

FLORIDA BOARD OF HEARING AID SPECIALISTS GENERAL BOARD MEETING

DRAFT MINUTES

January 27, 2023, at 9:00 A.M. ET



Leanne Polhill, H.A.S., Chair
Randy Ellsworth, H.A.S., Vice-Chair
Ashleigh K. Irving, Executive Director



Please note that the meeting minutes reflect the actual order that agenda items were discussed during the meeting and may differ from the agenda outline.

I. CALL TO ORDER

The meeting was called to order on January 27, 2023, at approximately 9:10 AM ET by Leanne E. Polhill, Chair.

Opening remarks were read by Ashleigh Irving, Executive Director.

(TS 00:4:00 Minutes) Roll call was conducted by Ms. Irving.

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.

STAFF PRESENT:

Ashleigh K. Irving, Executive Director
Eric Pottschmidt, MBA, Program
Operations Administrator
Kieran Compagnone, Regulatory
Specialist III

MEMBERS ABSENT:

Thomas Hollern

BOARD COUNSEL:

Kara Aikens, Assistant Attorney General

Other Persons Present:

Jason Winn
John Moore

II. REVIEW AND APPROVAL OF MINUTES – October 28, 2022

(TS 00:05:15 Minutes) After discussion, the Board took the following action:

Motion: by Mr. Ellsworth to approve the meeting minutes.
Second: by Ms. Dechmerowski.
Vote: passed unanimously.



III. PROSECUTOR’S REPORT

<u>Case Status</u>	<u>Report Date</u> 7/7/22	<u>Report Date</u> 9/30/22	<u>Report Date</u> 1/13/23
Total cases open/active in Prosecution Services:	2	0	2
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	0	0	2
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	1	0	0
Cases where probable cause has been found:	0	0	0
Cases where DOAH has been requested:	0	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	1	0	0
Cases on appeal:	0	0	0
Cases older than one year: *	1	0	0

* Does not include cases already agendaed for final action by the Board.

(TS 00:06:00 Minutes) Ms. Aikens presented the report to the Board on behalf of Prosecution Services Unit. The Department then requested that the Board authorize the continued prosecution of the year and older cases.

- Motion:** by Mr. Ellsworth to approve the meeting minutes.
- Second:** by Ms. Dechmerowski.
- Vote:** passed unanimously.

IV. APPLICATION REVIEWS

A. Dean Bartley, Hearing Aid Specialist Trainee

(TS 00:07:15 Minutes) Mr. Bartley was not present and did not have legal representation present. Mr. Bartley’s application was initially presented at the October 28, 2022, general board meeting, for review of criminal history including a third-degree felony charge which occurred in 2018.

Per section 456.0635, F.S., an applicant is excluded from licensure, examination, certification, or registration unless the sentence and any subsequent period of probation for such conviction or plea ended more than 10 years before the date of application, except for felonies of the third-degree under section 893.13(6)(a), F.S. According to documentation received by the Board office, Mr. Bartley’s probation ended in January 2021, meaning that he would not be eligible for licensure until January 2031.



(TS 00:07:55 Minutes) Ms. Aikens noted that based on the newly submitted materials received from Mr. Bartley, only one of the three charges listed from 2018 was dismissed, and the dismissed charge was not the felony charge that was barring him from becoming eligible for licensure until 2031.

(TS 00:11:04 Minutes) After discussion, the Board took the following action:

Motion: by Ms. Dechmerowski to deny the application.
Second: by Mr. Easterwood.
Vote: passed unanimously.

Ms. Aikens added that because Mr. Bartley was not present, he did not have the option to withdraw the application in lieu of receiving a denial.

V. RULES DISCUSSION

- A. Chapter 64B6-1, F.A.C.
- B. Chapter 64B6-2, F.A.C.
- C. Chapter 64B6-3, F.A.C.
- D. Chapter 64B6-4, F.A.C.
- E. Chapter 64B6-5, F.A.C.
- F. Chapter 64B6-6, F.A.C.
- G. Chapter 64B6-7, F.A.C.
- H. Chapter 64B6-8, F.A.C.

Ms. Aikens presented the proposed changes to the above rules, including the addition of the word “prescription”, and noted the definitions for the terms “Prescription Hearing Aid” and “Over-the-Counter Hearing Aid (OTC)” were included in the proposed language to be added to Chapter 64B6-2.002, F.A.C.

(TS 00:16:23 Minutes) After discussion, the following action was taken:

Motion: by Mr. Easterwood to approve the addition of the word “prescription” before the term “hearing aid” in the proposed rule language.
Second: by Mr. Ellsworth.

Ms. Polhill opened the floor for public comment, at which time Jason Winn spoke on behalf of the Florida Hearing Society and expressed his appreciation for the Board’s action being taken with the above proposed rule amendment. Ms. Dechmerowski inquired if this change would require that all purchase agreements be changed to include the word “prescription” before the term “hearing aids”. Ms. Aikens stated that she would conduct additional research on this.



