

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

Wednesday, September 28, 2011 8:30 a.m.

Department of State Health Services

Exchange Building, Room N-102

8407 Wall Street

Austin, Texas 78754

MINUTES

**Members Present:**

Ben Norris

Amy Trost

Cindy Steinbart

**Staff Present:**

Joyce Parsons

David Richards

Nerissa Andrews

**Public Present:**

Ray Jones

Ernest Columbas

Gregory Scott

Rachela Mingalone

Robert Murray

JoLynne Melten Scott

John Druling

Kurt Chappell

**Agenda item 1** was call to order. The meeting was called to order by Mr. Norris at 8:30 a.m.

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

**Agenda item 3** was review and approval of the subcommittee report of the meeting held May 18, 2011. Ms. Rodriguez made a motion to approve the minutes. The motion was seconded by Ms. Trost and passed.

**Agenda item 4** was Discussion and possible action to consider pending complaints requiring subcommittee review.

1066-11-0007 – Ms. Rodriguez made the motion to revoke the license for falsifying government records and to file the complaint with the district attorney's office. The motion was seconded by Ms. Steinbart. After some discussion the motion Ms. Rodriguez modified the motion that the licensee must immediately drop his supervision. The modified motion was seconded by Ms. Steinbart and passed.

1066-11-0013 – Ms. Trost made the motion to close the complaint with no violation. The motion was seconded by Ms. Rodriguez. After some discussion, Ms. Trost and Mr. Rodriguez withdrew the motion. Ms. Rodriguez made the motion to assess an administrative penalty of \$500.00 and for the licensee to remove the word "Audiology" from his website and name of his business. The motion was seconded by Ms. Steinbart and passed.

1066-11-0014 – Ms. Trost made a motion to close the complaint with no violation. The motion was seconded by Ms. Rodriguez and passed.

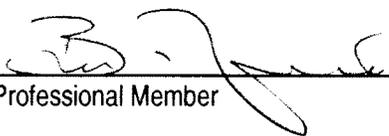
1066-11-0017 – Ms. Steinbart made a motion to assess an administrative penalty of \$250.00 and must submit an updated copy of the companies' contract for violating §141.16(b). The motion was seconded by Ms. Trost and passed.

1066-11-0018 – Ms. Rodriguez made the motion to assess a warning letter regarding the written contract. The motion was seconded by Ms. Steinbart and passed.

**Agenda item 5** was discussion and possible action concerning staff report of open complaints. Ms. Parsons gave her report. No action was taken.

**Agenda item 6** was the announcements and subcommittee member(s) comments not requiring subcommittee action. None were given.

**Agenda item 7** was adjournment. The meeting was adjourned by Mr. Norris at 10:41 a.m.



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Ben Norris, Professional Member

1-25-12

\_\_\_\_\_  
Date

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

Wednesday, September 28, 2011 10:30 a.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754

MINUTES

**Members Present:**

Kenneth B. Haesly, Professional Member, Chair  
Dr. James Leffingwell, Physician Member  
Barbara Willy, Public Member  
James Paul Jay, Professional Member

**Staff Present:**

Joyce Parsons  
Stephen Mills  
David Richards  
Nerissa Andrews

**Public Member:**

Scott Pospisil  
Ray Jones  
William McCrae

**Agenda item 1** was call to order. The meeting was called to order by Mr. Haesly at 10:30 am.

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

**Agenda item 3** was public comment. No comments were given.

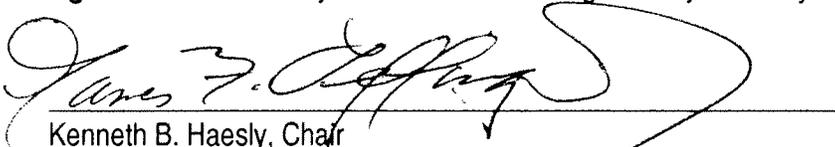
**Agenda item 4** was committee chair report concerning committee priorities. Mr. Haesly addressed the priorities.

