

State Committee of Examiners in the
Fitting and Dispensing of Hearing Instruments
Committee Meeting
8407 Wall Street, S402
Austin, Texas 78759
Friday, February 20, 2004, 2:00 p.m.

Committee Members Present: James McCrae, Chairman; Gordon Bisel; Kenneth Earl; Jerome Kosoy, M.D.; Michael Shobe; Cheri Ann Robbins; John Westmoreland

Committee Members Absent: Susan Hargrave

Staff Present: Pam Kaderka; Debbie Peterson; Marc Connelly, Committee Attorney; Karen Noack

Others Present: Karlene Toohey; Eddie Toohey; Ray Johnson; Melissa Bamberg; Steve Carpenter; Pamela Smith; Kelly Kelley

Jim McCrae called the meeting to order at 2:01 p.m. at the Texas Department of Health, Austin, Texas. Committee members and guests introduced themselves.

There was no public comments. These will be made as the committee takes up the items.

Approval of Committee Meeting Minutes from October 17, 2003. The minutes were reviewed and approved by the board and signed by Jim McCrae. Motion carried.

Jim McCrae asked that each Subcommittee Chair to give a report.

Cherry Robbins, chair of the examinations subcommittee advised the board on the Discussion and Possible Action Regarding Written Test Items and the Practical Examination, Cherry Robbins advised that in order to increase our question databank that the Committee will be asking Pam Kaderka, with our assistance, to send out letters to CE sponsors and other organizations that would have educational input to submit statements to be evaluated and add them to the exam databank. Also, there is a recommendation by the sub-committee that the exam be broken down into five separate sections that must be passed independently. A motion was made by Jerome Kosoy to accept the report and seconded by Gordon Bisel. Motion carried.

Dr. Jerome Kosoy, chair of the continuing education subcommittee advised the board on the following discussions and actions taken by the subcommittee.

- 1) Discussion and Possible Action Regarding the Continuing Education Sponsorship of Oticon. – The subcommittee considers Oticon to be as a manufacturer.
- 2) Discussion and Possible Action Regarding the Continuing Education Sponsorship of Missouri Hearing Society. The subcommittee considers Missouri Hearing Society to be as a non-manufacturer.

- 3) Discussion and Possible Action Regarding Issuing a Course Code Number for Individual Continuing Education course offerings and for Specific Instructors. The subcommittee recommended this item to be tabled until there can be an adhoc meeting THAA.
- 4) Discussion and Possible Action Regarding Continuing Education Audits When Licensees Renew with Texas On-Line. Per the staff this is a mandated process that should start in August or September of this year.
- 5) Discussion and Possible Action Regarding Brown Hearing Centers as a Non-Manufacturer Continuing Education Sponsor. The subcommittee considered Brown Hearing Centers to continue on as a non-manufacturer.
- 6) Discussion and Possible Action Regarding Letter to Continuing Education Sponsors Including Masking and Office Management in their Courses. A letter went out without the approval of the subcommittee and we retro-actively accept it, and we will be sending out an amended letter.
- 7) Discussion and Possible Action Regarding New Application to Continuing Education Sponsors. We modified the application requiring more information about resume, course content, etc.

A motion was made by Michael Shobe to accept the Continuing Education Subcommittee report and seconded by Gordon Bisel. Motion carried.

Cherry Robbins, chair of the rule subcommittee advised the board on the following discussions and actions taken by the subcommittee.

- 1) Discussion and Possible Action Regarding Comments Received on Proposed Rules 22, Texas Administrative Code, Section 141. – There were public comments and the sub-committee agreed with their comments and decided no action needs to be taken.
- 2) Discussion and Possible Action Regarding the Proposed Rules 22, Texas Administrative Code, Section 141.1 to go forward for final adoption. – This item was stricken from agenda.
- 3) Discussion and Possible Action Regarding Rule 141.14 on Two Year Renewal and the impact on Continuing Education and Equipment Calibration Requirements. – This is a mandated change requiring 20 CE hours per year and equipment calibration requirements will stay the same. This will start January 2005. No action taken.
- 4) Discussion and Possible Action Regarding Rule 141.16(f)(1) Audiometers and Audiometric Testing Devices. – The subcommittee agreed to leave as is. No action taken.
- 5) Discussion and Possible Action Regarding Chapter 402.302 as it relates to Section 141.13(c)(13) and the Licensing Renewal Letter the Committee sends out. The letter will reflect the wording of the rules, no action taken.

