BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS

TENTATIVE AGENDA

November 8, 2023, 9:30 a.m.

Materials contained in this as **Department of Professional and Occupational Regulation Perimeter Center** Second Floor, Board Room 4 9960 Mayland Drive **Richmond, Virginia 23233**

- CALL TO ORDER I.
- **INTRODUCTION OF NEW BOARD MEMBER** II.
- EMERGENCY EVACUATION PROCEDURES III.

APPROVAL OF AGENDA IV.

a. Board for Hearing Aid Specialists and Opticians Meeting Agenda, November 8, 2023

- V. **APPROVAL OF MINUTES** a. Board for Hearing Aid Specialists and Opticians Minutes from August 16, 2023
- **PUBLIC COMMENT PERIO** VI.

VII. CASES 1. 2024-00182

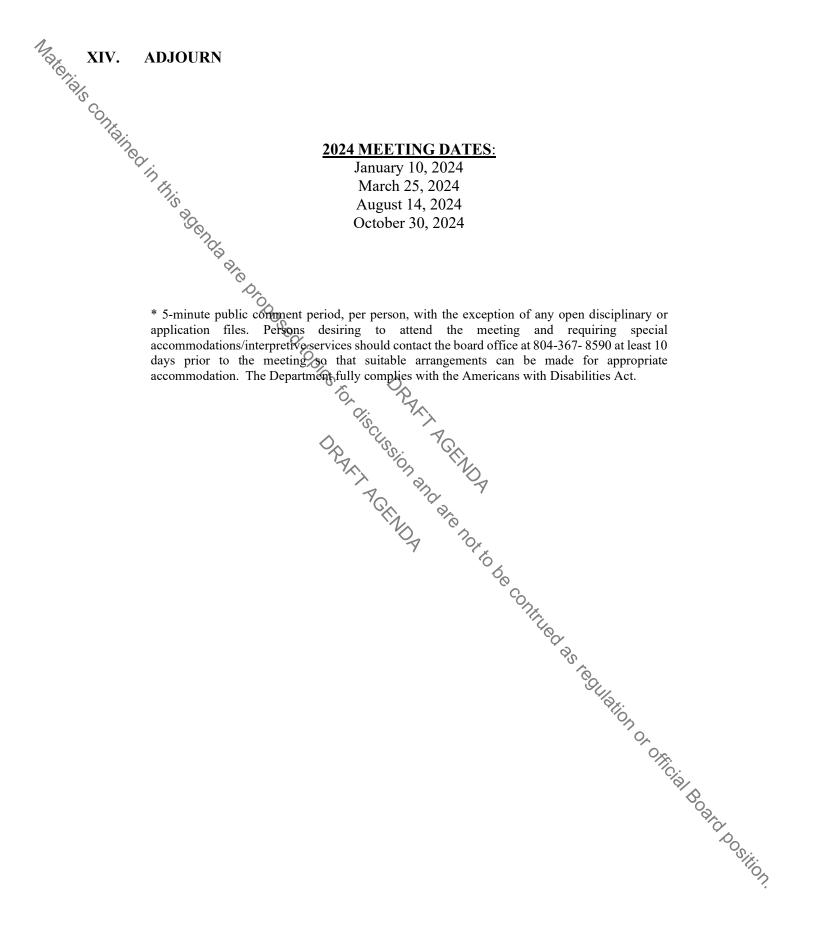
Julia He

VIII. REPORTS

- a. Licensing Statistics
- b. Examination Statistics
- c. Regulatory Report

The contruet as requisiton or official Board Dosition. **REGULATORY ACTION AND BOARD GUIDANCE** IX. a. Optician Lenses and Frame Standards

- X. **OLD BUSINESS** a. Follow up on ABO Letter
- XI. **NEW BUSINESS** a. Continuance policy
- XII. **RESOLUTIONS**
- XIII. **CONFLICT OF INTEREST ACT TRAINING**



PERIMETER CENTER CONFERENCE CENTER **EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**

(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff CO

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the half $_{O}$

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

pon exiting the room, turn **RIGHT**. Follow the Exit the room using one of the doors at the back of the room. corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

<u>Training Room 1</u> Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there

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 Bruee R. Wagner Stacey Brayboy

The following members were not present:

Materials

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

0,

EMERGENCY

EVACUATION PROCEDURE

APPROVAL OF

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.

Ms. Smith, Executive Director, explained the emergency evacuation procedures for board room 2.

The Board took the agenda under consideration.

