

**BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS  
TENTATIVE AGENDA**

**Wednesday, August 18, 2021 – 9:00 a.m. - Board Room 2, 2<sup>nd</sup> Floor**

Department of Professional and Occupational Regulation  
Perimeter Center, 9960 Mayland Drive  
Richmond, Virginia 23233  
(804) 367-8590

- I. CALL TO ORDER**
- II. WELCOME TO NEW BOARD MEMBERS**
- III. APPROVAL OF AGENDA**
1. Board for Hearing Aid Specialists and Opticians Meeting Agenda, August 18, 2021
- IV. APPROVAL OF MINUTES**
2. Board for Hearing Aid Specialists and Opticians Meeting, December 16, 2020  
3. New Board Member Training Workshop, April 15, 2021
- V. COMMUNICATIONS**
- VI. PUBLIC COMMENT PERIOD \***
- VII. CASES**
4. Jennifer Paige Williams  
5. Brenna Nicole Evancho
- VIII. REPORTS**
- A. Licensing Statistics  
B. Examination Report and Exam Statistics
- IX. REGULATORY ACTION AND BOARD GUIDANCE**
- A. Regulatory Report  
B. Optician Exam – Continuous Testing  
C. Exempt Action Relating to Legalization of Marijuana
- X. NEW BUSINESS**
- A. Board Elections  
B. Conflict of Interest Act Training
- XI. ADJOURN**

Consent Order  
HAS Licensing

**REMAINING 2021 MEETING DATE:**  
WEDNESDAY, DECEMBER 15, 2021

**2022 MEETING DATES:**  
WEDNESDAY, APRIL 13, 2022  
WEDNESDAY, AUGUST 17, 2022  
WEDNESDAY, DECEMBER 14, 2022

\* 5 minute public comment period, per person, with the exception of any open disciplinary or application files. Persons desiring to attend the meeting and requiring special accommodations/interpretive services should contact the board office at 804-367-8590 at least 10 days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA  
Materials contained in this Agenda are proposed topics for discussion  
and are not to be construed as Regulation or official Board position.  
DRAFT AGENDA

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

The Board for Hearing Aid Specialists and Opticians met virtually via Google Meet on Wednesday, December 16, 2020. Some Board staff was present at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233. The following Board members were present for all or part of the meeting:

Alidad Arabshahi, MD, MBA  
Judith M. Canty  
Pamela S. Chavis, MD  
Beth Lynn Connors, AuD  
Edward L. DeGennaro  
Melissa Gill  
Mark Grohler  
Lakshminarayanan Krishnan  
David M. Lambert  
Debra Ogilvie, AuD  
June H. S. Rogers  
Laura Lee Thompson  
Bruce R. Wagner

The following Board member was not present:

Teresa D. Leeper

DPOR staff present via Google Meet 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 via Google Meet for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Mr. Wagner determined that there was a quorum present, and called the meeting to order at 9:06 a.m.

**Call to Order**

Mr. Kirschner advised the Board the meeting was being held virtually in order to mitigate the spread of COVID-19, and that per statutory requirements for virtual meetings, the meeting would be recorded and

**Announcements and  
COVID-19 Safety  
Procedures**

posted to the DPOR website.

Because the meeting was held virtually, Mr. Kirschner took roll of Board members in attendance.

#### Roll Call

Mr. Wagner asked if there were any amendments to the Agenda. Mr. Kirschner advised the Board that agenda items VII. Reports and VIII. Regulatory Action and Board Guidance were removed from the Agenda.

#### Approval of Agenda

Upon a motion by Ms. Rogers and seconded by Mr. Lambert, the Board moved to approve the amended Agenda.

The members voting 'yes' were Dr. Arabshahi, Ms. Canty, Dr. Chavis, Dr. Connors, Mr. DeGennaro, Ms. Gill, 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 Ms. Canty and seconded by Mr. DeGennaro, the Board voted to approve the minutes of the August 12, 2020 Board for Hearing Aid Specialists and Opticians Meeting and the October 7, 2020 Continuing Education Committee Meeting.

