

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS (COMMITTEE)  
COMPLAINTS SUBCOMMITTEE MEETING  
Wednesday, January 22, 2014, 11:00 a.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754

Minutes

**Board Members Present:**

Amy Trost, Professional Member  
Cindy Steinbart, Public Member  
Benjamin Norris, Professional Member  
Jesus Rangel, Professional Member

**Staff Present:**

Joyce Parsons, Program Director  
Robin Chapman, Attorney  
Carol Miller, Manager  
Cindy Bourland, Manager  
Georgia Norman, Administrative Assistant

**Agenda Item 1** was to call the meeting to order at 11:25 pm by Mr. Norris, chair.

**Agenda Item 2** was the introduction of members, staff, and guests.

**Agenda Item 3** was the review and approval of the minutes of the complaints subcommittee meeting held on September 25, 2013. A motion was made by Ms. Trost to approve the minutes. The motion was seconded and passed.

**Agenda Item 4** was the consideration and discussion regarding the following pending complaints and any associated investigations:

The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments having convened on this date and with a quorum present, will now go into Executive Session in accordance with Government Code Chapter 551 (Open Meetings Act) of the State of Texas, for the purposes of consulting with the board attorney concerning the matter of agenda item 4. The date is January 22, 2014. The time is 12:00 pm. The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments came out of Executive Session at 12:15 pm. No action taken. The date is January 22, 2014.

Complaint # 1066-12-0006 was discussed. A motion was made by Ms. Trost to propose denial of renewal and \$500.00 administrative penalty. The motion was seconded and passed.

Complaint # 1066-14-0004 was discussed. A motion was made by Ms. Trost to table this complaint for additional investigation. The motion was seconded and passed.

Complaint # 1066-13-0024 was discussed. Complainant had asked to withdraw complaint. A motion was made by Ms. Trost to close this complaint as no violation. The motion was seconded and passed.

Mr. Norris recused himself and left the committee meeting while Complaint # 1066-13-0029 was discussed. A motion was made by Ms. Trost to table this complaint for additional information from Respondent and/or the Hearing Aid company. The motion was seconded and passed. Mr. Norris returned to the meeting.

Complaint # 1066-14-0001 was discussed. A motion was made by Mr. Rangel to close this complaint with a letter of Concern based on insufficient evidence. The motion was seconded and passed.

Complaint # 1066-14-0009 was discussed. A motion was made by Ms. Trost to close this complaint based on the lack of supporting evidence. The motion was seconded and passed.

Complaint # 1066-14-0010 was discussed. A motion was made by Ms. Trost to close this complaint based on insufficient evidence. The motion was seconded and passed.

Complaint # 1066-14-0002 was discussed. Respondent had made a full refund for the hearing aids and ear molds at issue. A motion was made by Ms. Trost to close this complaint as no violation. The motion was seconded and passed.

The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments having convened on this date and with a quorum present, will now go into Executive Session in accordance with Government Code Chapter 551 (Open Meetings Act) of the State of Texas, for the purposes of consulting with the board attorney concerning the matter of agenda item 4. The date is January 22, 2014. The time is 1:40 pm. The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments came out of Executive Session at 2:05 pm. No action taken. The date is January 22, 2014.

Complaint # 1066-13-0025 was discussed. Complainant asked to withdraw the complaint. A motion was made by Mr. Norris to accept Complainant's request to withdraw the complaint without prejudicing the complainant's right to file a new complaint. The motion was seconded and passed.

Complaint # 1066-14-0003 was discussed. A motion was made by Ms. Steinbart to close this complaint with a cease and desist letter. The motion was seconded and passed.

Complaint # 1066-14-0007 was discussed. A motion was made by Ms. Steinbart to table this complaint for additional information relevant to falsification. The motion was seconded and passed.

Complaint # 1066-14-0006 was discussed. A motion was made by Ms. Trost to accept Complainant's request to withdraw the complaint. The motion was seconded and passed.

**Agenda Item 5** was the staff overview report and discussion concerning open complaints. Ms. Parsons gave the report.

**Agenda Item 6** was items for future consideration. A request was made by Ms. Trost.

**Agenda Item 7** was adjournment. The meeting adjourned at 3:40 pm.

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Chair

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Date

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS (COMMITTEE)  
RULES SUBCOMMITTEE MEETING  
Wednesday, January 22, 2014, 2:00 p.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754

Minutes

**Board Members Present:**

Barbara Willy, Public Member  
William McCrae, Professional Member  
James Leffingwell, Professional Member  
Gary Haun, Professional Member

**Staff Present:**

Joyce Parsons  
Robin Chapman  
Cindy Bourland  
Georgia Norman

**Agenda Item 1** was to call the meeting to order at 3:50 pm by Mr. Haun, chair.

**Agenda Item 2** was the introduction of members, staff, and guests.

**Agenda Item 3** was the discussion regarding the following rules and rule topics, and regarding draft and suggested language or proposed amendments to rule sections 22 Texas Administrative Code (TAC) §141.2, §141.6, §141.15 and §141.28. A motion was made by Mr. Haun to approve. The motion was seconded and passed.

