

# **FLORIDA BOARD OF HEARING AID SPECIALISTS GENERAL BOARD MEETING**

## **MEETING MINUTES**

**July 15, 2022 at 9:00 A.M. ET**

**Sheraton Sand Key Resort  
1160 Gulf View Boulevard  
Clearwater Beach, FL 33767**



**Leanne Polhill, Chair**

**Ashleigh K. Irving, Interim Executive Director**



Florida Board of Hearing Aid Specialists  
General Board Meeting  
July 15, 2022

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Meeting Called to Order by Leanne Polhill, Chair @ 9:03 a.m.

Roll Call Conducted by: Ashleigh Irving, Interim Executive Director

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBER(S) NOT PRESENT:**

Robert Pickard, MD (Unexcused)

**BOARD STAFF PRESENT:**

Ashleigh Irving, Interim Executive Director  
Eric Pottschmidt, Program Operations Administrator  
Dianne Guillemette, Assistant Attorney General  
Collie Nolen, Senior Attorney

## AGENDA

**WELCOME AND APPROVAL OF NEW INTERIM EXECUTIVE DIRECTOR** – Ashleigh K. Irving

**Motion:** by Randy Ellsworth to approve Ashleigh Irving as the new Executive Director.  
**Second:** by Pamela Dechmerowski  
**Vote:** Passed Unanimously.

**REVIEW AND APPROVAL OF MINUTES** – May 20, 2022

**Motion:** by Pamela Dechmerowski to approve the meeting minutes.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously.

### DISCIPLINE

Cynthia M. Quinn, H.A.S. Case # 2019-44412 (TS – 05:10 to 35:47 Minutes)

Cynthia Quinn was present and did not have legal representation.  
Pamela Dechmerowski was recused.

The case was introduced by Collie Nolan.

Cynthia M. Quinn was officially sworn in.

Board Counsel confirmed that the administrative complaint as amended was dropping Count II.  
Prosecution Services confirmed.



**Motion:** by Dean Easterwood to accept the investigative report into evidence, to approve that respondent was properly served and has elected this informal hearing, to adopt the findings of fact as set forth in the administrative complaint, and to adopt the findings of fact as set forth in the administrative complaint.

**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously

Cynthia M. Quinn addressed the Board and presented an opening statement. **(TS – 09:30 Minutes)**

Dean Easterwood asked Ms. Quinn to confirm what the refund amount of the deposit was. Ms. Quinn explained the circumstances that she did keep \$500 in error when the amount should have been \$250.

Dean Easterwood asked Ms. Quinn if she had returned the money yet to the customer. Ms. Quinn responded that she had not.

After further discussion, the following actions was taken:

**Motion:** by Randy Ellsworth to adopt the conclusions of law as set forth in the administrative complaint and finds that it constitutes a violation of practice act.  
**Second:** by Dean Easterwood  
**Vote:** Passed Unanimously

The Department proposed penalty recommendations as follows:

- Letter of Concern
- Administrative fine of \$7,500
- Ten (10) hours of continuing education on Laws and Rules within 90 days of the Final Order
- Investigative Costs of \$2,223.51

Dean Easterwood suggested that the \$7,500 fine was high.

Collie Nolan commented that three (3) years had lapsed and the money still had not been returned to the client.

Randy Ellsworth reiterated that license laws require the return of refunds within a certain time frame and calling it a mistake is not justified three years later when the full refund still has not returned the refund.

Dean Easterwood made a motion of the following penalty recommendations:

- Letter of Concern
- Ten (10) hours of continuing education on Laws and Rules within 90 days of the Final Order
- Administrative fine of \$2,500



No second motion was made to Dean Easterwood' motion. Motion died.

Randy Ellsworth made the following motion:

**Motion:**

- Restitution to the patient within 30 days.
- Ten (10) hours of continuing education on Laws and Rules within 90 days of the Final Order within 12 months
- Administrative fine of \$5,000 due within 12 months
- Letter of Concern

**Second:** by Thomas Hollern

**Vote:** Passed Unanimously

Collie Nolan noted that the restitution to the patient within 30 days needed a specific amount. The full motion was made as follows:

- Restitution of \$500 to the patient payable within 30 days.
- Ten (10) hours of continuing education on Laws and Rules within 90 days of the Final Order within 12 months
- Administrative fine of \$5,000 payable within 12 months
- Letter of Concern

**Second:** by Thomas Hollern

**Vote:** Passed Unanimously

The Department moved for costs in the amount of \$2,223.51 payable within one (1) year.

