Hearing Aid Dispensers Bureau Advisory Committee Meeting

Department of Consumer Affairs
1625 North Market Blvd., 2nd Floor, Ste. N-220
El Dorado Conference Room
Sacramento, CA 95834

Friday, April 7, 2006

MEETING MINUTES

I. Roll Call and Introductions

Chairperson Marva Johnson-Wright called the meeting to order at 10:10 a.m. Roll was called and a quorum was established.

Members Present:
Marva Johnson-Wright, Chairperson
Robert Gnam

Staff Present:
Tonya Blood, Bureau Chief
Yvonne Crawford, Hearing Aid Dispensers Bureau
Norine Marks, Bureau Legal Counsel

II. Approval of November 10, 2005 Meeting Minutes

Ms. Johnson-Wright announced that due to technical difficulties with the recorder at the last meeting, the tapes were undecipherable. A summary of the November 10th meeting prepared by Terri Ciau, the Bureau Chief at that time, was provided for the Committee's review and approval as the official meeting minutes. Marva Johnson-Wright motioned to approve the minutes as amended. Mr. Gnam seconded the motion and they were approved as amended.

III. Chair's Report

Ms. Johnson-Wright reported the Bureau received a letter from the California Academy of Audiology (CAA) regarding a consumer fact sheet that is on the Bureau's website. In response to CAA's letter, the Bureau will remove the fact sheet from the website until it can be reviewed and corrections made.

She informed the Committee that is time again to update the Bureau's Strategic Plan which is done annually and announced that the Committee/Bureau welcomes any recommendations from the public and any associations. A working group/subcommittee of two Committee members needs to be established to work with Travis McCann of the Department on revamping the Strategic Plan.

Ms. Blood explained that this would involve setting some specific goals and timeframes. The Bureau's current Strategic Plan is very general. We would like to include some accountability and specifics.

Ms. Marva Johnson-Wright appointed Committee Members, Robert Gnam and Kimberly Gates to the Strategic Plan Subcommittee. In response to a question from a member of the audience, Ms. Johnson-Wright responded that any ideas/suggestions may be submitted in writing for consideration. She also clarified that the Bureau's current Strategic Plan dated June 2005 and that it is a working living document.

Ms. Blood indicated that the Bureau will coordinate the Subcommittee meeting with Mr. Gnam and Ms. Gates. The Subcommittee will prepare a draft for the Committee's review at a future meeting.

IV. Bureau Update

Budget

Ms. Blood reviewed the fund condition report which reflects the Hearing Aid Dispensers Bureau has 17.2 months of reserve funds for FY 2005/06 and very healthy amount of reserve in future. She reported that the Bureau is considering the feasibility of adding an additional staff position due to an increase in exam administrations from three to four, establishing the continuing education random audit program, re-looking at the cite and fine program, and regulation updates.

Ms. Johnson-Wright asked why expenditures reflected on the fund condition report for programs and state operations increased in FY 2005/06 from 684 to 715 in FY 2006/07?

Ms. Blood responded that program expenditures is a broad category that includes increased facilities costs, pro rata (services provided by the Department), administrative services, etc. Also in 2006/07, the Bureau is conducting an Occupational Analysis (OA) in order to validate and update our examinations which is very costly. Therefore, additional funds will be expended FY 2006/07 for the OA.

Ms. Johnson-Wright asked how often is the OA done?

Ms. Blood responded that the OA is done every 5-7 years. However, we are auditing/updating the exams annually through workshops conducted by OER with subject matter experts in order to keep the exams current and valid.

Implementation of the Continuing Education (CE) Audit

Ms. Blood reported that the audit letters have been developed and approved. Bureau staff is working with the Department's Office of Information Services on the functionality of the random audit and anticipates that the notices will begin going out at the end of April or early May.

V. Consumer Outreach – Consumer Brochure Update

Ms. Blood indicated that a Draft copy of the Bureau's is provided to show the design and lay-out of the new brochure. This is a draft so phone numbers, etc. need to be updated.

Ms. Johnson-Wright suggested an even larger font.

Jody Winzelberg from CAA suggested that we add the Speech-Language Pathology and Audiology Board (SLPAB) to the "Sounding It Out" section since some audiologists are also licensed as hearing aid dispensers as a government resource for filing a complaint concerning hearing loss and hearing aid delivery. Ms. Winzelberg also requested that the CCA be substituted with the California Speech-Language Hearing Association (CSHA) in the same section or added to it as CAA is the voice of audiology in California per agreement with CSHA and the majority of audiologists and licensed hearing aid dispensers are members of the CAA not CSHA. CAA also has an ethics committee and all the attributes that the other organizations have that are listed on the brochure. Ms. Winzelberg requested the addition of the American Academy of Dispensing Audiologists if we are considering listing national organizations.

Annemarie Del Magnaio from the SLPAB pointed out that under the "Sounding It Out" section it indicates that the associations (HHP and CSHA) mediate complaints when in fact neither organization is charged with mediating complaints. It should reflect that the HADB and SLPAB are the state agencies that are responsible for reviewing and mediating consumer complaints against licensees.

