

# FLORIDA BOARD OF HEARING AID SPECIALISTS GENERAL BOARD MEETING

## DRAFT MINUTES

December 2, 2021 at 9:00 A.M. ET

*Holiday Inn Tallahassee East at the Capitol*  
2003 Apalachee Parkway, Tallahassee, FL., 32301.  
Telephone (844) 278-9138



Leanne Polhill, Chair

Ashleigh Irving, Acting Executive Director



Florida Board of Hearing Aid Specialists  
General Board Meeting  
December 2, 2021

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## AGENDA

**MEETING CALLED TO ORDER @ 9:00 a.m.** by Leanne Polhill, Chair.

**BOARD MEMBERS PRESENT:**

Leanne E. Polhill, H.A.S., Chair  
Randy Ellsworth, H.A.S., Vice-Chair  
Pamela Dechmerowski, H.A.S.  
Thomas Hollern

**BOARD MEMBERS NOT PRESENT:**

Robert Pickard, MD – Unexcused Absence

**BOARD STAFF PRESENT:**

Ashleigh Irving, Acting Executive Director  
Eric Pottschmidt, MBA, Program Operations Administrator  
LaKeidra Fields, Regulatory Specialist III  
John B. Fricke, Jr., Assistant Attorney General  
Kimberly Marshall, Assistant General Counsel

**UNLICENCED ACTIVITY PRESENTATION – (TS – 00:01:45 Minutes)**

Presented by Ronald Dilworth and Lourine Phillips.

**REVIEW AND APPROVAL OF MINUTES - July 23, 2021**

**Motion:** by Pamela Dechmerowski to approve the meeting minutes.

**Second:** by Randy Ellsworth

**Vote:** Passed Unanimously.

**PROSECUTOR'S REPORT –** Presented by Kimberly Marshall, Assistant General Counsel.

<u>Case Status</u>	<u>Report</u> Date 11/16/21
Total cases open/active in Prosecution Services:	<b>3</b>
Cases in Emergency Action Unit:	0
Cases under legal review:	1
Cases awaiting supplemental investigation/expert opinion:	0
Cases with PCP recommendation:	0



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Cases where probable cause has been found:	1
Cases where DOAH has been requested:	0
Cases pending before DOAH:	0
Cases on Board meeting agendas:	1
Cases on appeal:	0
<b>Cases older than one year: *</b>	<b>2</b>

The Department requested that the Board authorize the continued prosecution of the year and older cases.

Motion: by Randy Ellsworth to allow PSU to continue to prosecute 1 year and older cases.  
Second: by Pamela 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 – Ashleigh Irving**

Legislative Update – Currently, no legislation is impacting the profession of Hearing Aid Specialist. Legislative Session scheduled to start January 11, 2022.

Financial Report – Nothing to report.

### 2022 Delegation of Authority

**Motion:** by Randy Ellsworth to approve 2022 Delegation of Authority.  
**Second:** by Pamela Dechmerowski  
**Vote:** Passed Unanimously.

### **Board Counsel's Report - John B. Fricke, Jr. (TS – 00:16:10 Minutes)**

Joint Administrative Procedures Committee Letter – 64B6-7.002, .003, .007, and .008, F.A.C.

Discussion to consider language changes to 64B6-7.003, F.A.C. – Stricken from the title caption – “Suspension or failure to pay language”.



After discussion, the following action was taken:

**Motion:** by Randy Ellsworth to approve the language as written.  
**Second:** by Pamela Dechmerowski  
**Vote:** Passed Unanimously.

### SERC Questions

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

**Motion:** by Randy Ellsworth to respond in the negative for all four SERC questions.  
**Second:** by Pamela Dechmerowski  
**Vote:** Passed Unanimously.

#### Joint Administrative Procedures Committee Letter

Discussion to consider language changes to 64B6-7.007, F.A.C. – Striking language permitting \$100 citation fine for writing bad checks.

After discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski to approve the language as written.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously.

### SERC Questions

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

**Motion:** by Pamela Dechmerowski to respond in the negative for all four SERC questions.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously.



