

POLICY AND MANAGEMENT RESPONSIBILITIES

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

PURPOSE: The purpose of this document is to develop and implement policies that separate the policy-making responsibilities of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments and the management responsibilities of the staff of the Department of State Health Services.

REFERENCE: Texas Occupations Code, §402.1022.

A. RESPONSIBILITIES OF THE COMMITTEE:

1. Ensure that an effective regulatory program for fitters/dispensers of hearing instruments is carried out using the facilities and staff of the Texas Department of State Health Services (DSHS). The program's primary purpose is to protect and promote the health, safety, and welfare of the citizens of Texas.
2. Be responsible to the public for the overall conduct of Committee activities and exercise its responsibility to interpret its programs and policies to the public and defend its actions.
3. Establish policy to guide the routine operations of the regulatory program and to assist staff in efficiently carrying out the Committee's objectives. The Committee shall also provide specialized or technical information and advice specific to the fields of fitting/dispensing of hearing instruments to assist staff in efficiently carrying out the Committee's objectives.
4. Adopt rules necessary to administer and enforce the Act (the Act; Texas Occupations Code, Chapter 402), including rules that establish standards of ethical practice, guidelines for complaint investigations, and procedures for imposing disciplinary action.
5. Become familiar with the federal and state constitutional provisions, statutes, and regulations directly affecting the Committee's program. The Committee shall seek advice and recommendations from its general counsel as appropriate.
6. Provide services and make decisions in the discharge of its statutory authority without discrimination based on any person's race, creed, sex, religion, national origin, age, physical condition, or economic status.
7. Impose appropriate disciplinary action authorized by law, up to and including license revocation, against a licensee who is found to have violated the Act or the Committee's rules issued under the Act.
8. Assume responsibility, as appropriate, for implementing legislative amendments to further the existing regulatory program or to provide for new or additional regulation for the benefit of Texas citizens.
9. Hold at least two regular meetings each year and elect an assistant presiding officer annually, as required by the Act. Meetings shall be announced and conducted under the provisions of Texas law relating to open meetings.

10. Make all official decisions according to parliamentary procedure as set forth in Robert's Rules of Order, Revised. If a question arises concerning the interpretation of Robert's Rules of Order, Revised, the presiding officer shall make the decision in the matter.

11. With the assistance of department staff, ensure that records and minutes necessary to the orderly administration of the Act, and in accordance with applicable law, are created and maintained. The Committee's records are public documents in the custody of the Texas Department of State Health Services subject to the provisions of Texas law relating to open records.

12. In accordance with the Act, the Committee shall coordinate and oversee the administration of the provisions of the Act.

B. RESPONSIBILITIES OF INDIVIDUAL COMMITTEE MEMBERS:

13. Act in a fair, nonpartisan, nondiscriminatory, and unbiased manner in his or her role of protecting the public. The basis or foundation of all Committee member decisions shall be in the interest of public protection.

14. Conduct him or herself in a manner that respects the integrity of the Committee, its processes, and all participants, including Committee members, staff, licensees, and the public.

15. Not participate in Committee decisions in which he or she will realize direct or indirect financial benefit. Committee members shall not participate in Committee decisions in which their bias compromises their objectivity or where an appearance of bias jeopardizes the credibility of the Committee's decision in the matter.

16. Not speak or act for the Committee without proper authorization from the Committee.

17. Not be involved in the day-to-day administration of the regulatory program unless requested by staff or unless authorized by statute.

18. Understand the Committee's purpose and have conviction as to the importance of the program.

19. Have the capacity to view the Committee and the program objectively in relation to changing needs and to be receptive to changes necessary to meet those needs.

20. Understand the Committee's policy on the difference in function between the Committee and the staff and work in genuine accord with the policy.

21. Keep informed of developments in the field as appropriate to the work of the Committee.

22. Attend and actively participate in Committee meetings, subcommittee meetings, and Committee training programs, carrying out Committee assignments promptly.

23. Become acquainted with the program operation and the staff and provide constructive feedback regarding the program operation and staff through appropriate channels.

C. RESPONSIBILITIES OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS):

24. Provide suitable office space, equipment, technology, infrastructure, and supplies that are appropriate and adequate to meet the program's needs and objectives, allow for efficient operation of the program, meet safety standards, and maintain permanent records.

25. Provide administrative and human resources, communications and technology, investigative, clerical, financial, and legal services, structure, and support necessary to achieve the stated objectives of the regulatory program and operate an effective regulatory program.

26. Exercise general supervision over individuals employed in the administration of the Act.

27. Serve as the custodian of the records and files of the Committee.

D. RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR:

28. Carry out all duties assigned in the Act and the Committee's rules, and coordinate and execute the operations of the regulatory program.

29. Act in a fair, nonpartisan, nondiscriminatory, and unbiased manner in his/her role operating the regulatory program.

30. Attend all meetings of the Committee as a non-voting participant.

31. Prepare and submit to each Committee member, prior to each meeting, an agenda which includes items requested by members, items required by law, unfinished business, and other matters of Committee business which have been approved for discussion by the chair.

32. Forward drafts of the minutes and reports of each Committee and subcommittee meeting to each member for review and comments or corrections prior to Committee and subcommittee meetings.

33. Coordinate and implement the complaint review and investigation process with appropriate department staff and present complaints to the Complaints Subcommittee for review.

34. May delegate duties but shall not relinquish responsibility for outcomes.

E. RESPONSIBILITIES OF COMMITTEE STAFF and the EXECUTIVE DIRECTOR:

35. Conduct him or herself in a manner that respects the integrity of the Committee, its processes, and all participants, including Committee members, staff, licensees, and the public.

36. Be responsible to the Committee, DSHS, and the public for the overall administration of the regulatory program's activities and shall exercise its responsibility to explain the Committee's programs and policies to the public.

37. Enforce or carry out the Committee's rules necessary to administer the Act (Texas Occupations Code, Chapter 402), including rules that establish standards of ethical practice, guidelines for complaint investigations, and procedures for imposing disciplinary action.
38. Be knowledgeable of federal and state constitutional provisions, statutes, and regulations directly affecting the program's operation and shall seek advice and recommendations from the Committee's general counsel as appropriate.
39. Provide services without discrimination based on any person's race, creed, sex, religion, national origin, age, physical condition, or economic status.
40. Act in a fair, nonpartisan, nondiscriminatory, and unbiased manner in his or her role in operating the regulatory program.
41. Not speak or act for the Committee without proper authorization from the Committee.
42. Handle all correspondence for the Committee and obtain, assemble, or prepare reports and information that the Committee may modify or authorize.
43. Research, prepare, and recommend to the Committee rules, policies, plans, and procedures necessary to implement the purposes and objectives of the Act.
44. Assemble, review, approve, and maintain materials submitted by applicants for licensure. In some cases, Committee staff shall request a review by the Committee's presiding officer or its designee and they will make the final decision regarding eligibility of those applicants and report the decision to the Committee at its next meeting.
45. Prepare and maintain minutes of the Committee's proceedings and distribute them to staff and Committee members.
46. Prepare and provide information to the public regarding the fitter/dispenser of hearing instruments regulatory program.
47. Understand the Committee's policy on the difference in function between the Committee and the staff and work in genuine accord with the policy.

Approved January 23, 2013 by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.