

**BOARD OF HEARING AID SPECIALISTS
GENERAL BUSINESS MEETING
SHERATON SAND KEY RESORT
1160 Gulf Boulevard,
Clearwater Beach, FL, 33767
(727) 595-1611
July 13, 2018 at 10:00 a.m. ET**

I. CALL TO ORDER

The meeting was called to order on Friday, July 13, 2018 at 10:04a.m. ET by Ms. Leanne Polhill, Board Chair.

ROLL CALL

Those present for all or part of the meeting included the following:

Members present:

Leanne E. Polhill, HAS, Chair
Randy Ellsworth, HAS, Vice-Chair
Douglas Moore, HAS
Thomas Hollern
Pamela Dechmerowski, HAS
John Fischer, HAS
Robert Pickard, MD
Maria Hernandez

Members absent:

None.

Staff present:

Lawrence Harris, Esq., Board Counsel
Jennifer Wenhold, Executive Director
Camille Byrd, Regulatory Supervisor
Court Reporter: For the Record Reporting
(850) 222-5491

Prosecuting Attorney:

Rose Garrison, Esq.
Asst. General Counsel, PSU

II. APPROVAL OF MINUTES

A. June 7, 2018 General Business Meeting Minutes

The minutes of the June 7, 2018 general business meeting were reviewed and following review, the Board took the following action:

Motion: by Mr. Fisher to approve the minutes as presented.

Second: by Mr. Moore.

Vote: unanimous.

III. DISCIPLINARY PROCEEDINGS

Mr. Harris gave a brief overview of the disciplinary process under this Board.

A. Tracy A. Clark, AS

Ms. Clark was present and was represented by counsel, Ms. Sarah Casey. A one count administrative complaint filed on April 3, 2018 alleged a violation of s. 484.056(1)(i), F.S., (2016)

for practicing while her license was in delinquent status.

A settlement agreement was presented to the Board with the following terms: Letter of Concern; Appearance; fine of \$500.00 to be paid within 1 year of the Final Order; reimbursement of costs not exceeding the amount of \$2,000.00 to be paid within 2 years from the filing date of the Final Order; 2 hours of Continuing Education courses in the area of Laws and Rules to be completed within 1 year of the Final Order.

Current costs of the case are \$1,985.00. Mr. Fisher was recused from discussion, after having served on Ms. Clark's Probable Cause Panel. Following discussion, the Board took the following action:

Motion: by Mr. Moore to accept the settlement agreement as presented in the agenda.

Second: by Ms. Dechmerowski

Vote: unanimous.

B. Michael E. Thurston, AS

Mr. Thurston was not present and was not represented by counsel. A one count administrative complaint filed on April 3, 2018 alleged violations of s. 484.056(1)(w), F.S., (2016) by violating s. 456.072(1)(hh), F.S., (2016) for being terminated from the PRN program.

Respondent was personally served with a copy of the administrative complaint on or about May 10, 2018, and failed to file a timely Election of Rights within twenty-one days. This case came before the Board as a Motion for Determination of Waiver.

Motion: by Mr. Ellsworth to grant the Department's Motion for Determination of Waiver and Motion to Assess Costs.

Second: by Ms. Dechmerowski

Vote: unanimous.

A memorandum was presented to the Board regarding statutory disciplinary guidelines. Dr. Martha Brown was present on behalf of PRN, and provided information regarding re-enrollment in the PRN program. Following discussion, the Board took the following action:

Motion: by Mr. Moore to accept the Department's recommendation by issuing a Final Order with the following terms: suspension until Respondent is once more under PRN contract and has been assessed as safe to practice by PRN, appearance before the Board, a \$2,000.00 fine, and reimbursement of costs in the amount of \$1,367.26.

Second: by Ms. Dechmerowski

Vote: unanimous.

At this time, the Board heard Tab VI. B. Prosecutor's Report.

IV. APPEARANCES

A. Raymond J. Acevedo, AST Applicant

Mr. Acevedo was present and was not represented by counsel. Dr. Martha Brown was present on behalf of PRN and Mr. Acevedo. His appearance was requested on the June 7, 2018 agenda due to an affirmative response to a general history and a health history question on his application for the Hearing Aid Specialists Training Program Registration. At the June 7, 2018

General Business Meeting, the Board required a PRN evaluation and recommendation prior to returning before the Board for action on his application. Mr. Acevedo waived his right to the 90 day requirement pursuant to s.120.60, F.S., to allow time to complete conditions set forth by the Board. Mr. Acevedo has completed his PRN evaluation and returns before the Board for a determination. His application is complete as of April 9, 2018.

