

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS
COMPLAINTS SUBCOMMITTEE MEETING

Wednesday, September 16, 2009, 8:30 a.m.
Department of State Health Services
Exchange Building, Room N-102
8407 Wall Street
Austin, Texas 78754

Minutes

Members Present:

Rosemary Geraci, Professional Member
Ben Norris, Professional Member
Amy Trost, Professional Member
Bob Gebhard, Public Member

Staff Present:

Joyce Parsons
Jose Paiz
David Richards

Public Present:

James Lockley	Joe Geraci
Anabelle Lockley	Curtis Martin
Christie Montgomery	Larry Taylor
Barbara Heidecker	Margie Haughton
Ray Jones	Annell Williams
Tom Rouse	

Agenda item 1 was call to order. The meeting was called to order by Ms. Geraci at 8:40 a.m.

Agenda item 2 was introduction of guests.

Agenda item 3 was review and approve subcommittee report of the meeting held May 13, 2009. Mr. Norris made a motion to approve the minutes. The motion was seconded by Ms. Trost and passed.

Agenda item 4 was discussion and possible action to consider pending complaints requiring subcommittee review.

1066-08-0015: Mr. Gebhard made a motion to issue a letter of warning concerning §141.22 regarding ethical conduct. The motion seconded by Ms. Trost and passed. Mr. Norris made a motion to impose an administrative penalty of \$250 for violation. The motion was seconded by Ms. Trost and passed.

1066-08-0023: Mr. Gebhard made a motion to refer the complaint to investigations. The motion was seconded by Mr. Norris and passed.

1066-09-0024: Ms. Trost made a motion to impose an administrative penalty of \$1,000 to the dispenser for not providing the subcommittee with the requested documentation in a timely manner. The motion was seconded by Mr. Norris and passed.

1066-09-0025- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded by Ms. Trost and passed.

1066-09-0026- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded by Mr. Gebhard and passed.

1066-09-0027- Mr. Norris made a motion to impose an administrative penalty of \$250 not all testing evaluations required were done before the dispensing of the hearing instrument. The motion was seconded by Mr. Gebhard and passed.

1066-09-0028- Mr. Gebhard made a motion to refer this complaint to investigations. The motion was seconded by Ms. Trost and passed.

1066-09-0029- Mr. Gebhard made a motion to issue a letter of warning asking the respondent to remove all reference to audiology from the company's website within 30 days. If this is not done within the 30 days then an impose a \$500 administrative penalty. The motion was seconded by Ms. Trost and passed.

1066-09-0030- Mr. Gebhard made a motion to close the complaint with no violation. The motion was seconded by Ms. Trost and passed.

1066-09-0031- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded by Ms. Trost and passed.

1066-09-0032- Ms. Trost made a motion to issue a letter of warning indicating a purchase agreement must be filled out in full at time of sale. The motion was seconded by Mr. Gebhard and passed.

1066-09-0033- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded by Ms. Trost and passed.

1066-09-0035- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded by Mr. Gebhard and passed.

1066-09-0036- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded by Ms. Trost and passed.

Agenda item 5 was discussion and possible action regarding Informal Settlement Conference (ISC) for Lawrence Cox – 1066-06-0017- No action was taken.

Agenda item 6 was discussion and possible action concerning staff report of open complaints. No action was taken.

Agenda item 7 was announcements and subcommittee member(s) comments not requiring subcommittee action.

Agenda item 8 was adjournment. The meeting was adjourned at 11: 35 a.m.

Chair

Date

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS
REGULAR MEETING

Wednesday, September 16, 2009, 1:00 p.m.
Department of State Health Services
Exchange Building, Room N-102
8407 Wall Street
Austin, Texas 78754

Minutes

Members Present:

Ken Haesly, Professional Member
Richard Davila, Professional Member
Dr. James Leffingwell, Physician Member
Rosemary Geraci, Professional Member
Amy Trost, Professional Member
Ben Norris, Professional Member
Robert Gebhard, Public Member
Melissa Rodriguez, Professional Member
Cindy Steinbart, Public Member

Staff Present:

Joyce Parsons
David Richards
Jose Paiz
Stephen Mills
Cindy Bourland

Public Present:

Ray Jones	Ian Carey
Dale Thorstad	Robert Bond
Jack Jones	Scott Pospisil
Curtis Martin	

Agenda item 1 was call to order. The meeting was called to order by Mr. Haesly at 1:10 p.m.

Agenda item 2 was introduction of members, staff, and guests

Agenda item 3 was public comment. Comments were made by Ray Jones and Scott Pospisil.

Agenda item 4 was review and approval of minutes from committee meeting held May 13, 2009. Mr. Davila made a motion to approve the minutes upon correction being made to Agenda 16 in regarding punctuation in Ms. Trost's motion made to be changed from "also made" to "made" a motion. The motion was seconded by Mr. Gebhard and passed.

Agenda item 5 was discussion and possible action concerning the subcommittee reports of meetings held September 16, 2009.
Complaints Subcommittee- The report was given by Ms. Geraci. Ms. Geraci made a motion to accept the report. The motion was seconded by Ms. Rodriguez and passed.

