

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, August 12, 2020, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 3, 2<sup>nd</sup> Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Judith M. Canty  
Beth Lynn Connors, AuD  
Edward L. DeGennaro  
Mark Grohler  
Lakshminarayanan Krishnan  
David M. Lambert  
Debra Ogilvie, AuD  
June H. S. Rogers  
Laura Lee Thompson  
Bruce R. Wagner

The following members were not present:

Alidad Arabshahi, MD, MBA  
Pamela S. Chavis, MD  
Melissa Gill  
Teresa D. Leeper

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

Mary Broz-Vaughan, Acting 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 by teleconference for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Mr. Wagner determined that there was a quorum present, and called the Call to Order meeting to order at 9:07 a.m.

Upon a motion by Ms. Canty and seconded by Mr. DeGennaro, the Approval of Agenda Board moved to approve the Agenda.

The members voting 'yes' were Ms. Canty, Dr. Connors, Mr. DeGennaro, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Krishnan and seconded by Mr. Grohler, the Board voted to approve the minutes of the August 6, 2019 Ad Hoc Committee on Apprenticeships Meeting, and the August 7, 2019 Board for Hearing Aid Specialists and Opticians Meeting and Hearing Aid Specialists Training Committee Meeting.

The members voting 'yes' were Ms. Canty, Dr. Connors, Mr. DeGennaro, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

The Board was provided with a letter from the Opticians Association of Virginia dated July 2, 2020 (See Addendum 1)

Mr. Wagner asked for public comments. There were none.

In the matter of File Number 2020-01569, Robert Gerard Anderson, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. The Board reviewed an emailed statement from Robert Gerard Anderson who did not appear at the meeting in person, by counsel or by any other qualified representative.

Upon a motion by Ms. Canty and seconded by Mr. Krishnan, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Robert Gerard Anderson's application for an Optician license.

The members voting 'yes' were Ms. Canty, Dr. Connors, Mr. DeGennaro, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Approval of Minutes:  
August 6, 2019 Ad Hoc Committee on Apprenticeships Meeting;  
August 7, 2019 Board for Hearing Aid Specialists and Opticians Meeting;  
and August 7, 2019 Hearing Aid Specialists Training Committee

Communications

Public Comment

CASES

File Number 2020-01569, Robert Gerard Anderson

In the matter of **File Number 2020-02357, John Paul Schaeffer**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. John Paul Schaeffer did not appear at the meeting in person, by counsel or by any other qualified representative.

**File Number 2020-02357, John Paul Schaeffer**

Upon a motion by Mr. Grohler and seconded by Ms. Rogers, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve John Paul Schaeffer's application for a Hearing Aid Specialist license.

The members voting 'yes' were Ms. Canty, Dr. Connors, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. The member voting 'no' was Mr. DeGennaro. The motion passed by a majority.

## **REPORTS**

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing statistics with the Board. (See Addendum 2)

**Licensing Statistics**

Shannon Webster, Director of Examination for DPOR, addressed the Board regarding examinations. She informed the Board about the critical service Dawn Cooper, hearing aid specialist proctor, had performed for the Board. She also announced that the laws and regulations portion of the hearing aid specialist exam would now be administered at multiple locations throughout the Commonwealth.

**Examination Report and Exam Statistics**

Ms. Rodriguez reviewed the Hearing Aid Specialists and Opticians examination statistics with the Board for all exams administered between August 2019 and July 2020. (See Addendum 3)

## **REGULATORY ACTION AND BOARD GUIDANCE**

Mr. Kirschner advised the Board that the fast-track regulatory change regarding a correction to obsolete language in the Opticians Regulations related to technical instruction for optician apprenticeships, approved by the Board at the August 7, 2019 meeting, is proceeding through the regulatory review process.

**Regulatory Report**

Mr. Kirschner reported on the ongoing hearing aid specialist fee action. Hedirected the Board's attention to the hand-out entitled, "Analysis of

Fee Structure and Financial Position” (See Addendum 4) for its consideration of a proposed fee increase for Hearing Aid Specialist licenses. Mr. Kirschner explained to the Board that the fee increase had first been proposed and approved by the Board would no longer be adequate to comply with the Callahan Act requirements. The Board then reviewed and discussed the three proposed fee schedules.

