BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS
MINUTES OF MEETING

The Board for Hearing Aid Specialists and Opticians met on Wednesday, August 18, 2021, 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:

Darla Ann All
Pamela S. Chavis, MD
Beth Lynn Connors, AuD
Kristina F. Green
Lakshminarayanan Krishnan
Erik S. Meland
Debra Ogilvie, AuD
June H. S. Rogers
Pamela Sue Smith
Bruce R. Wagner
Kaytlyn Young

The following members were not present:

Alidad Arabshahi, MD, MBA
Melissa Gill
Laura Lee Thompson

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

Mary Broz-Vaughan, Acting Director
Stephen Kirschner, Executive Director
Joseph Crook, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Cathy Clark, Administrative Assistant

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

Call to Order

Mr. Wagner determined that there was a quorum present, and called the meeting to order at 9:07 a.m.

Welcome to New Board Member

Mr. Kirschner introduced and welcomed Board members who were appointed since the last Board Meeting in December 2020. The new Board Members are Ms. All, Ms. Green, Mr. Meland, Ms. Smith, and Ms. Young.

Approval of Agenda

Upon a motion by Ms. Rogers and seconded by Dr. Chavis, the Board voted to approve the Agenda.

The members voting 'yes' were Ms. All, Dr. Chavis, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young. There were no negative votes. The motion passed unanimously.

Approval of Minutes: December 16, 2020 Board for Hearing Aid Specialists and Opticians Meeting; and April 15, 2021 New Board Member Training Workshop

Upon a motion by Dr. Connors and seconded by Mr. Meland, the Board voted to approve the minutes of the December 16, 2020 Board for Hearing Aid Specialists and Opticians Meeting and the minutes of the April 15, 2021 New Board Member Training Workshop.

The members voting 'yes' were Ms. All, Dr. Chavis, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young. There were no negative votes. The motion passed unanimously.

Communications

Mr. Wagner stated that there were no communications to report.

Public Comment

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

CASES

File Number 2021-00056, Jennifer Paige Williams (Consent Order)

In the matter of **File Number 2021-00056, Jennifer Paige Williams,** the Board reviewed the record, which consisted of the Consent Order. Jennifer Paige Williams did not appear at the meeting in person, by counsel, or by any other qualified representative.

By signing the Consent Order, Jennifer Paige Williams 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 80-20-250 (8 violations at $100 each)	$	800.00
SUB-TOTAL (MONETARY PENALTIES)		$	800.00
BOARD COSTS		$	150.00
TOTAL		$	950.00

Dr. Ogilvie arrived at the meeting

Upon a motion by Ms. Rogers and seconded by Ms. Young, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. All, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young. The member voting 'no' was Dr. Chavis. The member abstaining, due to late arrival, was Dr. Ogilvie. The motion passed by a majority.

File Number 2021-02138, Brenna Nicole Evancho (Licensing)

In the matter of **File Number 2021-02138,** the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Brenna Nicole Evancho did not appear at the meeting in person, by counsel or by any other qualified representative.

Upon a motion by Ms. Green and seconded by Ms. All, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Brenna Nicole Evancho's pending Hearing Aid Specialist (by exam) application.

The members voting 'yes' were Ms. All, Dr. Chavis, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Dr. Ogilvie, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young. There were no negative votes. The motion passed unanimously.

REPORTS

Licensing Statistics

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

Examination Report and Exam Statistics

Ms. Rodriguez reviewed the Hearing Aid Specialists and Opticians examination statistics with the Board for all exams administered between July 2020 and June 2021. **(See Addendums 2 and 3)**

REGULATORY ACTION AND BOARD GUIDANCE

Regulatory Report

Mr. Kirschner reported to the Board on three pending regulatory actions, including expanded training for Hearing Aid Specialist Temporary Permit holders that will increase the initial term of the temporary permit from 12 to 18 months and require completion of a minimum of 9 months of training under the permit to qualify for the examination. Mr. Kirschner advised the Board that this action is in its

first stage and will be published for public comment on August 30, 2021.