Agenda item 6 was discussion and possible action regarding petition for rulemaking by Texas Hearing Aid

Association, Inc.: Ms. Trost made a motion to approve the petition. The motion was seconded by Mr. Norris, discussed and passed. All members but one were for. Davila opposed.

- 22 Texas Administrative Code §141.2(6) – Definitions – Bill of Sale
- 22 Texas Administrative Code §141.2(26) – Definitions – Supervisor
- 22 Texas Administrative Code §141.2(29) – Definitions – Written Contract for Services
- 22 Texas Administrative Code §141.8(3) – Issuance of Permits
- 22 Texas Administrative Code §141.10 – Application By License Holder From Another State
- 22 Texas Administrative Code §141.13(c)(13) – Renewal of License
- 22 Texas Administrative Code §141.16(c) – Condition of Sale

Agenda item 7 was discussion and possible action regarding rulemaking required by recent legislation and by Government Code, 2001.039. No action was taken.

Agenda item 8 was discussion and possible action regarding the reciprocity application by Robert S. Bond. Mr. Davila made a motion to approve the application contingent upon receiving verification that Mr. Bond has passed an ILE exam. The motion was seconded by Dr. Leffingwell, discussed and passed. Rodriguez, Leffingwell, Gebhard, Geraci, Trost and Davila were for. Steinbart opposed and Norris abstained

Agenda item 9 was discussion and possible action regarding the reciprocity application by Carol Lee Scott. Mr. Davila made a motion to approve reciprocity to take the exam by next meeting. The motion was seconded by Ms. Steinbart and passed unanimously.

Agenda item 10 was discussion and possible action regarding the application for continuing education sponsorship by Hearing Healthcare Management. Ms. Rodriguez made a motion to deny the application. The motion was seconded by Mr. Norris, discussed and passed.

Agenda item 11 was discussion and possible action regarding the application for continuing education sponsorship by Advanced Hearing Solutions. Ms. Rodriguez made a motion to approve the application. The motion was seconded by Mr. Davila, discussed and passed. Leffingwell, Rodriguez, Davila, Steinbart, Gebhard and Geraci were for. Norris and Trost opposed.

Agenda item 12 was discussion and possible action regarding the application for continuing education sponsorship by Marcon Hearing Instruments, Inc. Mr. Norris made a motion to deny the application as a non-manufacturer. The motion was seconded by Mr. Gebhard, discussed and passed. Rodriguez, Steinbart, Gebhard, Norris and Trost were for. Davila opposed. Geraci and Leffingwell abstained.

Agenda item 13 was discussion and possible action regarding petition for rulemaking by Richard Davila relating to Federal Trade Commission (FTC) Red Flag Rule Policy on Identity Theft Prevention and Detection. Ms. Trost made a motion to deny the petition. The motion was seconded by Ms. Rodriguez, discussed and passed. Haesly, Rodriguez, Trost, Gebhard and Norris were for. Davila and Leffingwell were opposed. Geraci and Steinbart abstained.

Agenda item 14 was discussion and possible action regarding petition for rulemaking by Richard Davila relating to content areas of practical examination. Ms. Rodriguez made a motion to deny the petition due to our test already examining the testing of verification testing. The motion was seconded by Ms. Trost and passed. Rodriguez, Norris, Gebhard, Geraci, Trost and Steinbart were for. Davila opposed and Leffingwell abstained.

Agenda item 15 was discussion and possible action regarding petition for rulemaking by Richard Davila relating to requirements for calibration or certification of testing equipment. Ms. Geraci made a motion to deny the petition because it is not covered in our statute. The motion was seconded by Mr. Gebhard and passed. Haesly,

Rodriguez, Trost, Norris and Geraci were for. Davila and Steinbart were against. Leffingwell and Gebhard abstained.

Agenda item 16 was discussion and possible action regarding 2011 Sunset Advisory Commission review process of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. No action was taken.

Agenda item 17 was committee chair report and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; subcommittee appointments and functions; workload of committee members; and general information regarding the routine functioning of the committee. The report was given by Mr. Haesly.

Agenda item 18 was executive director's report and update concerning program operations; current and/or historical licensee statistics; media, legislative, and stakeholder contacts and concerns; and general information regarding the routine functioning of the licensure program. The report was given by Ms. Parsons.

Agenda item 19 was management report and update from the Professional Licensing and Certification Unit, Department of State Health Services, including program costs and revenue; status of rulemaking within the unit; legislative and media contacts and tracking; and general information regarding the routine functioning of the unit. The report was given by Ms. Bourland.

Agenda item 20 was set meeting dates for 2010. January, May, September

Agenda item 21 was election of officers. Ms. Rodriguez made a motion to nominate Ken Haesly as president of the Board. The motion was seconded by Ms. Trost and passed. Ms. Geraci made a motion to nominate Amy Trost for vice president. The motion was seconded by Mr. Gebhard and passed with Davila abstained.

Agenda item 22 was announcements and committee member comments not requiring committee action.

Agenda item 23 was adjournment. Mr. Davila made a motion to adjourn. The motion was seconded by Mr. Norris and passed. The meeting was adjourned at 3:30p.m.

Chair

Date