**Motion:** by Randy Ellsworth

**Second:** by Thomas Hollern

**Vote:** Passed Unanimously

**PROSECUTOR'S REPORT**

<u>Case Status</u>	<u>Report</u> Date 11/16/21	<u>Report</u> Date 2/16/22	<u>Report</u> Date 7/7/22
Total cases open/active in Prosecution Services:	<b>3</b>	<b>3</b>	<b>2</b>
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	1	0	0
Cases awaiting supplemental investigation/expert opinion:	0	1	0
Cases with PCP recommendation:	0	1	1



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

After discussion, the following action was taken:

- Motion:** by Pamela Dechmerowski to accept the report and to allow PSU to continue to prosecute one year and older cases.  
**Second:** by Randy Ellsworth  
**Vote:** Passed Unanimously

**APPLICATION REVIEW - (TS – 37:00 Minutes)**

*Stephanie Peacock – Order Continuing Hearing*

Stephanie Peacock was not present and did not have legal representation.

Eric Pottschmidt presented a summary of Stephanie Peacock's application review.

Leanne Polhill noted that the final report supplied by Professionals Resource Network (PRN) did determine that Stephanie Peacock would be safe to practice while be required to maintain a monitoring contract. It was also noted that if Stephanie Peacock discontinued the monitoring contract before the completion of the PRN contract, a complaint could be initiated against Ms. Peacock.

Delena Torrence, MS, CAP, ICADC, PRN Case Manager Supervisor was present. Ms. Torrence confirmed Stephanie Peacock signed a 2-year monitoring agreement, and that PRN could advocate for her licensure.

After discussion, the following action was taken:

- Motion:** by Randy Ellsworth to approve her application.  
**Second:** by Dean Easterwood  
**Vote:** Passed Unanimously



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**UNLICENSED ACTIVITY PRESENTATION** – Ronald Dilworth presented. **(TS – 44:00 Minutes)** Mr. Dilworth provided information on how to report unlicensed activity by either calling 877-425-8852 or visiting the website at [haltula@flhealth.gov](mailto:haltula@flhealth.gov).

**REPORTS (TS – 57:45 Minutes)**

*Chair's Report - Leanne E. Polhill* – No Report

*Vice Chair's Report - Randy Ellsworth* – Randy Ellsworth reviewed questions he had received regarding continuing education.

Ashleigh Irving commented that CE Broker is the reporting and tracking system used for the entire Department. Ms. Irving noted that anyone looking for a course or looking for a Provider would need to use CE Broker. CE Broker will contain only approved courses for the boards.

*Executive Director's Report – Ashleigh K. Irving*

Proposed 2023 Meeting Dates

After discussion, the following action was taken:

**Motion:** by Dean Easterwood to approve the proposed 2023 meeting dates.

**Second:** by Pamela Dechmerowski

**Vote:** Passed Unanimously

Financial Report – as shown.

Ashleigh Irving reviewed a new process that is coming that switches from the Department printing and mailing licenses to the licensee, to the licensee printing their own license via electronic means.

*Board Counsel's Report - Dianne Guillemette. (TS – 1:05:20 Minutes)*

Chapter 64B6-5, F.A.C. Continuing Education

Dianne Guillemette opened the discussion about how the continuing education requirements should look starting March 1, 2023.

Pamela Dechmerowski commented that she would like to see the requirement to return to an all in-person format.

Dean Easterwood commented that he would be in favor of a hybrid requirement.



Public comment and cards were presented by:

- Joseph Gallagher from Hearing Healthcare Advocates advocated for virtual requirement.
  - Thomas Hollern commented that there is value for both platforms.
- Linda Knapp from New Way Hearing advocated for virtual requirement as a choice of the licensee.
- Robert Smith from St. Johns Hearing advocated for a hybrid requirement of ten (10) hours on-line and ten (10) hours in-person.
- Patricia Russo from Professional Hearing recommended the laws and rules be available on-line, and then a hybrid of ten (10) hours on-line and ten (10) hours in-person.
- Joann Keyes Sellers advocated for a hybrid requirement.
- Gregory Yordon from FHS advocated for in-person requirement.
- Roseann Kiefer from Lampe & Kiefer Hearing advocated for hybrid requirement.
- Mike Schneller from Focus Hearing advocated for having a choice of either requirements.
- Liz Dias from Entheos Audiology Cooperative advocated for a hybrid mix containing in-person and interactive live on-line courses involving polls and interactive chats.
- Allison Cavanagh advocated for hybrid requirement.
- Sharon Conlon from Beltone advocated for hybrid requirement.

Dianne Guillemette noted she would write some proposed hybrid language for review at the next board meeting.

Rule 64B6-8.003, F.A.C. Trainee Stages, Minimum Training Requirements, and Training Programs and Rule 64B6-2.002, F.A.C. Definitions

Dianne Guillemette opened the discussion regarding the length of time a trainee may stay in the trainee program. She also addressed other clean-up actions needed within the rules. Ms. Guillemette noted she would write some proposed language for review at the next board meeting that would outline a 1-year maximum timeline to be functioning as a trainee in the training program, as well as, writing proposed language to address other rules needing updated.