#### Approval of Minutes: August 12, 2020 Board for Hearing Aid Specialists and Opticians Meeting; and October 7, 2020 Continuing Education Committee Meeting

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

There were no written communications presented.

#### Communications

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

#### Public Comment

#### CASES

In the matter of **File Number 2020-02755, Francisco Daklique Arevalo, Jr.**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Francisco Daklique Arevalo, Jr. appeared at the meeting via Google Meet and addressed the Board.

#### File Number 2020- 02755, Francisco Daklique Arevalo, Jr.

Upon a motion by Mr. Krishnan and seconded by Mr. Lambert, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Francisco Daklique Arevalo, Jr.'s application for an Optician license.

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

Mr. Grohler joined the meeting.

**Mr. Grohler joined  
the virtual meeting at  
9:21 a.m.**

There was no new business presented.

**New Business**

There being no other business to be brought before the Board, Mr. Wagner adjourned the meeting at 9:24 a.m.

**Adjourn**

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Bruce R. Wagner, Chair

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Mary Broz-Vaughan, Board Secretary

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**JOINT BOARD FOR BARBERS & COSMETOLOGY AND BOARD FOR HEARING  
AID SPECIALISTS AND OPTICIANS MEETING**

**DRAFT MINUTES OF TRAINING MEETING**

The Board for Barbers & Cosmetology and the Board for Hearing Aid Specialists met on Thursday, April 15, 2021, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 2, Richmond, Virginia. The following members were present:

**Board for Barbers and Cosmetology**

Bo Machayo

**Board for Hearing Aid Specialists and Opticians**

Darla All  
Kristina F. Green  
Erik S. Meland  
Pamela Sue Smith  
Kaytlyn Young

The following Board members were not present:

**Board for Barbers and Cosmetology**

Gilda Acosta  
Oanh Pham "Tina" Dang  
Renee' H. Gilanshah  
Sandra G. Smith  
Darrin Hill  
Alfred Mayes

**Board for Hearing Aid Specialists and Opticians**

Alidad Arabshahi, MD  
Pamela S. Chavis, MD  
Beth Lynn Connors  
Alan Krishnan  
Debra Ogilvie  
June H. S. Rogers  
Laura Lee Thompson  
Bruce R. Wagner  
Melissa Gill

The following Board members were present, virtually, via Google Meet for the Q&A Roundtable:

Margaret B. LaPierre, Chair, Board for Barbers and Cosmetology  
Lonnie Quesenberry, Board Member, Board for Barbers and Cosmetology  
Matthew D. Roberts, Vice-Chair, Board for Barbers and Cosmetology

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

Mary Broz-Vaughan, Director  
Stephen Kirschner, Executive Director  
Joseph Crook, Regulatory Operations Administrator

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

Mr. Kirschner, on behalf of the Board for Barbers and Cosmetology and the Board for Hearing Aid Specialists and Opticians called the meeting to order at 9:05 a.m.

**Call To Order**

Director Broz-Vaughan welcomed the participants and Mr. Kirschner led introductions of new Board members and staff.

**Welcome and Introductions**

The following topics were covered:

- Regulatory Board Overview
- Board Member Roles and Responsibilities
- Regulatory and Legislative Review
- Compliance and Investigations, Licensing IFFs, Criminal Matrix
- Licensing Process
- Roundtable Q&A/Experiences of a Board Member

**Training Meeting Topics**

There being no other business to be brought before the Board, Mr. Kirschner adjourned the meeting at 1:00 p.m.

**Adjourn**

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Bruce R. Wagner, Chair  
Board for Hearing Aid Specialists and Opticians

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Matthew Roberts, Chair  
Board for Barbers and Cosmetology

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Mary Broz-Vaughan, Secretary

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**TO:** VIRGINIA BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS  
**FROM:** STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR  
**SUBJECT:** REGULATORY CHANGE – UPDATING REGULATIONS IN RESPONSE TO  
LEGALIZATION OF MARIJUANA  
**DATE:** AUGUST 5, 2021

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On July 1, 2021, several changes to the Code of Virginia took effect which decriminalized marijuana use in Virginia. Among the changes, the General Assembly has prohibited state agencies from requiring disclosure of certain marijuana convictions during the occupational licensing process. Currently, both Hearing Aid Specialist Regulations and Optician Regulations have language that require disclosure of these types of convictions.