Ms. Johnson-Wright agreed that the "Sounding It Out" section does need some work and suggested that the Committee/Bureau give consideration to which organizations should be left out and put in and what our objective is. Also, suggested due to limited space and larger print that we refer to HADB for mediation of complaints, not that the other organizations are not fair and impartial, and contact the other organizations for other means.

Ms. Winzelberg indicated that CAA would support that and that maybe a section could be added entitled "Resources" that would list the associations and their contact information.

Ms. Johnson-Wright agreed. Ms. Blood stated that the Bureau would welcome any written recommendations.

VI. Subcommittee Reports

<u>Education Requirement Recommendation/Reciprocity</u>

Mr. Gnam reported that the subcommittee met and discussed, first, whether the Bureau should accept reciprocity from other states. He stated currently if an applicant has a hearing aid dispenser license in another state they can qualify for a temporary license without supervision while taking the examination. However, if a temporary licensee fails the exam, supervision would be required.

The overall agreement of the subcommittee was that we not accept reciprocity. In coming to this decision, the subcommittee considered the number of exams being offered which has increased from 3-4 per year, the number of applicants from other states applying for temporary licenses in California, etc.

Ms. Blood further reported that the Bureau met with OER related the validation of all exams (including a national exam) to determine the costs that would be involved in considering reciprocity. An audit of the national exam would be required and would cost approximately $10,000. If it is determined that an OA is also necessary, that would cost approximately $40,000. The Bureau's statistics indicate that in 2004 and 2005, 11 temporary licenses were issued for each year and that 3 have been issued in 2006 (YTD). Therefore, the subcommittee considered the cost to allow reciprocity based on the low number of those entering California and that there is an avenue for them through the temporary license. Ms. Blood concluded that the cost effectiveness is not there at this time but that the Bureau will continue monitoring this matter. She added that a jurisprudence exam was also considered which would cost approximately $40,000 to develop.

Mr. Gnam reported that secondly the subcommittee discussed an educational requirement for hearing aid dispensers. The proposal was to require upwards of 1,000 hours before an applicant could take the examination to allow applicants practical training and experience and for consumer protection.

Ms. Winzelberg of CAA asks how the 1,000 hours came from and how it was determined? Were other professions/licenses looked as far as requirement to establish competency on an externship basis? She pointed out that the 1,000 is three fold of what is required to become an audiologist in California.

Mr. Gnam responded that it has been his experience that audiologists that graduate from a program take about six months before they feel comfortable taking the examinations. So it would be a six-month timeframe on a full-time basis.

Ms. Winzelberg of CAA asked for clarification of "under supervision"?

Discussion pursued regarding whether the 1,000 hours would require more than 50% supervision, documenting of the hours by the supervisor, requiring all applicants to be a trainee under B&P Section 3357 and including the 1,000 hours, the possibility of requiring additional training if an applicant does not pass the exam instead of requiring all applicants to be supervised, the number of hours related to hearing aids in the audiology undergraduate program.

Ms. Winzelberg stated that based on Mr. Gnam analogy, this would penalize those that are applying who have the credentials, experience, and expertise to take and pass the exams and provide service; therefore, limiting and restricting someone from practicing their trade based on a requirement for all applicants to have supervision. She requested that the Bureau consider this requirement for those who cannot pass this exam.

Ms. Johnson-Wright stated that she was not on the subcommittee but if and when this matter comes before the Committee she will strongly recommend timekeeping of the supervision hours.

Ms. Winzelberg expressed concern with the change of the requirement of having to obtain this traineeship prior to taking the exams.

Ms. Johnson-Wright explained that upon the Committee looking at this issue, in order to standardize the requirement and not require an AA degree what can we do. Therefore, this is a way of formally training someone.

Extensive discussion pursued related to audiologists verses hearing aid dispensers, audiology masters and AUD programs, limitations on master degree audiologists, crediting of hours for those in AUD programs, on-line degrees, etc.

Ms. Del Magnaio informed the Committee it would not be difficult to research the state model which is San Diego State to determine the number of hours in the third year they are devoting to amplification. Across the country the programs vary but SDSU is the model for California. She suggested that the Bureau may want to review the SLPAB RPE supervision verification form and include specific areas related to hearing aid dispensing.

Ms. Johnson-Wright concluded that all of the above will be considered.

Ms. Marks added that since we are not even close to implementing this, as this will all have to be done in regulation, there will be many more opportunities to make this more specific, have the opportunity to offer comments, and legal will have to review before this issue goes forward.

Ms. Johnson-Wright recommended that we move on to the next agenda item.

VII. Regulations – Draft Language for Continuing Education Regulations

Ms. Johnson-Wright asked if 60 days as opposed to the 45 days was agreed upon as there was concern related to Sunset Review and prolonging the timeframe.

Ms. Blood indicated that the draft regulations reflect the 60-day timeframe; however, it is a draft and it can be changed. Discussion pursued related to the processing of CE applications, modifications made, and increase in staff. Ms. Blood confirmed that it can be done in the current timeframe 45 days.

