

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, December 10, 2014, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, Board Room 3, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Deborah Bauer-Robertson
Jon D. Bright
Judith M. Canty
Edward L. DeGennero
Robert E. Flippin
Mark C. Grohler
Eric B. Hecker, PhD
L. Frederick Lassen, MD
Bonnie Mayhew
Arva B. Priola
Bruce R. Wagner

The following member was not present:

William H. Bearden, III, MD

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

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director/Regulatory and Public Affairs
Demetrios J. Melis, Executive 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

Mr. Flippin, Chair, determined that a quorum was present and called **Call to Order** the meeting to order at 9:02 a.m.

Upon a motion by Mr. Bright and seconded by Dr. Hecker, the Board **Approval of Agenda** voted to adopt the agenda.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennero, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms.

Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Upon a motion by Ms. Canty and seconded by Ms. Bauer-Robertson, the Board voted to approve the minutes of the August 19, 2014 Board meeting.

**Approval of Minutes:
August 19, 2014
Board for Hearing
Aid Specialists and
Opticians Meeting**

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennero, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Mr. Flippin reviewed with the Board the following letters received by the Board:

Communications

1. Letter received September 4, 2014 from an anonymous sender regarding the National Optician's Practical Examination.
2. Letter dated September 26, 2014 from The Learning Curve regarding its new optician practical examination.
3. Letter dated October 13, 2014 from the National Commission of State Opticianry Regulatory Boards ("NCSORB") containing the annual board meeting minutes.
4. Letter dated November 19, 2014 from NCSORB in response to the anonymous letter regarding the National Optician's Practical Examination.

Mr. Flippin asked if there was any public comment. There was none.

Public Comment

Mr. Wagner recused himself from the meeting.

Mr. Wagner Recused

Consent Order

In the matter of **File Number 2014-01731, Marco Antonio Fuster**, the Board reviewed the record which consisted of the Consent Order. Marco Antonio Fuster did not appear at the meeting in person, by counsel, or by any other qualified representative.

**2014-01731 Marco
Antonio Fuster**

By signing the Consent Order, Marco Antonio Fuster acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Marco Antonio Fuster consents to the following term(s):

Count 1:	18 VAC 80-20-270.3	\$ 0.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 0.00
	BOARD COSTS	\$150.00

TOTAL \$150.00

In addition, for violation of Count 1, Fuster agrees to revocation of his license.

Upon a motion by Mr. Bright and seconded by Dr. Hecker, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennero, Mr. Flippin, Mr. Grohler, Dr. Hecker, Ms. Mayhew, and Ms. Priola. There were no negative votes. The motion passed unanimously.

As a Board representative in this case, Mr. Wagner was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Wagner returned to the meeting.

**Mr. Wagner
returned**

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing statistics. **Statistics**

Licenses & Temporary Permits Issued – 8-1-2014 through 11-30-2014

Hearing Aid Specialists by Exam	26
Hearing Aid Specialists by Reciprocity	0
Hearing Aid Specialists Temporary Permits	22
Optician by Exam	3
Optician by Reciprocity	0
CLE by Exam	0
CLE by Reciprocity	0
Optician License App Criminal History Review (Pass Matrix)	0

Regulant Population as of 12-1-2014

Hearing Aid Specialist Temp Permits	81
Hearing Aid Specialists	676
Opticians	1962

Mr. Kirschner reviewed complaints received, pending, and closed for Opticians with the Board. Mr. Kirschner reported that there were three

complaints received since August, and all three are pending. No Optician cases have been closed since the last meeting. Mr. Kirschner reported that there were no complaints, received, pending, or closed for Hearing Aid Specialists.

Mr. Melis reviewed the Optician and Hearing Aid Specialist examination statistics with the Board, including a 3-year analysis of exam scoring. (See Addendum 1)

Dr. Hecker asked if applicants who were re-taking the examination could be extrapolated from the totals of examinees, and Mr. Melis agreed to look into whether or not this was possible.

Dr. Lassen arrived at the meeting at 9:48 a.m.