In order to comply with this statutory requirement, staff have provided draft amendments to the Hearing Aid Specialist Regulations and Optician Regulations that would bring your criminal conviction disclosure requirements into compliance with the new laws. Because these changes are required by the law, the Board will not be able to make additional changes to the regulation. Please review the attached draft regulatory changes and we will discuss this at the Board meeting.

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**Project 6911 - Exempt Final**

**Board For Hearing Aid Specialists And Opticians**

**Exempt Action to Incorporate Changes from Marijuana Legalization**

**18VAC80-20-30. Basic qualifications for licensure.**

- A. Every applicant for a license shall provide information on his application establishing that:
1. The applicant is at least 18 years of age.
  2. The applicant has successfully completed high school or a high school equivalency course.
  3. The applicant has training and experience that covers the following subjects as they pertain to hearing aid fitting and the sale of hearing aids, accessories, and services:
    - a. Basic physics of sound;
    - b. Basic maintenance and repair of hearing aids;
    - c. The anatomy and physiology of the ear;
    - d. Introduction to psychological aspects of hearing loss;
    - e. The function of hearing aids and amplification;
    - f. Visible disorders of the ear requiring medical referrals;
    - g. Practical tests utilized for selection or modification of hearing aids;
    - h. Pure tone audiometry, including air conduction, bone conduction, and related tests;
    - i. Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;
    - j. Masking when indicated;
    - k. Recording and evaluating audiograms and speech audiometry to determine the proper selection and adaptation of hearing aids;
    - l. Taking earmold impressions;
    - m. Proper earmold selection;
    - n. Adequate instruction in proper hearing aid orientation;
    - o. Necessity of proper procedures in after-fitting checkup; and
    - p. Availability of social service resources and other special resources for the hearing impaired.
  4. The applicant has provided one of the following as verification of completion of training and experience as described in subdivision 3 of this subsection:
    - a. A statement on a form provided by the board signed by the licensed sponsor certifying that the requirements have been met; or
    - b. A certified true copy of a transcript of courses completed at an accredited college or university, or other notarized documentation of completion of the required experience and training.
  5. The applicant has not been convicted or found guilty of any crime directly related to the practice of fitting or dealing in hearing aids, regardless of the manner of adjudication, in any jurisdiction of the United States. Except for misdemeanor marijuana convictions and misdemeanor convictions that occurred five or more years prior to the date of application, with no subsequent convictions, all criminal convictions shall be considered as part of the totality of the circumstances of each applicant. The applicant review of prior convictions

shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

6. The applicant is in good standing as a licensed hearing aid specialist in every jurisdiction where licensed. The applicant must disclose if he has had a license as a hearing aid specialist that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. At the time of application for licensure, the applicant must also disclose any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a hearing aid specialist. The applicant must also disclose whether he has been previously licensed in Virginia as a hearing aid specialist.

7. The applicant has disclosed his physical address. A post office box is not acceptable.

8. The nonresident applicant for a license has filed and maintained with the department an irrevocable consent for the department to serve as service agent for all actions filed in any court in Virginia.

9. The applicant has submitted the required application with the proper fee as referenced in 18VAC80-20-70 and signed, as part of the application, a statement that the applicant has read and understands Chapter 15 (§ 54.1-1500 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

B. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview or both. The board may refuse initial licensure due to the applicant's failure to comply with entry requirements. The licensee is entitled to a review of such action. Appeals from such actions shall be in accordance with the provisions of the Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

#### **18VAC80-20-40. Temporary permit.**

A. Any individual may apply for a temporary permit, which is to be used solely for the purpose of gaining the training and experience required to become a licensed hearing aid specialist in Virginia. The licensed sponsor shall be identified on the application for a temporary permit and the licensed sponsor shall comply strictly with the provisions of subdivisions B 1 and B 2 of this section.

