



TELECONFERENCE BOARD MEETING NOTICE AND AGENDA

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) will hold a Board Meeting via WebEx Events on

Friday, March 1, 2024, beginning at 11:30 a.m. – 4:00 p.m.

in accordance with Government Code section 11123 with the following teleconference locations for observation and public comment:

*Board Office
1601 Response Road, Suite 260 (2nd Floor)
Sacramento, CA 95815
(916) 287-7915*

*Geleris Family Education Center
427 W. Carroll Avenue, Room 2
Glendora, CA 91741
626-335-0611*

*HearingLife
714 West Lodi Avenue
Lodi, CA 95240
209-333-0338*

*Moor Park Public Library
699 Moorpark Avenue
Moorpark, CA 93021
805-517-6370*

*Center for Clinical Sciences Research (CCSR)
269 Campus Drive, Room CCSR 4107 (4th Floor)
Stanford, CA 94304
650-723-2300*

IMPORTANT NOTICE TO THE PUBLIC:

The Board will hold this public meeting via WebEx, to observe and participate from a remote location, please log on to WebEx (Instructions to connect to this meeting can be found at the end of this agenda). To participate in the WebEx Events meeting, please log on to the following websites each day of the meeting:

Friday, March 1, 2024, WebEx Link, beginning at 11:30 a.m. – 4:00 p.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m758bd5bdc696ceab0b4138b369017aa0>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 2487 190 5700, Passcode: 75724232

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com

To observe the meeting without the ability to provide public comment, a live stream of the Board Meeting will be available during each day of the meeting at <https://thedcapage.blog/webcasts/>

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, Wednesday, February 28, 2024, to speechandhearing@dca.ca.gov for consideration.

Action may be taken on any agenda item. Items may be taken out of order to facilitate the effective transaction of Board business.

Friday, March 1, 2024, beginning at 11:30 a.m.

Board Members

Gilda Dominguez, Speech-Language Pathologist, Board Chair
Amy White, Dispensing Audiologist, Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member
VACANT, Public Member
VACANT, Speech-Language Pathologist

Full Board Meeting Agenda

OPEN SESSION

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda (*The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))*)
3. Review and Possible Approval of the November 30 – December 1, 2023, Board Meeting Minutes
4. Review and Possible Approval of the February 2, 2024, Board Meeting Minutes
5. DCA Update – DCA Board and Bureau Relations
6. Board Chair’s Report
 - a. 2024 Board and Committee Meeting Calendar
 - b. Board Committee Reports
 - i. Enforcement Ad Hoc Committee
7. Executive Officer’s Report
 - a. Administration Update
 - b. Outreach Update
 - c. Budget Report
 - d. Regulations Report
 - e. Licensing Report
 - f. Practical Examination Report
 - g. Enforcement Report
8. SOLID Presentation on 2024 Strategic Planning Process for the Board

BREAK 1:30 – 1:50 pm

9. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
 - a. Legislative Calendar and Deadlines
 - b. 2023 Legislation Implementation Updates
 - i. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes
 - ii. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
 - iii. SB 612 (Ochoa Bogh) Speech-language pathologists
 - c. 2024 Board-Sponsored Legislation
 - i. Omnibus Proposal – Speech-Language Pathology Assistant Associate Degree Program Type Language Clean-up and Grammatical Clean-up
 - d. Bills with Active Position Taken by the Board
 - i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists
 - ii. SB 635 (Menjivar) Health care coverage: hearing aids.
 - e. Bills with Recommended Watch Status
 - i. AB 477 (Waldron) Legislative review of state boards.
 - ii. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
 - iii. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.
 - iv. AB 1816 (Schiavo) Deceptive practices
 - v. AB 1900 (Weber) Consumer Legal Remedies Act
 - vi. AB 1928 (Sanchez) Worker classification: employees and independent contractors
 - vii. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age
 - viii. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program.
 - ix. AB 2269 (Flora) Board membership qualifications: public members
 - x. SB 763 (Durazo) Criminal records.
 - xi. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.
 - xii. SB 908 (Cortese) Public records: legislative records: electronic messages
 - xiii. SB 935 (Becker) Department of Consumer Affairs

10. Legislative Items for Future Meeting (The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4)

11. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages
 - a. Discussion and Possible Action to Amend Regulations Regarding SLPA Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18
 - b. Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144
 - c. Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4
 - d. Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127
 - e. Discussion and Possible Action to Amend Regulations Regarding Approved Institutions as stated in Title 16, CCR section 1399.152
 - f. Discussion and Possible Action to Amend Regulations Regarding Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119

- g. Discussion and Possible Action to Amend and Adopt Regulations Regarding Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14
- h. Discussion and Possible Action to Adopt and Amend Regulations Regarding General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, CCR sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4
- i. Discussion and Possible Action to Amend Regulations Regarding Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13
- j. Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical Experience as stated in Title 16, CCR section 1399.152.2

12. Future Agenda Items

CLOSED SESSION

- 13. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

OPEN SESSION

14. Adjournment

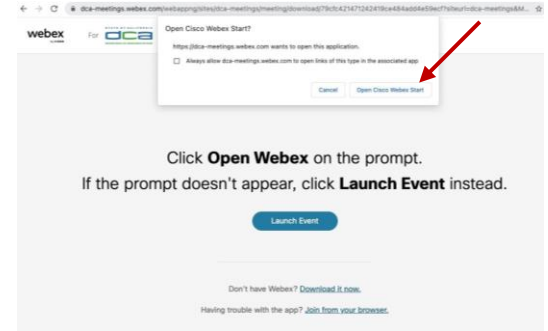
Agendas and materials can be found on the Board's website at www.speechandhearing.ca.gov.

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. In the event a quorum of the board is unable to attend the meeting, or the board is unable to maintain a quorum once the meeting is called to order, the members present may, at the Chair's discretion, continue to discuss items from the agenda and make recommendations to the full board at a future meeting. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

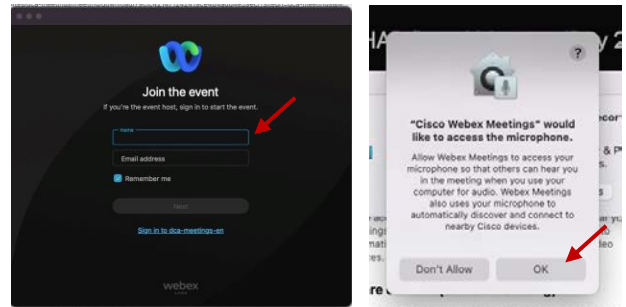
The meeting facilities are accessible to persons with a disability. Any person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board office at (916) 287-7915 or making a written request to Cherise Burns, Assistant Executive Officer, 1601 Response Road, Suite 260, Sacramento, California 95815. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

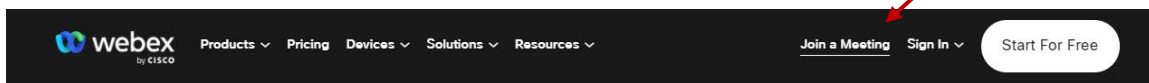


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

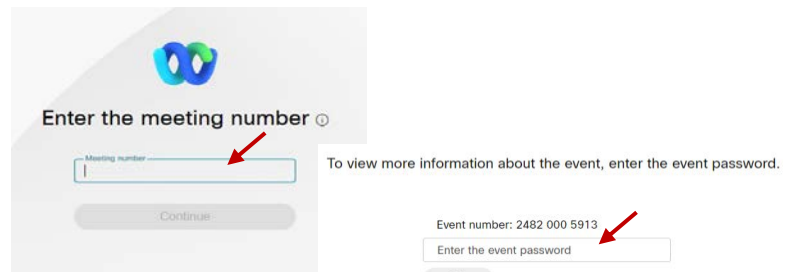
OR

If joining from Webex.com

- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



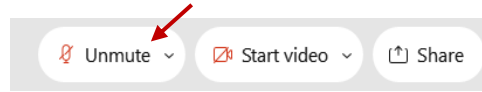
OR

Connect via telephone*:

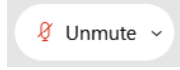
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.



Green microphone = Unmuted: People in the meeting can hear you.



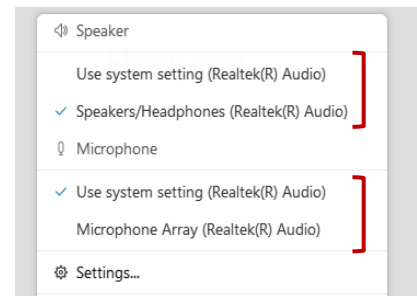
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



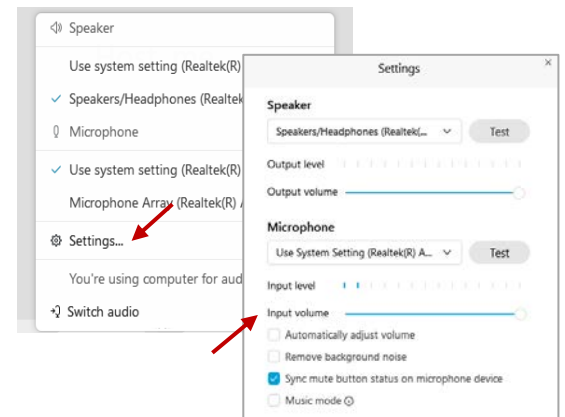
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

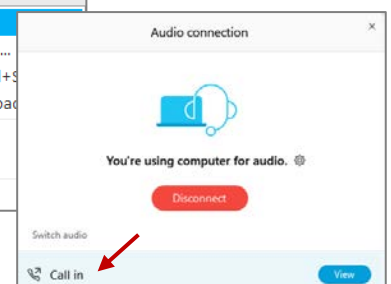
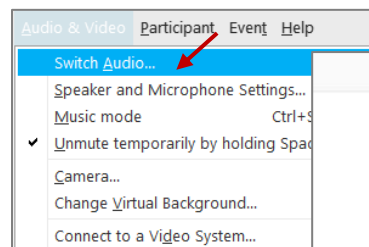
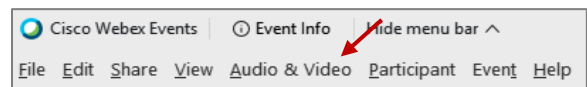
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



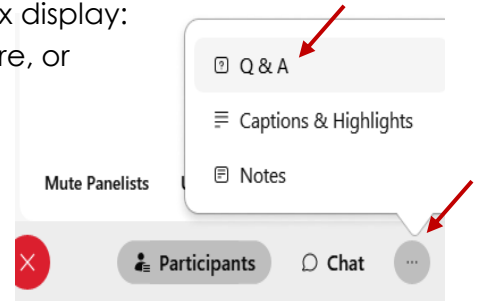
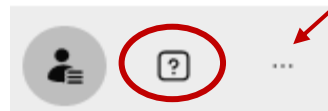
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

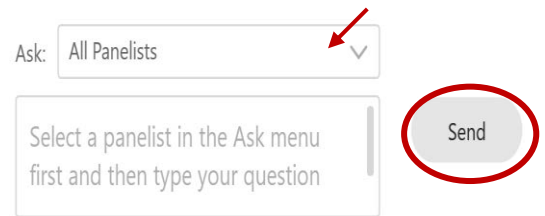
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

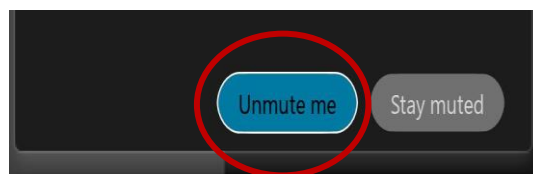
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

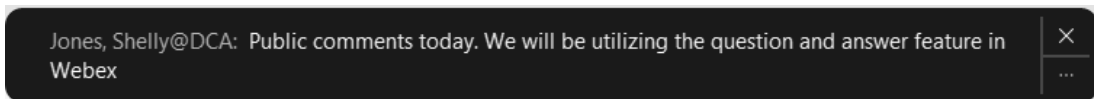


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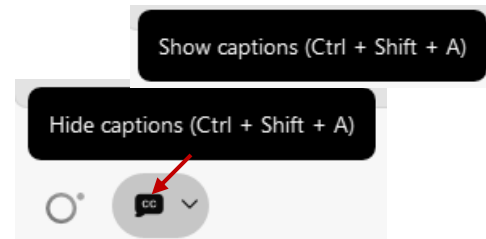
If connected via telephone:

- Press *3 to unmute your microphone.

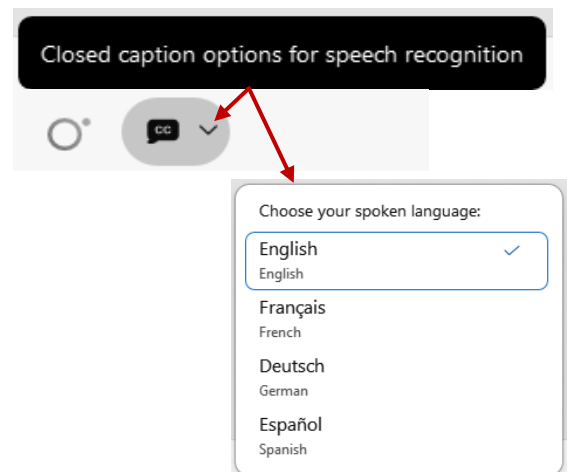
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



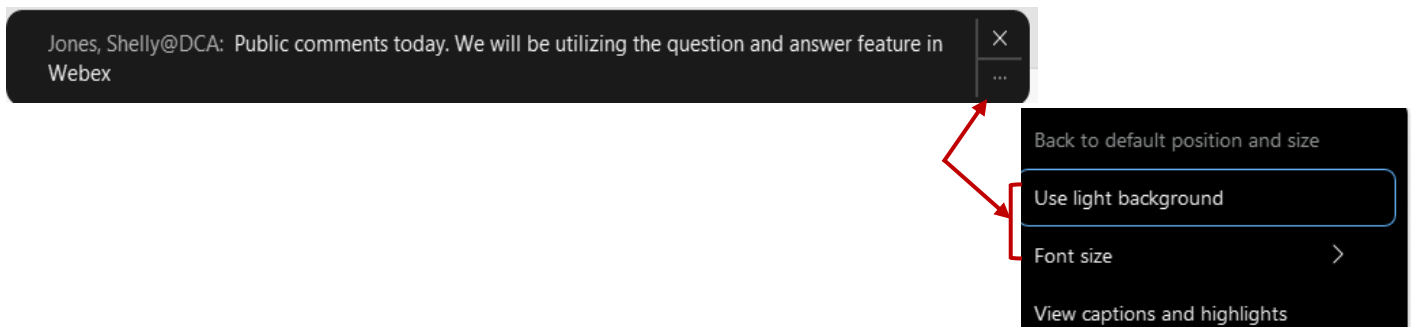
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





MEMORANDUM

DATE	February 14, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Review and Possible Approval of the November 30 – December 1, 2023 Board Meeting Minutes

Background

Attached is a draft of the meeting minutes from the November 30 – December 1, 2023 Board Meeting.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the November 30 – December 1, 2023 Board Meeting minutes.

