

**BOARD OF HEARING AID SPECIALISTS
GENERAL BUSINESS MINUTES
TELEPHONE CONFERENCE CALL
Tuesday, August 15, 2017 at 10:00 a.m.**

CALL TO ORDER

The meeting was called to order at 10:01 a.m. by Ms. Polhill, Chair. Those present for all or part of the meeting included the following:

Members present:

Leanne Polhill, Chair
Randy Ellsworth, Vice-Chair
Pam Dechmerowski
Douglas Moore
Maria Hernandez
John Fischer

Member absent:

Robert Pickard, M.D. – excused
Thomas Hollern - excused

Staff present:

Marlene Stern, Board Counsel
Jennifer Wenhold, Executive Director
Octavio Simoes-Ponce, Prosecuting Attorney
Peter Delia, Prosecuting Attorney
Penny Johnson, Regulatory Supervisor
-Court Reporter – Ray Convery – For the Record

APPROVAL OF MINUTES

July 14, 2017 General Business Meeting

The minutes of the July 14, 2017 meeting were reviewed and the following action was taken by the Board:

Motion: by Mr. Fischer to approve the July 14, 2017 minutes.
Second: by Mr. Ellsworth
Vote: Unanimous

DISCIPLINARY PROCEEDINGS
SETTLEMENT AGREEMENT

MATTHEW CRAMER, H.A.S., SETTLEMENT AGREEMENT, CASE # 2016-18701

Mr. Cramer was present and was represented by Christopher Lyon, Esquire. A two count administrative complaint filed on April 14, 2017 alleged violations of s. 484.056(1)(w), F.S., (2014-2015), by violating s. 484.0445, F.S. (2014-2015) and or Rule 64B6-8.001, F.A.C., and s. 484.056(1)(w), F.S., (2014-2015), by violating s. 456.072(1)(p), F.S., (2014-2015) for delegating the performance of professional responsibilities by a person when Respondent knew, or had reason to know, that the person was not qualified by training, experience, and authorization when required to perform them.

A settlement agreement was presented to the Board at their July 14, 2017 meeting with the following terms: Letter of Concern, Fine of \$1,000.00 to be paid within one (1) year from the date of the final order; costs \$3,000.00 to be paid within two (2) years from the date Respondent's filing date of the Final Order. The Board rejected the settlement agreement and offered a counter agreement of \$3,500 each count for the two count administrative complaint, costs of \$3,716 and require all fees be paid within 1 year from the filing date of the final order. The agreement would also include suspension of sponsor eligibility for 2 years from the filing date of the final order. The counter settlement offer is being reconsidered by the Board as it is in conflict with Rule 64B6-8.002(2)(b).

Motion: by Mr. Moore to offer a correction to the settlement agreement voted on at the Board's July 14, 2017 which would include a fine of \$3,500 for each of the two counts in the Administrative Complaint, costs of \$3,716, costs and fines to be paid within one year. All other terms of the Settlement Agreement remain the same.

Second: by Mr. Ellsworth

Vote: Unanimous

Motion: by Mr. Ellsworth to require a response to the counter offer within 14 days from the filing date of the final order.

Second: by Mr. Moore

Vote: Unanimous

JOE CROGAN, H.A.S., SETTLEMENT AGREEMENT, CASE # 2016-18265

Mr. Crogan was present and was represented by Jamie Dokovan, Esquire. A one count administrative complaint filed on April 7, 2017 alleged violations of 484.056(1)(w), F.S., (2014-2015), by violating Section 484.0445, F.S., (2014-2015), and/or Rule 64B6-8.001, F.A.C., by failing to provide direct supervision to a trainee and failing to sign some of the trainee's receipts.

A settlement agreement is was presented to the Board requiring reimbursement of cost to be determined by the Board not to exceed \$3000 and to be paid within 2 years from the date of the final order. Mr. Crogan must be present at the meeting where the settlement agreement is being presented and answer questions from the Board if any. Mr. Crogan must keep current residence and practice address on file with the Board and shall notify the Board within 10 days of any

changes. Mr. Crogan shall not violate Chapters 456, 484, Florida Statutes, or the rules promulgated pursuant thereto, or any state or federal law, rule or regulation relating to the practice of Hearing Aid Specialty.

Motion: by Mr. Ellsworth to reject the settlement agreement as presented in the agenda.

Second: by Mr. Moore

Vote: Unanimous

Motion: by Mr. Ellsworth to offer a counter settlement agreement to include a fine of \$7,500 and costs of \$2,918.17, both to be paid within 6 months from the filing date of the final order, Reprimand, and probation for 4 years. All other terms of the settlement agreement would remain the same.

Second: by Ms. Dechmerowski

Vote: Unanimous

Motion: by Mr. Ellsworth to require a response to the counter offer within 14 days from the filing date of the final order.

Second: by Mr. Moore

Vote: Unanimous