Board for Hearing Aid Specialists and Opticians Minutes of Meeting August 16, 2023 Page 2 of 5

Ms. Smith informed the Board there is an amendment to the agenda for

Upon a motion by Ms. Young and seconded by Ms. Brayboy, the Board

Marchine Ms. Smith informed ... American National Standards Inst... Upon a motion by Ms. Young and seconded by ... voted to approve the amended agenda. The members voting 'yes' were Ms. Green, Ms. Ogilvie, Ms. All, Ms. Voung, Mr. Wagner, and Ms. Brayboy. There were no negative votes. ressed unanimously. And by Ms. All the board vote rel approve Boar

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.

The members voting 'ves' 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.

There were no public comments

JOY.

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

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 (Thirteen Violations) Total

\$32,500.00 (\$2,500.00 for each violation) \$32,500.00

License revocation for Count 1.

art. Y as tequilation of official Board Position. 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.

APPROVAL OF MINUTES CONSIDERED AS A BLOCK

COMMUNICATION

PUBLIC **COMMENT**

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

Board for Hearing Aid Specialists and Opticians Minutes of Meeting August 16, 2023 Page 3 of 5

<u>REPORTS</u>

Marchieles Content Ms. Green asked the Board to review the licensing statistics that were avided in the agenda. The Board did not have questions about the imation statistics that

Examination were provided in the agenda. The Board discussed the examinations and **Statistics** the new Universal License Recognition (ULR).

> **ACTION AND** BOARD GUIDANCE

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

- 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 summery with ANSI Z80.1 and Z87.1. The Regulated suggested modifying the specifications to align with the Alver standards. The Board Staff will adjust the lenses and frames standards ' provide language to the Board at the next Board meeting. ' to the regulatory Optician and ' provide language to the Board at the next Board meeting.

language are updated and included in the agenda. <u>lea.</u> <u>Specialists</u> <u>Regulatory</u> <u>Language Review</u> <u>Constitute</u>

The Board discussed the updated language.

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

ANSI Standards Discussion

Hearing Aid

Licensing Statistics

REGULATORY

Regulatory Report

Board for Hearing Aid Specialists and Opticians Minutes of Meeting August 16, 2023 Page 4 of 5

Page 4 of 5 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.

The Board discussed the reduced fees.

Proposed Optician Fee Increase Regulation Revision Board for Hearing Aid Specialists and Opticians Minutes of Meeting August 16, 2023 Page 5 of 5

Materials

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. The motion passed unanimously.

Mr. Melis, Director, informed the Board the 2018 JLARC study JLARC Discussion 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.

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.

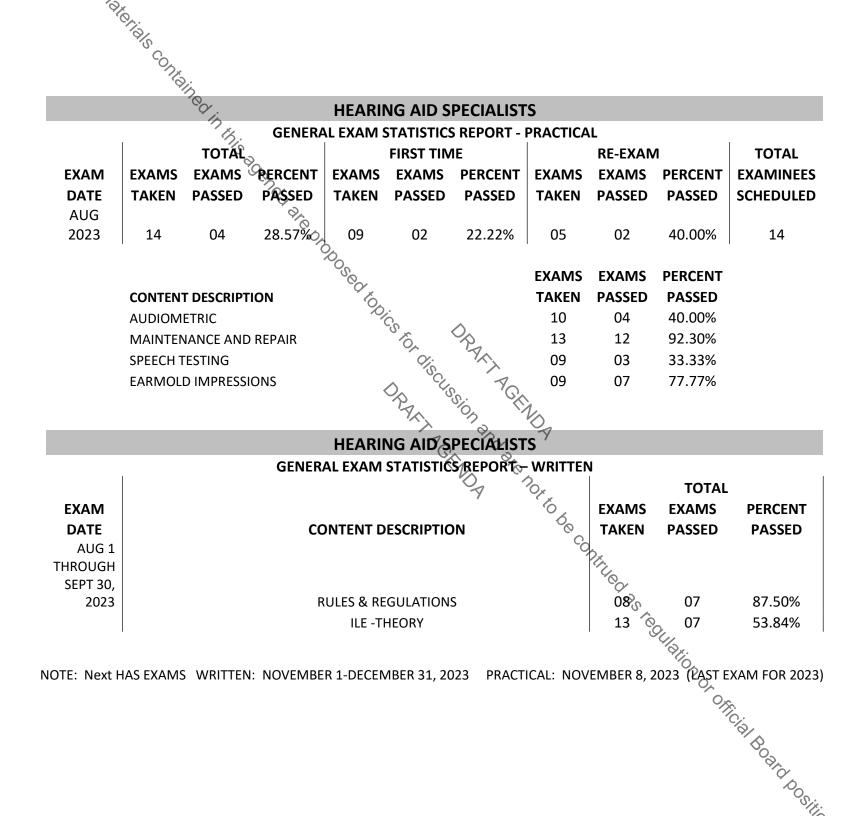
There being no further business, the meeting adjourned at 11:06 a.m.