Mr. Gnam asked about the carrying of hours forward?

Ms. Blood indicated that this issue was not included in the draft regulations as the Bureau wanted to have further discussion on this. The recommendation to eliminate the make-up time and allow carry-over would pose the same administrative and tracking problems.

Ms. Del Magnaio of the SLPAB indicated that tracking rollover hours is a nightmare.

Ms. Johnson-Wright indicated that she does feel that CE hours should be given to examiners who participate in the practical examination as she disagrees that it does not meet the criteria for CE as it covers entry level material. She feels that an examiner has to have a certain amount of knowledge to know that the candidate is doing wrong. She

compared it to having an English teacher teach Physics as oppose to Math. An examiner has to master each station, equipment being used, and determine within a matter of minutes whether the candidate is performing the task correctly or incorrectly in order to scope the candidate accordingly. Therefore, an examiner should be given CE credit.

Ms. Blood asked if this would require additional education to participate as an examiner because the intent of continuing education is to go above and beyond your training and experience in order to further your education.

Ms. Johnson-Wright indicated that yes they do during the workshops. Ms. Blood responded the Bureau has agreed to provide CE hour for attending workshops.

Ms. Winzelberg stated that if credit is given to examiners that credit should be given to instructors who teach CE courses for course that they teach.

Ms. Crawford informed Ms. Winzelberg that if she is teaching a course approved by the Bureau, she can receive credit once in a three year time period.

Mr. Gnam asked about increasing the $100 stipend paid to examiners?

Ms. Blood responded that is a fee set for all committee members department-wide.

The Committee reviewed and discussed the Draft Proposed CE Regulations

Discussion included courses offered by manufacturers. Ms. Winzelberg indicated that the SLPAB has limited the number of hours audiologists can obtain from manufacturers. Ms. Del Magnaio confirmed that audiologists may obtain 50% of the total number of required hours for audiology is limited to hearing aid product and sales courses. The actual language is available on the SLPAB website.

Further discussion pursued regarding the timeline. Ms. Marks indicated that the Bureau may not want to have the date of the offering of the course as the guide post. Ms. Del Magnaio indicated that SLPAB CE processing guidelines can be referenced in CCR 1399.151.1.

Ms. Marks commented that it may be too much to limit the course content to what's within the scope of practice and go to a system of approving providers as oppose to courses. There may be some question about what course are now going to be approved and if we don't have a track record of providing course that are now within the scope, it may be a little much to throw the entire system up into the air but that is up to the Committee and the Bureau.

Ms. Johnson-Wright motioned that the Bureau move ahead with the rulemaking process for amending the CE regulations as reviewed and discussed. Mr. Gnam seconded the motion and the motion was carried.

VIII. Written and Practical Examination Update

Ms. Crawford reported the following:

The Department's Office of Examination Resources has begun the Occupational Analysis of the profession. Three workshops and a questionnaire regarding tasks and knowledges related to the profession will be mailed to all licensees later this year. It is anticipated that the Occupational Analysis will be completed by December. The results of the Occupational Analysis will then be incorporated into the written and practical examinations. An Occupational Analysis is conducted every 5-7 years.

During 2006, the Bureau will conduct four practical examinations instead of three administrations that have been offered in the past in order streamline the timeframe to administer the exam.

The Bureau will be conducting written and practical exam development workshops beginning in the summer in order to continually update the exams.

The Bureau has administered two practical examinations since the Committee's last meeting in November 2005. The pass rate for each exam follows:

<u>November 5, 2005 Exam in Sacramento</u>
The pass rate was 54%
52 candidates took the exam
28 passed
24 failed

<u>February 4, 2006 Exam in San Diego</u>
The pass rate was 53%
38 candidates took the exam
20 passed
18 failed

The written exam pass rate for the period November 2, 2005 – April 4, 2006 follows:
The pass rate was 63%.
71 candidates took the exam
97 passed
26 failed

A member of the audience expressed concern about audiologists being questioned about there processes which they perform during the Occupational Analysis workshops and questionnaire as there was a problem during the last Occupational Analysis related to Tympanometry. Therefore, discussion pursued that involved the OER facilitator ensuring that the examinations reflect the scope of practice for hearing aid dispensers. The member of the audience requested that CAA be notified when the questionnaire will go out. Ms. Marks responded that the Occupational Analysis is an ongoing process and the date when the questionnaire is not published.

IX. Future Advisory Committee Meetings

July 14, 2006
October 20, 2006

X. Public Comment

One audience member mentioned a specific issue related to the internet sales of hearing aids. Ms. Marks informed the audience member that the Bureau could not discuss the specifics of a complaint in this forum. The audience member suggested that the Bureau put a notice to licensees on its website regarding internet companies and any business relationship with them. Ms. Johnson-Wright stated that this is why it is so important to have a newsletter for these types of issues. Another member of the audience enquired about notification of the outcome of complaints.

The Bureau indicated that it could provide complaint handling information at the next meeting.

XI. Adjournment

The Committee adjourned at 12:35 p.m.