Attachment: November 30 – December 1, 2023 Board Meeting Minutes



MEETING MINUTES - DRAFT
Teleconference
November 30 - December 1, 2023

Full Board Meeting – Thursday, November 30, 2023

1. Call to Order / Roll Call / Establishment of Quorum

Holly Kaiser, Board Vice Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 1:05 and 2:51 p.m. Ms. Kaiser called roll; six members of the Board were present and thus a quorum was established.

Board Members

Holly Kaiser, Speech-Language Pathologist, Board Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
Gilda Dominguez, Speech-Language Pathologist
Charles Sanders, Dispensing Audiologist
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Bryce Penney, DCA Office of Public Affairs
Ann Fisher, DCA SOLID
Olivia Trejo, DCA Office of Human Resources

2. Swearing In New Board Member

Ms. Kaiser swore in Dr. Charles Sanders as a member of the Board, whereupon Dr. Sanders took the oath of office administered by Ms. Kaiser.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

The Board was in recess at 1:09 p.m.

2. Public Comment for Items Not on the Agenda

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies,

or associations.

3. The Board will Meet in Closed Session Pursuant to Government Code Section 11126(a)(1) to Conduct its Annual Evaluation of its Executive Officer

The Board met in closed session to conduct its annual evaluation of its Executive Officer and subsequently adjourned for the day.

The meeting adjourned at 3:01 p.m.

Audiology Practice Committee Meeting – Thursday, November 30, 2023

1. Call to Order / Roll Call / Establishment of Quorum

Dr. Amy White, Committee Chair, called the Audiology Practice Committee (Committee) meeting to order at 1:10 p.m. Dr. White called roll; three members of the Committee were present and thus a quorum was established.

Committee Members

Amy White, Dispensing Audiologist, Committee Chair
Karen Chang, Public Member
Charles Sanders, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Bryce Penney, DCA Office of Public Affairs
Ann Fisher, DCA SOLID

2. Public Comment for Items Not on the Agenda

Dr. White asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Dr. White invited Maria Liranzo to provide an update on possible action to amend the regulations regarding audiology aides. Ms. Liranzo provided a background and summary of changes to regulations.

Ms. Liranzo asked if the Committee would like to amend the definition of “industrial audiology aide” and suggested that it incorporate requirements the Department of Industrial Relations (DIR) has for the hearing conversation program.

Dr. White asked for the number of industrial audiology aides registered with the Board. Cherise Burns replied that the Board does not have data that is readily accessible. Ms. Liranzo noted that the Council of Accreditation in Occupational Hearing Conservation (CAOHC) also doesn’t have data on the number of technicians that is readily accessible.

Dr. White asked if a CAOHC certification is required for industrial audiology aid. Ms. Liranzo replied that DIR does permit those not certified by CAOHC and can include registered audiology aides.

Dr. White commented on the CAOHC certification which includes training, testing, and recertification, and asked what options the Board has to distinguish audiology aides from CAOHC certified technicians. Ms. Liranzo replied that the regulation could have language to exempt those who are certified by CAOHC from parts or all of the Board’s regulations. Dr. White expressed agreement with the suggestion.

Karen Chang asked what CAOHC is. Dr. White replied that CAOHC training is for aides who work in industrial settings, such as manufacturing companies or military, and are trained to test hearing and create hearing protection.

Ms. Chang asked if an audiology aide can do what CAOHC certified technicians do. Dr. White replied that she does not know the answer. Ms. Burns commented that audiology aides registered with the Board are not doing the same work as industrial audiology aide. Ms. Chang and Dr. White commented on what is within and outside the scope of practice of an industrial audiology aide. Ms. Burns commented on industrial audiology aides not doing the same work as an audiology aide registered with the Board.

Ms. Chang asked if an industrial audiology aid goes through the Board. Ms. Burns replied most aides are in private practice and noted that not a lot of them practice in specialized areas like this. Ms. Burns replied that the definition could be updated to align with DIR. Ms. Liranzo suggested the definition could mean a technician certified by CAOHC.

Ms. Liranzo asked if the Committee would like to amend the number of aides a supervisor is allowed to supervise and suggested that it could be similar to the definition of support personnel used in the regulations related to speech-language pathology assistant (SLPA).

Dr. White asked what the current proposed changes are for SLPA regulations. Ms. Liranzo replied that it will be three (3) full-time equivalent support personnel, which are SLPA and speech-language pathology (SLP) aides, but no more the six (6). Ms. Liranzo noted that for audiology the definition of support personnel could include hearing aid dispenser trainee or temporary licensee.

Dr. Sanders asked what full-time equivalent means and would it need a definition in regulations. Ms. Liranzo replied that it would be two part-time for one full-time and it would need to be defined in regulations. Dr. White commented on the importance in providing part-time flexibility and expressed support to align number of audiology aides with SLP aides.

Ms. Chang asked how many personnel an audiologist can currently supervise. Ms. Burns replied

that they could supervise three (3) aides and one (1) hearing aid dispenser trainee or temporary licensee for a total of four (4) personnel.

Ms. Chang and Dr. Sanders expressed support for the suggested changes.

Ms. Liranzo asked if the Committee could clarify the phrase “future dispositions of patients” used in CCR section 1399.154.8(d) and suggested amending it to increase clarity. Dr. White replied that “future dispositions” could be removed as it may not be meaningful language for the practice of audiology. Dr. Sanders commented that it is not needed.

Ms. Chang asked if treatment ends. Dr. Sanders replied that it doesn't always end.

Ms. Chang suggested it could say “future treatment plan.” Ms. Liranzo asked if it is redundant to what is already written. Dr. White replied that it is redundant to “evaluate, treat, and manage.” Ms. Burns suggested that it say, “evaluate, treat, and manage patient care.”

Karen Halbo asked if the supervisor is always evaluating and treating the patient. Dr. White replied yes because aides assist the supervisor. Ms. Halbo suggested that it say “evaluate, treat, and manage all patient care.” Dr. White expressed agreement with the suggestion.

Ms. Liranzo asked if the Committee would like to amend the regulations to specify that a new form is required for each supervisor. Ms. Chang replied that all supervision should be registered with the Board.

Ms. Liranzo asked if the Committee would like to amend the responsibilities of supervisors to align with supervision regulations for Required Professional Experience and SLPA such as a minimum years of practice experience, supervisors notifying their aides of disciplinary action against the supervisor, continuing professional development (CPD) requirements, supervisors reviewing laws and regulations with their aide, and supervisors providing emergency plans.

Dr. White asked if CPD will also be required for supervisors of hearing aid dispenser trainee and temporary licensee. Ms. Liranzo replied that it is a proposed change and noted that supervisors of audiology aide currently do not have to complete education in supervision.

Ms. Burns asked if the suggested number of hours for practice experience applies to audiologists. Dr. White replied that there are audiologists who work full-time in school setting. Dr. Sanders and Dr. White expressed support for the suggested language to the responsibilities of supervisors.

Ms. Burns asked if there are any comments or questions with section 1399.154.11 and if the names to the acronyms listed in subsection (a) are correct. Dr. White replied that the names to the acronyms are correct and suggested “impedance battery tests.”

Dr. White asked if aides would be permitted to prepare patients for tympanometry, videonystagmography (VNG), electronystagmography (ENG), or auditory brainstem response (ABR). Ms. Burns replied that it would be interpreted as preparing and cleaning and not conducting the evaluation.

Dr. White asked how 1399.154.11(k) should be interpreted. Dr. Sanders replied that aides would not be permitted to adjust the gain setting. Ms. Chang expressed agreement.

Dr. White asked if aides should be permitted to download programming into a hearing aid device. Dr. Sanders replied that the programming is the prescription and it is set by the audiologist.

Ms. Chang asked what happens if the volume is set too loud. Dr. White replied that they would need to see an audiologist if it is more than a volume change using the control feature.

Ms. Chang asked if there are any tasks outside of the scope of an aide that is missing. Dr. White replied that (I) is ambiguous. Ms. Burns commented that broad language provide room for changes in the practice of audiology.

Ms. Liranzo asked if the Committee would like to remove supervision and training requirements regarding industrial audiology aides and how it would like to use the definition of indirect supervision. Dr. White replied that having the different definition is useful and agreed that removing reference to industrial audiology aides if they are outside the Board's purview. Ms. Liranzo noted that the regulations does not specify requirements for indirect supervision and suggest removing it or specifying activities that would require indirect supervision.

Dr. White asked if cleaning hearing aids is a task for an aide and, if so, that would be an example of indirect supervision. Dr. Sanders expressed agreement.

Dr. White asked if each level of supervision needs a list of tasks an aide can do. Ms. Liranzo replied that there is one for immediate supervision and noted that the SLPA regulations list tasks for each level of supervision. Ms. Burns commented that indirect supervision could be for tasks that are indirect to client care such as programming and cleaning. Dr. White commented on other tasks under indirect supervision such as pairing a hearing aid to another device.

Dr. White asked if tasks that can be perform under indirect supervision can added to section 1399.154.9(e). Ms. Liranzo replied that it can be added there. Ms. Burns commented that a list of tasks will be needed of what doesn't count as direct client care.

Dr. White asked if it has to be an inclusive list. Ms. Burns replied that there may be a way to define it without it being an inclusive list. Ms. Chang commented on the definition of direct supervision. Dr. Sanders commented that indirect client care would be activities a consumer could do on their own but is unable to. Ms. Liranzo suggested adding paragraph 1 to state that indirect supervision can be provided when the aide is performing indirect client care such as programming a device or cleaning equipment.

Ms. Chang asked for clarification regarding the programming of a device. Dr. White replied that hearing aid programming is in the provider's computer unless it's an over-the-counter hearing aid.

Ms. Chang asked for clarification of the proposed language. Ms. Burns replied that it would be programming a device, cleaning, or activities consumer could do on their own but is unable to. Ms. Burns commented that the language could be a list of two or three examples. Ms. Halbo commented to confirm.

Ms. Liranzo noted that training requirements for industrial audiology aides will be removed to align with earlier discussions. Ms. Liranzo provided a summary of changes proposed today:

- amend the definition of industrial audiology aide as a technician certified by the CAOHC;
- require aides with more than one supervisor to submit the same form;
- define support personnel to include aides and hearing aid dispenser trainee or temporary licensee and allow full-time equivalent for the purpose of supervising three personnel full time;
- revise supervision requirement to require supervisors to evaluate, treat, and manage all patient care;
- remove the industrial audiology aide from the supervision requirements and specify tasks that can be performed under indirect supervision; and
- revise supervision requirement to require supervisors to complete continuing education in supervision, a minimum level of practice experience prior to supervision, notifying their aides of disciplinary action against the supervisor, review laws and regulations with the aides, and provide their aide with a plan to handle emergencies.

Ms. Halbo asked if audiology support personnel include hearing aid dispenser trainees . Ms. Burns replied that it is not currently in the regulation and will be added to the proposed text as discussed earlier.

Dr. White asked for public comments. There were no comments from the public, outside agencies, or associations.

The meeting adjourned at 2:17 p.m.

Speech-Language Pathology Practice Committee Meeting – Thursday, November 30, 2023

1. Call to Order / Roll Call / Establishment of Quorum

Holly Kaiser, Committee Chair, called the Speech-Language Pathology Practice Committee (Committee) meeting to order at 2:31 p.m. Ms. Kaiser called roll; two members of the Committee were present and thus a quorum was established.

Committee Members

Holly Kaiser, Speech-Language Pathologist, Committee Chair
Gilda Dominguez, Speech-Language Pathologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Bryce Penney, DCA Office of Public Affairs
Ann Fisher, DCA SOLID

2. Public Comment for Items Not on the Agenda

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action to Amend Regulations Regarding Scope of Responsibility, Duties, and Functions of Speech-Language Pathology Assistants as Stated in Title 16, California Code of Regulations (CCR) section 1399.170.3

Ms. Kaiser invited Maria Liranzo to discuss on possible action to amend the regulations regarding speech-language pathology assistant (SLPA) scope of responsibility. Ms. Liranzo provided a background on tasks outside of a SLPA's scope of responsibility.

Gilda Dominguez commented on the importance and benefit of reviewing laws and regulations of neighboring states and requested staff to prepare for the Committee the scope of practice for both the occupational therapy assistant and physical therapist assistant. Ms. Dominguez commented on the scope of practice for the occupational therapy assistant and physical therapist assistant and their ability to perform tasks within an established plan of care. Ms. Dominguez further commented on SLPA's ability to perform this task with training and an established plan of care.

Cherise Burns and Ms. Liranzo noted possible proposed language would include training and competency, facilities with emergency medical back, and standard protocol for contraindications.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

4. Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, CCR Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Ms. Kaiser invited Ms. Liranzo to provide an update on possible action to amend the regulations regarding speech-language pathology (SLP) aide. Ms. Liranzo provided a background and summary of changes to regulations.

Ms. Kaiser and Ms. Dominguez expressed agreement with suggested language to require aides with multiple supervisors to register each supervisor with the Board.

Ms. Kaiser suggested keeping the word "future" in CCR section 1399.154.2(d). Ms. Burns commented on the difference of future care in audiology and SLP. Ms. Kaiser and Ms. Dominguez commented on future care in the practice of speech-language pathology.

Ms. Kaiser asked what the Audiology Practice Committee decided on this item. Ms. Liranzo replied that they decided to use "evaluate, treat, and manage all patient care".

Ms. Kaiser asked if there was a way to incorporate the word "future." Karen Halbo replied that the word "all" includes it.

Ms. Kaiser and Ms. Dominguez expressed agreement to require supervisors to have practice experience prior to supervision, notify their aide of disciplinary action against the supervisor,

complete continuing education in supervision, review laws and regulations with their aide, and provide the aide with a plan to handle emergencies.

Ms. Liranzo noted other sections that were amended to align with other parts of the regulations such as the number of support personnel and experience accrued as an aide not being applicable for licensure as a SLPA.

Ms. Kaiser asked what the training requirements are. Ms. Liranzo replied that the supervisor provides instruction and demonstration and noted staff have no recommendations to amend the section on training requirements.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

The meeting adjourned at 2:57 p.m.

