

# **FLORIDA BOARD OF HEARING AID SPECIALISTS**

## **DRAFT MINUTES**

**July 23, 2021, 9:00 A.M. EST**

**Renaissance Orlando at Sea World  
6677 Sea Harbor Drive  
Orlando, FL 32821**



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

**Janet E. Hartman, Executive Director**

## I. CALL TO ORDER

The meeting was called to order on Friday, July 23, 2021 at 9:00 a.m. EST by Leanne E. Polhill, Chair.

### A. Roll Call

Roll call was conducted by Janet Hartman, Executive Director. Those present for all or part of the meeting included the following:

#### MEMBERS PRESENT

Leanne E. Polhill, H.A.S., Chair  
Pamela Dechmerowski  
Thomas Hollern

#### MEMBERS ABSENT

Randy Ellsworth, H.A.S., Vice Chair –  
Excused  
Robert Pickard, M.D. - Unexcused

#### BOARD STAFF

Janet Hartman, Executive Director  
Eric Pottschmidt, Program Operations  
Administrator

#### BOARD COUNSEL

John B. Fricke, Jr., Assistant Attorney  
General

#### PROSECUTING ATTORNEY

Chase Den Beste, Assistant General  
Counsel

#### COURT REPORTER

Cindy Green  
Magnolia Court Reporting  
(407) 896-1813  
reportingorlando@aol.com

## II. REVIEW & APPROVAL OF MINUTES (TS 00:01:00)

### February 12, 2021 & May 21, 2021, General Board Meeting

The minutes of the February 12, 2021 & May 21, 2021 General Board Meeting were reviewed, and the following action was taken by the Board:

- Motion:** by Pamela Dechmerowski to approve the meeting minutes as written.
- Second:** by Thomas Hollern.
- Vote:** Passed Unanimously.

## III. DISCIPLINE – DETERMINATION OF WAIVER (TS 00:01:45)

### Juliann M. Roberts, DOH Case Number 2020-22949 (PCP: Ellsworth and Moore)

Ms. Roberts on or about July 25, 2018 met with complainant at her office Ear Love, LLC in Leesburg, Florida. Ms. Roberts sold and delivered two Phonak Audeo B-R 90 hearing aids for a total of \$2,500.00. Ms. Roberts represented the Hearing Aids as “new”, could be wore daily, and/or covered under manufacturer repair warranty for up to 1 year. The hearing aids were “demo” hearing aids, “demo” hearing aids are not intended to be worn daily and are not covered by manufacturer repair warranty for up to 1 year.

The Department obtained certified mail service on April 14, 2021. The Department has not received a timely submitted election of rights or other response from respondent.

- Motion:** by Pamela Dechmerowski to accept the investigative report into evidence, find that the defendant was properly served and waived their right to a formal hearing, and adopt the findings of fact set out in the administrative complaint.
- Second:** by Thomas Hollern.



**Vote:** Passed Unanimously.

Juliann Roberts was not present and was not represented by counsel.

**Motion:** by Pamela Dechmerowski to adopt the conclusions of law from the administrative complaint and find that the complaint violates the practice act as recommended by the Department.

**Second:** by Thomas Hollern.

**Vote:** Passed Unanimously.

The Department recommended the following for penalties and fines against the defendant's license:

- Suspension for 6 months.
- A letter of concern.
- An administrative fine in the amount of \$2,500.00 payable within 1 year.
- Costs in the amount of \$1,397.08 payable within 1 year.

**Motion:** by Pamela Dechmerowski to accept the of the Department's recommended penalties and fines as listed above.

**Second:** by Thomas Hollern.

**Vote:** Passed Unanimously.

#### IV. PROSECUTION REPORT (TS 00:11:15)

Chase Den Beste, Assistant General Counsel

Inventory of Cases as of July 15, 2021	
Total Cases open/active in PSU:	10
Cases in Emergency Action Unit:	0
Cases under legal review:	3
Cases with probable cause recommendation:	5
Total Cases where PC has been found:	1
Cases in holding status:	0
Cases pending before DOAH:	0
Cases in intake status:	0
Cases agendaed for Board:	1
Cases on Appeal:	0
=	
Total Cases open/active in PSU:	20

Total Number of Cases Older Than One Year	
Total	4

**Motion:** by Pamela Dechmerowski to continue prosecution of cases one year and older.

**Second:** by Thomas Hollern.

**Vote:** Passed Unanimously.

#### V. PETITION FOR VARIANCE OR WAIVER (TS 00:12:20)

Victoria Ledon, Au.D. – Rule 64B6-2.003, F.A.C. Licensure by Examination



Dr. Ledon is requesting a variance or waiver from Rule 64B6-2.003(1)(e)(2.) (a), F.A.C., which states, "Has a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing in such capacity for at least 12 months."

