

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

Wednesday, January 27, 2010 9:00 a.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754

**MINUTES**

(Norris-Chair, Rodriguez, Gebhard)

Members Present:

Ben Norris, Professional Member  
Melissa Rodriguez, Professional Member  
Robert Gebhard, Public Member

Staff Present:

Joyce Parsons  
David Richards  
Jose Paiz  
Stephen Mills

Members Present:

Robert Somerville	Richard David II
Larry Taylor	Priscilla Forns
Jerry Cougill	Roger Stoops
John Drulpy	Jo Duke
Frank Miller	

**Agenda item 1** was call to order. The meeting was called to order at 9:28am by Mr. Norris.

**Agenda item 2** was introduction of guests.

**Agenda item 3** was review and approve subcommittee report of the meeting held September 16, 2009. Mr. Gebhard made a motion to approve the minutes upon corrections being made. The motion was seconded by Ms. Rodriguez and passed.

**Agenda item 4** was discussion and possible action to consider pending complaints requiring subcommittee review. 1066-09-0010-Ms. Rodriguez made a motion to revoke the licensee's license. The motion was seconded by Mr. Gebhard and passed.

1066-09-0038- Ms. Rodriguez made a motion to close the complaint with no violation. The motion was seconded by Mr. Gebhard and passed.

1066-09-0039- Ms. Rodriguez made a motion to close the complaint with no violation. The motion was seconded by Mr. Gebhard and passed.

1066-10-0001- Ms. Rodriguez made a motion to send the complainant the licensee's surety bond information. The motion was seconded by Mr. Gebhard and passed. Mr. Rodriguez made a motion to make a strong recommendation to the respondent to refund the money to complainant. The motion was seconded by Mr. Gebhard and passed. Ms. Rodriguez made a motion to issue an administrative penalty of \$1,500 pertaining to the 30-day trial period ending on a Sunday. The motion was seconded by Mr. Gebhard and passed.

1066-10-0002- Ms. Rodriguez made a motion to close the complaint with no violation. The motion was seconded by

Mr. Gebhard and passed.

1066-10-0003- Ms. Rodriguez made a motion to close the complaint with no violation. The motion was seconded by Mr. Gebhard and passed.

1066-10-0004- Mr. Gebhard made a motion to close the complaint with no violation. The motion was seconded by Ms. Rodriguez and passed.

**Agenda item 5** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-08-0015. Ms. Rodriguez made a motion to go into executive session. The motion was seconded by Mr. Gebhard and passed.

Went into executive session at 11:10a.m.

Went back into open session at 11:23a.m.

Mr. Gebhard made a motion to stay with the administrative penalty and to have a letter sent to the respondent strongly requesting that the fee be refunded. The motion was seconded by Ms. Rodriguez and passed.

**Agenda item 8** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-09-0027.

Went into executive session at 11:26a.m.

Went back into open session at 11:50a.m.

Ms. Rodriguez made a motion to stay with the administrative penalty of \$250 previously issued. The motion was seconded by Mr. Gebhard and passed.

**Agenda item 6** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-09-0001. Ms. Rodriguez made a motion to stay with the previous administrative penalties issued. The motion was seconded by Mr. Gebhard and passed.

**Agenda item 7** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-09-0024. Mr. Gebhard made a motion to stay with the previous administrative penalty issued. The motion was seconded by Ms. Rodriguez and passed.

**Agenda item 9** was discussion and possible action concerning staff report of open complaints. The report was given by Ms. Parsons.

**Agenda item 10** was announcements and subcommittee member(s) comments not requiring subcommittee action.

**Agenda item 11** was adjournment. The meeting was adjourned at 11:59am.

---

Chair,

Date

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

Wednesday, January 27, 2010 1:00 p.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754

MINUTES

**Members Present:**

Ben Norris, Professional Member  
Melissa Rodriguez, Professional Member  
Amy Trost, Professional Member  
Robert Gebhard, Public Member

Kenneth B. Haesly, Professional Member  
Paul Jay, Professional Member  
Dr. James Leffingwell, Physician Member  
Cindy Steinbart, Public Member

**Absent Members:**

Carla S. Hoffman, Professional Member

**Staff Present:**

Joyce Parsons  
David Richards  
Jose Paiz

Stephen Mills  
Cindy Bourland

**Members Present:**

Richard Davila  
Sean Leffingwell

Gary Haun

**Agenda item 1** was call to order. The meeting was called to order at 1:05 p.m. by Mr. Haesly.

**Agenda item 2** was introduction of members, staff, and guests

**Agenda item 3** was public comment. Public comment was made by Richard Davila.

**Agenda item 4** was review and approval of minutes from committee meeting held September 16, 2009. Ms. Trost made a motion to approve the minutes. The motion was seconded by Mr. Norris and passed unanimously.

**Agenda item 5** was discussion and possible action concerning the subcommittee reports of meetings held January 27, 2010. Complaints Subcommittee – Mr. Norris made a motion to approve the report. The motion was seconded by Ms. Rodriguez and passed unanimously.

**Agenda item 6** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-08-0015. Mr. Norris made a motion to approve the settlements previously passed. The motion was seconded by Mr. Gebhard and passed unanimously.

**Agenda item 7** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-09-0001. Mr. Norris made a motion to approve the settlements previously passed. The motion was seconded by Mr. Gebhard and passed unanimously.

**Agenda item 8** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-09-0024. Mr. Norris made a motion to approve the settlements previously passed. The motion was seconded by Mr. Gebhard and passed unanimously.

**Agenda item 9** was discussion and possible action regarding informal settlement conference request concerning complaint #1066-09-0027. Mr. Norris made a motion to approve the settlements previously passed. The motion was seconded by Mr. Gebhard and passed unanimously.

**Agenda item 10** was discussion and possible action regarding Guidelines for Online Continuing Education (CE) Providers. Ms. Trost made a motion to approve the guidelines for Online Continuing Education Providers. The motion was seconded by Mr. Norris, discussed and passed unanimously.

**Agenda item 11** was discussion and possible action regarding pending applications for continuing education sponsorship, Audiology Online, Inc. Mr. Norris made a motion to approve applications for continuing education sponsorship, Audiology Online, Inc. The motion was seconded by Mr. Gebhard, discussed and passed unanimously.

**Agenda item 12** was discussion and possible action regarding proposed amendments to, and the review of, Title 22 Texas Administrative Code, Chapter, 141 (Fitters and Dispensers of Hearing Instruments) in accordance with House Bills 594 and 963 (2009 Regular Session) and Government Code §2001.039. Ms. Rodriguez made a motion to approve the proposed amendments in review of Title 22 Texas Administrative Code, Chapter, 141 with the addition of 141.16 (b)(4). The motion was seconded by Mr. Gebhard, discussed and passed.

**Agenda item 13** was discussion and possible action regarding the September 2009 Self Evaluation Report and the Sunset Advisory Commission review of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. No action was taken.

**Agenda item 14** was 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. The report was given by Mr. Haesly.

**Agenda item 15** was 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. The report was given by Mr. Parsons.

**Agenda item 16** was 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. The report was given by Ms. Bourland.

**Agenda item 17** was items for future consideration. No action taken.

**Agenda item 18** was announcements and committee member comments not requiring committee action.

**Agenda item 19** was Adjournment. The meeting was adjourned at 2:13pm.

---

Chair,

Date