Dr. Lassen arrived

Old Business

Mr. Kirschner reported that there are three regulatory packages moving through the regulatory process: Fee adjustments for both Hearing Aid Specialists and Opticians; and amended regulations for Hearing Aid Specialists.

Regulations

Mr. Kirschner indicated that he and Mr. Melis are scheduled to meet with the Department of Planning and Budget regarding the regulatory packages in the week following the Board meeting.

Mr. Kirschner reported to the Board on the meeting of the Ad Hoc Committee on Optician Apprenticeships that held its first meeting on October 9, 2014. Present at the meeting were board members, Mr. Flippin, Ms. Canty, Ms. Mayhew, Ms. Bauer-Robertson, and Mr. Bright. Also present were Beverly Donati from the Department of Labor and Industry, and Kristi Green, President of the Opticians Association of Virginia. Mr. Kirschner indicated that the committee had identified areas that required attention, including the length of the apprenticeship program; the awarding of credit; out of date texts and practical tasks; and deficient lab time. The committee is reviewing ways to reduce the apprenticeship hours from 6000 to 4000, and is also reviewing the Standards of Apprenticeship tasks and work processes.

**Ad Hoc Committee
on Optician
Apprenticeships
Report**

Ms. Priola suggested that ADA information should be included in optician and/or hearing aid specialist training if it is not already a part of the instruction.

Mr. DeGennaro volunteered to become a member of the Committee,

and Mr. Kirschner noted that he will be added to the committee roster.

Mr. Flippin provided an overview of the NCSORB Annual Meeting, which he attended in Nashville, Tennessee on September 6, 2014.

NCSORB Annual Meeting Report

Mr. Melis reported on the progress of NCSORB examination contract with DPOR. The latest contract was submitted to NCSORB on 10/22/2014. The Department is awaiting NCSORB's response.

NCSORB Contract Update

Mr. Bright raised a question as to why a contract with NCSORB is required for the practical examination, but there is no existing contract with the ABO/NCLE for the written examination. Mr. DeBoer stated that a contract with the ABO/NCLE would likely be in the best interest of the Department.

Mr. Melis reported that an audit of licensing records from June 20, 2014 through August 20, 2014 was conducted. The Board received public comments on behalf of the Opticians Association of Virginia on the subject of the board issuing licenses when the person may not have completed their training program. In response, the Board conducted a review of both procedures and files. All files for Opticians licensed during the timeframe of June 2014 to August 2014 were audited, a total of 44. Staff discovered only one (1) instance of a candidate receiving a license prior to confirming completion of their training program (license issued July 17, estimated completion date of July 28). The Board has addressed the procedural vulnerability that enabled this, and applicants will no longer be able to register with the Department to take the exam until they have completed training.

Optician Audit Report

Mr. Melis reported that the ABO/NCLE written examination is now being offered four times per year.

ABO Test Dates Update

Other Board Business

Mr. Melis reported that, knowing that allowing only completed applicants to test could cause delays to individuals obtaining licensure (such as a May graduate who would be unable to test until December), and with the ABO exam now being offered four times a year instead of just two, he sought a temporary work-around/solution (having more of the current practical examinations available) until such time as the NCSORB exam is implemented.

Additional Optician Practical Exams

Mr. Melis indicated that this effort is a realistic approach to ensuring individuals are able to test and thus apply and obtain licensure in a

reasonable timeframe. He stated that it was realistic, because, between contract negotiations and implementation, the NCSORB exam will take additional time, and a proactive solution was necessary in the meantime.

The Board discussed the option of increasing the number of Optician practical examination dates to four times per year. Mr. Bright reported that J. Sargeant Reynolds will soon begin charging for use of the examination site. Mr. Flippin suggested that the Board consider adding two additional practical exam dates, bringing the annual total to four, but asked that the four exams per year schedule be re-evaluated after one year. Mr. Bright asked when the new schedule could begin, and Mr. Melis responded that he believed the first practical exam under the new schedule could be administered in March 2015.