Per Rule 64B6-2.002(1), F.A.C. — Definitions. "Actively practicing" means dispensing hearing aids directly to clients at least an average of fifteen (15) hours per week for twelve (12) of the eighteen (18) months immediately preceding the application, as shown by at least two sales receipts per month for twelve (12) of the eighteen (18) months immediately preceding the application, each receipt bearing the applicant's signature and address of place(s) of business.

As Dr. Ledon's petition outlines, due to personal circumstances, as well as, effects from the COVID-19 pandemic, she has been unable to satisfy the definition of "actively practicing".

If the Board approves Dr. Ledon's Petition for Variance or Waiver, she is fully aware of all other requirements for licensure and will proceed with application and with satisfying remaining requirements for licensure as a Hearing Aid Specialist.

Following discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski approved the Petition for Variance or Waiver to allow Dr. Ledon to take the licensing exam for H.A.S.

**Second:** by Thomas Hollern.

**Vote:** Passed Unanimously.

## VI. INTERNATIONAL HEARING SOCIETY PRESENTATION (TS 00:18:57)

Julie Ballenger from International Hearing Society about the Department of Labor Apprenticeship program.

## VII. REPORTS (TS 00:34:14)

A. Board Chair Report – Leanne E. Polhill

No report.

B. Vice-Chair Report – Randy Ellsworth

No report.

C. Executive Director Report – Janet Hartman

Mrs. Hartman thanked all the attendees and Board members present.

D. Legislative Updates

Mrs. Hartman provided an update from the 2021 legislative session and new laws that effect the profession. A summary and full text of all the bills that passed can be found on the [Florida Board of Hearing Aid Specialists](#) website.

E. Financial Report

Financial Report is attached at the end of the document.



F. Application by Exam

Mrs. Hartman reviewed the changes to the application by examination. The application was adopted through the vote of approved language changes in Chapter 64B6-2.003, F.A.C. as the application (Form DH-MQA 1155) is specifically listed in the rule changes.

G. Board Counsel Report

Chapter 64B6-2, F.A.C. – Licensure by Examination

Mr. Fricke goes over the changes to Chapter 64B6-2.003, F.A.C. with the main changes being the removal of duplicated language from statute and adding The National Competency Examination (N.C.E.) for licensure in addition to the established International Licensing Examination (I.L.E.).

Following discussion, the following action was taken:

- Motion:** by Pamela Dechmerowski to approve changes to the rule as written.
- Second:** by Thomas Hollern.
- Vote:** Passed Unanimously.

**SERC**

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 Pamela Dechmerowski votes “NO”.
- Second:** by Thomas Hollern
- Vote:** Passed Unanimously.

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

- Motion:** by Pamela Dechmerowski votes “NO”.
- Second:** by Thomas Hollern.
- Vote:** Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

- Motion:** by Pamela Dechmerowski votes “NO”.
- Second:** by Thomas Hollern.
- Vote:** Passed Unanimously.

Chapter 64B6-7, F.A.C. – Guidelines for Disposition of Disciplinary Cases

Following discussion, the following action was taken:

- Motion:** by Pamela Dechmerowski to accept the rule changes as presented.
- Second:** by Thomas Hollern.
- Vote:** Passed Unanimously.

**SERC**

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 Pamela Dechmerowski votes “NO”.  
**Second:** by Thomas Hollern.  
**Vote:** Passed Unanimously.

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

**Motion:** by Pamela Dechmerowski votes “NO”.  
**Second:** by Thomas Hollern.  
**Vote:** Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

**Motion:** by Pamela Dechmerowski votes “NO”.  
**Second:** by Thomas Hollern.  
**Vote:** Passed Unanimously.

Rules Report

Mr. Fricke reviewed the current Rules Report and gave the status of 64B6-7.002, 64B6-7.0025, and 64B6-5.001.