- 6) Discussion and Possible Action Regarding Chapter 402.353 as it relates to Section 141.16(g)(3) Audiometric Testing Not Conducted in a Stationary Acoustical Enclosure – No action was taken.

A motion was made by Michael Shobe to accept the Rules Subcommittee Report and to table item 1 to further discussion until public comments is received. Cherry Robbins seconded the motion. Motion carried.

Gordon Bisel, chair of the complaints subcommittee advised the board on the discussions and actions taken by the subcommittee regarding the following complaints:

Mr. Bisel reported complaints FD-02-063 waiting for Agreed Order; FD-02-072 closed Agreed Order signed; FD-02-081 closed Agreed Order signed; FD-02-084 closed Agreed Order signed; FD-02-085 and FD-02-086 FD-03-002 fined \$250 with an Agreed Order; FD-03-002, FD-03-003, and FD-03-007 closed Agreed Order signed, FD-03-008 leave open; FD 03-011 closed Agreed Order signed; FD-03-013 issued a \$1000 fine, sanction for full refund to client; FD-03-017 closed Agreed Order signed; FD-03-020, FD-03-021, and FD-03-022 waiting for Agreed Order; FD-03-025 closed Agreed Order signed; FD-03-029 default order; FD-03-030 asses a fine of about \$3000; FD-03-031 closed Agreed Order Signed; FD-03-032 found four violations at \$1000 each for a total of \$4000; FD-03-037 Default Order, license not renewed; FD-03-040 recommend to close; FD-03-043 cancelled by party will be SOAH for future action; FD-03-044 and FD-03-046 closed Agreed Order signed; FD-03-047 agreed to what we proposed in the NOV will be an Agreed Order at the next meeting; FD-03-048 two fines at \$500 each, FD-03-049, FD-03-050, FD-03-051, FD-03-052, FD-03-053 were closed with no violation found; FD-03-054 fined \$500 and suggested a refund to complainant; FD-03-055 will leave open; FD-04-001 closed no violation found; FD-04-002 and FD-04-005 will leave open due to additional information is needed; FD-04-006 and FD-04-007 closed no violation found; FD-04-008 pending NOV to both parties suggesting refund and reprimand; FD-04-009 complainant received a refund; FD-04-010 closed the subcommittee had no authority should be a civil matter; FD-04-011 still pending; FD-04-012 closed money was refunded; FD-04-013 close no violation found; FD-04-014 still pending will be sending out a cease and desist; FD-04-015 close money was refunded; FD-04-016 withdrawn and closed; FD-04-017 still pending will be sending out a cease and desist; FD-04-018 and FD-04-019 pending needing additional information.

Michael Shobe made a motion to accept the Complaint Subcommittee report and Kenneth Earl seconded the motion. Motion carried

Mr. Bisel, also gave a report on the discussion and possible action on information included in responding to a complaint. He advised that they would attempt as a committee to get the records from the previous employer to obtain information. Michael Shobe made a motion to accept and Kenneth Earl seconded the motion. Motion carried.

Jim McCrae asked Debbie Petterson, Division Director of Professional Licensing and Certification to give a report. Debbie Peterson discussed House Bill 2292 and how it will effect the Texas Department of Health as of September 1, 2004. Debbie also presented the revenue and expense report of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.

Jim McCrae handed out awards of appreciation to John Westmorland and Michael Shobe for their service and dedication to the Committee.

Jim McCrae asked Pam Kaderka to give a report. Pam presented an update on the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments program.

There being no further business, Michael Shobe made a motion to adjourn the meeting at 4:11 p.m. and was seconded by Gordon Bisel. Motion carried

James McCrae, President

Date