Kristina Green, Chair

Kishore S. Thota, Board Secretary

Hearing Aid Specialists and Opticians **BOARD STATISTICS**

Ricenses and Temporary	1-1-2022	1-1-2023
Permits Issued	To 12-31-2022	to 9-30-2023
Hearing Aid Specialist by Exam	40	39
Hearing Aid Specialist	20	22
Doctor of Audiology Exam Waived	29	33
Hearing Aid Specialist by Reciprocity	4	7
Hearing Aid Specialist	42	46
Optician by Exam	01, ^y 10	22
Optician by Reciprocity 🔌	5 $7_{\rm C}$	8
CLE by Exam	The on O No	2
CLE by Reciprocity	AC TO A	2
Optician License App Criminal History Review (Pass Matrix)	The on o he are a constructed at the construction of the construct	0
	CO ²	
Regulant Populations	7-1-2023	⁷ 10-1-2023
Hearing Aid Specialist Temporary Permits	49	47
Hearing Aid Specialists	788	818
Opticians	1,723	1,728
		818 1,728



OPTICIANS STATISTICS REPORT

COMPUTER BASE TESTING (CBT)

Senda S		ASE TESTING (0	
EXAM DATE WRITTEN-ABO	TOTAL	TOTAL EXAMS PASSED	TOTAL PERCENTAGE PASSED
JULY – SEPT. 2023	17 0	14	82.35%
OPTICIAN PRACTICAL JULY – SEPT. 2023	21	A 13	61.90%
		TOTAL EXAMS PASSED 14 0, 13 0, 10 0, 10, 10 0, 1	Thed as requilation or official BO

Board for Hearing Aid Specialists and Opticians **Current Regulatory Actions** As of November 8, 2023

March the Governor's Office

In the Secretary's Office IL IN THIS

None	5. 5. 2.			
At Department	(//	Budget (DPB)/OA	<u>G</u>	
None	<u>t:</u>			
Public Commen	<u>t:</u>	Sec.		
VAC	Stage	Subject Matter	Date Public Comment period begins and ends.	Notes
18 VAC 80-20	Proposed	Amendment to expand training options for applicants	Public comment period began on 09/11/2023 and ends on 11/10/2023	The temporary permit rules were amended in the hearing aid specialists' regulations. The board also created an additional method for qualifying for a hearing aid specialists' license.
18 VAC 80-20	NOIRA	General review of Hearing Aid Specialists regulations	Public comment period began on 10/9/2023 and ends on 11/8/2023	A general review of the hearing aid specialists' regulations was necessary due to the Executive Directive Number One (2022). The board reviewed and ensured the regulations provides minimum burdens on regularits while still protecting the public.
18 VAC 80-30	NOIRA	Opticians Fee Increase	Public comment period began on 10/9/2023 and ends on 11/8/2023	Amend the opticians regulations to adjust the application, renewal, late renewal, and reinstatement fees for optician licenses.
18 VAC 80-30	NOIRA	General review of Opticians regulations	Public comment period began on 10/9/2023 and ends on 11/8/2023	A general review of the opticians' regulations was necessary due to the Executive Directive Number One (2022). The board reviewed and ensured the regulations provides minimum burdens on regulants while still protecting the public.

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VIRGINIA BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS KELLEY SMITH, EXECUTIVE DIRECTOR OPTICIAN LENSES AND FRAME STANDARDS - REVISING THE LENSES AND FRAMES STANDARDS **OCTOBER 27, 2023**

Materials contained in this Project 7491 - NOIRA

Board For Hearing Aid Specialists And Opticians

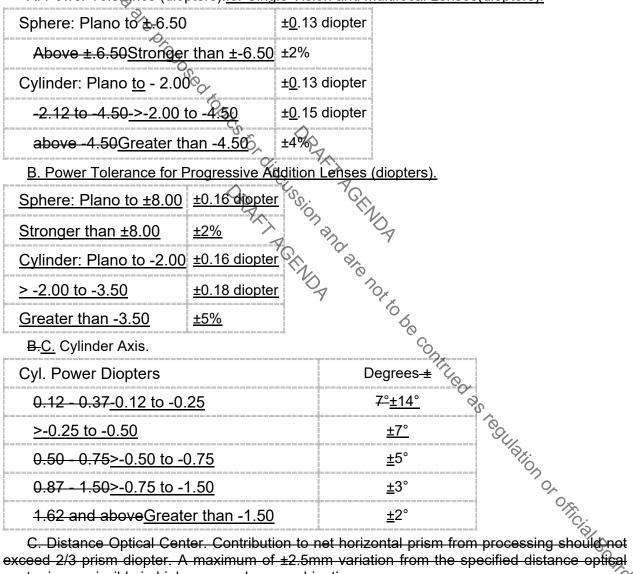
General Review of Opticians Regulations

Chapter 30

Opticians Regulations

18VAC80-30-120. Lenses and frames standards.