## VIII. RATIFICATIONS (TS 01:04:50)

Licenses Issued

**Motion:** by Pamela Dechmerowski to approve the ratification list for 3601 professions.  
**Second:** by Thomas Hollern.  
**Vote:** Passed Unanimously.

**Motion:** by Pamela Dechmerowski to approve the ratification list for 3603 professions.  
**Second:** by Thomas Hollern.  
**Vote:** Passed Unanimously.

## IX. OLD/NEW BUSINESS

No report.

## X. NEXT MEETING DATE

October 22, 2021 at 9:00 A.M. EST – GoToMeeting Format

## XI. PUBLIC COMMENTS

Kerry Bowen, owner of “Everybody Hears”, brings up his concerns about “.com” websites for misinformation about FDA approved hearing aids advertised in his local newspaper.

Ms. Polhill and Mrs. Hartman addressed his concern and spoke to the new “FDA over-the-counter” hearing aids that have a bill signed off on, however do not have the FDA approval yet. FDA is still working on the regulatory structure of the OTC hearing aid option. Mrs. Hartman spoke to the booth that is set-up for the convention for the Department and about the unlicensed activity division.



## **XII. ADJOURNMENT**

The meeting adjourned at 10:17 A.M. EST.



DEPARTMENT OF HEALTH				
BOARD OF HEARING AID SPECIALISTS				
EXPENDITURES BY FUNCTION				
For Period Ending March 31, 2021				
Function	Direct Charges	Allocated Charges	Total	Percent*
Director, MQA		\$1,045	\$1,045	0.75%
Bureau of Opns Admin		\$430	\$430	0.31%
Testing Services		\$0	\$0	0.00%
Licensure Support Svcs	\$260	\$5,928	\$6,188	4.46%
Artificial Intelligence		\$1,862	\$1,862	1.34%
Practitioner Reporting		\$0	\$0	0.00%
Systems Spt Unit		\$4,291	\$4,291	3.09%
Central Records		\$854	\$854	0.62%
Renewal Support	\$948	\$20	\$968	0.70%
Call Center		\$2,602	\$2,602	1.88%
Operational Services		\$1,227	\$1,227	0.88%
Imaging Services			\$ -	0.00%
Web Design Development		\$781	\$781	0.56%
Strategic Management Unit		\$551	\$551	0.40%
Background Screening	\$4		\$4	0.00%
Telehealth Providers		\$29	\$29	0.02%
Bureau of HCPR Admin		\$720	\$720	0.52%
Board Office	\$2,919	\$15,687	\$18,606	13.41%
Prosecution Svcs Unit - Enforce	\$608	\$9,895	\$10,503	7.57%
Bureau of Enforce Admin		\$273	\$273	0.20%
Consumer/Compliance Unit - Enforce	\$977	\$1,500	\$2,477	1.79%
Investigations Svcs Unit-Enforce		\$15,580	\$15,580	11.23%
Div of IT & Admin; Ofc of Sec		\$7,557	\$7,557	5.45%
DOAH			\$ -	0.00%
Prescription Drug Monitoring Program			\$ -	0.00%
Profiling Services			\$ -	0.00%
Practitioner Compliance			\$ -	0.00%
Impaired Practitioner		\$4,557	\$4,557	3.29%
Attorney General	\$21,139		\$21,139	15.24%
Risk Management Insurance		\$585	\$585	0.42%
Human Resource Services		\$228	\$228	0.16%
Refund of State Revenues	\$1,450		\$1,450	1.05%
Service Charge to Gen Revenue	\$5,926		\$5,926	4.27%
FDLE Transfer			\$ -	0.00%
Ch 215.32 Transfer of Funds	\$23,962		\$23,962	17.27%
			\$ -	0.00%
Unlicensed Activity	(\$2)	\$4,318	\$4,316	3.11%
ULA Ch 215.32 Transfer of Funds			\$ -	0.00%
			\$ -	
<b>Total</b>	<b>\$58,190.36</b>	<b>\$80,522.41</b>	<b>\$138,712.77</b>	<b>100.00%</b>
Cash Balance @ June 30 - Licensed Account				\$630,609
Cash Balance @ June 30 - Unlicensed Account				(\$97,663)
* Percent of the function's expenditure to the Board's total expenditures.				