

**State Committee of Examination in the
Fitting and Dispensing of Hearing Instruments
Rules Subcommittee Meeting
Thursday February 18, 2005 at 3:00 p.m.
Department of State Health Services, Room N-218
8407 Wall Street
Austin, Texas 78754**

MINUTES

Board Members Present

Ken Earl, Chair
Ron Ensweiler
Rosemary Geraci
Audrey McDonald

DSHS Members Present

Stephen Mills
David Richards
Melissa Utpadel

Guest Present

Ken Haesly
Scott Pospisil, THAA
Ray Jones
Mark Brimbach
Michael DeLa Cruz
Richard Davila, II
Barry Kientozy
Paul Jay, HRI
J. Geraci
Kelly Kelley, HRI

Agenda item 1 was the call to order at 3: 05 p.m. by Mr. Earl, Chair

Agenda item 2 was the Introduction of Guests. No action was taken

Agenda item 3 Review and approve the subcommittee report of the meeting October 8, 2004. A motion was made by Mr. Ensweiler to approve the minutes. The motion was seconded and passed unanimously.

Agenda item 4 was public comment. No action was taken

Agenda item 10 was discussion and possible action regarding Committee Policies. No action was taken

Agenda item 9 was discussion and possible action regarding the topic of when is a sale of a hearing aid a sale. No action was taken

Agenda item 7 Discussion and possible action regarding Texas Occupations Code §402.404 Surety Bonding. Not discussed

Agenda item 8 Discussion and possible action regarding 22 TAC §141.16(e) Condition of Sale and Record Keeping. Not discussed

Agenda item 5 was discussion and possible action regarding final adoption of proposed rules published in the Texas Register (29 TexReg 11252) on December 3, 2004. A motion was made by Mr. Ensweiler to adopt rules. The motion was seconded and passed unanimously.

Agenda item 6 was discussion and possible action to consider petition for adoption of amendments to 22 T.A.C., Chapter 141, submitted by Ray Jones. A motion was made by Mr. Ensweiler to deny petition. The motion was seconded and passed unanimously.

Agenda item 12 Announcements and comments not requiring subcommittee action. No action was taken.

Agenda item 11 was discussion and possible action regarding supporting statement for hearing aid devices, professional and patient labeling and conditions for sale. No action was taken.

Ms. McDonald moved to adjourn. The motion was seconded and passed unanimously at 4:02 p.m.

Kenneth Earl., Chair