

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

The Board for Hearing Aid Specialists and Opticians met on Wednesday, August 17, 2022, 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:

Kristina Green
Debra Ogilvie, AuD
Darla All
Kaytlyn Young
Pamela Smith
Erik Meland
Pamela Chavis, MD
Stacey Brayboy
Laura Lee Thompson
Bruce R. Wagner
Saman Aghaebrahim

The following members were not present:

Michael Armstrong, MD
Melissa Gill

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

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Heather Garnett, Administrative Coordinator

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

Ms. Green determined that there was a quorum present, and called the Call to Order meeting to order at 9:06 a.m.

Mr. Kirschner introduced new DPOR staff, Demetrios Melis, Director; Kishore Thota, Chief Deputy Director; Heather Garnett, Administrative Coordinator; and Tamika Rodriguez, Regulatory Operations Administrator.

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

Approval of Agenda

The members voting 'yes' were Ms. All, Ms. Green, Mr. Aghaebrahim, Mr. Meland, Dr. Ogilvie, Ms. Brayboy, Ms. Smith, Ms. Thompson, and Mr. Wagner. There were no negative votes. The motion passed unanimously.

Ms. Green stated that an amendment to the minutes of August 18, 2021 Board for Hearing Aid Specialists and Opticians Meeting has been made.

Approval of Amended Minutes: August 18, 2021 Board for Hearing Aid Specialists and Opticians Meeting

Upon a motion by Mr. Wagner and seconded by Dr. Ogilvie, the Board voted to approve the amended minutes of the August 18, 2021 Board for Hearing Aid Specialists and Opticians Meeting

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Mr. Aghaebrahim, Ms. Young, Mr. Meland, Ms. Brayboy, Ms. Smith, Ms. Thompson. There were no negative votes. The motion passed unanimously.

Approval of Minutes: December 15, 2021 Board for Hearing Aid Specialists and Opticians Meeting

Upon a motion by Mr. Meland and seconded by Ms. Brayboy, the Board voted to approve the minutes of the December 15, 2021 Board for Hearing Aid Specialists and Opticians Meeting.

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

Ms. Garnett read email received from absent board member, Michael Armstrong, MD on the topic of experience option for applicants from other states.

Communications

Ms. Green asked for public comments. There were none.

Public Comment

There were no licensing or disciplinary cases to be heard.

CASES

REPORTS

Mr. Kirschner reviewed Hearing Aid Specialists and Opticians licensing statistics with the Board.

Licensing Statistics

Ms. Rodriguez reviewed the Hearing Aid Specialist's and Opticians examination statistics for all exams administered between December 2021 and July 2022. The written Hearing Aid Specialist examination statistics are pending. Ms. Rodriguez will provide those statistics at the December 14, 2022 Board meeting.

**Examination
Statistics**

**REGULATORY
ACTION AND
BOARD
GUIDANCE**

Regulatory Report

Ms. Rodriguez reported to the Board, amendments to Hearing Aid Specialists regulations that allow applicants more time to pass all sections of the exam became effective March 7, 2022. Actions are underway for hearing aid fee increase and expanding training options for individuals qualified for hearing aid specialist license.

Mr. Kirschner reported to the Board the purpose for the Hearing Aid Specialists fee increase. The Board for Hearing Aid Specialists and Opticians are operating in the red the 2020—2022 biennium. The current fees do not provide adequate revenue for the Board operations. This regulation is in the final phase. The Board will have to consider raising optician fees to reach an acceptable balance. Mr. Kirschner introduced Jeffrey Waite, financial services manager. Mr. Kirscher and Mr. Waite responded to questions from the Board.

**Final Regulation-
Hearing Aid
Specialist Licensing
Fees**

Upon a motion by Ms. Thompson and seconded by Ms. Young, the Board voted to approve the fee change.

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

Mr. Kirschner reported to the Board that hearing aid specialists do not have an application review matrix for screening criminal convictions. Applicants would benefit from a matrix, allowing an applicant to become licensed six to nine months faster.

**Hearing Aid
Specialist Guidance
Document –
Application Review
Matrix for Criminal
Convictions**

The Board discussed the matrix used by opticians and expanding the review matrix to cover all professions regulated by the board.