Hearing Aid Dispensing Committee Meeting – Friday, December 30, 2023

1. Call to Order / Roll Call / Establishment of Quorum

Tod Borges, Committee Chair, called the Hearing Aid Dispensing Committee (Committee) meeting to order at 9:01 p.m. Mr. Borges called roll; four members of the Committee were present and thus a quorum was established.

Committee Members

Tod Borges, Hearing Aid Dispenser, Committee Chair
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Bryce Penney, DCA SOLID
Ann Fisher, DCA SOLID

2. Public Comment for Items Not on the Agenda

Mr. Borges asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action Regarding Foreign Body In The Ear Canal and Other Pre and Post Fitting Observations That Require Referral for Medical Opinion as Stated in Business and

Professions Code Sections 2538.36 and 2539.6

Mr. Borges invited Maria Liranzo to provide an update on possible action regarding foreign body in the ear canal. Ms. Liranzo provided a background on foreign body in the ear canal.

Mr. Borges commented that the Business and Professions Code (BPC) does not specify postfitting care as it does with prior to the fitting or selling of a hearing aid.

Dr. Amy White asked what authority the Board has to make these types of changes. Ms. Burns replied that the Board can recommend statutory changes as part of the Sunset Review process or find a legislator to author a bill separately.

Mr. Borges commented on the need to address postfitting care in laws or regulations and clarify the definition of foreign object.

Ms. Burns commented on the definition of foreign object and if it includes in-the-ear hearing aids. Mr. Borges commented that Lyric hearing aids are often inserted deeper in the ear than a dome. Dr. White commented on the definition of foreign object as something that is not innate to the ear or natural to the human body. Mr. Borges commented on items that can be found in the ear such as battery, Q-tip, or bugs. Dr. Charles Sanders commented on items that were intentionally and unintentionally in the ear.

Dr. White commented on the importance of understanding why BCP section 2538.36 was added. Ms. Burns commented that it was probably not written with the advancement of hearing aid technology in mind. Dr. White asked when it was written. Ms. Burns replied that staff would need to conduct further research to answer those questions.

Paul Sanchez asked if there are items similar to domes that dispensers would be able to remove. Dr. White replied that if a physician uses the same billing code for Medicare to remove a foreign object and cerumen, so the way the billing code purposes they are the same, but that doesn't help us.

John Dandurand commented on the statute being written when early hearing aid devices were behind-the-ear hearing aids that didn't require specifying postfitting care with behind-the-ear hearing aids with large earmolds typically would never get stuck in the ear canal and expressed support to specify language for postfitting care whether its defining foreign body or addressing the issue of dome removal. Dr. White and Mr. Borges noted that in-the-ear hearing aids like Lyric would need to be considered in the language, even though that may be difficult to define. Mr. Dandurand commented on postfitting care for Lyric hearing aids and noted consumers are given a tool to remove the device themselves when the battery dies, and how that would need to be included in the definition as well. Dr. White commented on the potential for foam being left behind after removal of the Lyric as well and on the standard needing to be the same regardless of whether it is pre- or post-fitting and protect consumers. Mr. Borges commented that licensees cannot be held accountable because there is no statutory requirement for postfitting whether that means only addressing the issue of dome removal. Mr. Borges commented that the vast majority of hearing aid fittings do involve hearing aids with domes, so potentially the discussion could be more narrowed. Dr. White commented that it would leave out those fitting Lyric hearing aids.

Mr. Borges noted that a company published guidelines to remove domes. Ms. Burns noted that it's a

national company that developed these guidelines outside of California.

Michael Kanotz commented that the definition of a hearing aid dispenser and their limitations of the scope of practice also has to be taken into account. Since the only definition of postfitting care is counseling found in BPC section 2538.11(a), and is vague, he recommended statutory changes to clarify postfitting care and address concerns discussed during the meeting as it would be hard to justify a regulation without a statutory change. Mr. Kanotz further commented that BPC 2538.36 is phrased an advisement to consult with a licensed physician but presumed that meant if a foreign body was present the dispenser would not fit the hearing aid to the client.

Dr. White and Mr. Borges asked for next steps to make a statutory change. Ms. Burns replied that the Committee may want to make statutory changes for pre- and post- fitting either through the Sunset process, presuming it is non-controversial, or a separate legislative proposal. Mr. Sanchez commented on narrowing down the statutes that need changes. Ms. Burns added that we would want to reach out to the otolaryngology community for issues of safety and concerns prior to the legislative process.

Ms. Burns recommended the Committee to delegate two Committee Members to work with staff to draft statutory language for a couple years from now and noted the current statutory language as written does not permit hearing aid dispensers to perform dome removal but that we are seeking better clarification on this issue.

Mr. Borges and Mr. Dandurand asked Mr. Kanotz what the law says about a hearing aid dispenser performing dome removal or Lyric hearing aid insertion. Ms. Burns commented that there is a statute that covers the repair and replacement of a hearing aid that could cover the Lyric issues. Mr. Kanotz replied that the scope of practice needs to be updated because it lacks clarity in what dispensers can do as part of postfitting care.

Ms. Liranzo commented on what Mr. Kanotz stated about BPC 2538.36 being an advisement to consult with a licensed physician if a foreign body is in the ear canal and staff interpretation that it is not permitted. Ms. White commented on the scope of practice does not include any retrieval.

Mr. Borges and Dr. White volunteered to help staff with drafting potential statutory language.

Mr. Borges asked for public comments.

Joe Bartlett commented that ear mold impressions place cotton blocks deep into the ear canal and a level of expectation to perform some functions across the ear canal and expressed support for increased clarity to the law on this topic while keeping consumer protection as the first priority.

The meeting adjourned at 9:37 a.m.

Full Board Meeting Agenda – Friday, December 30, 2023

3. Call to Order / Roll Call / Establishment of Quorum

Holly Kaiser, Board Vice Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 9:49 a.m. Ms. Kaiser called roll; seven members of the Board were present and thus a quorum was established.

Board Members

Holly Kaiser, Speech-Language Pathologist, Board Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
Gilda Dominguez, Speech-Language Pathologist
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Bryce Penney, DCA SOLID
Ann Fisher, DCA SOLID
Brad Lencioni, DCA Fiscal Office
Yvonne Dorantes, DCA Executive Office

4. Acknowledgment of Dr. Marcia Raggio's Service to the Board

Ms. Kaiser invited Paul Sanchez to acknowledge Dr. Marcia Raggio for her service to the Board. Mr. Sanchez commented on Dr. Raggio's service to the Board and read the certificate of appreciation from the Board and a resolution from DCA. Cherise Burns read a statement from Dr. Raggio to the Board.

Ms. Kaiser asked for Board discussion.

Ms. Kaiser, Dr. Amy White, Karen Chang, Tod Borges, and Gilda Dominguez commented on Dr. Raggio's service to the Board.

Ms. Kaiser asked for public comments.

Nick Brokaw on behalf of the California Academy of Audiology commented on Dr. Raggio's service to the Board.

Dr. Raggio expressed her gratitude for the comments provided.

5. Public Comment for Items Not on the Agenda

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

6. Review and Possible Approval of the August 24-25, 2023, Board Meeting Minutes

Ms. Kaiser opened the discussion on the review and possible approval of Board's meeting Minutes. Maria Liranzo provided a summary of the Minutes.

Ms. Kaiser asked for Board discussion. There was no Board discussion.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Karen Chang moved to approve the Board meeting Minutes.

Gilda Dominguez seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

7. DCA Update – DCA Board and Bureau Relations

Ms. Kaiser invited staff from DCA Board and Bureau Relations to provide an update. Yvonne Dorantes welcomed Charles Sanders to the Board and acknowledged Dr. Raggio's service to the Board. Ms. Dorantes provided an update on Business, Consumers Services, and Housing Agency's new secretary; DCA's Diversity, Equity, and Inclusion Committee; Federal Professional License Portability and State Registration for servicemember and their family; in-person meetings and the Bagley-Keene Open Meeting Act; required board member trainings; out-of-state travel; Promise Campaign; and state employee food drive.

Ms. Kaiser and Ms. Chang commented on training provided to Board members.

Ms. Chang asked when the Form 700 is due. Ms. Dorantes replied that the official deadline is April 1st.

Ms. Chang asked how Board members can reach Ms. Dorantes. Ms. Dorantes replied by providing her email.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

8. Board Chair's Report

Ms. Kaiser noted that there will be elections for Board officers later at this meeting and invited Ms. Burns to discuss the Board calendar. Ms. Burns commented that the Board will vote on meeting dates later at this meeting which will be posted on the Board's website.

Ms. Kaiser invited Mr. Sanchez to discuss Board representation for the Department of Health Care Services' Audiology Technical Advisory Committee. Mr. Sanchez provided background and noted that Dr. Raggio held the position and requested that an audiologist fill the position. Dr. White volunteered to fill the position.

Ms. Kaiser invited Ms. Dominguez to provide a report on the discussion from the Enforcement Ad

Hoc Committee. Ms. Dominguez provided a report on the discussion.

Ms. Kaiser invited Dr. White to provide a report on the discussion from the Audiology Practice Committee. Dr. White provided a report on the discussion.

Ms. Kaiser provided a report on the discussion from the Speech-Language Pathology Practice Committee.

Ms. Kaiser invited Mr. Borges to provide a report on the discussion from the Hearing Aid Dispensing Committee. Mr. Borges provided a report on the discussion.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

9. Executive Officer's Report

Ms. Kaiser invited Paul Sanchez to provide the Executive Officer's report.

Mr. Sanchez provided an administration update on staff vacancies and hiring to fill two vacancies.

Mr. Sanchez reported on outreach efforts including a presentation at the California Academy of Audiology's Convention and meeting with California Speech Language Hearing Association's board leaders.

Mr. Sanchez reported on the budget including the fund condition and highlighted the total revenue, total of expenditures, fund balance, and months in reserves in the fund condition, and total expenses and projected expenses for the current year in the budget report.

John Dandurand asked why there is a decline in revenue and increase in expenditure in the budget year. Mr. Sanchez explained that projections are typically conservative and Ms. Burns explained the nature of two-year cycles in renewals that can result in higher renewal revenue every other year.

Ms. Chang asked what a good surplus percentage is for a board of this size. Mr. Sanchez replied that it is a matter of opinion but typically three to five percent and noted the connection of surplus with staff vacancy. Ms. Burns commented on the surplus percentage.

Ms. Chang asked about the Overtime/Flex Elect/Lump Sum. Mr. Sanchez replied this category include overtime and deferred to Ms. Burns for other items under this category. Ms. Burns replied the increase is due to a recent retirement.

Ms. Chang asked about the unencumbered balance under Overtime/Flex Elect/Lump Sum. Ms. Burns replied that it is a projection based on the Board's typical overtime and the retirement that has been paid out. Mr. Sanchez commented that the overtime is high for the Board because of the practical examination and annual licensing peak season.

Mr. Sanchez provided a brief report on the Board's regulations and deferred to the regulatory report.

Mr. Sanchez reported on licensing including processing times and practical examination results. Ms. Burns commented that the Board is clearing backlogged paper applications and online applications

after the Board's most recent hire.

Mr. Sanchez reported on enforcement data including complaints, citations and fine, formal discipline for the last twelve months, and noted that voluntary surrender of licenses is not reviewed by the Board members but by the executive officer who has the authority to accept them.

Mr. Dandurand asked if the practical examinations date for next year are available. Ms. Burns replied that they will be available to the public on the Board's website.

Mr. Borges asked about the low number of candidates for the September practical examination. Ms. Burns replied that it was an overflow from August.

Mr. Borges asked about the recruitment of examiners. Ms. Burns replied that there is a stable group of examiners but additional examiners are welcomed and noted that two new examiners were recently onboarded. Ms. Burns commented on the benefits of being an examiner for the hearing aid dispensing practical examination.

Ms. Kaiser commented on the Board's relationship with the California Speech Language Hearing Association (CSHA) and noted the passing of their former board chair, Michelle Linares. Ms. Kaiser expressed condolences to the passing of CSHA's former board chair, Michelle Linares.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

10. Legislative Report: Update, Review, and Possible Action on Proposed Legislation

Ms. Kaiser invited Ms. Liranzo and Ms. Burns to provide the legislative report.

Ms. Liranzo reported on the legislative calendar and deadlines, Board-sponsored legislation, bills with active positions taken by the Board, and bills with recommended watch status.

Ms. Burns commented on Senate Bill 544 regarding the Bagley-Keene Open Meeting Act.

Ms. Kaiser asked if separating committee meetings from Board meeting will be considered. Ms. Burns commented on her experience working for a board that did that and noted that they had a meeting almost every month. Ms. Burns commented on the different potential ways the Board can meet.

Ms. Kaiser asked if the meeting always have to be on a Thursday or Friday. Ms. Burns replied with her experience working on a board that had meeting on other days of the week and impacts to board member's clinical hours.

Ms. Dominguez asked for clarification on the alternative to have a staff present at one location while members meeting remote. Ms. Burns replied that this applies to the committee meetings and not the Board meetings.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

11. Discussion and Possible Action to Adopt a Legislative Proposal for an Omnibus Bill to Amend Business and Professions Code (BPC) sections 2538.3, 2538.10, 2538.25, 2538.27, and 2539.1

Ms. Kaiser invited Ms. Liranzo to discuss possible action to adopt a legislative proposal for an omnibus bill. Ms. Liranzo provided a background and summary of changes.

Ms. Dominguez asked if social media can be added to the definition of “advertise” in BPC section 25381.10(a). Ms. Burns replied that it is something that should be part of the sunset and not this process.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Holly Kaiser moved to adopt the legislative proposal as noticed, direct staff to take all steps necessary to submit the proposal, and authorize the Executive Officer, or their designee, to take all steps necessary to complete the process for the legislative proposal.

Tod Borges seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

12. Legislative Items for Future Meeting

Ms. Kaiser asked for legislative items for future meeting. Ms. Burns noted that Board staff does not have any items.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

13. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

Ms. Kaiser invited Ms. Liranzo to provide the regulatory report. Ms. Liranzo provided an update on the Board’s regulatory packages and noted the stages of the regulatory process is included with the report. Mr. Sanchez and Karen Halbo commented on the stages of the regulatory process.

Ms. Kaiser asked for public comments on the regulatory report.

Joe Bartlett commented on the proposed changes to regulations regarding advertising for hearing aid dispensing and the inclusion of internet advertising.

Ms. Liranzo provided a background on proposed changes to the continuing education requirements for hearing aid dispensers and noted draft Board responses to public comments, all comments received, and literature used to draft Board responses are included in the meeting materials.

