

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, July 25, 2018, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 4, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Judith M. Canty
Melissa Gill
Mark Grohler
Laura Lee Kleiner
David M. Lambert
Teresa D. Leeper
Arva B. Priola
June H. S. Rogers
Bruce R. Wagner



The following members were not present:

Alidad Arabshahi, MD, MBA
Pamela S. Chavis, MD
Edward L. DeGennaro
Lakshminarayanan Krishnan
Debra Ogilvie, AuD

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

Mary Broz-Vaughan, Deputy 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 for the meeting.

Elizabeth B. Peay, Assistant Attorney General

Ms. Canty determined that there was a quorum present, and called the Call to Order meeting to order at 9:05 a.m.

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

The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr.

Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Rogers and seconded by Ms. Gill, the Board voted to approve the minutes of the April 5, 2017 Optician Apprenticeship Ad Hoc Committee Meeting; December 13, 2017 Board for Hearing Aid Specialists and Opticians Meeting; March 19, 2018, Joint Board for Barbers and Cosmetology and Board for Hearing Aid Specialists and Opticians Training Meeting; and June 20, 2018 Optician Apprenticeship Ad Hoc Committee Meeting.

The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

U.S. Department of Labor National Guidelines for Apprenticeship Standards for Hearing Aid Specialists – provided by the International Hearing Society (ILS) on July 6, 2018, and was included in the Board's agenda items for review.

Ms. Canty asked for public comments.

Ms. Teresa Irwin, licensed Hearing Aid Specialist, addressed the Board on the topic of Hearing Aid Specialist Temporary Permit 6-month extensions. Hand-outs were provided to the Board for review prior to Ms. Irwin's remarks, including a letter from Ms. Irwin concerning a specific permit holder's request for extension, and a letter from Alissa Parady, IHS Director of Government Affairs on the topic. The Board took Ms. Irwin's remarks and the letters under advisement.

Mr. Grohler recused himself from the meeting

Approval of Minutes:
April 5, 2017
Optician
Apprenticeship Ad
Hoc Committee
Meeting; December
13, 2017 Board for
Hearing Aid
Specialists and
Opticians Meeting;
March 19, 2018,
Joint Board for
Barbers and
Cosmetology and
Board for Hearing
Aid Specialists and
Opticians Training
Meeting; June 20,
2018 Optician
Apprenticeship Ad
Hoc Committee
Meeting

Communications

Public Comment



Cases

Mr. Grohler Recused

In the matter of **File Number 2018-01093, Paul John Leonard, Jr.**, the Board reviewed the record, which consisted of the Consent Order. Paul John Leonard, Jr. did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-01093, Paul John Leonard, Jr.

By signing the Consent Order, Paul John Leonard, Jr. acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 80-20-270.1	\$ 1,500.00
	(Three violations at \$500 each)	
TOTAL (MONETARY PENALTIES)		\$ 1,500.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 1,650.00

In addition, for violation of Count 1, Paul John Leonard, Jr. agrees to not sponsor hearing aid specialist temporary permit holders for a period of six (6) months, as of the effective date of this order.

Upon a motion by Ms. Kleiner and seconded by Mr. Wagner, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Canty, Ms. Gill, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

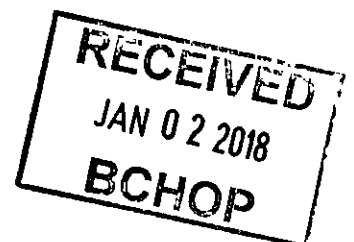
Mr. Grohler was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Grohler returned to the meeting.

In the matter of **File Number 2018-02600, Rahima Rahmanovic**, the Board reviewed the record which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Rahima Rahmanovic appeared at the meeting in person and addressed the Board.

File Number 2018-02600, Rahima Rahmanovic

Upon a motion by Ms. Rogers and seconded by Ms. Leeper, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Rahima Rahmanovic's Optician license application.



The member voting 'yes' was Ms. Rogers. The members voting 'no' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, and Mr. Wagner. The motion failed.

After Board discussion, and upon a motion by Ms. Kleiner seconded by Ms. Priola, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approve Rahima Rahmanovic's Optician license application on the basis that she had provided the Board with satisfactory evidence establishing that she had completed high school.

The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, and Ms. Priola. The members voting 'no' were Ms. Rogers and Mr. Wagner. The motion passed by a majority.