Upon a revised motion by Mr. Meland and seconded by Ms. All, the Board voted to expand the optician application review matrix for criminal convictions to cover all professions regulated by the board.

The members voting 'yes' were Dr. Chavis, Ms. Green, Mr. Aghaebrahim, Ms. Young, Dr. Ogilvie, Ms. Brayboy, Ms. Smith, Mr. Wagner and Ms. Thompson. There were no negative votes. The motion passed unanimously.

Ms. Rodriguez presented the revised guidance document for optician apprenticeship approved related technical instruction. She indicated the guidance document should be amended to reflect a recent change to the Board regulation.

**Optician Guidance
Document
Correction-
Approved Related
Technical Instruction**

Upon a motion by Mr. Wagner and seconded by Ms. Young the Board voted to approved the proposed change to the guidance document.

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Mr. Aghaebrahim, Mr. Meland, Dr. Ogilvie, Ms. Brayboy, Ms. Smith, and Ms. Thompson. There were no negative votes. The motion passed unanimously.

Mr. Kirschner introduced language amending the optician regulations licensure requirements for out-of-state applicants. The Board discussed the risks to the public if work experience is accepted for out-of-state candidates instead of an apprenticeship or two-year course in a school of Opticianry accredited by the Commission on Opticianry Accreditation. The Board decided to table this alternative until further review.

**Experience Option
for Applicants From
Other States**

Upon a motion by Ms. All and seconded by Dr. Chavis the Board voted to table the regulatory amendment.

The members voting 'yes' were Ms. Brayboy, Ms. Green, Mr. Aghaebrahim, Ms. Young, Mr. Meland, Dr. Ogilvie, Ms. Smith, Ms. Thompson and Mr. Wagner. There were no negative votes. The motion passed unanimously.

NEW BUSINESS

Mr. Kirschner informed the Board that, under current board policy, elections occur the first Board meeting after July or when a new Governor selects a new Board chair and vice-chair. The current Board chair and Board vice-chair has served for one meeting under this policy. Mr. Kirschner indicated that the Board can create a two year term policy, which would allow board chairs to acquire more experience and expertise in the position, which would benefit the board.

Board Elections Policy

Upon a motion by Mr. Aghaebrahim and seconded by Ms. Brayboy the Board voted a two year term for Board chair and Board vice-chair.

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

Mr. Kirschner gave a presentation to establish goals of a regulatory review committee. The committee's goal is to review all of the regulations to ensure they are the least restrictive means to protect the health, safety, and welfare of the public.

Regulatory Review Committee

Upon a motion by Ms. All and seconded by Mr. Meland, the Board voted to form regulatory review committees for opticians and for hearing aid specialists.

The members voting 'yes' were Dr. Chavis, Ms. Green, Mr. Aghaebrahim, Ms. Young, Dr. Ogilvie, Ms. Brayboy, Ms. Smith, Ms. Thompson, and Mr. Wagner. The motion passed unanimously.

The Board formed the committee, first meeting to be scheduled late October/early November. Staff will work with the Committee to establish a date and time for the committee meeting. Ms. All, Mr. Meland, Ms. Green, Dr. Chavis, Mr. Aghaebrahim, and Ms. Thompson agreed to serve on the optician committee. Ms. Brayboy, Mr. Wagner, Ms. Smith, and Dr. Ogilvie agreed to serve on the hearing aid specialist committee.

Mr. Kirschner explained that the Board occasionally needs a review committee for the purpose of evaluating Related Technical Instruction (RTI) curriculum for opticianry apprenticeships. He stated he anticipates the need for such a curriculum review in the coming months, and asked for volunteers for such a committee.

**RTI Curriculum
Review**

Upon a motion by Ms. Young and seconded by Mr. Aghaebrahim the Board voted to re-create the RTI curriculum review committee.

The members voting 'yes' were Ms. All, Dr. Chavis, Ms. Green, Mr. Meland, Dr. Ogilvie, Ms. Brayboy, Ms. Smith, Ms. Thompson, and Mr. Wagner. The motion passed unanimously.

