

Minutes Hearing Aid SIG December 10, 2009

Jim Wooll called the meeting to order at 2 PM.

He announced that next month's speaker will be Nancy Innes from Costco.

Our speaker this month was Joyce Parsons of the State Board of Audiology Examiners. Ms Parsons explained that she is the executive director of the State of Texas and she manages the two boards and is responsible for the licensing and complaints department, but that she herself is not an audiologist. The two boards are Audiologists and Speech Pathologists board and the Hearing Aid Dispensers board. There are no board meetings in December.

She is responsible for the government procedures where the state grants permission to practice; they implement the rules that underlie the laws, which are written by the state legislature. She considers her area to be a consumer protection area, and their authority rests in chapters 401 and 402 of the state code. They evaluate the quality of the applicants and also investigate complaints with due process being given to both sides in the complaint process. The process may take as much as a year to be resolved. The board for the audiologists and speech pathologists consists of 9 people appointed by the governor for three year terms. This board has 3 speech pathologists, 3 audiologists and three members of the public, one of which must be a physician. The members of the board continue to serve until released by the governor. The board meets three times per year. Audiologists and speech pathologists require a graduate degree, namely (Aud.D, although the audiologists with a masters degree and license are grandfathered in). The website http://www.dshs.state.tx.us/speech/sp_general.shtm has the rules, the members, a description of the complaint process, applications, and relevant laws and statutes.

For hearing aid fitters, who have a much lower educational standard, namely a high school education, a one year apprenticeship and passing a licensing examination, the relevant website is <http://www.dshs.state.tx.us/fitters/default.shtm>.

She spent most of the rest of the time discussing the complaint process. The first thing that is done when a complaint is received is to review and determine if the complaint gives rise to violations of the Acts/Rules affecting the health and safety of others. A letter will go out to the licensee, who will get an opportunity to explain his/her actions and both the complainant and the licensee will get an opportunity to discuss the issue with the board.

Each board receives between 15 and 35 complaints per year, by phone, email or personal notification. Each licensee must post a placard in their office with the information on the complaint process and it should be included in the contract.

As the executive director she reviews the complaints to see where the violation is. If they investigate, they are not limited to looking at the original complaint but they can institute other charges as well.

At the initial step they can find that there is reason to investigate further, that the item being complained about is “not in their jurisdiction” or they may look into “ethical violations”. She also may dismiss the complaint if there is no cause.

Assuming that the complaint is to be investigated further, a subcommittee of four (4) members is formed and both parties are invited to come in and tell their story. Then the committee will decide if it is a violation of the rules, whether to dismiss, investigate further or fine, revoke or suspend the license of the licensee. If the license is revoked or suspended, at that point and not before, the complaint becomes public knowledge. The possible penalties are authorized by law and they include, cease and desist, information letters, warning letters and administrative penalties.

The fines range from \$50 to \$5000 per violation.

On the trial period, the word “free” is not part of the law (much as some members of this SIG have implied in the past). And that is not grounds for a complaint, because this is all included in the contract, which the purchaser signed as read and understood (even if the purchaser did not read it). Therefore it generally comes down to a question of who said what, and two opposing opinions.

There is a Sunset Advisory Committee (a legislative committee) to determine whether or not these boards are necessary and to consider the problems with the 30 day trial period. Public opinion is very important. She encouraged our group to make our opinion known, and several of our members were very interested in doing just that.

The meeting was adjourned at 3 PM

Sarah L. M. Christiansen