

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

Friday, February 9, 2007, 9:00 a.m.  
Texas Department of State Health Services  
Exchange Building, Room S-402  
8407 Wall Street  
Austin, Texas 78754

MINUTES

**Committee Members Present:**

Ronald J. Ensweiler, President  
Kenneth Earl, Vice-President  
Richard Davila, II  
Rosemary Geraci  
Audrey McDonald  
Melissa Rodriguez  
Ken Haesly  
Jerome Kosoy, M.D.

**Committee Members Absent:**

Sara Garza

**DSHS Staff Present:**

David Richards	Eileen Hartman
Joyce Parsons	Alice Lee
Stephen Mills	Stewart Myrick

**Guests Present:**

Ray Jones	Debra Davila
Amy Trost	Kelly Kelley
Joe Geraci	Paul Jay
Ben Norris	

**Agenda Item 1** was the call to order by Mr. Ensweiler at 9:03 am.

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

**Agenda Item 3** was public comment. Ray Jones spoke about the licensing requirements of business owners and their responsibility regarding refunds to customers.

**Agenda Item 4** was the review and approval of minutes from the committee meeting held on October 6, 2006. Mr. Davila made a motion to accept the minutes as amended. The motion was seconded and passed with one member abstaining.

**Agenda Item 5** was the discussion and possible action regarding the subcommittee reports of meeting held on February 8, 2007.

Ms. Geraci gave the Complaints Subcommittee report. She reported that seven complaints were considered. One complaint was closed with a warning letter, one complaint was closed as non-jurisdictional, and five complaints were closed with no violation. Ms. Geraci made a motion to accept the report. The motion was seconded and passed unanimously.

Ms. Rodriguez gave the Continuing Education Subcommittee report. She reported that the subcommittee approved the application of American Hearing Aid Associates to be a manufacturer sponsor. The subcommittee denied the application of Missouri Hearing Society for previous course hours due to their sponsorship having been expired. The subcommittee approved the application of Phonak Hearing Society to be a manufacturer sponsor. The subcommittee approved the application of Rexton, Inc. to be a manufacturer sponsor. The subcommittee approved a published work submitted by Ray Jones for 2.5 hours of continuing education credit. Ms. Rodriguez made a motion to accept the report. The motion was seconded and passed unanimously.

Mr. Earl gave the Rules Subcommittee report. He reported that the subcommittee approved a proposal from Mr. Haesly to initiate rulemaking proceedings to correct §141.16(g) and §141.16(h) to properly reflect the provisions of Texas Occupations Code §402.353. The subcommittee denied the petition from Ray Jones based on that previous action. Mr. Haesly made a motion to accept the report. The motion was seconded and passed unanimously.

**Agenda Item 7** was discussion and possible action concerning proposed amendments to 22 Texas Administrative Code, Chapter 141, including amendments to §141.16(g) and §141.16(h) relating to audiometric testing and sound level measurements. Mr. Haesly made a motion to initiate rulemaking proceedings to correct §141.16(g) and §141.16(h) to properly reflect the provisions of Texas Occupations Code §402.353. The motion was seconded and discussion ensued. The motion passed with opposition.

**Agenda Item 8** was the discussion and possible action regarding petition for rulemaking submitted by Ray Jones. Ms. Rodriguez made a motion to deny the petition based on the action of the previous agenda item. The motion was seconded and passed unanimously.

**Agenda Item 6** was the discussion and possible action regarding final disciplinary action in FD-06-011. Mr. Richards spoke about the enforcement action. Ms. Geraci made a motion to accept the agreed order. The motion was seconded and passed unanimously.

**Agenda Item 9** was the discussion and possible action regarding the jurisprudence examination. Mr. Mills gave a brief overview of the concept of the exam. No action was taken.

**Agenda Item 10** was the discussion and possible action concerning procedures for acting on information received from examination candidates regarding inadequate training and/or supervision.

**Agenda Item 11** was the Committee Chair report. Mr. Ensweller reported that, due to several conflicts, the next meeting date will change to June 7-8, 2007.

**Agenda Item 12** was the Executive Director report. Ms. Parsons reported on the program status, and the renewal process for continuing education sponsors.

The committee recessed at 10:38 am. The committee reconvened at 10:49 am.

**Agenda Item 13** was the management report from the Professional Licensing and Certification Unit (PLCU), Texas Department of State Health Services. Mr. Mills reported on the cost and revenue report, tracking of legislation affecting programs within PLCU, and the Texas Sunset Process.

**Agenda Item 14** was announcements and committee member comments not requiring committee action. Mr. Davila recognized Ray Jones for his appointment to the board for the Better Hearing Institute. Mr. Ensweiler gave instructions for test examiners.

**Agenda Item 15** was the adjournment of the meeting. Mr. Earl made a motion to adjourn. The motion was seconded and passed unanimously at 11:14 am.

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Ronald Ensweiler, President

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Joyce Parsons, Executive Director

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Date

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Date