

# FLORIDA BOARD OF HEARING AID SPECIALISTS

## FULL BOARD MINUTES

June 29, 2020 at 9:00 A.M. EST

### Telephone Conference Call

Dial-in #: 1 (888) 585-9008

Participation Code: 744-469-610



Leanne E. Polhill, H.A.S., Chair

Janet E. Hartman, Executive Director



Florida Board of Hearing Aid Specialist  
General Board Meeting  
June 29, 2020

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## **MEETING CALLED TO ORDER @ 9:03 A.M. EST**

Janet Hartman conducted roll call.

### **BOARD MEMBERS PRESENT:**

Leanne E. Polhill, H.A.S., Chair  
Randy Ellsworth, H.A.S., Vice-Chair  
Pamela Dechmerowski, H.A.S.  
Douglas Moore, H.A.S.  
Robert Pickard, MD

### **BOARD MEMBERS NOT PRESENT:**

Thomas Hollern

### **BOARD STAFF PRESENT:**

Janet Hartman, Executive Director  
Eric Pottschmidt, MBA, Program Operations Administrator  
John B. Fricke, Jr., Assistant Attorney General  
Rose Garrison, Senior Attorney  
Gerald Henley, Assistant Attorney General

### **COURT REPORTER:**

For The Record - 850-222-5491

### **PROFESSIONALS RESOURCE NETWORK (PRN)**

Dr. Alexis Polles, Medical Director

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## **AGENDA**

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### **REVIEW AND APPROVAL OF MINUTES – April 9, 2020 and May 22, 2020**

Motion: by Doug Moore to approve April 9, 2020

Second: by Pam Dechmerowski

Vote: Passed Unanimously

Motion: by Pam Dechmerowski to approve May 22, 2020

Second: by Doug Moore

Vote: Passed Unanimously

### **DISCIPLINARY PROCEEDINGS (TS – 05:45 Minutes)**

*SA-01 Michael S. Wheeler, H.A.S., Case Number 2018-16927*

Gerald Henley, Assistant General Counsel presented case.



Michael Wheeler was not present when the SA was presented and did not have legal representation.

Pam Dechmerowski asked if Mr. Wheeler has entered in the PRN program.

Dr. Alexis Polles, Medical Director, responded. Mr. Wheeler did get a second opinion through one of PRN's evaluators that concurred with the first opinion and chose not to proceed with the recommendations and did not sign a contract with PRN.

Dr. Pickard asked how the SA is affected when he did not sign a contract with PRN. Gerald Henley responded that Mr. Wheeler's license would be suspended until he signed a contract with PRN.

Leanne Polhill asked if the SA was accepted, would Mr. Wheeler's license show as suspended during a license look-up. Rose Garrison responded in the affirmative once the final order has been filed.

Randy Ellsworth asked if there is a certain length of time that the suspension would last before he has to comply before his license becomes revoked, or can his license stay suspended as long as Mr. Wheeler chooses? Rose Garrison responded that generally, the terms are indefinite until Mr. Wheeler complies with the terms of the SA, and if he never goes to PRN, his license will remain suspended.

Pam Dechmerowski asked if he is able to renew his license if his license is under suspension at license renewal time in February. Gerald Henley responded in the affirmative that the license could be renewed active while being in suspension status.

After discussion, the following action was taken:

Motion: by Randy Ellsworth to accept the SA.

Second: by Pam Dechmerowski

Dr. Pickard abstained from voting.

Dr. Pickard retracted abstaining from voting and voted in agreement to accept the SA.

Vote: Passed Unanimously

**VR-01 Debra L. Stefa, H.A.S., Case Number 2019-26295 (TS – 20:45 Minutes)**

Rose Garrison, Esq., Assistant General Counsel presented case.

Debra L. Stefa was not present when the VR was presented and did not have legal representation.

After discussion, the following action was taken:

Motion: by Randy Ellsworth to approve the VR.

Second: by Pam Dechmerowski

Vote: Passed Unanimously

**PROSECUTOR'S REPORT**

Total Cases open/active in PSU:	12
Cases in Emergency Action Unit:	2
Cases under legal review:	6
Cases with probable cause recommendation:	3



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Total Cases where PC has been found:	2
Cases in holding status:	0
Cases pending before DOAH:	0
Cases in intake status:	0
Cases agendaed for Board:	1
Cases on Appeal:	0
<b>Total Number of Cases Older Than One Year:</b>	<b>5</b>

Motion: by Randy Ellsworth to allow PSU to continue to prosecute 1 year and older cases.  
Second: by Pam Dechmerowski  
Vote: Passed Unanimously

### **APPLICATIONS REQUIRING REVIEW (TS – 24:30 Minutes)**

Austyn Lyons - Hearing Aid Specialist Trainee - File # 1181

Janet Hartman presented case into record.