**Agenda item 5** was discussion and possible action regarding proposed amendments to 22 TAC Chapter 141, including but not limited to rulemaking required by Senate Bill 663 and Senate Bill 1733, 82<sup>nd</sup> Texas Legislature, Regular Session, 2011. Mr. Jay made the motion to table the continuing education section of the rules recommendations. The motion was seconded by Ms. Willy and passed

**Agenda item 6** was items for future consideration. None were given.

**Agenda item 7** was announcements and comments not requiring committee action. None were given.

**Agenda item 8** was adjournment. The meeting was adjourned by Mr. Haesly at 11:42 a.m.

  
Kenneth B. Haesly, Chair

01-25-2012  
Date

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

**Wednesday, September 28, 2011– 1:00 p.m.  
Department of State Health Services  
Exchange Building, Room N-102  
8407 Wall Street  
Austin, Texas 78754**

**MINUTES**

**Members Present:**

Dr. James Leffingwell, Physician Member, Chair  
Kenneth B. Haesly, Professional Member  
Carla Hoffman, Professional Member  
Ben Norris, Professional Member  
Cindy Steinbart, Public Member  
Amy Trost, Professional Member  
Melissa K. Rodriguez, Professional Member  
James Paul Jay, Professional Member  
Barbara Willy, Public Member

**Staff Present:**

Joyce Parsons  
David Richards  
Nerissa Andrews  
Stephen Mills  
Cindy Bourland

**Public Present:**

Eddie Toohey  
Matthew Toohey  
William McCrae  
Ray Jones  
Richard Davila, II

**Agenda item 1** was the call to order. The meeting was called to order by Dr. Leffingwell at 1:30 pm.

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

**Agenda item 3** was public comment. No comments were given

**Agenda item 4** was the review and approval of minutes from committee meeting held May 18, 2011. Ms. Trost made a motion to accept the minutes as modified. The motion was seconded by Ms. Hoffman and passed.

**Agenda item 5** was the discussion and possible action concerning the subcommittee reports of meetings held September 28, 2011.

Complaints Subcommittee- Mr. Norris gave his report.

Continuing Education Subcommittee- Ms. Trost gave her report.

Rules Subcommittee- Mr. Haesly gave his report.

**Agenda item 6** was the discussion and possible action regarding final disciplinary action on 1066-09-0001. Mr. Haesly made a motion to approve the disciplinary action. The motion was seconded by Mr. Norris and passed.

**Agenda item 7** was the staff presentation regarding implementation of Senate Bill 663, 82<sup>nd</sup> Texas Legislature, Regular Session, 2011. Mr. Mills gave the presentation. No action was taken.

**Agenda item 8** was the discussion and possible action regarding proposed amendments to 22 TAC Chapter 141, including but not limited to rulemaking required by Senate Bill 663 and Senate Bill 1733, 82<sup>nd</sup> Texas Legislature, Regular Session, 2011. No action was taken.

**Agenda item 9** was the discussion and possible action regarding petition for rulemaking by Richard Davila II relating to the conditions of sale of hearing instruments. Mr. Norris made a motion to deny the petition. The motion was seconded by Mr. Haesly and passed.

**Agenda item 10** was the discussion and possible action regarding petition for rulemaking by Ray Jones relating to the examination after failing a portion or portions. Mr. Jones withdrew his petition.

**Agenda item 11** was the discussion and possible action regarding petition for rulemaking by Ray Jones relating to the subject matter of the practical examination. Ms. Rodriguez made a motion to deny the petition. The motion was seconded by Mr. Haesly and passed with one abstention.

**Agenda item 12** was the discussion and possible action regarding unlicensed individuals taking ear impressions for earplugs at gun and hunting shows. No action was taken.

**Agenda item 13** 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. The report was given by Dr. Leffingwell.

**Agenda item 14** 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. The report was given by Ms. Parsons.

**Agenda item 15** 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. The report was given by Ms. Bourland.

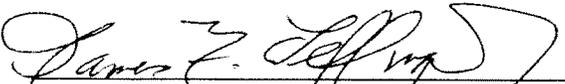
**Agenda item 16** was the set meeting dates for 2012. The 2012 meeting dates were scheduled for January 25-27, May 9-11 and September 26-28 in Austin.

**Agenda item 17** was the election of the Assistant Presiding Officer. Ms. Hoffman made a motion for Ms. Trost to continue as Assistant Presiding Officer. The motion was seconded by Mr. Haesly and passed.

**Agenda item 18** was the items for future consideration.

**Agenda item 19** was the announcements and committee member comments not requiring committee action.

**Agenda item 20** was the adjournment. The meeting was adjourned by Dr. Leffingwell at 2:54 p.m.

  
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(Dr. James Leffingwell, Presiding Officer)

1-25-12  
Date

  
\_\_\_\_\_  
Joyce Parsons, Executive Director

1-25-12  
Date