Joint Administrative Procedures Committee Letter

Discussion to consider language changes to 64B6-7.008, F.A.C. – Language stricken related to “Mediation for failure of a licensee to timely respond to continuing education audit as outlined in 64B6-5.003”.

After discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski to approve the language as written.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously.

**SERC Questions**

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

**Motion:** by Pamela Dechmerowski to respond in the negative for all four SERC questions.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously.

Joint Administrative Procedures Committee Letter (TS – 00:23:00 Minutes)

Discussion: Stricken language in Rule 64B6-7.003, F.A.C., and the Application for Licensure, Form DH-MQA 1155, incorporated pursuant to s. 484.045 F.S.

After discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski to approve the changes in the application as written.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously.

**SERC Questions**

1. Will the proposed rule amendments have adverse impact on small business?
2. 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?
3. Should a violation of this rule or any part of this rule be designated as a minor violation?
4. Would a Sunset provision be applicable to this Rule?



**Motion:** by Pamela Dechmerowski to respond in the negative for all four SERC questions.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously

Annual Regulatory Report – No discussion

Rules Report – No discussion

**DISCIPLINE – Determination of Waiver (TS – 00:28:00 Minutes)**

Charlotte A. Parker, H.A.S., DOH Case Number 2019-46377

PCP – Randy Ellsworth and Alan Lowell – Randy Ellsworth was recused.  
Charlotte Parker was not present and did not have legal representation.  
Kimberly Marshall, Assistant General Counsel, presented case.

After discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski to accept the investigative report into evidence, find that respondent was properly served with the complaint and has waived her right to a formal hearing, to adopt the findings of fact as set forth in the administrative complaint, and adopt the conclusions of law as set forth in the administrative complaint and finds that it constitutes a violation of practice act.  
**Second:** by Thomas Hollern  
**Vote:** Passed Unanimously

Department recommended penalties of revocation of Respondent's license, an administrative fine of \$35,000 payable at \$7,000 per year for five years, and restitution of \$2,160 payable within 90 days (\$360 for patient EM and \$1,800 for patient RB).

Department recommended a cost motion of \$2,985.94 payable within five years at \$600 per year.

Pamela Dechmerowski inquired how payments would be collected if the Respondent's license was revoked. Assistant General Counsel noted that the debts would be sent to collections if they were not paid as required in the Final Order.

After discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski to accept the Department recommended penalties of revocation of Respondent's license, an administrative fine of \$35,000 payable at \$7,000 per year for five years, and restitution of \$2,160 payable within 90 days (\$360 for patient EM and \$1,800 for patient RB).  
**Second:** by Thomas Hollern  
**Vote:** Passed Unanimously



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After discussion, the following action was taken:

**Motion:** by Pamela Dechmerowski to the Departments recommended cost motion of \$2,985.94 payable within five years at \$600 per year.  
**Second:** by Thomas Hollern  
**Vote:** Passed Unanimously

## **RATIFICATIONS**

### Licenses Issued

**Motion:** by Randy Ellsworth to accept the ratification list for 3601  
**Second:** by Thomas Hollern  
**Vote:** Passed Unanimously

**Motion:** by Randy Ellsworth to accept the ratification list for 3603  
**Second:** by Thomas Hollern  
**Vote:** Passed Unanimously

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

## **ELECTIONS**

**Motion:** by Pamela Dechmerowski to re-elect Leanne Polhill as Chairperson of the Board.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously

**Motion:** by Pamela Dechmerowski to re-elect Randy Ellsworth as Vice-Chairperson of the Board.  
**Second:** by Leanne Polhill  
**Vote:** Passed Unanimously

**NEXT MEETING DATE** – February 25, 2022 at 9:00 A.M. - GoToMeeting

**FYI...** Leanne Polhill noted that the FDA introduced proposed new rules for over-the-counter (OTC) hearing aids. This is something all state boards will be watching the progress on and should be a discussion at upcoming board meetings.

Randy Ellsworth commented. When the FDA rule becomes active, it may be important to have Unlicensed Activity present to explain and clarify possible misunderstandings that may arise between suspected unlicensed activity as a result of the new FDA OTC products and actions.

**PUBLIC COMMENTS** – No public comments.

**ADJOURNMENT** @ 9:45 a.m.