1. A temporary permit shall be issued for a period of 12 months and may be extended once for not longer than six months. After a period of 18 months an extension is no longer possible and the former temporary permit holder shall sit for the examination in accordance with this section.

2. The board may, at its discretion, extend the temporary permit for a temporary permit holder who suffers serious personal illness or injury, or death in his immediate family, or obligation of military service or service in the Peace Corps, or for other good cause of similar magnitude approved by the board. Documentation of these circumstances must be received by the board no later than 12 months after the date of the expiration of the temporary permit or within six months of the completion of military or Peace Corps service, whichever is later.

B. Every applicant for a temporary permit shall provide information upon application establishing that:

1. The applicant for a temporary permit is at least 18 years of age.

2. The applicant for a temporary permit has successfully completed high school or a high school equivalency course.

3. The applicant has not been convicted or found guilty of any crime directly related to the practice of fitting or dealing in hearing aids, regardless of the manner of adjudication, in any jurisdiction of the United States. Except for misdemeanor marijuana convictions and misdemeanor convictions that occurred five or more years prior to the date of application, with no subsequent convictions, all criminal convictions shall be considered as part of the totality of the circumstances of each applicant. Review of prior convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

4. The applicant for a temporary permit is in good standing as a licensed hearing aid specialist in every jurisdiction where licensed. The applicant for a temporary permit must disclose if he has had a license as a hearing aid specialist that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. At the time of application, the applicant for a temporary permit must also disclose any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a hearing aid specialist. The applicant for a temporary permit must also disclose whether he has been licensed previously in Virginia as a hearing aid specialist.

5. The applicant for a temporary permit has disclosed his physical address. A post office box is not acceptable.

6. The applicant for a temporary permit has submitted the required application with the proper fee referenced in 18VAC80-20-70 and has signed, as part of the application, a statement that the applicant has read and understands Chapter 15 (§ 54.1-1500 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

C. The licensed hearing aid specialist who agrees to sponsor the applicant for a temporary permit shall certify on the application that as sponsor, he:

1. Assumes full responsibility for the competence and proper conduct of the temporary permit holder with regard to all acts performed pursuant to the acquisition of training and experience in the fitting or dealing of hearing aids;

2. Will not assign the temporary permit holder to carry out independent field work without on-site direct supervision by the sponsor until the temporary permit holder is adequately trained for such activity;

3. Will personally provide and make available documentation, upon request by the board or its representative, showing the number of hours that direct supervision has occurred throughout the period of the temporary permit; and

4. Will return the temporary permit to the department should the training program be discontinued for any reason.

2. The licensed sponsor shall provide training and shall ensure that the temporary permit holder under his supervision gains experience that covers the following subjects as they pertain to hearing aid fitting and the sale of hearing aids, accessories, and services:

1. Basic physics of sound;

2. Basic maintenance and repair of hearing aids;

3. The anatomy and physiology of the ear;

4. Introduction to psychological aspects of hearing loss;

5. The function of hearing aids and amplification;

6. Visible disorders of the ear requiring medical referrals;
7. Practical tests utilized for selection or modification of hearing aids;
8. Pure tone audiometry, including air conduction, bone conduction, and related tests;
9. Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;
10. Masking when indicated;
11. Recording and evaluating audiograms and speech audiometry to determine the proper selection and adaptation of hearing aids;
12. Taking earmold impressions;
13. Proper earmold selection;
14. Adequate instruction in proper hearing aid orientation;
15. Necessity of proper procedures in after-fitting checkup; and
16. Availability of social service resources and other special resources for the hearing impaired.

E. The board may make further inquiries and investigations with respect to the qualifications of the applicant for a temporary permit or require a personal interview, or both.

F. All correspondence from the board to the temporary permit holder not otherwise exempt from disclosure, shall be addressed to both the temporary permit holder and the licensed sponsor and shall be sent to the business address of the licensed sponsor.