A. Power Tolerance (diopters).for Single Vision and Multifocal Lenses(diopters).



exceed 2/3 prism diopter. A maximum of ±2.5mm variation from the specified distance center is permissible in higher power lens combinations.

D. Prism Tolerances (Vertical). Contribution to imbalance from processing should not exceed 1/3 prism diopters. A maximum of 1.0mm difference in vertical level is permissible in higher power lens combinations. Prism Reference Point Location and Power Tolerances. The prismatic power

	measured at the prism reference point should not exceed 1/3 prism diopters or the prism reference point shall not be more than 1.0mm away from its specified position in any direction.									
Cori.	E. Prismatic Imbalance Tolerance in mounted Single Vision and Multifocal eyewear.									
	Refractive Power Tolerance									
	Plano to ±3.375D No more than 0.33 prism diopters vertically									
	Greater than ±3.375D No more than 1mm difference in height of PRP									
	<u>Plano to ±2.75D</u>	No more than 0.67 prism diopters horiz	<u>contally</u>							
	<u>Greater than ±2.75D</u>	No more than 2.5mm from specified int	terpupillary distance							
	<u>F. Prismatic Imbalance Tole</u>	rance in mounted Progressive Addition L	ens eyewear.							
	Refractive Power	Tolerance								
	Plano to ±3.375D	No more than 0.33 prism diopters vertica	illy							
	Greater than ±3.375D	No more than 1mm difference in height c	o <u>f PRP</u>							
	<u>Plano to ±3.375D</u>	Ne more than 0.67 prism diopters horizo	<u>ntally</u>							
	Greater than ±3.375D No more than 1mm from specified monocular pupillary distance									
	E.G. Segment Location.and Fitting Cross Vertical Location and Segment Tilt.									
	Multifocals: <u>Tolerance</u>									
	VerticalSegment height for	each lens	±. <u>-</u> 1.0 mm							
ľ	LlevizentelDifference het were en som evented in merunted nein 125 mm10 mm									

Horizontal Difference between segments heights in mounted pair ±.2.5 mm1.0 mm **Progressive Addition Lenses:** Fitting Cross height for each lens <u>±1.0 mm</u> Difference between fitting cross heights in mounted pair <u>±1.0 mm</u> Horizontal tilt for each lens using permanent reference €<u>±2 degrees</u> markings

Tilt or twist in the case of a flat-top segment, the tilt of its horizontal axis should be less than 1/2 mm in differential elevation between the segment edges.

F.H. Multifocal Additions.and Progressive Addition Lens Addition Power Tolerances.

Plano + 8.00 <u>Nominal Value of Addition</u> Power	<u>±.13 diopter0.00</u> to <u>±4.00D</u>	+4.00D and above	R C
Above + 8.00 <u>Tolerance on Addition</u> Power	±.18 diopter<u>+</u>0.12	<u>±0.18</u>	Proposi

Materials

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The following policy will govern when and how requests for continuances for

- 2. Requests for a continuance of a licensing case may be granted administratively by the Board's Executive Director or designee.
- 3. Requests for a continuance for disciplinary cases where the recommended tion c. the Board's Ex. ly grant one continuanc. quests for a continuance may or reeting in which the meeting was schedule. Requests for a continuance for disciplinary cases sanction includes license revocation may only be granted by at the meeting in which the meeting was scheduled. The the schedule of the schedule sanction does not include license revocation may be granted administratively
- 4. Requests for a continuance for disciplinary cases where the recommended



Materials To:

The second secon VIRGINIA BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS

Department of Professional and Occupational Regulation Statement of Financial Activity