Austyn Lyons was not present when his application was presented and did not have legal representation.

After discussion, the following action was taken:

Motion: by Randy Ellsworth to require appearance at one of next two meetings.  
Second: by Pam Dechmerowski  
Vote: Passed Unanimously

### **REPORTS**

Chair's Report - Leanne E. Polhill – Nothing to report.

Vice Chair's Report - Randy Ellsworth - Nothing to report.

Executive Director's Report – Janet Hartman **(TS – 38:00 Minutes)**

### **Legislative Update**

Janet Hartman reviewed HB 115 which at the Governors discretion, the Bill may either be signed, vetoed, or default on July 1, 2020. This Bill clarifies the United States Department of Health and Human Services Office of Inspector General (OIG) question related to student loan default with two additional questions.

### **Revised Paper Applications**

Janet Hartman reviewed the following three applications for Board considerations that reviewed updating of the health history questions, and the United States Department of Health and Human Services Office of Inspector General (OIG) question related to student loan default with two additional questions.



DH-MQA 1155, 7/2020 - Application for Examination  
DH-MQA 1156, 7/2020 - Application for Licensure  
DH MQA 1158, 7/2020 - Application for Training Program Registration

After discussion, the following action was taken:

Motion: by Pam Dechmerowski to approve all applications as written.

Second: by Dr. Robert Pickard

Vote: Passed Unanimously

### **Financial Report**

Janet Hartman reviewed financial report.

### **Board Counsel Report - John B. Fricke, Jr. (TS – 42:30 Minutes)**

**Rule 64B6-5.001, F.A.C.** – Recommended Rule language change that states: “*For the 2019-2021 biennial renewal period, all continuing education specified by Chapter 64B6-5, F.A.C., may be obtained by completion of courses offered in a distance learning format*”

The Board discussed placing on the agenda of a next meeting, discussion of considering changes to the contact hours vs. distance learning structure of the current CE requirements.

**Motion:** by Randy Ellsworth to accept the recommended rule language as presented.

**Second:** by Pam Dechmerowski

**Vote:** Passed Unanimously

Board counsel noted that there will be a gap between the end of the emergency rule, and the time this new language will go into effect, and asked the Board if they would consider making a motion to allow continuing education specified by Chapter 64B6-5, F.A.C., to be obtained by completion of courses offered in a distance learning format during this period of gap.

**Motion:** by Pam Dechmerowski to allow continuing education to be obtained offered in a distance learning format during this period of gap.

**Second:** by Dr. Robert Pickard

**Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

**Motion:** by Pam Dechmerowski votes “NO”

**Second:** by Dr. Robert Pickard

**Vote:** Passed Unanimously



Should a violation of this rule or any part of this rule be designated as a minor violation?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously

**Rule 64B6-2.003, F.A.C. (TS – 58:45 Minutes)**

**Motion:** by Pam Dechmerowski to accept the rule language as written

**Second:** by Doug Moore

**Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Doug Moore

**Vote:** Passed Unanimously

Should a violation of this rule or any part of this rule be designated as a minor violation?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Doug Moore

**Vote:** Passed Unanimously

Would a Sunset provision be applicable to this Rule?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously

**Rule 64B6-8.002, F.A.C. (TS – 1:02:00 Minutes)**

**Motion:** by Pam Dechmerowski to accept the rule language as written

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously



Should a violation of this rule or any part of this rule be designated as a minor violation?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously

Would a Sunset provision be applicable to this Rule?

**Motion:** by Pam Dechmerowski votes "NO"

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously

### **Annual Regulatory Plan**

**Motion:** by Pam Dechmerowski to allow Chair Polhill to work with board counsel to finalize the ARP before October.

**Second:** by Doug Moore

**Vote:** Passed Unanimously

### **Committee Report**

CE Committee - Douglas Moore – No update.

### **RATIFICATIONS**

#### Licenses Issued

**Motion:** by Randy Ellsworth to accept the ratification list for 3601

**Second:** by Pam Dechmerowski

**Passed:** Unanimously

**Motion:** by Pam Dechmerowski to accept the ratification list for 3603

**Second:** by Randy Ellsworth

**Passed:** Unanimously

**OLD BUSINESS/NEW BUSINESS** – No old or new business.

**NEXT MEETING DATE** – November 13, 2020 @ 9:00 A.M.- Teleconference

**PUBLIC COMMENTS** - No public comments.

**ADJOURNMENT** @ 10:15 A.M. EST