**18VAC80-20-270. Grounds for discipline.**

The board may, in considering the totality of the circumstances, fine any temporary permit holder or licensee, and suspend, place on probation, or revoke, or refuse to renew any temporary permit or license or deny any application issued under the provisions of Chapter 15 (§ 54.1-1500 et seq.) of Title 54.1 of the Code of Virginia and this chapter. Disciplinary procedures are governed by the Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia. In exercising its disciplinary function, the board will consider the totality of the circumstances of each case. Any licensee is subject to board discipline for any of the following:

1. Improper conduct, including but not limited to:
  - a. Obtaining, renewing, or attempting to obtain a license by false or fraudulent representation;
  - b. Obtaining any fee or making any sale by fraud or misrepresentation;
  - c. Employing to fit or sell hearing aids a person who does not hold a valid license or a temporary permit, or whose license or temporary permit is suspended;
  - d. Using, causing, or promoting the use of any misleading, deceptive, or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, whether disseminated orally or published;
  - e. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type;
  - f. Representing that the service or advice of a person licensed to practice medicine or audiology will be used in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words "physician," "audiologist," "clinic," "hearing service," "hearing center," or similar description of the services and products provided when such use is not accurate;

- g. Directly or indirectly giving or offering to give favors, paid referrals, or anything of value to any person who in his professional capacity uses his position to influence third parties to purchase products offered for sale by a hearing aid specialist; or
  - h. Failing to provide expedient, reliable, or dependable services when requested by a client or client's guardian.
2. Failure to include on the purchase agreement a statement regarding home solicitation when required by federal and state law.
  3. Incompetence or negligence, as those terms are generally understood in the profession, in fitting or selling hearing aids.
  4. Failure to provide required or appropriate training resulting in incompetence or negligence, as those terms are generally understood in the profession, by a temporary permit holder under the licensee's sponsorship.
  5. Violating or cooperating with others in violating any provisions of Chapters 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.), and 15 (§ 54.1-1500 et seq.) of Title 54.1 of the Code of Virginia or this chapter.
  6. The licensee, temporary permit holder, or applicant has been convicted or found guilty of any crime directly related to the practice of fitting or dealing in hearing aids, regardless of the manner of adjudication, in any jurisdiction of the United States. Except for misdemeanor marijuana convictions and misdemeanor convictions that occurred five or more years prior to the date of application, with no subsequent convictions, all criminal convictions shall be considered as part of the totality of the circumstances of each applicant. Review of prior convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any pleas of nolo contendere shall be considered a conviction for the purpose of this subdivision. The record of a conviction authenticated in such form as to be admissible in evidence of the law of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt.

#### **18VAC80-30-20. Qualifications of applicant**

An applicant for a license shall furnish satisfactory evidence on an application provided by the board establishing that:

1. The applicant is at least 18 years of age unless emancipated under the provisions of § 16.1-333 of the Code of Virginia;
2. The applicant is a graduate of an accredited high school, has completed the equivalent of grammar school and a four-year high school course, or is a holder of a certificate of general educational development;
3. The applicant is in good standing as a licensed optician in every jurisdiction where licensed;
4. The applicant has not been convicted in any jurisdiction of a misdemeanor or felony involving sexual offense, ~~drug distribution~~ or physical injury, or any felony involving drug distribution or that directly relates to the profession of opticianry. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of opticianry. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The licensee shall provide a certified copy of a final order, decree, or case decision by a court or regulatory agency with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the licensee to the board within 10 days after all appeal rights have expired;
5. The applicant has successfully completed one of the following education requirements:

- a. A board-approved two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or
  - b. A two-year apprenticeship with a minimum of one school year of related instruction or home study while registered in the apprenticeship program in accordance with the standards established by the state Department of Labor and Industry, Division of Registered Apprenticeship, and approved by the board;
6. The applicant has disclosed his current mailing address;
  7. The nonresident applicant for a license has filed and maintained with the department an irrevocable consent for the director of the department to serve as service agent for all actions filed in any court in the Commonwealth; and
  8. The applicant shall certify, as part of the application, that the applicant has read and understands Chapter 15 (§ 54.1-1500 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board.