Ms. Kaiser asked for Board discussion. There was no Board discussion.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the proposed Board responses to Comments, direct staff to send out an Addendum to the Initial Statement of Reasons for a 15-day public comment period and take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any nonsubstantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at 16 CCR sections 1399.140, 1399.140.1, and 1399.144, as noticed.

Charles Sanders seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

Ms. Liranzo provided a background on proposed changes to the continuing professional development requirements for speech-language pathologists and audiologist and noted the item is a hand carry.

Ms. Liranzo recommended the Board to modify the text to redefine self-study which will provide flexibility on the grading system and when the evaluation should be completed.

Mr. Borges asked if the proposed changes would require a pass/fail instead of a grade of seventy (70) percent. Ms. Liranzo replied that the language grade will be removed in its entirety.

Mr. Borges asked if this would allow provider to determine a passing grade. Ms. Liranzo replied that it would as there are different grading system such as a percentage, letter grade, pass or fail, satisfactory or unsatisfactory.

Ms. Dominguez asked if there is a requirement that requires learners to respond on whether the learning objectives have been met. Ms. Burns replied that this is the preference.

Ms. Kaiser asked if there are opportunities for a person who doesn't pass the evaluation to retake it. Ms. Liranzo replied that the provider would determine what happens. Ms. Kaiser expressed agreement to check learning.

Ms. Liranzo recommended the Board modify the text to accommodate public comments by allowing more hours from courses related to the practice and revising the definition of direct client care to include instruments and technology used for assessment and diagnosis or intervention. Ms. Liranzo also recommended the Board to revise courses outside of the scope of continuing professional development to be similar to proposed changes to hearing aid dispensing continuing education requirements.

Ms. Dominguez asked if ethical issues could be moved from the definition of indirect client care to direct client care. Ms. Burns replied that she hasn't seen ethics as a direct client care course in other CPD models. Ms. Kaiser commented that American Speech-Language-Hearing Association (ASHA) requires a specified number of hours to be on ethics and ethics courses covering direct client care. Ms. Burns asked how many hours are required and commented on how providers advertise their courses and how staff evaluate course during an audit. Ms. Dominguez replied that ASHA requires one hour out of the thirty (30) hours to be in ethics and two (2) hours in cultural competency,

humility, and response practice and diversity, equity, and inclusion. Ms. Burns noted staff is recommending revision to definition of courses related to the practice to use similar language regarding cultural competency and diversity, equity, and inclusion .

Ms. Liranzo recommended the Board to not modify the text to accommodate public comments to increase the number of hours through self-study. Ms. Liranzo noted public comments regarding other states and professional organizations do not limit the number of hours for self study and licensees with various neurotypes and mental health needs learn better through self-study. Ms. Liranzo commented on research and literature on self-study courses and noted that there doesn't seem to be a consensus that self-study is the best method. Ms. Liranzo further noted that research and literature discussed the importance of connecting with other licensees and professionals, such as opportunities provided in "live" courses, to promote ongoing competency and reduce professional isolation.

Ms. Liranzo noted a public comment not related to this rulemaking.

Ms. Liranzo recommended the Board not modify the text to accommodate public comments to revise the definition of self-study and course advertising. Ms. Liranzo noted that specifying different course delivery method could confuse licensees and the section for course advertising is not a part of this rulemaking.

Ms. Liranzo noted a public comment regarding regulations specifying courses by ASHA-approved providers are accepted by the Board that did not need to be accommodated as it is already specified in regulations in 16 CCR section 1399.160.69(a).

Ms. Kaiser commented on the research and literature regarding self-study and professional isolation.

Ms. Kaiser asked for examples of hybrid courses. Ms. Liranzo replied that it's a combination of asynchronous and real-time learning.

Ms. Kaiser asked if the Board considered a course with both "live" and asynchronous learning as a "live" course. Ms. Burns replied that if there is a live component in the learning, whether it is online or in-person, the course is considered a "live course. Ms. Burns noted that a hybrid is a "live" course and for that reason it is not necessary to revise the definition of self-study to include the word "hybrid". Ms. Kaiser expressed agreement that it would not add clarity to include the word "hybrid" or other course delivery method.

Ms. Dominguez expressed support to increase the number of hours for indirect patient/client care courses. Ms. Liranzo recommended the Board to discuss an increase to the number of hours for indirect patient/client care courses, revising the definition of courses related to the practice, and making technical corrections to course content.

Dr. White asked if the hours can be rounded down so that it is closer to one-third. Ms. Liranzo replied that the current proposed change is one-third of the self-study hours and the recommendation is to make it one-quarter of the required hours.

Ms. Dominguez asked if it would be feasible to add courses and count only to the maximum hours instead of rounding up. Ms. Burns replied that it becomes difficult if there is too much rounding. Ms.

Burns asked if most courses are one and a half hours or in whole hour increments and noted that the Board does not accept a half hour course. Ms. Liranzo replied that there are one and a half hour courses and two and a half courses offered but they may not be as common as one-hour courses.

Ms. Dominguez asked how hours would be counted if a licensee takes more hours. Ms. Burns replied that it would be counted to the maximum hours and commented on reducing the need to cut hours from completed courses.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Gilda Dominguez moved to modify the proposed regulatory text for 16 CCR sections 1399.160 through 1399.160.4, and direct staff to take all steps necessary to notice the modified regulatory text.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

Ms. Liranzo provided a background and summary of changes to regulations regarding general application requirements and hearing aid dispensers and dispensing audiologists examination requirements.

Ms. Burns commented on the current practical examination process and what the proposed changes will do.

Mr. Dandurand asked if priority is given to trainees with license near expiration. Ms. Burns replied there is no regulations that gives them priority. Ms. Burns commented on the list of applicant types and circumstances that affect priority such as the applicant is not available due to illness or they are not ready for the examination, as they were already accepted under current regulations and therefore can sit for any future examination.

Mr. Borges asked how the Board handles those who are not within the maximum number of allowable applicants. Ms. Burns replied that the proposed changes will require the Board to notify the applicant fourteen (14) days prior to the examination. Ms. Burns commented that the Board will maintain the application in the order received for the next available examination.

Ms. Liranzo commented that this proposed change will remove the practical examination requirement for dispensing audiologists which may change the demand for the examination.

Ms. Chang asked how the Board handles those who are not within the maximum number of allowable applicants but are not able to make the next available examination if they are within the allowable number. Ms. Burns replied that they will be on the list for the next available date until they are able to attend and noted that military applicants are given priority. Ms. Chang noted that applicants will now have to complete one application instead of a new application for each examination.

Ms. Chang asked if there is a way to apply electronically. Ms. Burns replied that the Board is in the

process of implementing it and commented on the feature the Board will have to accept applicants or keep them in a queue. Ms. Burns further commented on the current process of accepting applicants via the mail.

Mr. Borges asked if the Board is requiring equipment to have the capability of establishing Speech Recognition Threshold and Word Recognition Scores. Dr. White replied that the text was already there.

Mr. Borges asked if this should be included if this isn't part of the actual text. Ms. Chang asked if it was part of the test in the past. Mr. Borges replied that he doesn't recall it being part of the test he took. Ms. Burns replied that this is old regulation text that is being updated. Ms. Liranzo noted the Board can decide to remove it. Mr. Borges commented on it not being necessary. Dr. White commented on it covering general topics that may be covered as no one is to know what is exactly on the examination.

Ms. Liranzo recommended the Board to increase the examination fees to cover the cost of administering them. Ms. Burns noted that the proposed change will allow applicants to retake the section they failed for half the total fee amount.

Ms. Dominguez asked if the total current fees are \$750 or \$725. Ms. Burns replied it is \$725 for both examinations. Ms. Liranzo noted that the memo has a typo.

Mr. Borges asked if a mechanism to charge half the fee will be created. Ms. Liranzo replied there will be with the proposed changes. Ms. Burns commented that DCA's Office of Profession Examination Services found if an applicant fails one section of the examination it is acceptable to only have them retake that section.

Ms. Chang asked for clarification on when they would pay half the fee amount. Ms. Burns replied they will pay half the fee when they fail one part of the examination and noted that there are currently two sections in the practical examination.

Ms. Chang asked what happens if they failed the written examination. Ms. Burns replied they would have to pay the full amount because it's only one part and not two parts like the practical examination. Mr. Borges noted that applicants cannot take the practical until they pass the written.

Ms. Chang commented on the timeframe to make the regulation effective and asked if the fees take into account any cost increase that may occur when it completes the rulemaking process. Ms. Burns replied that the statute only allows the Board to set the fee by actual cost and therefore the Board will need to monitor cost in the future to determine if it needs changes. Mr. Sanchez commented on the fee being based off past fiscal years which can be found in Attachment E of the meeting materials. Mr. Borges expressed support to increase the fee if a partial fee is being provided for re-take. Mr. Sanchez commented on how the Board used to administer the practical examination.

Ms. Chang asked if the Board could increase the fee by an additional twenty-five dollars (\$25). Ms. Liranzo replied the fee has to be based on actual cost and staff developed the projected fee based on past spending. Ms. Chang asked if the Board is playing catch up. Ms. Liranzo replied that the Board has been paying one hundred dollar (\$100) per applicant for the last three to four years and noted the last fee increase was in 2011. Ms. Burns commented that playing catch-up with examination fees is common for other boards that administer an examination.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Amy White moved to approve the proposed regulatory text for 16 CCR sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4 as proposed, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4 as noticed.

Charles Sanders seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

Ms. Liranzo provided a background and summary of changes to regulations regarding processing times.

Ms. Kaiser asked for Board discussion. There was no Board discussion.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the proposed regulatory text for 16 CCR sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4. and 1399.170.13 as noticed.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

Ms. Liranzo provided a background and summary of changes to regulations regarding audiology licensing requirements related to supervised clinical experience.

Ms. Kaiser asked for Board discussion. There was no Board discussion.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

Charles Sanders moved to approve the proposed regulatory text for 16 CCR section 1399.152.2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45- day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR section 1399.152.2 as noticed/amended.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

14. Discussion and Possible Action on the Executive Officer Salary or Executive Officer Level Increase

Ms. Kaiser invited Mr. Kanotz to discuss possible action on the executive officer salary or level increase.

Mr. Kanotz noted that this item was moved to closed session and there is no additional discussion.

Mr. Kanotz asked for public comments. There were no comments from the public, outside agencies, or associations.

15. Election of Board Officers

Ms. Kaiser asked for nomination for Board chair and vice chair for 2024.

Ms. Kaiser nominated Ms. Dominguez for Board chair. Ms. Dominguez accepted the nomination.

Ms. Dominguez nominated Dr. White for Board vice chair. Dr. White accepted the nomination.

Mr. Kanotz asked for public comments. There were no comments from the public, outside agencies, or associations.

Approved the nomination of Gilda Dominguez for Board chair.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

Approved the nomination of Amy White for Board vice chair.

The motion carried 7-0. (Ayes: Kaiser, Borges, Chang, Dandurand, Dominguez, Sanders, White)

Ms. Kaiser congratulated the new Board officers.

Mr. Sanchez expressed his gratitude for Ms. Kaiser's service to the Board.

16. Potential Dates for Board Meetings in 2024

Ms. Kaiser invited Ms. Burns to discuss potential date for Board meetings in 2024.

Ms. Burns asked if Board members were available on March 7th and 8th and noted other days of the week can be considered. Ms. Burns also noted that February 29th and March 1st or April 4th and 5th are other days to consider. Ms. Burns noted February 29th and March 1st as acceptable dates.

Ms. Burns asked if Board members were available on May 16th and 17th and noted June 6th and 7th, June 13th or 14th, or June 20th or 21st are other days to consider. Ms. Burns also noted that May 30th and May 31st or May 9th or 10th are other days that can be considered or other days of the week can be considered such as May 21st or 22nd or May 29th and 30th.

Ms. Burns commented that the dates were determined based off dates that didn't fall on conferences, holidays, and practical examination days. Ms. Burns further commented that the first, second, and fourth meetings will be planned to be in Sacramento and the third will be planned to be in Southern California.

Mr. Sanchez asked if a poll can be sent to determine the second meeting date. Ms. Burns replied that a poll can be sent to Board members.

Ms. Burns asked if Board members were available on August 15th and 16 and noted August 22nd and 23rd or September 5th and 6th are other days to consider. Ms. Burns noted September 5th and 6th as acceptable dates.

Ms. Burns asked if Board members were available on October 24th and 25th or November 14th and 15th. Ms. Burns noted December 12th and 13th, or December 19th or 20th are other days to consider.

Ms. Dominguez asked if these meeting are guaranteed to be two days. Ms. Burns replied that they may be one day meeting. Ms. Burns noted that other days of the week can be considered such as December 10th or 11th. Ms. Burns noted that a poll can be sent to Board members for the fourth meeting.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

17. Future Agenda Items

Ms. Kaiser asked for future agenda items. There were no items for future agenda.

Ms. Kaiser asked for public comments. There were no comments from the public, outside agencies, or associations.

18. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including Proposed Decisions, Stipulated Decisions, Defaults,

Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

The Board did not meet in closed session to discuss disciplinary matters.

19. Adjournment

The meeting adjourned at 2:52 p.m.

DRAFT



MEMORANDUM

DATE	February 5, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 4: Review and Possible Approval of the February 2, 2024 Board Meeting Minutes

Background

Attached is a draft of the meeting minutes from the February 2, 2024 Board Meeting.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the February 2, 2024 Board Meeting minutes.

Attachment: February 2, 2024 Board Meeting Minutes



BOARD MEETING MINUTES - DRAFT
Teleconference
February 2, 2024

1. Call to Order / Roll Call / Establishment of Quorum

Gilda Dominguez, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 12:00 pm (noon). Ms. Dominguez called roll; five members of the Board were present and thus a quorum was established.

Board Members

Gilda Dominguez, Speech-Language Pathologist, Board Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Yuping Lin, DCA Legal Counsel
Grace Arupo Rodriguez, DCA Regulation Counsel
Trisha St.Clair, DCA SOLID
Alex Cristescu, DCA Office of Public Affairs

2. Public Comment for Items Not on the Agenda

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action to Ratify Amended Regulations Regarding Speech-Language Pathology Assistant (SLPA) Supervision Requirements as stated in Title 16, California Code of Regulations (CCR) sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18

Ms. Dominguez invited Ms. Liranzo to discuss possible action to ratify amended regulations regarding SLPA supervision. Ms. Liranzo provided a background and summary of changes to the proposed text. Ms. Liranzo noted that the fourth (4th) revision to the proposed text was published for public comment and draft Board responses to public comments are included in the meeting materials.

