

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS
COMPLAINT SUBCOMMITTEE MEETING
Thursday, October 20, 2005 9:00 a.m.
Department of State Health Services
Exchange Building, Room S-402

MINUTES

Subcommittee Members Present:

Rosemary Geraci, Chair
Ken Earl
Sara Garza

Subcommittee Members Absent:

Dr Jerome Kosoy
Audrey McDonald

DSHS Present:

Stephen Mills
Joyce Parsons
David Richards
Melissa Utpadel

Agenda Item 1 was the call to order by Ms. Geraci at 9:06 a.m.

Agenda Item 2 was the introduction of guests.

Agenda Item 3 was the review and approval of subcommittee report of the meeting held June 9, 2005. Ms. Geraci made a motion to approve the minutes as amended. The motion was seconded and passed.

Agenda Item 4 was the discussion and possible action to consider pending complaints requiring subcommittee review:

FD-05-027 – Motion was made by Ms. Garza to close with no violation. The motion was seconded and passed unanimously.

FD-05-049 – Motion was made by Ms. Garza to close with no violation and send a letter of advisement regarding 141.16(c)(1). The motion was seconded and passed unanimously.

FD-05-052 – Motion was made by Mr. Earl to close as non-jurisdictional. The motion was seconded and passed unanimously. A second motion was made by Mr. Earl to open another complaint and send investigators. The motion was seconded and passed unanimously.

FD-05-055 – Motion was made by Ms. Garza to close with no violation and send a letter to complainant regarding surety bond. The motion was seconded and passed unanimously.

FD-05-57 – Motion was made by Mr. Earl to propose a \$250.00 administrative penalty for not refunding the money in the 30 days specified by §141.16 (b)(2). The motion was seconded and passed unanimously. Another motion

was made to propose another \$250.00 administrative penalty for not refunding the correct amount of money complainant was entitled to base on complainants purchase agreement. The motion was seconded and passed.

FD-05-068- Motion was made by Mr. Earl to close with no violation and send a letter to complainant regarding the ability to get a judgment on the licensee's surety bond. The motion was seconded and passed unanimously.

Agenda Item 5 was the discussion and possible action concerning staff report of open complaints previously considered by the subcommittee. Mr. Mills gave the report regarding cases that are pending action, are scheduled for hearings by the State Office of Administrative Hearings, or are in litigation at the Office of the Attorney General. Mr. Earl made a motion to have a status report about pending complaints available between meetings. The motion was seconded and passed unanimously.

Agenda Item 6 was discussion and possible action concerning the complaint intake, investigation, and disposition processes. Mr. Jones talked about communication between the board and the licensee, and how the letters are written pertaining to the process of notifying the respondent. No action was taken.

Agenda Item 7 was discussion and possible action concerning proposed amendments to 22 Texas Administrative Code, Chapter 141 that relate to the scope and purpose of the Complaints Subcommittee action. Mr. Mills presented the proposed rule changes for the subcommittee. No action was taken.

Agenda Item 8 was announcements and comments not requiring subcommittee action. No action was taken.

Ms. Geraci moved to adjourn. The motion was seconded and passed unanimously at 10:30 a.m.

Approved by the subcommittee on February 23, 2006

Rosemary Geraci, Chair