Upon a motion by Mr. Krishnan and seconded by Ms. Thompson, the Board voted to approve the fee structure in Proposal 3.

The members voting ‘yes’ were Ms. Canty, Dr. Connors, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. The member voting ‘no’ was Mr. DeGennaro. The motion passed by a majority.

Mr. Kirschner directed the Board’s attention to his memo dated July 30, 2020 regard a recommendation made by the Hearing Aid Specialist Training Committee following its meeting on August 7, 2019. The committee’s recommendation is to amend Regulation 18 VAC 80-20-80.C.2 to allow a two-year window in which to pass all sections of the Hearing Aid Specialist examination and remove the requirement to achieve passing scores on all sections in three successive scheduled examinations.

**Fast-Track  
Regulatory Change –  
Hearing Aid  
Specialist Duration  
of Passing Score  
Validity**

Upon a motion by Dr. Connors and seconded by Dr. Ogilvie, the Board voted to submit a fast-track regulatory action to amend the regulation to allow a two-year window in which to pass all sections of the Hearing Aid Specialist examination.

The members voting ‘yes’ were Ms. Canty, Dr. Connors, Mr. DeGennaro, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Kirschner directed the Board’s attention to his memo dated July 30, 2020 that recapped recommendations by the Hearing Aid Specialist Training Committee following its meeting on August 7, 2019. Mr. Kirschner summarized the recommendations of the committee around improving hearing aid specialist training.

**Regulatory Action –  
Hearing Aid  
Specialist Training  
and Temporary  
Permit Requirements**

The first recommendation of the committee is to add a registered apprenticeship as an optional, alternative training method.

The second recommendation was to extend the hearing aid specialist temporary permit from 12 months to 18 months and requiring

completion of a minimum of number of months of training under the temporary permit before testing. The Board discussed these proposals.

Upon a motion by Dr. Connors and seconded by Dr. Ogilvie, the Board voted to begin a regulatory action to add registered apprenticeship as a training method, to extend the hearing aid specialist temporary permit to 18 months, and to require temporary permit holders practice at least 9 months prior to becoming eligible for the examination.

The members voting 'yes' were Ms. Canty, Dr. Connors, Mr. DeGennaro, Mr. Grohler, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

#### **NEW BUSINESS**

Ms. Darla All, President of the Opticians Association of Virginia, addressed the Board, outlining the Association's position on the need for continuing education for licensed opticians and included statistics on continuing education in other states as well as other DPOR professions. Ms. All then answered questions from the Board, with the assistance of William Cox, also a member of the Opticians Association.

#### **Opticians Association of Virginia Presentation**

Mr. Kirschner provided a printed slide presentation to outline the purpose of the Board and its role and responsibilities for issuing licenses, determining minimum standards for entry, and enforcing the standards of professional conduct. The Board discussed the possibility of implementing continuing education requirements for opticians and hearing aid specialists, and addressed questions to Mr. Kirschner and Director Broz-Vaughan.

#### **Continuing Education Requirements**

After discussion, upon a motion by Mr. DeGennaro and seconded by Mr. Lambert, the Board voted to form a committee to explore the topic of continuing education for Hearing Aid Specialists and Opticians.

#### **Committee Formed To Consider Continuing Education for Hearing Aid Specialists and Opticians**

The members voting 'yes' were Ms. Canty, Dr. Connors, Mr. DeGennaro, Mr. Krishnan, Mr. Lambert, Dr. Ogilvie, Ms. Rogers, Ms. Thompson, and Mr. Wagner. The member voting 'no' was Mr. Grohler. The motion passed by a majority.

Mr. Kirschner asked for a show of hand of Board members who wished to volunteer to serve on the Continuing Education Committee. Members responding were Ms. Canty, Mr. DeGennaro, Ms. Rogers, Mr. Krishnan, Ms. Thompson, and Mr. Lambert.

After discussion, it was determined that the Committee should arrange to meet prior to the December 2020 Board Meeting, so that information could be provided to the full Board at the meeting. Staff will work with the Committee to establish a date, time, and location for the committee meeting.

There being no other business to be brought before the Board, Mr. **Adjourn**  
Wagner adjourned the meeting at 11:32 a.m.

  
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Bruce R. Wagner, Chair

  
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Mary Broz-Vaughan, Board Secretary