Upon a motion by Mr. Hecker and seconded by Ms. Bauer-Robertson, the Board voted to increase the number of practical examinations administered yearly from two to four with a review to be conducted at the end of 2015.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennero, Mr. Flippin, Mr. Grohler, Dr. Hecker, Dr. Lassen, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Ms. Mayhew asked if independent optical establishments can be required to obtain a business license. Mr. Melis responded that current statute does not allow the Board to impose this requirement; that a statute change would be required which must be a legislative action of the General Assembly. A discussion around the issue ensued.

Independent Optical Establishments

Mr. Melis reviewed the Election Policy approved by the Board at its August 19, 2014 meeting, after which the Board was invited to submit nominations for Chair and Vice-Chair.

Elections

Mr. Flippin nominated Dr. Hecker for Chair; Dr. Hecker accepted the nomination.

Ms. Mayhew nominated Mr. Bright for Vice Chair; Mr. Bright declined the nomination.

Mr. Bright nominated Ms. Bauer-Robertson for Vice Chair; Ms. Bauer Robertson accepted the nomination.

Upon a motion by Ms. Canty and seconded by Ms. Mayhew, the

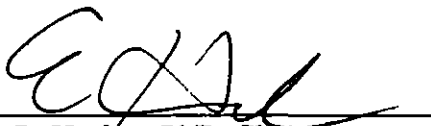
Board voted to close the nominations.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennero, Mr. Flippin, Mr. Grohler, Dr. Hecker, Dr. Lassen, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

The Board voted to accept the slate of officers, electing Dr. Hecker as Chair and Ms. Bauer-Robertson as Vice Chair.

The members voting 'yes' were Ms. Bauer-Robertson, Mr. Bright, Ms. Canty, Mr. DeGennero, Mr. Flippin, Mr. Grohler, Dr. Hecker, Dr. Lassen, Ms. Mayhew, Ms. Priola, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

There being no further items for discussion, Mr. Flippin adjourned the **Adjourn** meeting at 10:45 a.m.


Eric B. Hecker, PhD, Chair


Jay W. DeBoer, Secretary

Hearing Aid Specialists Practical and Written Exams Statistical Reports 2011 to 2014

HAS Practical

Exam Dates	Exams Taken	Exams Passed	Percent Passed
02/07/2011	18	10	55.56
06/13/2011	20	10	70.00
10/17/2011	37	23	62.16
02/06/2012	17	14	82.35
06/11/2012	21	11	52.38
10/15/2012	20	14	70.00
02/04/2013	21	12	57.14
06/10/2013	26	10	38.46
10/16/2013	26	15	57.69
02/03/2014	21	06	28.57
06/09/2014	40	26	65.00
10/15/2014	35	23	65.71

HAS Written – (Two Written Exams on Same Day)

Exam Dates	Content Areas	Exam Taken	Exam Passed	Percent Passed
03/09/2011	Rules/Regs	15	12	80.00
	ILE – (National)	16	11	68.75
07/13/2011	Rules/Regs	18	17	94.44
	ILE – (National)	18	16	88.89
11/16/2011	Rules/Regs	26	20	76.92
	ILE- (National)	28	22	78.57
03/07/2012	Rules/Regs	14	09	64.29
	ILE- (National)	14	11	78.57
07/11/2012	Rules/Regs	21	17	80.95
	ILE – (National)	21	12	57.14
11/14/2012	Rules/Regs	17	12	70.59
	ILE – (National)	20	11	55.00
03/06/2013	Rules/Regs	21	11	52.38
	ILE – (National)	24	10	41.66
07/10/2013	Rules/Regs	22	18	81.82
	ILE- (National)	24	12	50.00
11/13/2013	Rules/Regs	19	16	84.21
	ILE – (National)	22	11	50.00
03/05/2014	Rules/Regs	11	10	90.91
	ILE- (National)	16	06	37.50
07/09/2014	Rules/Regs	32	27	84.38
	ILE – (National)	36	24	66.67
11/12/2014	Rules/Regs	28	21	75.00
	ILE –(National)	Pending		