Ms. Dominguez asked for Board discussion.

Ms. Dominguez stated that she reviewed the documents. Dr. Charles Sanders stated that he reviewed the documents and he had no comments.

Ms. Dominguez asked for public comments.

Robert McKinney on behalf of California Speech-Language Hearing Association commented in support with proposed changes to allow tele-supervision but expressed concerns with CCR section 1399.170.15(b)(1) regarding the requirement of two-year full time or 3,120 hours practice experience prior to supervision and asked for clarification how the 3,120 hours was determined. Mr. McKinney recommended the Board to include required professional experience (RPE) hours in this requirement and grandparent current supervisors who would not meet the requirements.

Grace Arupo Rodriguez stated that the comment is not directly related to the most recent modification to the text and noted that the Board can consider it in a future rulemaking.

Cherise Burns commented on information that will be provided to implement the proposed changes and noted that a grandparent clause may not be necessary in the proposed text as currently written. Ms. Burns further noted that the Board may reconsider this in a future rulemaking.

Ms. Liranzo stated that the Board did consider changes to this specific requirement at previous Board meetings and that meeting materials from those meetings can be provided to the public by contacting the Board via email. Ms. Liranzo noted that reasons to modify some part of this section and not modify other parts of this section can be found in those meeting materials.

Charles Sanders moved to ratify the modifications to the regulatory text published during the 15-day comment period between January 12-29, 2024, approve the proposed Board responses to comments, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR Sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18, as noticed.

Karen Chang seconded the motion.

The motion carried 5-0. (Ayes: Dominguez, Borges, Chang, Dandurand, Sanders)

4. Future Agenda Items

Ms. Dominguez asked the Board for future agenda items. The Board had no items for a future agenda.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

5. Adjournment

The meeting adjourned at 12:19 p.m.

Hand Carry Item

Agenda Item 6:
Board Chair's Report

Hand Carry Item

Agenda Item 7:

Executive Officer's Report



MEMORANDUM

DATE	February 13, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Assistant Executive Officer Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 9: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

a. Legislative Calendar and Deadlines

- January 3, 2024 – Legislature reconvenes.
- January 31, 2024 – Last day to pass bills introduced in the first calendar year.
- February 16, 2024 – Last day for bills to be introduced.
- April 26, 2024 – Last day for policy committees to hear fiscal bills introduced in the house of origin.
- May 3, 2024 – Last day for policy committees to hear non-fiscal bills introduced in the house of origin.
- May 17, 2024 – Last day for fiscal committees to hear bills introduced in the house of origin.
- May 24, 2024 – Last day for each house to pass bills introduced in the house of origin.

b. 2023 Legislation Implementation Updates

i. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Status: Chapter 225, Statutes of 2023

Summary: This bill would require the Board to update a licensee's or registrant's license and any references to their name or gender displayed on the internet if the board receives from the licensee or registrant government-issued documentation demonstrating that their legal name or gender has been changed. The bill would require the Board to post an online statement and direct the public to contact the Board for more information if the licensee or registrant has enforcement records online referencing their former name or gender or if a search on the online license verification system is performed using a licensee's or registrant's former name.

Implementation: The Department of Consumer Affairs (DCA) created a DCA-wide online solution for licensees of DCA boards and bureaus to submit online the request for a Name and Gender Change Notification and Request for Confidentiality at the following website
https://www.dca.ca.gov/licensees/namegender_change.shtml.

The Board notified licensees and stakeholders in an electronic advisory about this statutory change on January 25, 2024, and is currently revising Board forms to align with DCA's process such as the Notification of Name Change and Request for Replacement License. Licensees and stakeholders will be notified when the forms are complete.

ii. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.

Status: Chapter 216, Statutes of 2023

Summary: This bill would provide the Board an alternative set of provisions to hold a meeting by teleconference. The alternative would require a majority of Board members to be physically present at the same teleconference location and permit additional Board members in excess of a majority to participate from a remote location that is not accessible to the public nor would it require disclosure on the notice and agenda. Board members participating remotely must disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals. Furthermore, Board members shall appear on camera during the open portion of a meeting or announce the reason for their nonappearance. This alternative shall remain in effect only until January 1, 2026.

This bill would also provide the Board an alternative set of provision for committees to hold a meeting by teleconference. The alternative would require at least one staff member to be present at the primary physical meeting location during the meeting and permit Board members to participate from a remote location that is not accessible to the public nor would it require disclosure on the notice and agenda. Furthermore, Board members shall appear on camera during the open portion of a meeting or announce the reason for their nonappearance. This alternative shall remain in effect only until January 1, 2026. After January 1, 2026, the alternative would require a majority of Board members to be physically present at the same teleconference location and permit additional members in excess of a majority to participate from a remote location that is not accessible to the public nor would it require disclosure on the notice and agenda. Appearance on camera would not be required for standing committee meetings after January 1, 2026.

Implementation: The Board notified licensees and stakeholders in an electronic advisory about this statutory change on January 25, 2024. Due to state budget restrictions, the Board is reviewing which meetings can be made completely remote using the SB 544 and which meetings can use regular teleconference rules in order to achieve some cost savings in the current and coming fiscal year.

iii. SB 612 (Ochoa Bogh) Speech-language pathologists.

Status: Chapter 620, Statutes of 2023

Summary: This bill would specify that a licensed speech-language pathologist, who obtained a written verification before January 1, 2023, meets the requirements to perform a flexible fiber optic transnasal endoscopic procedure described in Business and Professions Code section 2530.2(f)(1).

Implementation: The Board notified licensees and stakeholders in an electronic advisory about this statutory change on January 25, 2024, and is ensuring that the laws and regulations booklet for the Board is updated with the new statutory provisions.

c. 2024 Board-Sponsored Legislation

i. Omnibus Proposal – Speech-Language Pathology Assistant Associate Degree Program Type Language Clean-up and Grammatical Clean-up.

Summary: This proposal will correct academic requirements for licensure as a speech-language pathology assistant (SLPA) by removing the type of associate degree program specified in the Board's Practice Act and make grammatical correction in the name of a license type within the Board's Practice Act.

d. Bills with Active Positions Taken by the Board.

i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists.

Status: This bill died in the Assembly Appropriations Committee on January 31, 2024. It failed to meet the house of origin deadline in the second calendar year.

Summary: This bill would have deleted the provision specifying that services as an occupational therapist or physical therapist are not health services and authorize the Commission on Teacher Credentialing to issue health services credential to occupational therapists or physical therapists.

Current law specifies that services as an occupational therapist, a physical therapist or an audiometrists are not health services for purposes of a health services credential.

Board Position: Neutral if Amended

ii. SB 635 (Menjivar) Health care coverage: hearing aids.

Status: This bill was vetoed by the Governor on October 7, 2023. The veto was sustained by the Senate on January 25, 2024.

Governor's Veto Message: I am returning Senate Bill 635 without my signature.

This bill would require health plans to cover medically necessary hearing aids for individuals under 21 years of age, up to \$3,000 per individual hearing aid without any cost sharing, beginning January 1, 2025.

I am committed to ensuring that hearing impaired children have access to the services and supports they need, including hearing aids. Today, children can receive hearing aids and related services through the California Children's Services (CCS) program or through Medi-Cal. In July 2021 we launched the Hearing Aid Coverage for Children Program (HACCP) within the Department of Health Care Services (DHCS) for those who do not qualify for hearing aids through CCS or Medi-Cal.

HACCP was created to improve access and coverage for children's hearing aids, a shared goal of this proposed bill. Unlike HACCP, however, SB 635 would exceed the state's set of essential health benefits, which are established by the state's benchmark plan under the provisions of the federal Affordable Care Act (ACA). As such, this bill's mandate would require the state to defray the costs of coverage in Covered California. This would not only increase ongoing state General Fund costs, but it would set a new precedent by adding requirements that exceed the benchmark plan. A pattern of new coverage mandate bills like this could open the state to millions to billions of dollars in new costs to cover services relating to other health conditions. This creates uncertainty for our healthcare system's affordability, particularly when we have developed an alternative program that can serve the target population.

That said, improving access to hearing aids for children is a priority for my Administration. We can, and we must, do better for these children and their families as we implement HACCP. To this end, I am directing my Administration to explore increases to Medi-Cal provider payments with the goal of incentivizing additional provider participation in HACCP, increasing access for youth in need of hearing aids.

In addition, DHCS has developed a comprehensive plan to increase provider participation and program enrollment. These improvements will enable HACCP to reach and serve more children, which is our shared goal.

Specifically, in the next six months, DHCS will take a variety of steps to help patients maximize benefits, including: (1) partnering with other state entities to promote participation and awareness of HACCP, (2) completing translations for HACCP related materials into 18 languages, (3) implementing a streamlined annual eligibility renewal process to simplify provider enrollment, (4) conducting outreach to Medi-Cal providers not yet participating in HACCP to support their participation, (5) hosting quarterly webinars with providers and stakeholders, and (6) continuing to identify potential service improvements and strategies to increase program success.

Given the structural concerns this bill presents to our healthcare system and the opportunity to improve the existing HACCP to accomplish the same objectives, I cannot sign this bill.

Summary: This bill would have required a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2025, to include coverage for hearing aids for enrollees and insureds under 21 years of age, if medically necessary. The bill would have limited the maximum required coverage amount to \$3,000 per individual hearing aid and define the coverage for hearing aids to include an initial assessment; fittings, adjustments, and maintenance of the hearing aid; and new hearing aids at least every four years, or if alterations to existing hearing aids cannot meet the needs of the enrollees and insureds, or if the existing one is no longer working.

Board Position: Support

e. Bills with Recommended Watch Status

i. AB 477 (Waldron) Legislative review of state boards.

Status: This bill died in the Assembly Business and Professions Committee on January 31, 2024. It failed to meet the house of origin deadline in the second calendar year.

Summary: This bill would have required the report prepared by the Board for its Sunset Review available to the public and the Legislature, including posting it online.

Current law requires the report is available to the public and the Legislature.

ii. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Status: This bill is in the Senate Floor on the Inactive File.

Summary: This bill would have required entities within the Department of Consumer Affairs to develop and maintain a conflict-of-interest policy that discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

iii. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.

Status: This bill is in the Senate Appropriations Committee.

Summary: This bill would, on and after January 1, 2025, have required health practitioners to make a report to a local law enforcement if the health practitioner knows or suspects a patient has suffered a

wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm or a wound or physical injury resulting from child abuse or elder abuse. The bill would have required health practitioners to provide, to the degree that is medically possible, brief counseling, education, or other support, and a warm handoff or referral to local and national domestic violence or sexual violence advocacy services if the health practitioner knows or suspects a patient has suffered physical injury that is caused by domestic violence. The bill would have specified that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

Current law requires a health practitioner to make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. A violation of these provisions is punishable as a misdemeanor.

iv. AB 1816 (Schiavo) Deceptive practices.

Status: This bill was introduced on January 11, 2024, and may be heard in committee beginning on February 11, 2024.

Summary: This bill would make grammatical corrections.

Current law makes it unlawful for certain unfair methods of competition and certain unfair or deceptive acts or practices to be undertaken by a person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer, including representing that the consumer will receive a rebate, discount, or other economic benefit if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

v. AB 1900 (Weber) Consumer Legal Remedies Act.

Status: This bill was introduced on January 23, 2024, and may be heard in committee beginning on February 23, 2024.

Summary: This bill would also make it unlawful act to require a consumer to sign a nondisclosure agreement or otherwise prohibit a consumer from publishing or making negative statements about the business as a condition of receiving a refund.

Current law makes it unlawful for unfair methods of competition and unfair or deceptive acts or practices specified under Civil Code section 1770 to be undertaken by a person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer, including inserting an unconscionable provision in a contract. Current law also authorizes a consumer who suffers damage as a result of the use or employment by a person of a method, act, or practice declared to be unlawful by that provision to bring an action against that person to recover or obtain certain relief, including actual damages.

vi. AB 1928 (Sanchez) Worker classification: employees and independent contractors

Status: This bill was introduced on January 25, 2024, and may be heard in committee beginning on February 25, 2024. It was referred to the Assembly Labor and Employment and Assembly Judiciary Committees.

Summary: This bill would repeal the provisions that codify the ABC test and would declare that its purpose is to suspend and nullify the California Supreme Court's decision in *Dynamex* and provide that this decision does not apply for purposes of California law.

Current law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for those purposes. A person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. Specified occupations and business relationships are exempted from the application of the ABC test and, instead, are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d.

vii. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age

Status: This bill was introduced on January 29, 2024, and may be heard in committee beginning on February 29, 2024. It was referred to the Assembly Privacy and Consumer Protection Committee.

Summary: This bill would prohibit a business from selling or sharing the personal information of a consumer less than 18 years of age, unless the consumer, or the consumer’s parent or guardian, as applicable, has affirmatively authorized the sale or sharing of the consumer’s personal information.

This bill would require the California Privacy Protection Agency, on or before July 1, 2025, to solicit broad public participation and adopt regulations, including, but not limited to, issuing regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer’s parent or guardian, to specify that the consumer is less than 13 years of age, or at least 13 years of age and less than 18 years of age, and issuing regulations regarding age verification and when a business must treat a consumer as being less than 13 or 18 years of age for purposes of the CCPA.

Current law act prohibits a business from selling or sharing the personal information of a consumer if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, or the consumer’s parent or guardian, as applicable, has affirmatively authorized the sale or sharing of the consumer’s personal information. Current law also requires the Attorney General to solicit broad public participation and adopt regulations including, but not limited to, regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer’s parent or guardian, to specify that the consumer is less than 13 years of age, or at least 13 years of age and less than 16 years of age. The act requires the California Privacy Protection Agency to adopt regulations under the authority assigned to the Attorney General.

viii. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program.

Status: This bill was introduced on January 31, 2024, and may be heard in committee beginning on March 2, 2024. It was referred to the Assembly Labor and Employment and Assembly Judiciary Committees.

Summary: This bill would expand the program to include resolution of alleged violations of prescribed provisions on reproductive leave loss and revise the statute of limitations to toll the statute of limitations for all related claims arising out of the claims subject to mediation. The bill would also deem the mediation to be complete if the mediator determines that the employer does not have between 5 and 19 employees and delete the repeal date for the pilot program, thereby extending operation of the program indefinitely.