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing statistics with the Board. (See Addendum 1)

Statistics

Mr. Kirschner also reviewed the Hearing Aid Specialists and Opticians examination statistics with the Board for all exams administered between October 2017 and June 2018.

Old Business

Mr. Kirschner reported that the Hearing Aid Specialist fee adjustment remains in the Executive Branch/Governor's Office for review.

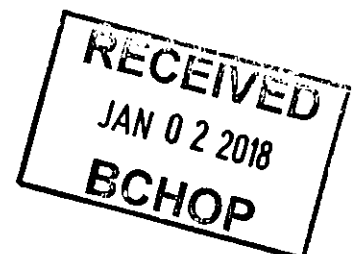
**Regulations – HAS
Fee Adjustment**

Mr. Kirschner reported to the Board on the completion of the Committee's work to change the Optician Apprenticeship from a three-year program to a two-year program and the inclusion of a training video on surfacing and finishing in the Work Processes component of the apprenticeship. Mr. Kirschner advised the Board that a regulatory change would be required to implement the revised apprenticeship structure, and change the required hours from 6,000 to 4,000. He recommended that the Board vote on whether or not to adopt the changes to the Optician Apprenticeship.

**Ad Hoc Committee
on Optician
Apprenticeship**

Upon a motion by Ms. Rogers and seconded by Mr. Lambert, the Board voted to adopt the changes to the Optician Apprenticeship, changing it from a 3-year, 6,000 hour program to a 2-year, 4,000 program.

The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr.



Wagner. There were no negative votes. The motion passed unanimously.

Mr. Kirschner advised the Board that the Committee had reviewed and approved two related instruction providers for the revised Optician Apprenticeship program, and that a Board vote would be needed on the Committee's recommendation.

Upon a motion by Ms. Leeper and seconded by Ms. Rogers, the Board voted to accept J. Sargeant Reynolds Community College and the National Association of Opticians (NAO) curriculum as the approved related instruction providers for the Optician Apprenticeship once the two year apprenticeship took effect. It was agreed by consensus that any additional prospective related instruction providers would be required to provide a proposal to the Board for consideration.

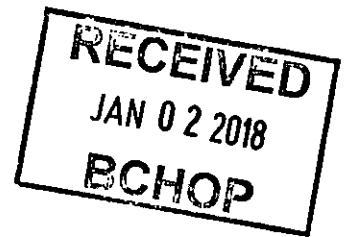
The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Kirschner reported to the Board that the Procurement Committee reviewed proposals from potential exam vendors on July 17, 2018 and concluded that neither of two vendors under consideration had provided adequate documentation for the committee to make a selection. Mr. Kirschner advised the Board that the current Request for Proposals (RFP) would be cancelled and a revised RFP will be published, with the anticipation that new exams would be available by February 1, 2019.

Mr. Kirschner reported that the regulatory portion of the examination had undergone a review by Board members. The changes have been incorporated into the examination and will appear in the August 2018 examination cycle.

Mr. Kirschner advised the Board that the next action will be a review of the practical examination and Board members will be asked to participate in the review.

Mr. Kirschner advised the Board that a regulatory action would be required to implement the approved changes to the Optician Apprenticeship.



**Optician Exam
Procurement Report**

**Hearing Aid
Specialist Exam
Review Report**

Other Business

**Regulatory Action to
Implement Changes
to the Optician
Apprenticeship**

Upon a motion by Ms. Gill and seconded by Mr. Lambert, the Board voted to have staff initiate the regulatory process to revise the Optician Regulations.

The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Kirschner reported to the Board that Senate Bill 315 was passed that explicitly exempts from the examination hearing aid specialist applicants who are licensed audiologists and hold a doctoral degree in audiology.

**Changes in the Law
from the 2018
General Assembly
Session**

Ms. Broz-Vaughan advised the Board that the Agency is one of two state agencies selected to participate in a pilot program to reduce regulations by 25% over a three-year period.

Mr. Wagner initiated a discussion about Hearing Aid Specialist Temporary Permit extensions and recommended that the Board consider granting a 6-month extension to the applicant presented by Ms. Irwin during the public comment period of the meeting. Mr. Kirschner provided an explanation of the policy regarding extensions for individuals who have completed their training and that a regulatory change would be needed to either allow individuals who have not completed training to sit for the exam or remove the requirement that temporary permits are solely for the purpose of gaining training and experience.