Board for Hearing Aid Specialists and Opticians 954240

Λ	Statement of Financial Ac	-	
Alter.	Hearing Aid Specialists 954240	-	
2022-2024 Biennium		June 2023	
nr. in			
	June 2023	July 2020 -	Date Comparison July 2022 -
"His	Activity	June 2021	June 2023
Cash/Revenue Balance Brought Forward			
Revenues	11,226	157,720	156,12
Cumulative Revenues	Activity 11,226 724 724 724 724 724 724 724 724		156,12
Cost Categories:			
Board Expenditures	724	18,548	20,50
Board Administration	3,337	37,079	40,12
Administration of Exams	0, 7, 60	21,099	1,23
Enforcement	00 CUS 38	421	47
Legal Services	The on on	380	33
Information Systems	7 3,698	27,393	25,34
Facilities and Support Services	6810	14,335	8,97
Agency Administration	2,131	17,005	27,03
Other / Transfers	0	00000	(3
Total Expenses	10,670	136,258	124,00
Transfer To/(From) Cash Reserves	(199)	С <i>ф</i>	(3 124,00 (15,84 47,96 000000000000000000000000000000000000
Ending Cash/Revenue Balance			47,96
			0,
Cash Reserve Beginning Balance	(61,050)	0	(45,40
Change in Cash Reserve	(199)	0	(15,84
Ending Cash Reserve Balance	(61,249)	0	(61,24
Number of Regulants			DO Six.
Current Month	2,560		

Department of Professional and Occupational Regulation

Board for Hearing Aid Specialists and Opticians - 954240 Fiscal Year 2023

		alerial																
		.0,	Containe	Or in this			Suppor	ting Stater ring Aid Sj	nent of Year	cupational r-to-Date Ac and Opticia 23	tivity							
	Jul	Aug	Sep	Oct	C. Net	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Favorable (L Amount	Variance Infavorable) %
Board Expenditures	790	1,600			0.001	5,927	1,699	1,106	833	781	920	724	20,504	24,363	3,859	20,504	3,859	15.8%
Board Administration	5,024	3,439	3,353	1,790	3,261	5,557	1,629	2,987	4,616	1,880	3,253	3,337	40,126	52,592	12,466	40,126	12,466	23.7%
Administration of Exams	174	121	126	62	120	194	N.C.	132	90 PP 90	33	60		1,233	23,407	22,174	1,233	22,174	94.7%
Enforcement Legal Services	59	42	42	21	42	63	19	67. 38	84	19	39 0	38	478 336	606 336	129	478	129	0.0%
Information Systems	1,371	2,179	1,685	1,211	2,022	1,819	1,865	2,815	2,134	2,101 2,101	2,346	3,698	25,346	27,239	1,893	25,346	1,893	6.9%
Facilities / Support Svcs	400	744	569	488	804	2,039	575	648	NJ 660	07 C 7 706	662	681	8,976	11,111	2,135	8,976	2,135	19.2%
Agency Administration	2,502	1,772	3,551	1,759	2,356	3,271	949	1,947	3,219		6	2,131	27,035	32,583	5,548	27,035	5,548	17.0%
Other / Transfers	0	0	0	0	0	0	-31	0	0	0		o o	-31	0	31	-31	31	
Total Charges	10,321	9,896	10,741	6,839	11,807	18,871	6,933	9,856	11,691	6,642	9,736	10,670	124,004	172,239	48,235	124,004	48,235	28.0%
	If an sters is 0																	
YR 1 YTD	Expenditures Con	npared to Budge	et.xls												O POSIL		10/12/2023	3

Department of Professional and Occupational Regulation Statement of Financial Activity

Agency Total

of Professional and Occup Statement of Financial Ac								
Agency Total								
	June 2023							
	Bioppium to [Data Comparison						
June 2023	July 2020 -	July 2022 -						
Activity	June 2021	June 2023						
		3,453,476						
1,967,594	20,361,075	20,682,853						
		24,136,329						
155,043	1,668,856	1,938,910						
402,896	4,248,659	4,756,704						
0 //. 13,492	282,885	277,068						
O 630,264	6,464,950	7,302,152						
728,963	222,102	276,179						
457,842	3,226,032	3,109,065						
199,720	1,906,733	1,948,724						
263,870	1,997,268	3,284,867						
4,415	4,890	565						
2,156,507	71, 20,022,376	22,894,235						
(28,064)	^م ري 0	(1,394,339						
	regu,							
		2,636,434						
		Or Or						
16,627,675	0	17,993,950						
(28,064)	0	(1,394,339						
16,599,611	0	۵, 16,599,611 روم						
321,019		POSITION						
308,696		1						
	Statement of Financial A Agency Total	Statement of Financial Activity Agency Total June 2023 June 2023 Activity Biennium-to-f July 2020 - June 2021 1,967,594 20,361,075 1,967,594 20,361,075 1,967,594 20,361,075 402,896 4,248,659 402,896 4,248,659 402,896 4,248,659 99,720 1,966,733 263,870 1,997,268 4,415 4,890 2,156,507 0 (28,064) 0 16,627,675 0 (28,064) 0 16,599,611 0 321,019 321,019						