

FLORIDA BOARD OF HEARING AID SPECIALISTS

GENERAL BOARD MEETING

DRAFT MINUTES

August 25, 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
August 25, 2020

MEETING CALLED TO ORDER @ 9:10 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
Thomas Hollern

BOARD MEMBERS NOT PRESENT:

Robert Pickard, MD - Excused

BOARD STAFF PRESENT:

Janet Hartman, Executive Director
Eric Pottschmidt, MBA, Program Operations Administrator
John B. Fricke, Jr., Assistant Attorney General
Ryan Sandy, Assistant General Counsel

COURT REPORTER:

For The Record - 850-222-5491

REVIEW AND APPROVAL OF MINUTES – June 29, 2020

Motion: by Randy Ellsworth to approve June 29, 2020 Minutes

Second: by Douglas Moore

Vote: Passed Unanimously

DISCIPLINARY PROCEEDINGS

DOW-01 Carolyn W. Thomas - Case # 2017-17987 (TS- 02:00 Minutes)

Ryan Sandy, Assistant General Counsel presented case.

Ryan Sandy, Assistant General Counsel, requested that the Board accept the investigative report into evidence and find that the respondent was properly served and that they waive their right to a formal hearing and adopt the findings of fact.

Carolyn W. Thomas was not present when the Determination of Waiver was presented and did not have legal representation.

Motion: by Randy Ellsworth to adopt the findings of fact and that Carolyn Thomas waived her right to a formal hearing.

Second: by Pamela Dechmerowski



Douglas Moore announced that he participated in the probable cause panel and is recused from the vote.

Teri Marie Repko, RN announced herself as a representative and power of attorney for the complainant.

Thomas Hollern joined the meeting. **(TS- 11:35 Minutes)**

Janet Hartman conducted roll call:

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. - Recused
Thomas Hollern

Members Not Present:

Robert Pickard, MD

Ryan Sandy, Assistant General Counsel, presented case again and requested that the Board accept the investigative report into evidence and find that the respondent was properly served and that they waive their right to a formal hearing and adopt the findings of fact.

Motion: by Randy Ellsworth to accept the investigative report into evidence and find that the respondent was properly served and that they waive their right to a formal hearing and adopt the findings of fact.

Second: by Pamela Dechmerowski

Vote: Passed Unanimously

Ryan Sandy, Assistant General Counsel, asked for the Board to adopt the conclusions of law as they are set forth in the Administrative Complaint, and that the findings were a violation of the practice act.

Motion: by Pamela Dechmerowski to adopt the conclusions of law as they are set forth in the Administrative Complaint, and that the findings were a violation of the practice act.

Second: by Randy Ellsworth

Vote: Passed Unanimously

Teri Marie Repko, RN, spoke on behalf of the complainant. **(TS- 17:15 Minutes)**

Ryan Sandy, Assistant General Counsel, addressed Department of Health recommended sanctions against the licensee of revocation of license, administrative fine of \$10,000 payable within an amount of time agreed by the Board as appropriate, restitution for the victim in the amount of \$7,600, and investigative costs of \$1,923.60 with waiving of legal costs.

Pam Dechmerowski commented on the concern for someone who has been practicing for so long to have their license revoked, and inquired if there were other actions in lieu of revocation.



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John Fricke responded in the affirmative that there are other options that the Board could consider.

Pam Dechmerowski requested to discuss suspending her license until all costs have been satisfied and possibly require continuing education in the area of laws and rules.

Leanne Polhill inquired if there would be any oversight activities to ensure the licensee is not practicing during suspension period. John Fricke responded in the affirmative that there would not be any oversight activities during a suspension.

Ryan Sandy noted that if information was to become known that the licensee was not satisfying her requirements as set forth by the Board, it is likely that another administrative case would be opened for Violation of Order.

Leanne Polhill reminded the Board that the licensee did not respond to the current standing complaint to begin with and posed the possibility that she would respond to other Orders, as questionable.

Motion: by Pam Dechmerowski to suspend license until all costs previous outlined are paid before she begins practicing again.

Second: by Thomas Hollern

Randy Ellsworth inquired if language could be added to the suspension motion that if Carolyn Thomas were to provide any service as a Hearing Aid Specialist during her suspension period, automatic revocation could occur. John Fricke responded in the negative and explained that it would need to come back before the Board as a violation of the Suspension Order.

Janet Hartman conducted roll call vote:

Pamela Dechmerowski, H.A.S. – Voted Yes.

Thomas Hollern – Voted Yes.

Douglas Moore, H.A.S. – Recused

Randy Ellsworth, H.A.S., Vice-Chair – Voted No

Leanne E. Polhill, H.A.S., Chair – Voted No

The motion failed.