After discussion, the Board took the following action:

Motion: by Mr. Moore to approve the Hearing Aid Specialists Training Program Registration application without condition.
Second: by Dr. Pickard
Vote: unanimous.

B. George Pandis, AST Applicant

Mr. Pandis was present and was not represented by counsel. His appearance was requested due to an affirmative response to a general history question on his application for the Hearing Aid Specialists Training Program. Mr. Pandis's application is complete as of June 18, 2018. On July 11, 2018, Mr. Pandis submitted a written request to withdraw his application from consideration.

C. Tracy Valentine, AST Applicant

Ms. Valentine was present and was not represented by counsel. Her appearance was requested due to an affirmative response to a health history question on her application for the Hearing Aid Specialists Training Program. Ms. Valentine's application is complete as of May 29, 2018.

Ms. Valentine waived her 90-day requirement in order to voluntarily obtain a PRN evaluation.

After discussion, the Board took the following action:

Motion: by Mr. Fischer to require the applicant's appearance at a subsequent Board meeting and to accept her 90-day waiver.
Second: by Mr. Ellsworth
Vote: unanimous.

V. APPROVAL FOR ALTERNATE CE CREDIT

A. Scott McWilliams, AS 2785

Mr. McWilliams was not present and was not represented by counsel. Mr. McWilliams is a licensed practitioner who requested approval of CE credits in exchange for reviewing disciplinary cases for PSU pro bono. The Board's Executive Director requested Board review of this matter and a vote on the proposed alternate CE credit.

Following discussion, the following action was taken by the Board:

Motion: by Mr. Fischer to approve 2 CE hours in this instance, for this biennium, to Mr. McWilliams for services rendered and directed Board Counsel to open Rule 64B65.001, Continuing Education as a Condition for Renewal, and amend to allow for

continuing education credits for performing expert witness duties.
Second: by Mr. Ellsworth
Vote: unanimous.

VI. REPORTS

A. Lawrence Harris, Esq., Board Counsel

i. Rules Report

Mr. Harris provided a monthly rules report for June 2018 for the Board's review.

B. Prosecutor's Report

The Prosecutor's Report was presented by Ms. Garrison and indicated the Board had twenty cases in inventory. Three one-year-old or older cases were resolved at the most recent PCP meeting held on April 2, 2018. The inventory has received five new cases since that PCP meeting. There are two cases on today's agenda; one of those is a one-year-old or older case.

Motion: by Mr. Ellsworth to allow the Department to continue to prosecute all one-year-old or older cases.

Second: by Mr. Hollern

Vote: unanimous.

C. Jennifer Wenhold, Executive Director

i. Financial Reports

a. Budget Report – Expenditures by Function

Ms. Wenhold provided budget information for period ending June 30, 2018 for the Board's review.

VII. PRESENTATIONS

A. Dr. Martha Brown

i. Professionals' Resource Network Overview

Dr. Brown provided the Board with an overview of the Professionals Resource Network (PRN) program and how PRN interacts with the Board.

B. Mr. Richard Norman

i. Dep't of Education, State Apprenticeship Overview

Mr. Norman provided the Board with an overview of the Department of Education's State Apprenticeship program, and of how the Hearing Aid Specialist Trainee program may be registerable with State Apprenticeship.

VIII. FOR YOUR INFORMATION

A. Telehealth Advisory Council

B. Spotlight on Unlicensed Activity

IX. OTHER BUSINESS

A. Board Ratification List

i. Trainee/Sponsor List Ellsworth to Fisher

The list of trainees currently enrolled in the HAS Training Program beginning with AST 724 and ending with AST 816, and each AST's sponsor, was reviewed by the Board and the following action was taken:

Motion: by Mr. Ellsworth to ratify the list of initial trainee licenses presented.
Second: by Mr. Fischer
Vote: unanimous.

ii. HAS Initial License List

The list of initial licenses beginning with AS 5295 and ending with AS 5379 was reviewed by the board and the following action was taken:

Motion: by Mr. Ellsworth to ratify the list of initial licenses presented.
Second: by Mr. Fischer
Vote: unanimous.

B. Delegation of Authority

The board reviewed the annual delegation of authority and after discussion the Board made the following motion:

Motion: by Mr. Ellsworth to approve the proposed Delegation of Authority presented.
Second: Mr. Fisher
Vote: unanimous.

C. Election of Officers

Motion: by Mr. Ellsworth to nominate Leanne Polhill as Chair.
Second: by Mr. Fisher
Vote: unanimous.

Motion: by Mr. Moore to nominate Randy Ellsworth as Vice-Chair.
Second: by Ms. Polhill
Vote: unanimous.

X. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 12:10 p.m. ET.