Current law requires the Civil Rights Department within the Business, Consumer Services, and Housing Agency to create a small employer family leave mediation pilot program, and repeals the pilot program on January 1, 2025, for the resolution of alleged violations of prescribed provisions on family care and medical and bereavement leave, applicable to employers with between 5 and 19 employees. Current law also tolls the statute of limitations for the employee, including for all related claims not subject to mediation, from the date of receipt of a request to participate in the program until the mediation is complete or the mediation is deemed unsuccessful. The mediation is deemed complete when one of events specified in the Government Code section 12945.21 occurs, including that the mediator determines that the core facts of the employee's complaint are unrelated to the specified family care and medical and bereavement leave provisions.

ix. AB 2269 (Flora) Board membership qualifications: public members

Status: This bill was introduced on February 9, 2024, and may be heard in committee beginning on March 10, 2024

Summary: This bill would prohibit a public member or a lay member of any board from having a relationship specified in Business and Professions Code section 450 with a licensee of that board, for services provided pursuant to that license, within 3 years of the public member's or lay member's appointment. The bill would provide that these requirements apply to a public member or a lay member of a board upon appointment or reappointment on or after January 1, 2025.

Current law prohibits a public member or a lay member appointed to a board from having a relationship specified in Business and Professions Code section 450 with a licensee of that board within 5 years of the public member's or lay member's appointment.

x. SB 763 (Durazo) Criminal records.

Status: This bill died in the Senate Appropriations Committee on January 31, 2024. It failed to meet the house of origin deadline in the second calendar year.

Summary: This bill would have extended the conviction record relief to apply to convictions of a felony that occurred on or after January 1, 1973.

Current law requires DOJ to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief on a monthly basis. A person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, or if on or after January 1, 2005, they were convicted of a felony, except as specified, for which they did not complete probation without revocation if they appear to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which they were not convicted of a new felony offense.

xi. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

Status: This bill is in the Assembly Business and Professions Committee.

Summary: This bill would have specified the number of days an applicant must be notified in writing if their application for licensure was denied based solely or in part of their conviction history to be within 30 days after a decision is made.

Current law requires boards within the Department of Consumer Affairs to notify an applicant in writing if their application for licensure was denied based solely or in part on their conviction history.

xii. SB 908 (Cortese) Public records: legislative records: electronic messages.

Status: This bill was introduced on January 8, 2024, and may be heard in committee beginning on February 8, 2024.

Summary: This bill would prohibit an elected or appointed official or employee of a public agency from creating or sending a public record using a nonofficial electronic messaging system unless the official or employee sends a copy of the public record to an official electronic messaging system.

Current law requires a state or local agency to make public records available for public inspection, except for public record that is not subject to disclosure. A public record includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by a state or local agency regardless of physical form or characteristics.

xiii. SB 935 (Becker) Department of Consumer Affairs.

Status: This bill was introduced on January 16, 2024, and may be heard in committee beginning on February 16, 2024.

Summary: This bill would make grammatical corrections.

Current law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency.

Attachments:

1. AB 1816 (Schiavo) Deceptive practices.
2. AB 1900 (Weber) Consumer Legal Remedies Act.
3. AB 1928 (Sanchez) Worker classification: employees and independent contractors
4. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age
5. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program.
6. AB 2269 (Flora) Board membership qualifications: public members
7. SB 908 (Cortese) Public records: legislative records: electronic messages.
8. SB 935 (Becker) Department of Consumer Affairs.

AB 1816 - (I) Amends the Law

SECTION 1. Section 1770 of the Civil Code, as added by Section 3 of Chapter 400 of the Statutes of 2023, is amended to read:

1770. (a) The unfair methods of competition and unfair or deceptive acts or practices listed in this subdivision undertaken by any person in a transaction intended to result or that results in the sale or lease of goods or services to any consumer are unlawful:

- (1) Passing off goods or services as those of another.
- (2) Misrepresenting the source, sponsorship, approval, or certification of goods or services.
- (3) Misrepresenting the affiliation, connection, or association with, or certification by, another.
- (4) Using deceptive representations or designations of geographic origin in connection with goods or services.
- (5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have.
- (6) Representing that goods are original or new if they have deteriorated unreasonably or are altered, reconditioned, reclaimed, used, or secondhand.
- (7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.
- (8) Disparaging the goods, services, or business of another by false or misleading representation of fact.
- (9) Advertising goods or services with intent not to sell them as advertised.
- (10) Advertising goods or services with intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.
- (11) Advertising furniture without clearly indicating that it is unassembled if that is the case.
- (12) Advertising the price of unassembled furniture without clearly indicating the assembled price of that furniture if the same furniture is available assembled from the seller.

(13) Making false or misleading statements of fact concerning reasons for, existence of, or amounts of, price reductions.

(14) Representing that a transaction confers or involves rights, remedies, or obligations that it does not have or involve, or that are prohibited by law.

(15) Representing that a part, replacement, or repair service is needed when it is not.

(16) Representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not.

(17) Representing that the consumer will receive a rebate, discount, or other economic ~~benefit~~, *benefit* if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

(18) Misrepresenting the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction with a consumer.

(19) Inserting an unconscionable provision in the contract.

(20) Advertising that a product is being offered at a specific price plus a specific percentage of that price unless (A) the total price is set forth in the advertisement, which may include, but is not limited to, shelf tags, displays, and media advertising, in a size larger than any other price in that advertisement, and (B) the specific price plus a specific percentage of that price represents a markup from the seller's costs or from the wholesale price of the product. This subdivision shall not apply to in-store advertising by businesses that are open only to members or cooperative organizations organized pursuant to Division 3 (commencing with Section 12000) of Title 1 of the Corporations Code if more than 50 percent of purchases are made at the specific price set forth in the advertisement.

(21) Selling or leasing goods in violation of Chapter 4 (commencing with Section 1797.8) of Title 1.7.

(22) (A) Disseminating an unsolicited prerecorded message by telephone without an unrecorded, natural voice first informing the person answering the telephone of the name of the caller or the organization being represented, and either the address or the telephone number of the caller, and without obtaining the consent of that person to listen to the prerecorded message.

(B) This subdivision does not apply to a message disseminated to a business associate, customer, or other person having an established relationship with the person or organization making the call, to a call for the purpose of collecting an existing obligation, or to any call generated at the request of the recipient.

(23) (A) The home solicitation, as defined in subdivision (h) of Section 1761, of a consumer who is a senior citizen where a loan or assessment is made encumbering the primary residence of that consumer for purposes of paying for home improvements and where the transaction is part of a pattern or practice in violation any of the following:

(i) Subsection (h) or (i) of Section 1639 of Title 15 of the United States Code.

(ii) Paragraph (1), (2), or (4) of subdivision (a) of Section 226.34 of Title 12 of the Code of Federal Regulations.

(iii) Section 22684, 22685, 22686, or 22687 of the Financial Code.

(iv) Section 5898.16, 5898.17, 5913, 5922, 5923, 5924, 5925, 5926, or 5940 of the Streets and Highways Code.

(B) A third party shall not be liable under this subdivision unless (i) there was an agency relationship between the party who engaged in home solicitation and the third party, or (ii) the third party had actual knowledge of, or participated in, the unfair or deceptive transaction. A third party who is a holder in due course under a home solicitation transaction shall not be liable under this subdivision.

(24) (A) Charging or receiving an unreasonable fee to prepare, aid, or advise any prospective applicant, applicant, or recipient in the procurement, maintenance, or securing of public social services.

(B) For purposes of this paragraph:

(i) "Public social services" means those activities and functions of state and local government administered or supervised by the State Department of Health Care Services, the State Department of Public Health, or the State Department of Social Services, and involved in providing aid or services, or both, including health care services, and medical assistance, to those persons who, because of their economic circumstances or social condition, are in need of that aid or those services and may benefit from them.

(ii) "Public social services" also includes activities and functions administered or supervised by the United States Department of Veterans Affairs or the California Department of Veterans Affairs involved in providing aid or services, or both, to veterans, including pension benefits.

(iii) "Unreasonable fee" means a fee that is exorbitant and disproportionate to the services performed. Factors to be considered, if appropriate, in determining the reasonableness of a fee, are based on the circumstances existing at the time of the service and shall include, but not be limited to, all of the following:

(l) The time and effort required.

(II) The novelty and difficulty of the services.

(III) The skill required to perform the services.

(IV) The nature and length of the professional relationship.

(V) The experience, reputation, and ability of the person providing the services.

(C) This paragraph shall not apply to attorneys licensed to practice law in California, who are subject to the California Rules of Professional Conduct and to the mandatory fee arbitration provisions of Article 13 (commencing with Section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, when the fees charged or received are for providing representation in administrative agency appeal proceedings or court proceedings for purposes of procuring, maintaining, or securing public social services on behalf of a person or group of persons.

(25) (A) Advertising or promoting any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements that does not include the following statement in the same type size and font as the term "veteran" or any variation of that term:

(i) "I am not authorized to file an initial application for Veterans' Aid and Attendance benefits on your behalf, or to represent you before the Board of Veterans' Appeals within the United States Department of Veterans Affairs in any proceeding on any matter, including an application for those benefits. It would be illegal for me to accept a fee for preparing that application on your behalf." The requirements of this clause do not apply to a person licensed to act as an agent or attorney in proceedings before the Agency of Original Jurisdiction and the Board of Veterans' Appeals within the United States Department of Veterans Affairs when that person is offering those services at the advertised event.

(ii) The statement in clause (i) shall also be disseminated, both orally and in writing, at the beginning of any event, presentation, seminar, workshop, or public gathering regarding veterans' benefits or entitlements.

(B) Advertising or promoting any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements that is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the California Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries that does not include the following statement, in the same type size and font as the term "veteran" or the variation of that term:

"This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the California Department of Veterans Affairs, or any other

congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries. None of the insurance products promoted at this sales event are endorsed by those organizations, all of which offer free advice to veterans about how to qualify and apply for benefits.”

(i) The statement in this subparagraph shall be disseminated, both orally and in writing, at the beginning of any event, presentation, seminar, workshop, or public gathering regarding veterans’ benefits or entitlements.

(ii) The requirements of this subparagraph shall not apply in a case where the United States Department of Veterans Affairs, the California Department of Veterans Affairs, or other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries have granted written permission to the advertiser or promoter for the use of its name, symbol, or insignia to advertise or promote the event, presentation, seminar, workshop, or other public gathering.

(26) Advertising, offering for sale, or selling a financial product that is illegal under state or federal law, including any cash payment for the assignment to a third party of the consumer’s right to receive future pension or veteran’s benefits.

(27) Representing that a product is made in California by using a Made in California label created pursuant to Section 12098.10 of the Government Code, unless the product complies with Section 12098.10 of the Government Code.

(28) (A) Failing to include either of the following in a solicitation by a covered person, or an entity acting on behalf of a covered person, to a consumer for a consumer financial product or service:

(i) The name of the covered person, and, if applicable, the entity acting on behalf of the covered person, and relevant contact information, including a mailing address and telephone number.

(ii) The following disclosure statement in at least 18-point bold type and in the language in which the solicitation is drafted: “THIS IS AN ADVERTISEMENT. YOU ARE NOT REQUIRED TO MAKE ANY PAYMENT OR TAKE ANY OTHER ACTION IN RESPONSE TO THIS OFFER.”

(B) For purposes of this paragraph:

(i) “Consumer financial product or service” has the same meaning as defined in Section 90005 of the Financial Code.

(ii) (I) “Covered person” has the same meaning as defined in Section 90005 of the Financial Code.

(II) “Covered person” does not mean an entity exempt from Division 24 (commencing with Section 90000) of the Financial Code pursuant to Section 90002 of the Financial Code.

(iii) “Solicitation” means an advertisement or marketing communication through writing or graphics that is directed to, or likely to give the impression of being directed to, an individually identified person, residence, or business location. “Solicitation” does not include any of the following:

(I) Communication through a mass advertisement, including in a catalog, on a radio or television broadcast, or on a publicly accessible internet website, if that communication is not directed to, or is not likely to give the impression of being directed to, an individually identified person, residence, or business location.

(II) Communication via a telephone, mail, or electronic communication that was initiated by a consumer.

(III) A written credit or insurance solicitation that is subject to the disclosure requirements of subsection (d) of Section 1681m of Title 15 of the United States Code.

(29) (A) Advertising, displaying, or offering a price for a good or service that does not include all mandatory fees or charges other than either of the following:

(i) Taxes or fees imposed by a government on the transaction.

(ii) Postage or carriage charges that will be reasonably and actually incurred to ship the physical good to the consumer.

(B) Compliance by a person providing broadband internet access service on its own or as part of a bundle, as defined in Section 8.1(b) of Title 47 of the Code of Federal Regulations, with the broadband consumer label requirements adopted by the Federal Communications Commission in FCC 22-86 on November 14, 2022, codified in Section 8.1(a) of Title 47 of the Code of Federal Regulations, shall be deemed compliance with this paragraph.

(C) (i) For purposes of this subparagraph, “financial entity” means an entity that is exempt from Division 24 (commencing with Section 90000) of the Financial Code pursuant to Section 90002 of the Financial Code.

(ii) A financial entity that is required to provide disclosures in compliance with any of the following federal or state acts or regulations with respect to a financial transaction is exempt from this paragraph for purposes of that financial transaction:

(I) The federal Truth in Savings Act, as amended (12 U.S.C. Sec. 4301 et seq.).

(II) The federal Electronic Fund Transfer Act, as amended (15 U.S.C. Sec. 1693 et seq.).

(III) Section 19 of the Federal Reserve Act, as amended (12 U.S.C. Sec. 461 et seq.).

(IV) The federal Truth in Lending Act, as amended (15 U.S.C. Sec. 1601 et seq.).

(V) The federal Real Estate Settlement Procedures Act, as amended (12 U.S.C. Sec. 2601 et seq.).

(VI) The federal Home Ownership and Equity Protection Act (15 U.S.C. Sec. 1639).

(VII) Any regulation adopted pursuant to any of the federal acts in subclauses (I) to (VI), inclusive.

(VIII) The California Financing Law (Division 9 (commencing with Section 22000) of the Financial Code).

(IX) The California Residential Mortgage Lending Act (Division 20 (commencing with Section 50000) of the Financial Code).

(X) The Real Estate Law (Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code).

(XI) Any regulation adopted pursuant to any of the state acts in subclauses (VIII) to (X), inclusive.

(b) (1) It is an unfair or deceptive act or practice for a mortgage broker or lender, directly or indirectly, to use a home improvement contractor to negotiate the terms of any loan that is secured, whether in whole or in part, by the residence of the borrower and that is used to finance a home improvement contract or any portion of a home improvement contract. For purposes of this subdivision, "mortgage broker or lender" includes a finance lender licensed pursuant to the California Financing Law (Division 9 (commencing with Section 22000) of the Financial Code), a residential mortgage lender licensed pursuant to the California Residential Mortgage Lending Act (Division 20 (commencing with Section 50000) of the Financial Code), or a real estate broker licensed under the Real Estate Law (Division 4 (commencing with Section 10000) of the Business and Professions Code).