Leanne Polhill announced that a meeting held by the Board of Speech-Language Pathology and Audiology will be held July 22, 2022 and will discuss current refund language and 30-day return language. Board counsel advised if board members listened in, to ensure no comments were made as they could violate Sunshine Law.

Randy Ellsworth noted that it would be beneficial if there was more clarity on how the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists could share in the same continuing education courses as the courses can be similar in content. Ms. Guillemette noted that Providers are the ones who need to be encouraged to include both professions when submitting courses. Ms. Guillemette also noted she would review the rules to create proposed language that would include Audiologists the ability to obtain credit for attending a Board of Hearing Aid Specialists meeting where discipline is heard. Ms. Guillemette noted that it would be up to the Board of Audiology whether they wanted to permit the same for Hearing Aid Specialists attending their meetings.



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## **RATIFICATIONS**

### **Licenses Issued.**

**Motion:** by Randy Ellsworth to ratify Profession 3601-Hearing Aid Specialist and 3603-Hearing Aid Specialist Trainee

**Second:** by Pamela Dechmerowski

**Vote:** Passed Unanimously

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

**NEXT MEETING DATE** – October 28, 2022 at 9:00 A.M. – Virtual Meeting

**PUBLIC COMMENTS** – Joann Keys Seller echoed the comments of Randy Ellsworth and noted that it would be beneficial for Audiologists to be able to obtain continuing education hours for attending a Board of Hearing Aid Specialist meeting.

**ADJOURNMENT** @ 10:56 a.m.





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<b>DEPARTMENT OF HEALTH</b>				
<b>BOARD OF HEARING AID SPECIALISTS</b>				
<b>EXPENDITURES BY FUNCTION</b>				
<b>For Period Ending March 31, 2022</b>				
<b>Function</b>	<b>Direct Charges</b>	<b>Allocated Charges</b>	<b>Total</b>	<b>Percent*</b>
Director, MQA		\$ 1,014	\$ 1,014	0.46%
Bureau of Opns Admin		\$ 484	\$ 484	0.22%
Testing Services		\$ 0	\$ 0	0.00%
Licensure Support Svcs		\$ 2,164	\$ 2,164	0.99%
Artificial Intelligence		\$ 4,013	\$ 4,013	1.83%
Practitioner Reporting		\$ 23	\$ 23	0.01%
Systems Spt Unit		\$ 3,552	\$ 3,552	1.62%
Central Records		\$ 259	\$ 259	0.12%
Renewal Support			\$ -	0.00%
Call Center		\$ 2,072	\$ 2,072	0.95%
Operational Services		\$ 1,057	\$ 1,057	0.48%
Imaging Services			\$ -	0.00%
Web Design Development		\$ 567	\$ 567	0.26%
Strategic Management Unit		\$ 269	\$ 269	0.12%
Background Screening	\$ 1,665		\$ 1,665	0.76%
Telehealth Providers		\$ 48	\$ 48	0.02%
Bureau of HCPR Admin		\$ 617	\$ 617	0.28%
Board Office	\$ 12,052	\$ 15,614	\$ 27,666	12.65%
Prosecution Svcs Unit - Enforce	\$ 4,336	\$ 12,847	\$ 17,183	7.86%
Bureau of Enforce Admin		\$ 176	\$ 176	0.08%
Consumer/Compliance Unit - Enforce	\$ 301	\$ 1,023	\$ 1,325	0.61%
Investigations Svcs Unit-Enforce		\$ 7,321	\$ 7,321	3.35%
Div of IT & Admin; Ofc of Sec		\$ 5,702	\$ 5,702	2.61%
DOAH			\$ -	0.00%
Prescription Drug Monitoring Program			\$ -	0.00%
Profiling Services			\$ -	0.00%
Practitioner Compliance		\$ 4	\$ 4	0.00%
Impaired Practitioner		\$ 5,214	\$ 5,214	2.38%
Attorney General	\$ 28,864		\$ 28,864	13.20%
Risk Management Insurance		\$ 530	\$ 530	0.24%
Human Resource Services		\$ 169	\$ 169	0.08%
Refund of State Revenues	\$ 580	\$ 123	\$ 703	0.32%
Service Charge to Gen Revenue	\$ 6,216	\$ (4)	\$ 6,212	2.84%
FDLE Transfer			\$ -	0.00%
Ch 215.32 Transfer of Funds	\$ 96,334		\$ 96,334	44.04%
			\$ -	0.00%
Unlicensed Activity		\$ 3,529	\$ 3,529	1.61%
ULA Ch 215.32 Transfer of Funds			\$ -	0.00%
			\$ -	
<b>Total</b>	<b>\$ 150,349.21</b>	<b>\$ 68,388.35</b>	<b>\$ 218,737.56</b>	<b>100.00%</b>
Cash Balance @ June 30 - Licensed Account				\$ 436,177
Cash Balance @ June 30 - Unlicensed Account				\$ (101,463)