**Hearing Aid
Specialist Temporary
Permit Extensions**

Ms. Peay further clarified that the Board cannot take any action on the individual applicant in question, but can address the concerns about temporary permit extensions through a regulatory action.

Ms. Canty amended the Agenda to reopen the Public Comment period and allowed Ms. Irwin to address the Board further on the topic of Hearing Aid Specialist Temporary Permit extensions. The Board took Ms. Irwin's comments under advisement.

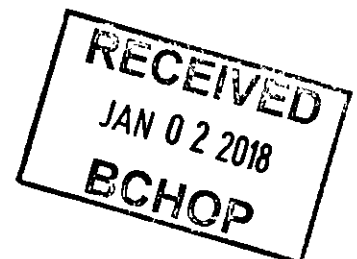
**Public Comment
Reopened**

Mr. Kirschner reviewed the Elections Policy with the Board members, and Ms. Canty asked for nominations.

Elections

Ms. Priola nominated Mr. Wagner for Chair. Mr. Lambert nominated Ms. Rogers for Vice-Chair.

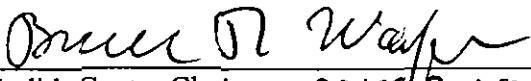
Ms. Canty asked if there were any further nominations. There were




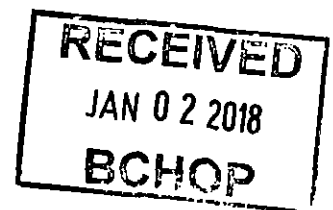
none. Upon a motion by Ms. Rogers and seconded by Mr. Grohler, the Board voted to close the nominations and elect Bruce R. Wagner as Chair and June H. S. Rogers as Vice-Chair.

The members voting 'yes' were Ms. Canty, Ms. Gill, Mr. Grohler, Ms. Kleiner, Mr. Lambert, Ms. Leeper, Ms. Priola, Ms. Rogers, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

There being no other business to be brought before the Board, Ms. Adjourn Canty adjourned the meeting at 10:33 a.m.


~~Judith Canty, Chair~~ — BRUCE R. WAGNER, CHAIR


Jay W. DeBoer, Secretary



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Judith M. Canty
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

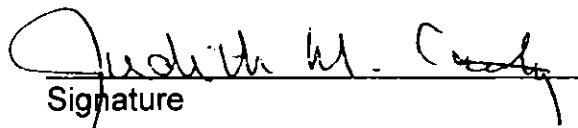
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.


Signature

7-25-18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

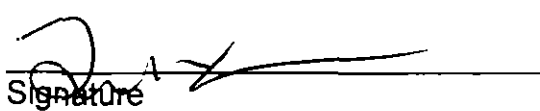
1. Name: Teresa D. Leeper
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

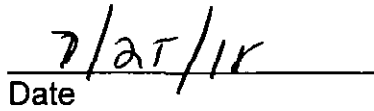
Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.


Signature


Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

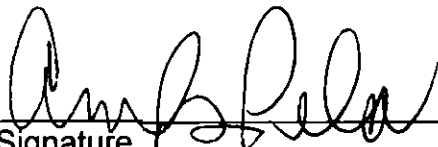
1. Name: Arva B. Priola
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

7/25/2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Bruce R. Wagner
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Bruce R. Wagner
Signature

7/25/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Melissa Gill
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.

M Gill
Signature

7/25/18
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Mark C. Grohler
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018

5. I have a personal interest in the following transaction:

Paul John Leonard, Jr.

Nature of Personal Interest Affected by Transaction:

Reviewed case at request of Investigator Kelley Tyler in Board Member capacity

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Mark C. Grohler

Signature

7/25/18

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

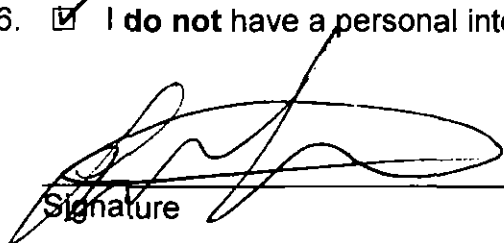
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Laura Lee Kleiner
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interested in any transactions taken at this meeting.



Signature

07/25/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: David M. Lambert
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Board for Hearing Aid Specialist and Opticians

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.

David M. Lambert
Signature

7/25/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: June H. S. Rogers
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: July 25, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Luxottica

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interested in any transactions taken at this meeting.



Signature

25 July 2018
Date