(2) This section shall not be construed to either authorize or prohibit a home improvement contractor from referring a consumer to a mortgage broker or lender by this subdivision. However, a home improvement contractor may refer a consumer to a mortgage lender or broker if that referral does not violate Section 7157 of the Business and Professions Code or any other law. A mortgage lender or broker may purchase an executed home improvement contract if that purchase does not violate Section 7157 of the Business and Professions Code or any other law. Nothing in this paragraph shall

have any effect on the application of Chapter 1 (commencing with Section 1801) of Title 2 to a home improvement transaction or the financing of a home improvement transaction.

(c) This section shall become operative on July 1, 2024.

AB 1900 - (I) Amends the Law

SECTION 1. Section 1770 of the Civil Code, as added by Section 3 of Chapter 400 of the Statutes of 2023, is amended to read:

1770. (a) The unfair methods of competition and unfair or deceptive acts or practices listed in this subdivision undertaken by any person in a transaction intended to result or that results in the sale or lease of goods or services to any consumer are unlawful:

- (1) Passing off goods or services as those of another.
- (2) Misrepresenting the source, sponsorship, approval, or certification of goods or services.
- (3) Misrepresenting the affiliation, connection, or association with, or certification by, another.
- (4) Using deceptive representations or designations of geographic origin in connection with goods or services.
- (5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have.
- (6) Representing that goods are original or new if they have deteriorated unreasonably or are altered, reconditioned, reclaimed, used, or secondhand.
- (7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.
- (8) Disparaging the goods, services, or business of another by false or misleading representation of fact.
- (9) Advertising goods or services with intent not to sell them as advertised.
- (10) Advertising goods or services with intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.
- (11) Advertising furniture without clearly indicating that it is unassembled if that is the case.
- (12) Advertising the price of unassembled furniture without clearly indicating the assembled price of that furniture if the same furniture is available assembled from the seller.

(13) Making false or misleading statements of fact concerning reasons for, existence of, or amounts of, price reductions.

(14) Representing that a transaction confers or involves rights, remedies, or obligations that it does not have or involve, or that are prohibited by law.

(15) Representing that a part, replacement, or repair service is needed when it is not.

(16) Representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not.

(17) Representing that the consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

(18) Misrepresenting the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction with a consumer.

(19) Inserting an unconscionable provision in the contract.

(20) Advertising that a product is being offered at a specific price plus a specific percentage of that price unless (A) the total price is set forth in the advertisement, which may include, but is not limited to, shelf tags, displays, and media advertising, in a size larger than any other price in that advertisement, and (B) the specific price plus a specific percentage of that price represents a markup from the seller's costs or from the wholesale price of the product. This subdivision shall not apply to in-store advertising by businesses that are open only to members or cooperative organizations organized pursuant to Division 3 (commencing with Section 12000) of Title 1 of the Corporations Code if more than 50 percent of purchases are made at the specific price set forth in the advertisement.

(21) Selling or leasing goods in violation of Chapter 4 (commencing with Section 1797.8) of Title 1.7.

(22) (A) Disseminating an unsolicited prerecorded message by telephone without an unrecorded, natural voice first informing the person answering the telephone of the name of the caller or the organization being represented, and either the address or the telephone number of the caller, and without obtaining the consent of that person to listen to the prerecorded message.

(B) This subdivision does not apply to a message disseminated to a business associate, customer, or other person having an established relationship with the person or organization making the call, to a call for the purpose of collecting an existing obligation, or to any call generated at the request of the recipient.

(23) (A) The home solicitation, as defined in subdivision (h) of Section 1761, of a consumer who is a senior citizen where a loan or assessment is made encumbering the primary residence of that consumer for purposes of paying for home improvements and where the transaction is part of a pattern or practice in violation any of the following:

(i) Subsection (h) or (i) of Section 1639 of Title 15 of the United States Code.

(ii) Paragraph (1), (2), or (4) of subdivision (a) of Section 226.34 of Title 12 of the Code of Federal Regulations.

(iii) Section 22684, 22685, 22686, or 22687 of the Financial Code.

(iv) Section 5898.16, 5898.17, 5913, 5922, 5923, 5924, 5925, 5926, or 5940 of the Streets and Highways Code.

(B) A third party shall not be liable under this subdivision unless (i) there was an agency relationship between the party who engaged in home solicitation and the third party, or (ii) the third party had actual knowledge of, or participated in, the unfair or deceptive transaction. A third party who is a holder in due course under a home solicitation transaction shall not be liable under this subdivision.

(24) (A) Charging or receiving an unreasonable fee to prepare, aid, or advise any prospective applicant, applicant, or recipient in the procurement, maintenance, or securing of public social services.

(B) For purposes of this paragraph:

(i) "Public social services" means those activities and functions of state and local government administered or supervised by the State Department of Health Care Services, the State Department of Public Health, or the State Department of Social Services, and involved in providing aid or services, or both, including health care services, and medical assistance, to those persons who, because of their economic circumstances or social condition, are in need of that aid or those services and may benefit from them.

(ii) "Public social services" also includes activities and functions administered or supervised by the United States Department of Veterans Affairs or the California Department of Veterans Affairs involved in providing aid or services, or both, to veterans, including pension benefits.

(iii) "Unreasonable fee" means a fee that is exorbitant and disproportionate to the services performed. Factors to be considered, if appropriate, in determining the reasonableness of a fee, are based on the circumstances existing at the time of the service and shall include, but not be limited to, all of the following:

(l) The time and effort required.

(II) The novelty and difficulty of the services.

(III) The skill required to perform the services.

(IV) The nature and length of the professional relationship.

(V) The experience, reputation, and ability of the person providing the services.

(C) This paragraph shall not apply to attorneys licensed to practice law in California, who are subject to the California Rules of Professional Conduct and to the mandatory fee arbitration provisions of Article 13 (commencing with Section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, when the fees charged or received are for providing representation in administrative agency appeal proceedings or court proceedings for purposes of procuring, maintaining, or securing public social services on behalf of a person or group of persons.

(25) (A) Advertising or promoting any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements that does not include the following statement in the same type size and font as the term "veteran" or any variation of that term:

(i) "I am not authorized to file an initial application for Veterans' Aid and Attendance benefits on your behalf, or to represent you before the Board of Veterans' Appeals within the United States Department of Veterans Affairs in any proceeding on any matter, including an application for those benefits. It would be illegal for me to accept a fee for preparing that application on your behalf." The requirements of this clause do not apply to a person licensed to act as an agent or attorney in proceedings before the Agency of Original Jurisdiction and the Board of Veterans' Appeals within the United States Department of Veterans Affairs when that person is offering those services at the advertised event.

(ii) The statement in clause (i) shall also be disseminated, both orally and in writing, at the beginning of any event, presentation, seminar, workshop, or public gathering regarding veterans' benefits or entitlements.

(B) Advertising or promoting any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements that is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the California Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries that does not include the following statement, in the same type size and font as the term "veteran" or the variation of that term:

"This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the California Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members

of the Armed Forces of the United States, or any of their auxiliaries. None of the insurance products promoted at this sales event are endorsed by those organizations, all of which offer free advice to veterans about how to qualify and apply for benefits.”

(i) The statement in this subparagraph shall be disseminated, both orally and in writing, at the beginning of any event, presentation, seminar, workshop, or public gathering regarding veterans’ benefits or entitlements.

(ii) The requirements of this subparagraph shall not apply in a case where the United States Department of Veterans Affairs, the California Department of Veterans Affairs, or other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States, or any of their auxiliaries have granted written permission to the advertiser or promoter for the use of its name, symbol, or insignia to advertise or promote the event, presentation, seminar, workshop, or other public gathering.

(26) Advertising, offering for sale, or selling a financial product that is illegal under state or federal law, including any cash payment for the assignment to a third party of the consumer’s right to receive future pension or veteran’s benefits.

(27) Representing that a product is made in California by using a Made in California label created pursuant to Section 12098.10 of the Government Code, unless the product complies with Section 12098.10 of the Government Code.

(28) (A) Failing to include either of the following in a solicitation by a covered person, or an entity acting on behalf of a covered person, to a consumer for a consumer financial product or service:

(i) The name of the covered person, and, if applicable, the entity acting on behalf of the covered person, and relevant contact information, including a mailing address and telephone number.

(ii) The following disclosure statement in at least 18-point bold type and in the language in which the solicitation is drafted: “THIS IS AN ADVERTISEMENT. YOU ARE NOT REQUIRED TO MAKE ANY PAYMENT OR TAKE ANY OTHER ACTION IN RESPONSE TO THIS OFFER.”

(B) For purposes of this paragraph:

(i) “Consumer financial product or service” has the same meaning as defined in Section 90005 of the Financial Code.

(ii) (I) “Covered person” has the same meaning as defined in Section 90005 of the Financial Code.

(II) “Covered person” does not mean an entity exempt from Division 24 (commencing with Section 90000) of the Financial Code pursuant to Section 90002 of the Financial Code.

(iii) “Solicitation” means an advertisement or marketing communication through writing or graphics that is directed to, or likely to give the impression of being directed to, an individually identified person, residence, or business location. “Solicitation” does not include any of the following:

(I) Communication through a mass advertisement, including in a catalog, on a radio or television broadcast, or on a publicly accessible internet website, if that communication is not directed to, or is not likely to give the impression of being directed to, an individually identified person, residence, or business location.

(II) Communication via a telephone, mail, or electronic communication that was initiated by a consumer.

(III) A written credit or insurance solicitation that is subject to the disclosure requirements of subsection (d) of Section 1681m of Title 15 of the United States Code.

(29) (A) Advertising, displaying, or offering a price for a good or service that does not include all mandatory fees or charges other than either of the following:

(i) Taxes or fees imposed by a government on the transaction.

(ii) Postage or carriage charges that will be reasonably and actually incurred to ship the physical good to the consumer.

(B) Compliance by a person providing broadband internet access service on its own or as part of a bundle, as defined in Section 8.1(b) of Title 47 of the Code of Federal Regulations, with the broadband consumer label requirements adopted by the Federal Communications Commission in FCC 22-86 on November 14, 2022, codified in Section 8.1(a) of Title 47 of the Code of Federal Regulations, shall be deemed compliance with this paragraph.

(C) (i) For purposes of this subparagraph, “financial entity” means an entity that is exempt from Division 24 (commencing with Section 90000) of the Financial Code pursuant to Section 90002 of the Financial Code.

(ii) A financial entity that is required to provide disclosures in compliance with any of the following federal or state acts or regulations with respect to a financial transaction is exempt from this paragraph for purposes of that financial transaction:

(I) The federal Truth in Savings Act, as amended (12 U.S.C. Sec. 4301 et seq.).

(II) The federal Electronic Fund Transfer Act, as amended (15 U.S.C. Sec. 1693 et seq.).

(III) Section 19 of the Federal Reserve Act, as amended (12 U.S.C. Sec. 461 et seq.).

(IV) The federal Truth in Lending Act, as amended (15 U.S.C. Sec. 1601 et seq.).

(V) The federal Real Estate Settlement Procedures Act, as amended (12 U.S.C. Sec. 2601 et seq.).

(VI) The federal Home Ownership and Equity Protection Act (15 U.S.C. Sec. 1639).

(VII) Any regulation adopted pursuant to any of the federal acts in subclauses (I) to (VI), inclusive.

(VIII) The California Financing Law (Division 9 (commencing with Section 22000) of the Financial Code).

(IX) The California Residential Mortgage Lending Act (Division 20 (commencing with Section 50000) of the Financial Code).

(X) The Real Estate Law (Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code).

(XI) Any regulation adopted pursuant to any of the state acts in subclauses (VIII) to (X), inclusive.

(30) Requiring a consumer to sign a nondisclosure agreement or otherwise prohibiting a consumer from publishing or making negative statements about the business as a condition of receiving a refund.

(b) (1) It is an unfair or deceptive act or practice for a mortgage broker or lender, directly or indirectly, to use a home improvement contractor to negotiate the terms of any loan that is secured, whether in whole or in part, by the residence of the borrower and that is used to finance a home improvement contract or any portion of a home improvement contract. For purposes of this subdivision, "mortgage broker or lender" includes a finance lender licensed pursuant to the California Financing Law (Division 9 (commencing with Section 22000) of the Financial Code), a residential mortgage lender licensed pursuant to the California Residential Mortgage Lending Act (Division 20 (commencing with Section 50000) of the Financial Code), or a real estate broker licensed under the Real Estate Law (Division 4 (commencing with Section 10000) of the Business and Professions Code).

(2) This section shall not be construed to either authorize or prohibit a home improvement contractor from referring a consumer to a mortgage broker or lender by this subdivision. However, a home improvement contractor may refer a consumer to a

mortgage lender or broker if that referral does not violate Section 7157 of the Business and Professions Code or any other law. A mortgage lender or broker may purchase an executed home improvement contract if that purchase does not violate Section 7157 of the Business and Professions Code or any other law. Nothing in this paragraph shall have any effect on the application of Chapter 1 (commencing with Section 1801) of Title 2 to a home improvement transaction or the financing of a home improvement transaction.

~~(c) This section shall become operative on July 1, 2024.~~

AB 1928 - (I) Amends the Law

SECTION 1. *The Legislature finds and declares both of the following:*

(a) The purpose of this act is to suspend and nullify the California Supreme Court's decision in Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903.

(b) The decision referenced in subdivision (a) does not apply for purposes of California law.

SEC. 2. *Article 1.5 (commencing with Section 2775) of Chapter 2 of Division 3 of the Labor Code is repealed.*

AB 1949 - (I) Amends the Law

SECTION 1. Section 1798.100 of the Civil Code is amended to read:

1798.100. General Duties of Businesses that Collect Personal Information

(a) A business that controls the collection of a consumer's personal information shall, at or before the point of collection, inform consumers of the following:

(1) The categories of personal information to be collected and the purposes for which the categories of personal information are collected or used and whether that information is sold or shared. A business shall not collect additional categories of personal information or use personal information collected for additional purposes that are incompatible with the disclosed purpose for which the personal information was collected without providing the consumer with notice consistent with this section.

(2) If the business collects sensitive personal information, the categories of sensitive personal information to be collected and the purposes for which the categories of sensitive personal information are collected or used, and whether that information is sold or shared. A business shall not collect additional categories of sensitive personal information or use sensitive personal information collected for additional purposes that are incompatible with the disclosed purpose for which the sensitive personal information was collected without providing the consumer with notice consistent with this section.

