

## BOARD FOR HEARING AID SPECIALISTS

### DRAFT MINUTES OF MEETING

The Board for Hearing Aid Specialists met on Wednesday, November 15, 2006, 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  
Thomas M. Frank  
Olivia L. Kearney  
Harry W. Kessler, III  
Richard E. Linde, M.D.  
Teresa M. Robinson

The following member was absent:

Matthew J. Myrick

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

Jay W. DeBoer, Director  
David B. Ashe, Chief Deputy Director  
William H. Ferguson, II, Executive Director  
Earlyne B. Perkins, Legal Analyst  
Rashaun K. Minor, Administrative Assistant

Representative from the Office of the Attorney General was present for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Ms. Harvey determined there was a quorum and called the meeting to order at 9:10 a.m. **Call to Order**

Upon a motion by Mr. Frank and seconded by Ms. Robinson the Board voted to approve the agenda with amendments adding the Volunteer Speakers Network and extended service contract warranties. **Approval of Agenda**

The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, Dr. Linde and Ms. Robinson.

There were no negative votes. The motion passed unanimously.

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

Ms. Robinson left the meeting

**Ms. Robinson leaves  
the meeting**

In the matter of **File Number 2006-04187, Board v. Simons, Robert R.**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Robert R. Simons, accompanied by Ms. Pamela Smith did appear at the meeting in person. Mr. Simons and Ms. Smith did not participant at the Informal Fact Finding Conference; therefore, did not to address the Board.

**File Number 2006-04187  
Simons, Robert R.**

Upon a motion by Mr. Kessler and seconded by Ms. Kearney, the Board voted that there was clear and convincing evidence that Mr. Robert R. Simons violated the following sections of its 2003 Regulations:

- 18 VAC 80-20-270.1.h. (Count 1)
- 18 VAC 80-20-180.A (Count 2)

The members voting 'yes' were Mr. Frank, Ms. Harvey, Mr. Kessler, Ms. Kearney, and Dr. Linde.

There were no negative votes. The motion passed unanimously.

Upon a motion by Mr. Frank and seconded by Dr. Linde, the Board voted to reject the recommendations of the presiding Board member of the Informal Fact Finding Conference on both counts and imposed the following monetary penalties on the license:

18 VAC 80-20-270.1.h (Count 1)	\$2,500.00
18 VAC 80-20-180.A (Count 2)	\$1,500.00
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TOTAL	\$4,000.00

The members voting 'yes' were Mr. Frank, Ms. Harvey, Ms. Kessler, Ms. Kearney, and Dr. Linde. There were no negative votes. The motion passed unanimously.

Ms. Robinson, as the presiding Board member at the Informal Fact Finding Conference, was not present during the discussion or vote.

The Board discussed FM assistive listening devices.

**FM Assistive  
Listening Device**

Ms. Harvey noted that the Federal Drug and Administration (FDA) do not consider assistive listening devices as a hearing aid.

The different types of equipment that is considered FM assistive listening devices and their uses was discussed. The Board will continue to follow this technology.

Mr. Frank and Dr. Linde will provide additional information on FM assistive listening devices at the Board's next board meeting

Ms. Dugger provided the Board with a packet of information regarding the Board's brochure and the Board's information currently on the DPOR webpage. The Board agreed to have the additional resource links available on it's webpage as well the final copy of the Board's brochure.

**Brochure & Volunteer Speakers**

Ms. Dugger presented to the Board a sample presentation for its Volunteer Speaker's Network that each speaker would use that participated in the Network.

Ms. Dugger advised the Board that a Speaker's Form and training would be available to interested persons .to ensure that the information provided is consistent and accurate and that the participates are in good standing with the Board.

The Board reviewed its examination statistics for informational purposes.

**Examination Statistics**

The Board reviewed its quarterly statistics for informational purposes.

**Quarterly Statistics**

For informational purposes, the Board reviewed the Board for Audiology and Speech Language Pathology August 17, 2006 board meeting unapproved minutes.

**Board of Audiology and Speech-Language Pathology**

The Board was informed that the Financial Disclosure Statement will be mailed out soon and board members are required annually to complete and return the forms to the board office.

**Other Board Business**

Board Members were given a copy of the Department of Professional and Occupational Regulation 2004-2006 biennial report.

For informational purposes, Ms. Dugger provided the Board a copy of the law regarding extended service contract warranties.

The floor was opened for nominations for Board Chair and Board Vice Chair.

**Elections**

Ms. Harvey made a motion that Mr. Thomas Frank elected as Chair and Mr. Harry Kessler elected as Vice Chair. Ms. Kearney seconded the

motion.

The members voting 'yes' were Mr. Frank, Ms. Harvey, Ms. Kessler, Ms. Kearney, and Dr. Linde. There were no negative votes. The motion passed unanimously

Upon a motion by Mr. Frank and seconded by Dr. Linde the Board **Adjourn** voted to adjourn the meeting at 11:52 a.m.

The members voting 'yes' were Mr. Frank, Ms. Harvey, Ms. Kearney, Mr. Kessler, and Dr. Linde.

There were no negative votes. The motion passed unanimously.

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Kathy J. Harvey, Chair

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Jay W. DeBoer, Secretary

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Custodian of the Records