The second pending action in Mr. Kirschner's report was the proposed fee change for Hearing Aid Specialists, which has reached the Executive Branch review and is currently in the Secretary's office.

Lastly, Mr. Kirschner updated the members on the fast track proposed amendment to optician regulation 18 VAC 80-30-20 needed to remove obsolete language from the related instruction section that does not reflect the requirements of registered apprenticeships under the Department of Labor and Industry. This action will be published for public comment on August 30, 2021.

Exempt Action Relating to Legalization of Marijuana

Mr. Kirschner directed the Board's attention to his memo, dated August 5, 2021 and contained in the electronic agenda, that relates to July 1, 2021 changes to the Code of Virginia which decriminalized marijuana use in Virginia. Also included for the Board's review were draft amendments to the Hearing Aid Specialist Regulations and Optician Regulations that would bring the criminal conviction disclosure requirements into compliance with the new laws.

After discussion, and upon a motion by Ms. Young and seconded by Mr. Krishnan, the Board voted to start a regulatory action to amend language, as proposed in the memo, in the Hearing Aid Specialists Regulations and Opticians Regulations to comply with the new laws.

The members voting 'yes' were Ms. All, Dr. Chavis, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Dr. Ogilvie, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young. There were no negative votes. The motion passed unanimously.

NEW BUSINESS

Hearing Aid Specialist Temporary Permit Requirements for University Audiology Students

Mr. Kirschner discussed with the Board information relating to audiology students at Virginia colleges, specifically James Madison University, and whether or not the students would be required to hold a hearing aid specialist temporary permit to provide services to the public. Mr. Kirschner clarified that fourth-year audiology students must hold a hearing aid specialist temporary permit if they will provide hearing aid services to the public, but will not be required to hold a permit to perform audiology services.

Board Elections

Mr. Wagner called for nominations for Board Chair and Board Vice Chair.

Dr. Connors nominated Ms. Rogers for Chair. Mr. Krishnan seconded the nomination. There were no other nominations for Chair.

Dr. Chavis nominated Dr. Connors for Vice-Chair. Ms. Rogers seconded the nomination. There were no other nominations for Vice-Chair.

Mr. Wagner closed the nominations, and the Board voted to elect June H. S. Rogers as Chair and Beth Lynn Connors, Au.D. as Vice-Chair.

The members voting 'yes' were Ms. All, Dr. Chavis, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Dr. Ogilvie, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young. There were no negative votes. The motion passed unanimously.

Conflict of Interest Act Training

A video training session was presented for Conflict of Interest Act training that is required for all Board members every two years by the Virginia Conflict of Interest and Ethics Advisory Council.

Board members completing the training were: Ms. All, Dr. Chavis, Dr. Connors, Ms. Green, Mr. Krishnan, Mr. Meland, Dr. Ogilvie, Ms. Rogers, Ms. Smith, Mr. Wagner, and Ms. Young.

Adjourn

There being no other business to be brought before the Board, Mr. Wagner adjourned the meeting at 10:55 a.m.

June H. S. Rogers, Chair

Mary Broz-Vaughan, Board Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Darla Ann All
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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.

Darla All
Signature

8/18/2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Pamela S. Chavis MD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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 interested in any transactions taken at this meeting.

Pamela S. Chavis MD
Signature

8/16/2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Beth Lynn Connors, AuD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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.

Beth Connors
Signature

8/18/2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Kristina F. Green
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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.

Kristina Green
Signature

08/18/21
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Lakshminarayanan (Alan) Krishnan
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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:

   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.

Signature

8/18/2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Erik S. Meland
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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

8/18/21
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Debra Ogilvie, AuD
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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.

Debra Ogilvie
Signature

8-18-2021
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, Vice-Chair
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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.

June HSR
Signature

18 Aug 2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Bruce R. Wagner, Chair
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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

8/18/21
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Kaytlyn Young
2. Title: Board Vice-Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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

8/18/2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Pamela Sue Smith
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 18, 2021
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:

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.

Signature

8-18-21
Date