

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

Friday, June 10, 2005 9:00 a.m.
Department of State Health Services
Exchange Building, Room S402
8407 Wall Street
Austin, Texas 78754

REVISED MINUTES

Board Members Present

James McCrae, Chair, Professional Member
Kenneth Earl, Professional Member
Gordon Bisel, Professional Member
Richard Davila, Professional Member
Audrey McDonald, Public Member
Sara Garza, Public Member
Rosemary Geraci, Professional Member
Jerome Kosoy, M. D., Physician Member
Ron Ensweiler, Professional Member

DSHS Staff Present

Joyce Parsons
Stephen Mills
David Richards
Michael De La Cruz
Melissa Utpadel
Debbie Peterson

Guest Present

Ray Jones
Scott Pospisil, THAA
John Geraci

Agenda Item 1 was the call to order at 9:01 a.m. by Mr. McCrae, Chair

Agenda Item 2 was the introduction of guests. No action was taken.

Agenda Item 3 was public comment. Ray Jones thanked the application subcommittee for allowing him to do 18 hrs of internship with his students. No action was taken.

Agenda Item 11 was the management report from the Professional Licensing and Certification Unit, Texas Department of State Health Services. Ms. Peterson reported on operational procedures, budget, staffing, legislative appropriations for the 2006-2007 biennium, expenses for the agency and the Fitting and Dispensing Committee, licensing fees, and the new computer system for the unit. No action was taken.

Agenda Item 4 was the review and approval of committee report from the February 17, 2005 meeting. A motion was made by Mr. Bisel to approve the minutes as corrected. After discussion, the motion was seconded and passed unanimously.

Agenda Item 5 was the discussion and possible action regarding draft plan for review of Committee rules at 22 Texas Administrative Code, Chapter 141, in accordance with Texas Government Code §2001.039, including rule review objectives, process, and projected timeline. Mr. Mills made a presentation concerning the step- by- step process of rule review. A motion was made by Mr. Davila to approve the rules review, and the motion was amended to include a facilitator to the proposed rules review plan presented. The amended motion was seconded and passed unanimously. Another motion was made to set the meeting date of September 13th-14th for rules review. The motion was seconded and passed unanimously.

Agenda Item 6 was discussion and possible action concerning the report and recommendations of the complaints subcommittee meeting from June 9, 2005. The complaints subcommittee reviewed 20 complaints.

FD-05-020 close with no violation.

FD-04-064 will be kept open for additional work by the attorney.

FD-05-040 referred for further investigation.

FD-05-043 close with no violation.

FD-05-033, FD-05-034, FD-05-036, FD-05-037, closed with no action, committee had voided the license in February 2005.

FD-05-041 close with no violation.

FD-05-010 close with no violation.

FD-05-011 referred for further investigation.

FD-05-012 proposed a \$250.00 administrative penalty for failure to conduct an evaluation.

FD-05-023 proposed a \$250.00 administrative penalty for failure to conduct a hearing test and unprofessional and unethical conduct in violation of §141.17.

FD-05-024 proposed a \$250.00 administrative penalty for failure to conduct a hearing test and unprofessional and unethical conduct in violation of §141.17.

FD-05-026 proposed a \$250.00 administrative penalty for unethical conduct and \$250.00 failure to do hearing test.

FD-05-030 proposed a \$250.00 administrative penalty for failure to conduct a hearing test.

FD-05-031 proposed a \$250.00 administrative penalty for failure to conduct a hearing test.

FD-05-038 proposed a \$250.00 administrative penalty for failure to conduct a hearing test.

FD-05-039 proposed a \$250.00 administrative penalty for failure to conduct a hearing test, and \$250.00 for failure to do follow up exams.

FD-05-045 proposed a letter of reprimand to close the client's account with Care Credit.

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A motion was made by Ms. Geraci to approve the complaints subcommittee's report. The motion was seconded and passed unanimously.

Agenda Item 7 was discussion and possible action concerning the report and recommendations of the continuing education subcommittee meeting of June 9, 2005. Dr. Kosoy made the report concerning online CEs and made a proposal to approve the board's motion to accept 5 hours of online CEs, to have a meeting with Texas Hearing Aid Association, Inc (THAA) and to talk about the use of online CEs. A motion was made by Mr. Earl to table the proposal concerning online CEs until the next meeting of the full committee, thereby giving opportunity to set a meeting date with all CE providers to discuss various means of improving the subject matter for CE units to the licensee, which may include internet sources. The motion was seconded and passed unanimously.

Agenda Item 8 was discussion and possible action concerning the report and recommendations of the examination subcommittee meeting of June 9, 2005. Mr. Ensweiler made the report concerning the written portion of the Texas examination. A motion was made by Mr. Bisel to approve changing from the Schroeder examination to the International Licensing Examination (ILE) with supplemental questions on Texas law and rules. After discussion, Mr. Davila made a motion to amend motion to also include questions about tympanometry on the exam. The amended motion was seconded and passed unanimously. Went into executive session from 11:23 until 11:42 a.m. to review examination items. A motion was made by Ms. Garza to accept the instructional narrative to the exam. The motion was seconded and passed unanimously. A motion was made by Mr. Davila to adapt the use of the dummy head in the practical exam. The motion was seconded and passed unanimously.

Agenda Item 9 was discussion and possible action concerning the report and recommendations of the applications subcommittee meeting of June 9, 2005. Mr. Davila made a report concerning his visit with the Professional Licensing and Certification Unit, Texas Department of State Health Services staff. His report included information concerning the call volume from individuals regarding the fitting and dispensing of hearing instruments, the number of people that renew their license, and the number of people that obtain their license. Mr. Davila also presented a license renewal checklist and a new renewal form, He talked about testing equipment, housekeeping issues with the forms, online applications, forms for CE providers, contract for services, and end of trial date for hearing instruments. Ray Jones requested clarification of 18 hours to do internship. Mrs. Hayden was approved to complete 160 hrs and then retake the practical portion of the exam. Ms. Spivey's temporary permit was approved to be voided. Ms. Geraci made a motion to approve the application subcommittee's report and recommendations. The motion was seconded and passed unanimously.

Agenda Item 10 was committee chair 's report. Mr. McCrae discussed the Sunset review that will occur in 2009, including a possible jurisprudence exam. No action was taken.

Agenda Item 12 was discussion and possible action concerning new legislation affecting the committee and the Professional Licensing and Certification Unit, Texas Department of State Health Services. Mr. Mills made a report about Sunset issues. No action was taken.

Agenda Item 13 was litigation report from the committee's attorney. Mr. Richards made a report on current litigation. No action was taken

Agenda Item 14 was announcements and comments not requiring committee action. No action was taken.

Mr. McCrae moved to adjourn. The motion was seconded and passed unanimously at 12:42 p.m.

Jim McCrae
Chair

Date