Vote: passed unanimously.

(TS 00:02:25 Minutes) After discussion, the following action was taken:

Motion: by Mr. Easterwood to accept the proposed rule language as written.

Second: by Ms. Dechmerowski.

Vote: passed unanimously.

**SERC Questions
(TS 00:22:45 Minutes)**

Will the proposed rule amendments have an adverse impact on small business?

Motion: by Mr. Ellsworth that the proposed rule amendment has no impact on small business.

Second: by Ms. Dechmerowski.

Vote: passed unanimously.

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 of the rule?

Motion: by Ms. Dechmerowski that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.

Second: by Mr. Ellsworth.

Vote: passed unanimously.

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

Motion: by Ms. Dechmerowski that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: by Mr. Easterwood.

Vote: passed unanimously.

Does the Board feel this rule should include a Sunset provision?

Motion: by Ms. Dechmerowski that the rule does not need a sunset provision.

Second: by Mr. Ellsworth.

Vote: passed unanimously.

I. Chapter 64B6-5.001, F.A.C.

Ms. Aikens presented the proposed rule amendment which was intended to clarify that dual licensees were required to take multiple the HIV/AIDS course only once for renewal.



Ms. Aikens also discussed the proposed rule amendment stating the manner of delivery for continuing education courses, which specified that ten of the required twenty hours must be earned in person, and that ten of the required twenty hours may be earned by courses that are self-paced, for instance, home study or courses offered anytime on-line.

(TS 00:27:57 Minutes) After discussion, the following action was taken:

Motion: by Mr. Easterwood to approve the proposed rule language as written.
Second: by Ms. Dechmerowski.
Vote: passed unanimously.

SERC Questions
(TS 00:28:39 Minutes)

Will the proposed rule amendments have an adverse impact on small business?

Motion: by Mr. Easterwood that the proposed rule amendment has no impact on small business.
Second: by Ms. Dechmerowski.
Vote: passed unanimously.

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 of the rule?

Motion: by Mr. Easterwood that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.
Second: by Mr. Ellsworth.
Vote: passed unanimously.

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

Motion: by Ms. Dechmerowski that no part of this rule or a violation of this rule should be designated as a minor violation.
Second: by Mr. Ellsworth.
Vote: passed unanimously.

Does the Board feel this rule should include a Sunset provision?

Motion: by Mr. Ellsworth that the rule does not need a sunset provision.
Second: by Ms. Dechmerowski.
Vote: passed unanimously.

VI. REPORTS

A. Chair's Report - Leanne E. Polhill

Nothing to report.



B. Vice Chair's Report - Randy Ellsworth

(TS 00:31:09 Minutes) Mr. Ellsworth expressed his appreciation for the collaboration between the Florida Board of Hearing Aid Specialists and the Florida Board of Speech-Language Pathology & Audiology during the recent joint meeting that took place via teleconference November 2, 2022.

C. Board Members

i. Dean Easterwood – Long-Range Planning Meeting

(TS 00:32:00 Minutes) Mr. Easterwood shared his experience with attending the Long-Range Planning Meeting that took place in Tallahassee on January 13, 2023.

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

i. Electronic Licensing

(TS 00:35:15 Minutes) Ms. Irving stated that the Florida Department of Health would be moving forward with electronic licensing which will assist with efficient license issuance, and that this is expected to become available for all professions on July 1, 2023. Ms. Irving also noted that the electronic licenses will include a QR code which will be linked to the Department of Health license verification system to display current license status as well as any discipline.

ii. Financial Report

(TS 00:38:36 Minutes) Ms. Irving presented the financial report in the agenda materials for review and noted that the Board was currently in good standing. Ms. Irving also noted that there would start to be more frequent meetings for the Board's budget liaisons with the Department accountant Paula Drye.

E. Board Counsel's Report – Kara Aikens

i. Rules Report

(TS 00:40:48 Minutes) Ms. Aikens presented the rules report for January 2023.

VII. OTHER BUSINESS

A. Ratifications

i. Licenses Issued

(TS 00:41:19 Minutes) Ms. Polhill presented the MQA Reports for licenses issued between October 20, 2022, and January 19, 2023, for 3601 – Hearing Aid Specialists and for 3603 – Hearing Aid Specialist Trainees.



(TS 00:42:00 Minutes) After discussion, the Board took the following action:

Motion: by Mr. Ellsworth to accept the ratification list for 3601 and 3603.
Second: by Mr. Easterwood.
Vote: passed unanimously.

VIII. NEXT MEETING DATE – April 28, 2023 – Virtual Meeting

IX. PUBLIC COMMENTS

Ms. Polhill opened the floor for public comment. Jason Winn advised that the Annual Convention for the Florida Hearing Society will be held July 6-9, 2023, at the Sheraton Sand Key Resort.

X. ADJOURNMENT @ 9:55 AM EST (TS 00:44:55 Minutes)