**18VAC80-30-160. Grounds for disciplinary action.**

A. The board is empowered to revoke, suspend, or refuse to grant or renew a license and is empowered to impose a fine up to the statutory limit, as authorized under § 54.1-202 of the Code of Virginia, per violation on a licensee for any of the following reasons:

1. Using nonprescribed controlled substances as defined in § 54.1-3401 of the Code of Virginia or alcohol at the work place during working hours;
2. Displaying professional incompetence or negligence, including but not limited to failure to comply with this part in the performance of opticianry;
3. Presenting false or fraudulent information on an application certifying possession of the qualifications required under 18VAC80-30-20;
4. Violating or inducing others to violate any provisions of Chapter 1, 2, 3, or 15 of Title 54.1 of the Code of Virginia, or of any other statute applicable to the practice of the profession herein regulated, or of any provisions of this chapter;
5. Publishing or causing to be published any advertisement related to opticianry that is false, deceptive, or misleading;
6. Having been convicted in any jurisdiction of a misdemeanor or felony involving sexual offense, drug distribution or physical injury, or of any felony involving drug distribution or that directly relates to the profession of opticianry. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of opticianry. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The licensee shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the licensee to the board within 10 days after all appeal rights have expired;
7. Having been disciplined by another jurisdiction in the practice of opticianry. Documentary evidence of such discipline shall be submitted by the licensee to the board within 10 days after all appeal rights have expired; or
8. Allowing any person to engage in the practice of opticianry, except an optician apprentice or student enrolled in a course in a school of opticianry under the direct supervision of a licensed optician.

B. A finding of improper or dishonest conduct in the practice of the profession by a court of competent jurisdiction shall be cause for disciplinary action.



**Board for Hearing Aid Specialists and Opticians  
August 19, 2014**

**Board Policy: Election of Chair and Vice-Chair**

On August 19, 2014, the Board adopted the following policy: Election of Chair and Vice Chair will occur at the first Board meeting after July or at the first meeting after the Governor makes appointments. Newly elected Chairs will assume their position at the next Board meeting after elections are held.

If the Chair position is held by an Optician member, the Vice Chair position shall be a Hearing Aid Specialist member. If the Chair position is held by a Hearing Aid Specialist member, the Vice Chair position shall be an Optician member.

The Chair position shall alternate between the professions every year.



**TO:** VIRGINIA BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS  
**FROM:** STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR  
**SUBJECT:** FINANCIAL STATEMENTS  
**DATE:** AUGUST 18, 2021

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Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

*DRAFT AGENDA  
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DRAFT AGENDA*



Department of Professional and Occupational Regulation  
Statement of Financial Activity

Board for Hearing Aid Specialists and Opticians  
954240

2020-2022 Biennium

June 2021

	June 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - June 2019	July 2020 June 2021
<b>Cash/Revenue Balance Brought Forward</b>			0
<b>Revenues</b>	9,110	172,725	157,720
<b>Cumulative Revenues</b>			157,720
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	408	28,842	18,548
<b>Board Administration</b>	1,750	39,695	37,079
<b>Administration of Exams</b>	898	23,635	21,099
<b>Enforcement</b>	19	486	421
<b>Legal Services</b>	0	372	380
<b>Information Systems</b>	3,425	33,168	27,393
<b>Facilities and Support Services</b>	958	12,277	14,335
<b>Agency Administration</b>	677	17,882	17,005
<b>Other / Transfers</b>	0	(2)	0
<b>Total Expenses</b>	8,136	156,356	136,258
<b>Transfer To/(From) Cash Reserves</b>	(772)	0	(27,118)
<b>Ending Cash/Revenue Balance</b>			48,580

<b>Cash Reserve Beginning Balance</b>	(27,213)	0	(866)
<b>Change in Cash Reserve</b>	(772)	0	(27,118)
<b>Ending Cash Reserve Balance</b>	(27,984)	0	(27,984)