Ms. Young, Ms. Green, Ms. All, Mr. Aghaebrahim, Mr. Meland, and Ms. Brayboy agreed to serve on the committee.

Mr. Kirschner informed the Board the three year contract with exam services is near the deadline. The contract can be extended for one year, and staff recommended a one year extension.

**Exam Services
Contract Extension**

Upon a motion by Ms. All and seconded by Ms. Young the Board voted to extend the exam contract by one year.

The members voting 'yes' were Dr. Chavis, Ms. Green, Ms. Aghaebrahim, Mr. Meland, Dr. Ogilvie, Ms. Brayboy, Ms. Smith, Ms. Thompson, and Mr. Wagner. The motion passed unanimously.

Mr. Kirschner provided guidance on the topic of tympanometry, which is not within the scope of practice of a hearing aid specialist. The Board discussed the topic of tympanometry.

Tympanometry

Mr. Kirschner provided the Board with a handout, FDA finalizes access to over the counter hearing aids rules. Mr. Kirschner informed the Board that this FDA ruling will supersede any state law and state regulations. This item will need to be reviewed by the regulation review committee.

**Over-the-counter
Hearing Aid Act**

Mr. Kirschner reminded the Board of the upcoming Board Member Training conference.

Reminders

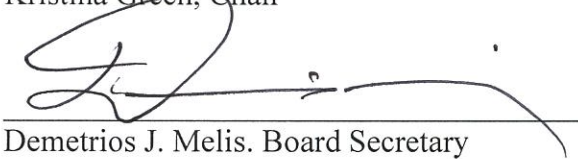
Ms. Garnett reminded the Board to sign the conflict of interest form and travel reimbursement form.

The Board discussed changing its meeting time and by consensus, made the decision to move its meetings from 9 am to 9:30 am. December 2022 board meeting will start at 9:30 a.m.

There being no other business to be brought before the Board, Ms. **Adjourn**
Green adjourned the meeting at 12:02 p.m.



Kristina Green, Chair



Demetrios J. Melis. Board Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

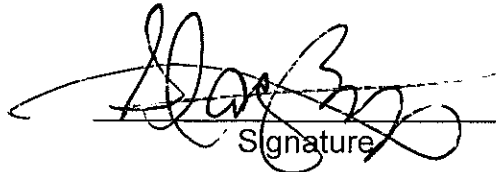
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Stacey Brayboy
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
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

8-17-2022

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 17, 2022
5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction: N/A

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

N/A


ESM

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

8/17/22
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Darla All
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
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

Darla All

Date

8/17/22

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 17, 2022
5. I have a personal interest in the following transaction:

none

Nature of Personal Interest Affected by Transaction: _____

n/a

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

n/a

- 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.

Kristina F. Green
Signature

8/17/22
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 17, 2022
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.

Pamela S. Chavis
Signature

8/17/2022
Date

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

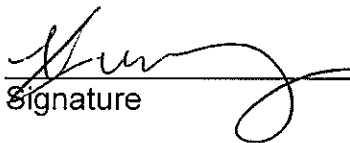
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Kaylyn Young
2. Title: Board Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
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

8/17/2022

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government


1. Name: Pamela S. Smith
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
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

8-17-2022
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Debra Ogilvie
2. Title: Board Vice-Chair
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
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

8/17/2022
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

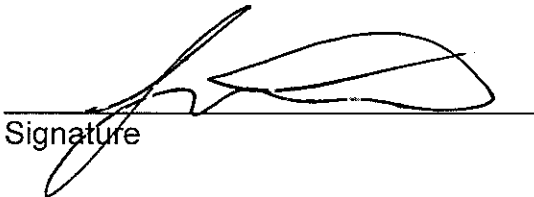
1. Name: Laura L Thompson
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
5. I have a personal interest in the following transaction:

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

8/17/22

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: August 17, 2022
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

8/17/22
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: ~~Suman Aghaebramin~~ *Saman Aghaebrahim*
2. Title: Board Member
3. Agency: Board for Hearing Aid Specialists and Opticians
4. Meeting/IFF Date: August 17, 2022
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.

Saman Aghaebrahim

Signature

8/17/22

Date