

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, August 16, 2023, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 2, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members were present for the meeting:

Kristina Green, Chair
Debra Ogilvie, AuD, Vice Chair
Darla All
Kaytlyn Young
Bruce R. Wagner
Stacey Brayboy

The following members were not present:

Erik Meland
Michael Armstrong, MD
Pamela Chavis, MD
Pamela Smith
Laura Lee Thompson

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

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Wendy Duncan, Licensing Operations Administrator
Heather Garnett, Administrative Coordinator

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

Ms. Green, Chair, determined a quorum present and called the meeting to order at 9:52 a.m. **CALL TO ORDER**

Ms. Smith, Executive Director, explained the emergency evacuation procedures for board room 2. **EMERGENCY
EVACUATION
PROCEDURES**

The Board took the agenda under consideration. **APPROVAL OF
AGENDA**

Ms. Smith informed the Board there is an amendment to the agenda for American National Standards Institute (ANSI) discussion.

Upon a motion by Ms. Young and seconded by Ms. Brayboy, the Board voted to approve the amended agenda.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Young and seconded by Ms. All the board voted to consider all minutes in the agenda as a block and approve Board meeting minutes of June 21, 2023, with an amendment and approve Board committee minutes of June 21, 2023.

**APPROVAL OF
MINUTES
CONSIDERED AS A
BLOCK**

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

There were no communications.

COMMUNICATION

There were no public comments.

**PUBLIC
COMMENT**

In the matter of **File Number 2021-01165, Lauren-Grey G. Igel**, Board members reviewed the Report of Findings and exhibits.

**CASES
File Number 2021-
01165, Lauren-Grey
G. Igel**

Lauren-Grey Igel did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. Ogilvie and seconded by Ms. Young, the Board voted to accept the violations and sanctions which cites:

Count 1: 18 VAC 80-20-270.1.b	\$32,500.00
(Thirteen Violations)	<u>(\$2,500.00 for each violation)</u>
Total	\$32,500.00

License revocation for Count 1.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

REPORTS

Ms. Green asked the Board to review the licensing statistics that were provided in the agenda. The Board did not have questions about the report.

Licensing Statistics

Ms. Green asked the Board to review the examination statistics that were provided in the agenda. The Board discussed the examinations and the new Universal License Recognition (ULR).

Examination Statistics

REGULATORY ACTION AND BOARD GUIDANCE

Ms. Rodriguez, Regulatory Operations Administrator, informed the Board of the current regulatory actions:

Regulatory Report

- The proposed stage of the Amendment to Expand Training Options for Hearing Aid Specialists was approved by the Governor's Office. Public comment will open on September 11, 2023, and a public hearing will be held on October 11, 2023.
- A Notice of Intended Regulatory Action (NOIRA) was filed to increase Optician fees. This action is under review by the Governor's review.

Ms. Rodriguez informed the Board the Agency's Regulatory Affairs Manager requested a revision to the requirements for lenses and frames standards rather than stating the Opticians regulations should comply with ANSI Z80.1 and Z87.1. The Regulatory Affairs Manager suggested modifying the specifications to align with the ANSI standards. The Board Staff will adjust the lenses and frames standards and provide language to the Board at the next Board meeting.

ANSI Standards Discussion

Ms. Rodriguez informed the Board of revisions to the regulatory language are updated and included in the agenda.

The Board discussed the updated language.

Optician and Hearing Aid Specialists Regulatory Language Review

Upon a motion by Ms. Ogilvie and seconded by Ms. Young, the Board voted to adopt the updated language to the regulations.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

NEW BUSINESS

Ms. Smith informed the Board the agency received public comment on each of the Board's regulations. The Board reviewed the comments and draft Board responses.

Periodic Review- Public Comment

Upon a motion by Ms. All and seconded by Ms. Young, the Board voted to approve the proposed responses.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Brayboy and seconded by Ms. Ogilvie, the Board voted to retain the Public Participation Guidelines as is.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. All and seconded by Ms. Brayboy, the Board voted to retain the Hearing Aid Specialists Regulations as is.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. All and seconded by Ms. Young, the Board voted to retain the Optician Regulations as is.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

Ms. Smith informed the Board the Governor's Office requested a reduction in the newly proposed fees in the Opticians regulations for late renewal and reinstatement.

Proposed Optician Fee Increase Regulation Revision

The Board discussed the reduced fees.

Upon a motion by Ms. Brayboy and seconded by Ms. All, the Board voted to reduce the newly proposed fees in the Opticians regulations for late renewal and reinstatement.

The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Young, Mr. Wagner, and Ms. Brayboy. There were no negative votes. The motion passed unanimously.

Mr. Melis, Director, informed the Board the 2018 JLARC study concluded Opticians did not meet Code for regulation. The Department will submit to deregulate Opticians during the 2024 General Assembly. The Board discussed the submission of deregulation.

JLARC Discussion

Mr. Melis reminded the Board that, Board Members cannot lobby on behalf of the Board, however, Board Members may lobby as individuals or on behalf of other entities but must state who they are representing.

There being no further business, the meeting adjourned at 11:06 a.m.

Adjourn



Kristina Green, Chair



Kishore S. Thota, Board Secretary

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

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

1. Name Kristina Green
(Name of Board Member)

2. Title: Board Chair

3. Agency: DPOR/Board for Hearing Aid Specialists and Opticians
(Name of Board)

4. Meeting/IFF Date: 08/16/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

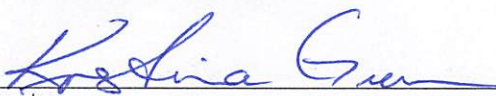
B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:


Signature

08/16/23
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Debra Ogilvie
(Name of Board Member)
2. Title: Board Vice Chair
3. Agency: DPOR/Board for Hearing Aid Specialists and Opticians
(Name of Board)
4. Meeting/IFF Date: 08/16/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

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

6. Signature of Board Member:

Debra Ogilvie
Signature

8-16-23
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Bruce Wagner
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Hearing Aid Specialists and Opticians
(Name of Board)
4. Meeting/IFF Date: 08/16/2023

5. Do you have a personal interest in the following transaction?

- No, I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

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

6. Signature of Board Member:

Bruce Wagner
Signature

8-16-23
Date

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

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

1. Name Darla All
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Hearing Aid Specialists and Opticians
(Name of Board)
4. Meeting/IFF Date: 08/16/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

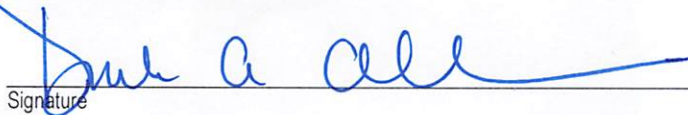
B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:


Signature

8/14/23
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Kaytlyn Young
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Hearing Aid Specialists and Opticians
(Name of Board)
4. Meeting/IFF Date: 08/16/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

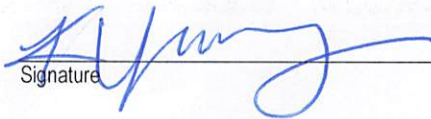
B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:

Signature 

Date 8/16/2023

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name Stacey Brayboy
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for Hearing Aid Specialists and Opticians
(Name of Board)
4. Meeting/IFF Date: 08/16/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A.

(Agenda Item)

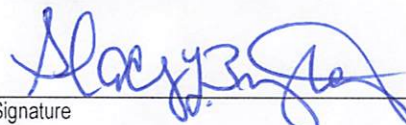
B. Nature of Personal Interest Affected by Transaction:

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

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

I did not participate in the transaction.

6. Signature of Board Member:


Signature

8/16/2023
Date