

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

**Friday, October 8, 2004 at 10:00 a.m.**

**Department of State Health Services, Room S-402  
8407 Wall Street  
Austin, Texas 78724**

**MINUTES**

**Board Members Present:**

James McCrae, Professional Member, Chair  
Gordon Bisel, Professional Member  
Richard Davila, II, Professional Member  
Kenneth Earl, Professional Member  
Ronald J. Enswieler, Professional Member (departed meeting prior to Agenda Item 11)  
Rosemary Geraci, Professional Member  
Jerome Kosoy, M.D., Physician Member  
Gail Thomason, Public Member (departed meeting prior to Agenda Item 11)

**DSHS Staff Present:**

C. David Richards  
Sharon Williams  
Jason Clement  
Eileen Hartman  
Becky Evers  
Mireya Uribe-Warren

**Guests Present:**

Eddie Tooher  
Karlene Tooher  
J.D. Head  
Ray Jones  
Paul Jay  
Scott Pospisil  
Kelly Kelley

**Agenda Item 1** was call to order. The meeting was called to order at 10:01 a.m. by Mr. McCrae, Chair.

**Agenda Item 2** was the Introduction of Guests

**Agenda Item 3** was the Introduction of the new professional member, Mr. Ronald J. Enswieler by Mr. McCrae.

**Agenda Item 4** was the Review and Approval of Committee Report from meeting held June 11, 2004.. Mr. Earl made a motion to change page 2, 3<sup>rd</sup> and 4<sup>th</sup> paragraphs of the draft minutes. The motion was seconded and passed unanimously. Mr. Bisel made a motion to accept the minutes as changed. The motion was seconded and passed unanimously.

**Agenda Item 14** was Public Comments. J.D. Head, provided comments regarding rule petition to change 141.16. Ray Jones, provided comments regarding the need to put decisions into rules. Scott Popisil, provided comments regarding continuing education hours and continuation education providers and enforcement of required continuation education hours.

**Agenda Item 5** was the Discussion and Possible Action Regarding the Following Subcommittee Reports.

- I. Mr. Bisel presented the Complaints sub-Committee report. A motion was made by Mr. Davila to accept the Complaint Committee report. The motion was seconded and passed unanimously.
- II. Dr. Kosoy presented the Continuing Education sub-Committee report. A motion was made by Mr. Davila that the five mandated hours for continuing education for 2005 be from Texas Occupations Code §§ 402.204 (5), (8), and (10). The motion was seconded and passed unanimously.
- III. Mr. Davila presented the Examination sub-Committee report. Dr. Kosoy made a motion to seek outside assistance from stakeholder to submit questions, with reference, to the committee for processing with internal testing and submission for inclusion on test item bank. The motion was seconded and passed unanimously.
- IV. Mr. Earl presented the Rules sub-Committee report.
  - A. Mr. Earl made a motion to the sub-committees proposal to make changes to the Rules in accordance with legislative mandates regarding the Office of Patient Protection and Online Renewal. The motion was seconded and passed unanimously.
  - B. Dr. Kosoy made a motion to accept the sub-committee's recommendation to deny the petition from Committee Member Richard Davila for adoption of amendments to 22 Texas Administrative Code, Chapter 141, and that council and staff should pursue policy and procedures that would inform the complainant of the law. Mr. Davila recused himself. The motion was seconded and passed unanimously.
- V. Mr. Earl presented the Applications sub-Committee report.
  - A. Mr. Earl made a motion to allow staff at their discretion to extend the temporary training permits. The motion was seconded and passed unanimously.
  - B. Mr. Earl made a motion to allow council and staff to process approve the granting of licensure to persons submitting applications under 402.301(e) after successful to re-examination of the applicant. The motion was seconded and passed unanimously.

**Agenda Item 6** was the Discussion and possible action to consider draft proposed rules and preamble to 22 T.A.C., Chapter 741 regarding proposed rule changes mandated by prior legislative changes: online renewal of licenses and subsequent collection of additional fees to fund online renewal, two-year licensing, and the collection of additional fees with each new application submitted after January 1, 2004, to fund the Office of Patient Protection. This item was addressed in conjunction with Agenda Item #5 (IV)(A).

**Agenda Item 7** was the Discussion and possible action regarding Committee policies. Ms. Geraci made a motion to create a Committee Policy and Procedure Manual and to add the instructions to staff to the Committee Policy and Procedure Manual, which were approved during this meeting. The motion was seconded and passed unanimously.

**Agenda Item 8** was the Discussion and possible action regarding policy and procedures for notifying permit holders and supervisors when a permit expires and cease and desist letters sent to those working unlicensed.

**Agenda Item 9** was the Discussion and possible action to create an advisory committee. No action was taken.

**Agenda Item 10** was the Committee Chairman Report. Mr. McCrae presented the report. It was announced that the Election of Committee Officers would take place at next meeting 2005. Next meeting dates February 16<sup>th</sup> – 19<sup>th</sup>, June 8<sup>th</sup> – 11<sup>th</sup>, October 19<sup>th</sup> – 22<sup>nd</sup>.

Mr. Enswieler and Ms. Thomason departed.

**Agenda Item 11** was the Unit Manager Report. Ms. Peterson presented the report.

**Agenda Item 12** was the Executive Director Report. Ms. Williams presented the report.

**Agenda Item 13** was Announcements and comments not requiring board action.

Mr. Bisel made a motion to adjourn. The motion was seconded and passed unanimously at 12:15 p.m.

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James McCrae, Chair

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Date