**Number of Regulants**

Current Month	2,589
Previous Biennium-to-Date	2,602

**Department of Professional and Occupational Regulation**  
**Supporting Statement of Year-to-Date Activity**  
**Board for Hearing Aid Specialists and Opticians - 954240**  
**Fiscal Year 2021**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
<b>Board Expenditures</b>	557	4,767	213	891	2,207	3,352	1,973	1,639	307	164	2,070	408	18,548	48,089	29,541	18,548	29,541	61.4%
<b>Board Administration</b>	4,775	3,178	3,186	3,119	3,082	2,851	2,886	2,844	3,225	3,155	3,021	1,750	37,079	51,653	14,574	37,079	14,574	28.2%
<b>Administration of Exams</b>	2,641	1,770	1,757	1,797	1,786	1,566	1,757	1,766	1,771	1,828	1,766	898	21,099	25,104	4,006	21,099	4,006	16.0%
<b>Enforcement</b>	52	35	36	36	34	31	35	36	34	36	37	19	421	558	138	421	138	24.7%
<b>Legal Services</b>	0	95	0	95	0	0	95	0	0	95	0	0	380	380	0	380	0	0.0%
<b>Information Systems</b>	1,368	3,641	2,219	1,024	1,977	3,150	2,028	1,192	5,081	2,002	1,505	3,425	27,393	30,527	3,135	27,393	3,135	10.3%
<b>Facilities / Support Svcs</b>	1,350	1,133	1,137	1,038	1,202	2,377	333	1,766	995	964	1,081	958	14,335	16,621	2,286	14,335	2,286	13.8%
<b>Agency Administration</b>	2,044	1,381	1,390	1,720	1,381	1,341	1,277	1,502	1,463	1,334	1,494	677	17,005	25,770	8,766	17,005	8,766	34.0%
<b>Other / Transfers</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Charges</b>	<b>12,785</b>	<b>16,000</b>	<b>9,938</b>	<b>9,721</b>	<b>11,670</b>	<b>14,669</b>	<b>10,385</b>	<b>10,745</b>	<b>11,657</b>	<b>9,572</b>	<b>10,981</b>	<b>8,136</b>	<b>136,258</b>	<b>198,703</b>	<b>62,445</b>	<b>136,258</b>	<b>62,445</b>	<b>31.4%</b>

DRAFT AGENDA  
 Materials contained in this Agenda are proposed topics for discussion  
 and are not to be construed as Regulation or official Board position.  
 DRAFT AGENDA

**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Agency Total**

2020-2022 Biennium

June 2021

	June 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - June 2019	July 2020 June 2021
<b>Cash/Revenue Balance Brought Forward</b>			992,779
<b>Revenues</b>	1,810,489	18,489,263	20,361,075
<b>Cumulative Revenues</b>			21,353,854
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	132,470	1,739,732	1,668,856
<b>Board Administration</b>	206,663	4,521,589	4,248,659
<b>Administration of Exams</b>	12,039	303,664	282,885
<b>Enforcement</b>	285,685	6,613,864	6,464,950
<b>Legal Services</b>	14,387	206,492	222,102
<b>Information Systems</b>	414,514	3,884,743	3,226,032
<b>Facilities and Support Services</b>	142,229	2,017,952	1,906,733
<b>Agency Administration</b>	81,952	2,085,476	1,997,268
<b>Other / Transfers</b>	4,890	8,280	4,890
<b>Total Expenses</b>	1,294,830	21,381,792	20,022,376
<b>Transfer To/(From) Cash Reserves</b>	(332,749)	0	(1,868,043)
<b>Ending Cash/Revenue Balance</b>			3,199,522

<b>Cash Reserve Beginning Balance</b>	19,732,310	0	21,267,604
<b>Change in Cash Reserve</b>	(332,749)	0	(1,868,043)
<b>Ending Cash Reserve Balance</b>	19,399,561	0	19,399,561

**Number of Regulants**

Current Month	316,196
Previous Biennium-to-Date	312,400