**Agenda Item 4** was the discussion concerning the following rules, rule topics, rule language, and rule amendment and new rule (22 TAC § 141.31) language for §141.9, §141.11, §141.13, §141.16, §141.17, §141.18, §141.20, §141.31, which the Committee approved, in its May 15 and September 25, 2013, meetings, proposed rule amendments and new rules to be published for comment. A motion was made by Mr. Haun to approve. The motion was seconded and passed

**Agenda Item 5** was the discussion regarding draft and suggested language for a new rule under 22 TAC §141.30 concerning Fitting and Dispensing of Hearing Instruments by Telepractice, to be proposed jointly with the State Board of Examiners for Speech-Language Pathology and Audiology, as required by Senate Bill 312, 83<sup>rd</sup> Legislature, Regular Session, 2013, to establish requirements for the fitting and dispensing of hearing instruments by the use of telepractice. A motion was made by Mr. McCrae to approve. The motion was seconded and passed

**Agenda Item 6** was public comment. There was none.

**Agenda Item 7** was items for future consideration. There was none.

**Agenda Item 8** was adjournment. The meeting adjourned at 4:40 pm.

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS (COMMITTEE)  
REGULAR MEETING  
Wednesday, January 22, 2014, 3:00 p.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754

Minutes

**Board Members Present:**

Jesus Rangel, Professional Member  
Barbara Willy, Public Member  
Cindy Steinbart, Public Member  
Gary Haun, Professional Member  
Benjamin Norris, Professional Member  
William McCrae, Professional Member  
James Leffingwell, Professional Member  
Amy Trost, Professional Member  
Carla Hoffman, Professional Member

**Staff Present:**

Joyce Parsons  
Robin Chapman  
Georgia Norman  
Cindy Bourland  
Carol Miller  
Alice Bradford

**Agenda Item 1** was to call the meeting to order at 4:50 pm by Mr. Haun, chair.

**Agenda Item 2** was the introduction of members, staff, and guests.

**Agenda Item 3** was public comment. There was none.

**Agenda Item 4** was to review and approve the minutes from the committee meeting held September 25, 2013. A motion was made by Ms. Trost to approve the minutes. The motion was seconded and passed.

**Agenda Item 5** was the Complaints Subcommittee report of its January 22, 2014, meeting. Mr. Norris gave the report. The committee reviewed 12 cases, of which 2 cases were proposed for disciplinary action, 5 cases were proposed to be closed, 1 case was proposed for a cease and desist, 2 cases were tabled and 2 cases was withdrawn. A motion was made by Ms. Hoffman to approve the report. The motion was seconded and passed.

**Agenda Item 6** was the discussion regarding the Agreed Order for final disciplinary action relating to complaint number 1066-13-0003. A motion was made by Mr. Norris to table this discussion. The motion was seconded and passed.

**Agenda Item 7** was the presentation by the International Hearing Society (IHS) regarding the written examination.

**Agenda Item 8** was the Rules Subcommittee report of its January 22, 2014 meeting. The committee discussed the draft for the following TAC rules §141.2, §141.6, §141.15 and §141.28. A motion was made to approve the recommendations. The motion was seconded and passed.

**Agenda Item 9** was the discussion concerning any additional proposals or recommendations, including from the Rules Subcommittee, relating to the following rules, rule topics, rule language, and rule amendment and new rule (22 TAC § 141.31) language for which the Committee approved, in its May 15 and September 25, 2013, meetings, and proposed the following rule amendments and new rules to be published for comment, §141.9, §141.11, §141.13, §141.16, §141.17, §141.18, §141.20, and §141.31. A motion was made by Ms. Trost to approve. The motion was seconded and passed.

**Agenda Item 10** was the report of the Joint Task Force for the Committee and State Board of Examiners for Speech-Language Pathology and Audiology (Board) on its November 21, 2013, and January 10, 2014, Joint Task Force meetings and presentation, concerning the draft language for a new rule under 22 TAC §141.30 concerning Fitting and Dispensing of Hearing Instruments by Telepractice, to be considered for publication as a proposed rule to be jointly adopted with rules under 22 TAC Chapter 741 by the Committee and Board, as required by Senate Bill 312, 83<sup>rd</sup> Legislature, Regular Session, 2013. A motion was made by Mr. Norris to approve. The motion was seconded and passed.

**Agenda Item 11** was the 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. Mr. McCrae gave the report.

**Agenda Item 12** was the 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. Ms. Parsons gave the report.

**Agenda Item 13** was the 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. Ms. Bourland gave the report.

**Agenda Item 14** was items for future consideration.

**Agenda Item 15** was adjournment. The meeting adjourned at 7:15 pm.

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Board Chair

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Date