Opticians Written and Practical Exams Statistical Reports 2011 to 2014

Optician Written – ABO National

Exam Dates	Exams Taken	Exams Passed	Percent Passed
05/18/2011	44	28	63.64
11/16/2011	24	11	45.83
05/16/2012	52	30	57.69
11/2012	17	10	58.82
05/2013	46	36	78.26
11/2013	16	6	37.50
05/2014	33	26	78.79
11/2014	Pending		

Start of new CBT Exams Daily – 2 week window

Optician Practical

Exam Dates	Exams Taken	Exams Passed	Percent Passed
06/24/2011	59	37	62.71
12/02/2011	43	26	60.47
06/22/2012	61	31	50.82
12/07/2012	25	09	36.00
06/21/2013	60	40	66.67
12/06/2013	23	10	43.48
06/20/2014	60	31	51.67
12/05/2014	Pending		

Note: Next page includes a breakout for the 'Contact Lens' examinations

Contact Lens Written and Practical Exams Statistical Reports 2011 to 2014

Optician Written – NCLE National

Exam Dates	Exams Taken	Exams Passed	Percent Passed
05/18/2011	10	09	90.00
11/16/2011	01	01	100.00
05/16/2012	04	04	100.00
11/2012	04	03	75.00
05/2013	08	08	100.00
11/2013	00	00	00
05/2014	03	03	100.00
11/2014	00	00	00

Start of new CBT Exams Daily – 2 week window

Optician Practical

Exam Dates	Exams Taken	Exams Passed	Percent Passed
06/24/2011	10	10	100.00
12/02/2011	02	02	100.00
06/22/2012	04	04	100.00
12/07/2012	01	00	00
06/21/2013	06	06	100.00
12/06/2013	01	01	100.00
06/20/2014	04	04	100.00
12/05/2014	00	00	00

Note: These numbers are included with the Optician exam data on the previous page

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

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

1. Name: Deborah Bauer-Robertson
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction: _____

NONE

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

NONE

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

12-10-14
Date

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

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

1. Name: Jon D. Bright
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction: _____

NONE

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


NONE

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

12/10/14

Date

**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 Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

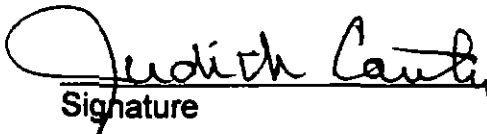
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

12-10-14
Date

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

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

1. Name: Edward L. DeGennaro
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction: None

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

None

- 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.

Edward L. DeGennaro
Signature

12/10/14
Date

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

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

1. Name: Robert E. Flippin
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

NONE

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.

Robert E. Flippin
Signature

12-10-2014
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: December 10, 2014
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

12/10/14

Date

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

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

1. Name: Eric B. Hecker
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

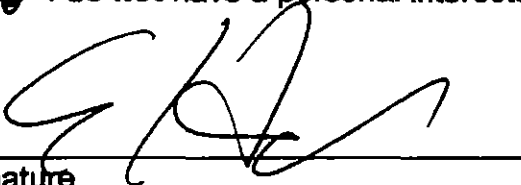
Nature of Personal Interest Affected by Transaction: _____

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



Date

12-10-14

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

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

1. Name: I. Frederick Lassen, MD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

NA

Nature of Personal Interest Affected by Transaction: _____

NA

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

NA

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

I. Frederick Lassen

Date

12/10/14

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

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

1. Name: Bonnie Mayhew
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: December 10, 2014
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction: _____

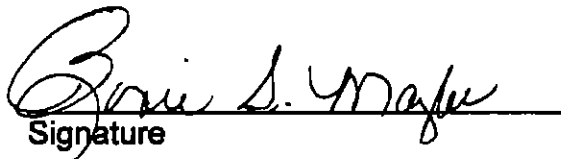
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

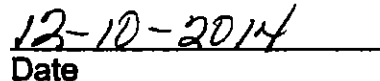
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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


Signature


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: December 10, 2014
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

12/10/2014
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: December 10, 2014
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.

Bruce R. Wagner
Signature

12/10/14
Date