hearing Aid Specialists**

Resolution To

*Jeffrey M. Rinehart*

**WHEREAS**, Jeffrey M. Rinehart, has faithfully and diligently served as a member of the Board for Hearing Aid Specialists from 1996 until 2004; and

**WHEREAS**, Jeffrey M. Rinehart, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Jeffrey M. Rinehart, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Hearing Aid Specialists wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

**NOW THEREFORE BE IT RESOLVED**, by the Board for Hearing Aid Specialists this eighth day of November, 2004 that Jeffrey M. Rinehart be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Hearing Aid Specialists; and

**BE IT FURTHER RESOLVED**, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

**Kathy J. Harvey, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia  
Department of Professional and  
Occupational Regulation**

**Board for Hearing Aid Specialists**

Resolution To

*Elaine Hutton Woodward*

**WHEREAS**, Elaine Hutton Woodward, has faithfully and diligently served as a member of the Board for Hearing Aid Specialists from 1997 until 2001; and

**WHEREAS**, Elaine Hutton Woodward, has devoted generously of her time, talent and leadership to the Board; and

**WHEREAS**, Elaine Hutton Woodward, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Hearing Aid Specialists wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

**NOW THEREFORE BE IT RESOLVED**, by the Board for Hearing Aid Specialists this eighth day of November, 2004 that Elaine Hutton Woodward be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Board for Hearing Aid Specialists; and

**BE IT FURTHER RESOLVED**, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

**Kathy J. Harvey, Chair**  
**Louise Fontaine Ware, Director**

Although not present at the meeting, resolutions for the following past board members were entered into the minutes:

Frank McLaughlin Butts  
Sonia Quintero

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Hearing Aid Specialists**

Resolution To

*Frank McLaughlin Butts*

**WHEREAS**, Frank McLaughlin Butts, has faithfully and diligently served as a member of the Board for Hearing Aid Specialists from 1994 until 2002; and

**WHEREAS**, Frank McLaughlin Butts, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Frank McLaughlin Butts, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Hearing Aid Specialists wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

**NOW THEREFORE BE IT RESOLVED**, by the Board for Hearing Aid Specialists this eighth day of November, 2004 that Frank McLaughlin Butts be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Hearing Aid Specialists; and

**BE IT FURTHER RESOLVED**, that this Resolution be presented to his and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

**Kathy J. Harvey, Chair**  
**Louise Fontaine Ware, Director**

**Commonwealth of Virginia**  
**Department of Professional and**  
**Occupational Regulation**

**Board for Hearing Aid Specialists**

Resolution To

*Sonia Quintero*

**WHEREAS**, Sonia Quintero, has faithfully and diligently served as a member of the Board for Hearing Aid Specialists from 2001 until 2004; and

**WHEREAS**, Sonia Quintero, has devoted generously of her time, talent and leadership to the Board; and

**WHEREAS**, Sonia Quintero, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Hearing Aid Specialists wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

**NOW THEREFORE BE IT RESOLVED**, by the Board for Hearing Aid Specialists this eighth day of November, 2004 that Sonia Quintero be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Board for Hearing Aid Specialists; and

**BE IT FURTHER RESOLVED**, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

**Kathy J. Harvey, Chair**  
**Louise Fontaine Ware, Director**

Upon a motion by Mr. Michie and seconded by Dr. Linde the Board voted to approve the minutes as amended of the Board for Hearing Aid Specialists Meeting July 12, 2004. The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, Dr. Linde, and Mr. Michie. There were no negative votes. The motion passed unanimously.

**Approval of  
Minutes for  
July 12, 2004  
Board Meeting**

Ms. Kearney joined the meeting at 9:25 a.m.

**Ms. Kearney arrives**

Mr. Gregory provided training on the Conflict of Interest Act. Mr. Gregory concluded the training by fielding questions about the Conflict of Interest Act from the board members.

**Conflict of Interest  
Training**

Ms. Harvey introduced to the Board new board member, Ms. Olivia L. Kearney. Ms. Kearney gave a brief description of her background and experience. Ms. Harvey welcomed Ms. Kearney to the Board.

**Introduction of New  
Board Member**

The Board reviewed its examination statistics for informational purposes.

**Examination  
Statistics**

The Board reviewed its quarterly statistics for informational purposes.

**Quarterly Statistics**

Mr. Gregory left the meeting at 10:20 am.

**Mr. Gregory leaves**

The Board took a break at 11:05 am and reconvened at 11:17 am.

**Break**

The Board reviewed a summary of Hearing Aid Specialists Regulations effective October 1, 2003. A summary will be distributed with regulations.

**Summary of Regulations**

Mr. Nick Christner, Director of the Compliance and Investigation Division, fielded questions regarding the complaint and investigation process and the changes occurring within the Compliance and Investigation Division.

**Compliance and Investigation**

Mr. Christner informed the Board that the Compliance and Investigation Division is working closely with the DPOR Process Improvement Team to continue to enact procedures to expedite the process and make the process more consumer friendly.

The Board took under consideration legislation for the 2005 General Assembly. Ms. Ryals gave an overview of the legislative process and legislation pertaining to the Board. Upon a motion by Ms. Kearney and seconded by Mr. Frank. The Board voted to support a bill to amend and reenact §§ 54.1-1504 of the Code of Virginia to require licensure for the fitting or dealing of hearing aids in that this legislation would amend the language of 'fitting and selling of hearing aids' to 'fitting or selling of hearing aids'. The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, Ms. Kearney, Dr. Linde, and Mr. Michie. There were no negative votes. The motion passed unanimously.

**Legislation**

The Board reviewed a draft of a consumer information flyer, What Should I Know...About Buying A Hearing Aid, and made recommendations for revisions. Staff will make revisions and the flyer will be posted on the DPOR's website under News and Consumer Information.

**Consumer Information**

The Board reviewed the 2005 board meeting dates:

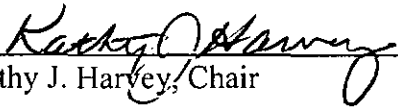
**2005 Board Meeting Dates**

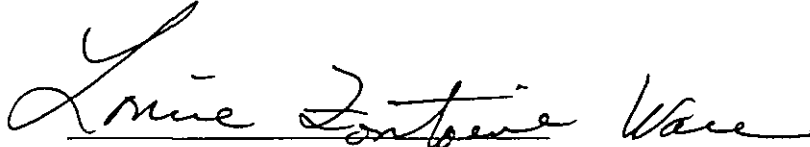
March 21, 2005  
July 18, 2005  
November 7, 2005

There being no further business to be brought before the Board, the Chair adjourned the meeting at 1:50 pm.

**Adjourn**



  
Kathy J. Harvey, Chair

  
Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of the Records