Motion: by Randy Ellsworth to accept revocation, fine, restitution, and costs recommendations from Ryan Sandy, Assistant General Counsel.

Second: by Pam Dechmerowski

Janet Hartman conducted roll call vote:

Thomas Hollern – Voted Yes.

Douglas Moore, H.A.S. – Recused

Pamela Dechmerowski, H.A.S. – Voted Yes.

Randy Ellsworth, H.A.S., Vice-Chair – Voted Yes

Leanne E. Polhill, H.A.S., Chair – Voted Yes

Vote: Passed Unanimously



Sanctions include restitution payment to the victim to occur first and within 30 days, and payment of fines and costs to be made within one year of the filing of the Order.

DOW-02 Edward Smith – Case # 2019-09436 (TS – 39:25 Minutes)

Ryan Sandy, Assistant General Counsel, announced the case has been tabled until the next scheduled meeting.

PROSECUTOR’S REPORT

Cases in EAU:	3
Cases under legal review:	9
Cases where PC Recom made:	3
Total Cases where PC has been found:	1
Cases in holding status:	0
Cases pending before DOAH:	0
Cases Agendaed for Board:	3
Cases on Appeal:	0
Year Old Cases:	5
Total Cases open/active in PSU:	16

Motion: by Pam Dechmerowski to allow PSU to continue to prosecute 1 year and older cases.

Second: by Randy Ellsworth

Vote: Passed Unanimously

APPLICATIONS REQUIRING REVIEW (TS – 42:15 Minutes)

Austyn Lyons - Hearing Aid Specialist Trainee - File # 1181 – Order Requiring Appearance

Janet Hartman presented case.

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

This application review was tabled to the next scheduled board meeting and will be the second of the two meetings the applicant has the option to attend. If the applicant fails to appear at the second meeting, the Board could deny the application.

Robert Smith - Hearing Aid Specialist Trainee - File # 810 (TS – 44:30 Minutes)

Janet Hartman presented the case.

Robert Smith was present when the case was presented and did have sponsor representation.

Robert Smith presented his case to the Board.

After discussion, the following action was taken:



Pamela Dechmerowski asked if the Board could require the applicant receive a Professionals Resource Network (PRN) evaluation.

Janet Hartman offered the option to table the application request until a Professionals Resource Network (PRN) evaluation can be completed with the results either being reviewed by the full Board at the next scheduled meeting, or have a single board member assigned to independently review the evaluation.

Randy Ellsworth volunteered to review the evaluation.

After discussion, the following action was taken;

Motion: by Pamela Dechmerowski to table this application for licensure and to require the applicant to be reviewed by (PRN), with the Randy Ellsworth conducting the review and approving on behalf of the Board. In the event Randy Ellsworth has any concerns with the (PRN) review, the evaluation may be brought before the full Board for consideration at the next scheduled meeting.

Second: by Randy Ellsworth

Vote: Passed Unanimously

The Board Office is to provide Robert Smith contact information for Professionals Resource Network (PRN).

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

Janet Hartman introduced the financial report and announced preparations are beginning for the upcoming 2021 Legislative Session.

Board Counsel Report - John B. Fricke, Jr.

John Fricke introduced the Rules Report, and requested a board member be assigned to assist him in the preparations of the Annual Regulatory Report and the rules review.

Motion: by Randy Ellsworth for Leanne Polhill to be assigned to assist Board Counsel in the preparations of the Annual Regulatory Report and the rules review.

Second: by Pamela Dechmerowski

Vote: Passed Unanimously



Committee Report – Douglas Moore (TS – 1:00:20 Minutes)

Douglas Moore commented on letters addressed to the Chair of the Board of Chiropractic Medicine. Janet Hartman reviewed with the Board that the letters are from the President of the Florida Senate and the Speaker of the House and may offer some legislative intent or insight related to where continuing education could be headed for the future. The letters were for information only to possibly encourage an open discussion at a future meeting to review the current structure of the continuing education requirements.

Janet Hartman will compile a list of the other Boards and what their continuing education requirements are that outline in-person requirements versus distance learning requirements.

This topic will be added to the agenda of the next board and will have information drafted and ready to present with options for new structure of continuing education requirements relative to in-person requirements versus distance learning requirements.

RATIFICATIONS

Licenses Issued

Motion: by Randy Ellsworth to accept the ratification list for 3601 and 3603

Second: by Pamela Dechmerowski.

Vote: Passed Unanimously

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

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

PUBLIC COMMENTS – Leanne Polhill announced a happy birthday to Randy Ellsworth. No other public comments.

ADJOURNMENT @ 10:29 A.M.