(3) The length of time the business intends to retain each category of personal information, including sensitive personal information, or if that is not possible, the criteria used to determine that period provided that a business shall not retain a consumer's personal information or sensitive personal information for each disclosed purpose for which the personal information was collected for longer than is reasonably necessary for that disclosed purpose.

(b) A business that, acting as a third party, controls the collection of personal information about a consumer may satisfy its obligation under subdivision (a) by providing the required information prominently and conspicuously on the homepage of its internet website. In addition, if a business acting as a third party controls the collection of personal information about a consumer on its premises, including in a vehicle, then the business shall, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which the categories of personal information are used, and whether that personal information is sold, in a clear and conspicuous manner at the location.

(c) A business' collection, use, retention, and sharing of a consumer's personal information shall be reasonably necessary and proportionate to achieve the purposes for which the personal information was collected or processed, or for another disclosed purpose that is compatible with the context in which the personal information was

collected, and not further processed in a manner that is incompatible with those purposes.

(d) A business that collects a consumer's personal information and that sells that personal information to, or shares it with, a third party or that discloses it to a service provider or contractor for a business purpose shall enter into an agreement with the third party, service provider, or contractor, that:

(1) Specifies that the personal information is sold or disclosed by the business only for limited and specified purposes.

(2) Obligates the third party, service provider, or contractor to comply with applicable obligations under this title and obligate those persons to provide the same level of privacy protection as is required by this title.

(3) Grants the business rights to take reasonable and appropriate steps to help ensure that the third party, service provider, or contractor uses the personal information transferred in a manner consistent with the business' obligations under this title.

(4) Requires the third party, service provider, or contractor to notify the business if it makes a determination that it can no longer meet its obligations under this title.

(5) Grants the business the right, upon notice, including under paragraph (4), to take reasonable and appropriate steps to stop and remediate unauthorized use of personal information.

(e) A business that collects a consumer's personal information shall implement reasonable security procedures and practices appropriate to the nature of the personal information to protect the personal information from unauthorized or illegal access, destruction, use, modification, or disclosure in accordance with Section 1798.81.5.

(f) Nothing in this section shall require a business to disclose trade secrets, as specified in regulations adopted pursuant to paragraph (3) of subdivision (a) of Section 1798.185.

(g) Notwithstanding any other provision of this section, a business shall not collect the personal information of a consumer less than 18 years of age, unless the consumer, in the case of a consumer at least 13 years of age and less than 18 years of age, or the consumer's parent or guardian, in the case of a consumer less than 13 years of age, has affirmatively authorized the collection of the consumer's personal information.

SEC. 2. Section 1798.120 of the Civil Code is amended to read:

1798.120. Consumers' Right to Opt Out of Sale or Sharing of Personal Information

(a) A consumer shall have the right, at any time, to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the

consumer's personal information. This right may be referred to as the right to opt-out of sale or sharing.

(b) A business that sells consumers' personal information to, or shares it with, third parties shall provide notice to consumers, pursuant to subdivision (a) of Section 1798.135, that this information may be sold or shared and that consumers have the "right to opt-out" of the sale or sharing of their personal information.

(c) Notwithstanding subdivision (a), a business shall not sell or share the personal information of consumers ~~if the business has actual knowledge that the consumer is less than 16~~ *less than 18* years of age, unless the consumer, in the case of consumers at least 13 years of age and less than ~~16~~ *18* years of age, or the consumer's parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized the sale or sharing of the consumer's personal information. ~~A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age.~~

(d) A business that has received direction from a consumer not to sell or share the consumer's personal information or, in the case of a minor consumer's personal information has not received consent to sell or share the minor consumer's personal information, shall be prohibited, pursuant to paragraph (4) of subdivision (c) of Section 1798.135, from selling or sharing the consumer's personal information after its receipt of the consumer's direction, unless the consumer subsequently provides consent, for the sale or sharing of the consumer's personal information.

SEC. 3. Section 1798.121 of the Civil Code is amended to read:

1798.121. Consumers' Right to Limit Use and Disclosure of Sensitive Personal Information *and a Minor's Information*

(a) A consumer shall have the right, at any time, to direct a business that collects sensitive personal information about the consumer to limit its use of the consumer's sensitive personal information to that use which is necessary to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services, to perform the services set forth in paragraphs (2), (4), (5), and (8) of subdivision (e) of Section 1798.140, and as authorized by regulations adopted pursuant to subparagraph (C) of paragraph (19) of subdivision (a) of Section 1798.185. A business that uses or discloses a consumer's sensitive personal information for purposes other than those specified in this subdivision shall provide notice to consumers, pursuant to subdivision (a) of Section 1798.135, that this information may be used, or disclosed to a service provider or contractor, for additional, specified purposes and that consumers have the right to limit the use or disclosure of their sensitive personal information.

(b) A business that has received direction from a consumer not to use or disclose the consumer's sensitive personal information, except as authorized by subdivision (a),

shall be prohibited, pursuant to paragraph (4) of subdivision (c) of Section 1798.135, from using or disclosing the consumer's sensitive personal information for any other purpose after its receipt of the consumer's direction unless the consumer subsequently provides consent for the use or disclosure of the consumer's sensitive personal information for additional purposes.

(c) A service provider or contractor that assists a business in performing the purposes authorized by subdivision (a) may not use the sensitive personal information after it has received instructions from the business and to the extent it has actual knowledge that the personal information is sensitive personal information for any other purpose. A service provider or contractor is only required to limit its use of sensitive personal information received pursuant to a written contract with the business in response to instructions from the business and only with respect to its relationship with that business.

(d) Sensitive personal information that is collected or processed without the purpose of inferring characteristics about a consumer is not subject to this section, as further defined in regulations adopted pursuant to subparagraph (C) of paragraph (19) of subdivision (a) of Section 1798.185, and shall be treated as personal information for purposes of all other sections of this act, including Section 1798.100.

(e) Notwithstanding any other provision of this section, a business shall not use or disclose the personal information of a consumer less than 18 years of age, unless the consumer, in the case of a consumer at least 13 years of age and less than 18 years of age, or the consumer's parent or guardian, in the case of a consumer less than 13 years of age, has affirmatively authorized the use or disclosure of the consumer's personal information.

SEC. 4. Section 1798.185 of the Civil Code is amended to read:

1798.185. Regulations

(a) On or before July 1, 2020, the Attorney General shall solicit broad public participation and adopt regulations to further the purposes of this title, including, but not limited to, the following areas:

(1) Updating or adding categories of personal information to those enumerated in subdivision (c) of Section 1798.130 and subdivision (v) of Section 1798.140, and updating or adding categories of sensitive personal information to those enumerated in subdivision (ae) of Section 1798.140 in order to address changes in technology, data collection practices, obstacles to implementation, and privacy concerns.

(2) Updating as needed the definitions of "deidentified" and "unique identifier" to address changes in technology, data collection, obstacles to implementation, and privacy concerns, and adding, modifying, or deleting categories to the definition of designated methods for submitting requests to facilitate a consumer's ability to obtain information

from a business pursuant to Section 1798.130. The authority to update the definition of “deidentified” shall not apply to deidentification standards set forth in Section 164.514 of Title 45 of the Code of Federal Regulations, where such information previously was “protected health information” as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(3) Establishing any exceptions necessary to comply with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights, within one year of passage of this title and as needed thereafter, with the intention that trade secrets should not be disclosed in response to a verifiable consumer request.

(4) Establishing rules and procedures for the following:

(A) To facilitate and govern the submission of a request by a consumer to opt out of the sale or sharing of personal information pursuant to Section 1798.120 and to limit the use of a consumer’s sensitive personal information pursuant to Section 1798.121 to ensure that consumers have the ability to exercise their choices without undue burden and to prevent business from engaging in deceptive or harassing conduct, including in retaliation against consumers for exercising their rights, while allowing businesses to inform consumers of the consequences of their decision to opt out of the sale or sharing of their personal information or to limit the use of their sensitive personal information.

(B) To govern business compliance with a consumer’s opt-out request.

(C) For the development and use of a recognizable and uniform opt-out logo or button by all businesses to promote consumer awareness of the opportunity to opt out of the sale of personal information.

(5) Adjusting the monetary thresholds, in January of every odd-numbered year to reflect any increase in the Consumer Price Index, in: subparagraph (A) of paragraph (1) of subdivision (d) of Section 1798.140; subparagraph (A) of paragraph (1) of subdivision (a) of Section 1798.150; subdivision (a) of Section 1798.155; Section 1798.199.25; and subdivision (a) of Section 1798.199.90.

(6) Establishing rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide pursuant to this title are provided in a manner that may be easily understood by the average consumer, are accessible to consumers with disabilities, and are available in the language primarily used to interact with the consumer, including establishing rules and guidelines regarding financial incentives within one year of passage of this title and as needed thereafter.

(7) Establishing rules and procedures to further the purposes of Sections 1798.105, 1798.106, 1798.110, and 1798.115 and to facilitate a consumer’s or the consumer’s authorized agent’s ability to delete personal information, correct inaccurate personal information pursuant to Section 1798.106, or obtain information pursuant to Section 1798.130, with the goal of minimizing the administrative burden on consumers, taking

into account available technology, security concerns, and the burden on the business, to govern a business's determination that a request for information received from a consumer is a verifiable consumer request, including treating a request submitted through a password-protected account maintained by the consumer with the business while the consumer is logged into the account as a verifiable consumer request and providing a mechanism for a consumer who does not maintain an account with the business to request information through the business's authentication of the consumer's identity, within one year of passage of this title and as needed thereafter.

(8) Establishing how often, and under what circumstances, a consumer may request a correction pursuant to Section 1798.106, including standards governing the following:

(A) How a business responds to a request for correction, including exceptions for requests to which a response is impossible or would involve disproportionate effort, and requests for correction of accurate information.

(B) How concerns regarding the accuracy of the information may be resolved.

(C) The steps a business may take to prevent fraud.

(D) If a business rejects a request to correct personal information collected and analyzed concerning a consumer's health, the right of a consumer to provide a written addendum to the business with respect to any item or statement regarding any such personal information that the consumer believes to be incomplete or incorrect. The addendum shall be limited to 250 words per alleged incomplete or incorrect item and shall clearly indicate in writing that the consumer requests the addendum to be made a part of the consumer's record.

(9) Establishing the standard to govern a business's determination, pursuant to subparagraph (B) of paragraph (2) of subdivision (a) of Section 1798.130, that providing information beyond the 12-month period in a response to a verifiable consumer request is impossible or would involve a disproportionate effort.

(10) Issuing regulations further defining and adding to the business purposes, including other notified purposes, for which businesses, service providers, and contractors may use consumers' personal information consistent with consumers' expectations, and further defining the business purposes for which service providers and contractors may combine consumers' personal information obtained from different sources, except as provided for in paragraph (6) of subdivision (e) of Section 1798.140.

(11) Issuing regulations identifying those business purposes, including other notified purposes, for which service providers and contractors may use consumers' personal information received pursuant to a written contract with a business, for the service provider or contractor's own business purposes, with the goal of maximizing consumer privacy.

(12) Issuing regulations to further define “intentionally interacts,” with the goal of maximizing consumer privacy.

(13) Issuing regulations to further define “precise geolocation,” including if the size defined is not sufficient to protect consumer privacy in sparsely populated areas or when the personal information is used for normal operational purposes, including billing.

(14) Issuing regulations to define the term “specific pieces of information obtained from the consumer” with the goal of maximizing a consumer’s right to access relevant personal information while minimizing the delivery of information to a consumer that would not be useful to the consumer, including system log information and other technical data. For delivery of the most sensitive personal information, the regulations may require a higher standard of authentication provided that the agency shall monitor the impact of the higher standard on the right of consumers to obtain their personal information to ensure that the requirements of verification do not result in the unreasonable denial of verifiable consumer requests.

(15) Issuing regulations requiring businesses whose processing of consumers’ personal information presents significant risk to consumers’ privacy or security, to:

(A) Perform a cybersecurity audit on an annual basis, including defining the scope of the audit and establishing a process to ensure that audits are thorough and independent. The factors to be considered in determining when processing may result in significant risk to the security of personal information shall include the size and complexity of the business and the nature and scope of processing activities.

(B) Submit to the California Privacy Protection Agency on a regular basis a risk assessment with respect to their processing of personal information, including whether the processing involves sensitive personal information, and identifying and weighing the benefits resulting from the processing to the business, the consumer, other stakeholders, and the public, against the potential risks to the rights of the consumer associated with that processing, with the goal of restricting or prohibiting the processing if the risks to privacy of the consumer outweigh the benefits resulting from processing to the consumer, the business, other stakeholders, and the public. Nothing in this section shall require a business to divulge trade secrets.

(16) Issuing regulations governing access and opt-out rights with respect to businesses’ use of automated decisionmaking technology, including profiling and requiring businesses’ response to access requests to include meaningful information about the logic involved in those decisionmaking processes, as well as a description of the likely outcome of the process with respect to the consumer.

(17) Issuing regulations to further define a “law enforcement agency-approved investigation” for purposes of the exception in subparagraph (B) of paragraph (1) of subdivision (a) of Section 1798.145.

(18) Issuing regulations to define the scope and process for the exercise of the agency’s

audit authority, to establish criteria for selection of persons to audit, and to protect consumers' personal information from disclosure to an auditor in the absence of a court order, warrant, or subpoena.

(19) (A) Issuing regulations to define the requirements and technical specifications for an opt-out preference signal sent by a platform, technology, or mechanism, to indicate a consumer's intent to opt out of the sale or sharing of the consumer's personal information and to limit the use or disclosure of the consumer's sensitive personal information. The requirements and specifications for the opt-out preference signal should be updated from time to time to reflect the means by which consumers interact with businesses, and should:

(i) Ensure that the manufacturer of a platform or browser or device that sends the opt-out preference signal cannot unfairly disadvantage another business.

(ii) Ensure that the opt-out preference signal is consumer-friendly, clearly described, and easy to use by an average consumer and does not require that the consumer provide additional information beyond what is necessary.

(iii) Clearly represent a consumer's intent and be free of defaults constraining or presupposing that intent.

(iv) Ensure that the opt-out preference signal does not conflict with other commonly used privacy settings or tools that consumers may employ.

(v) Provide a mechanism for the consumer to selectively consent to a business's sale of the consumer's personal information, or the use or disclosure of the consumer's sensitive personal information, without affecting the consumer's preferences with respect to other businesses or disabling the opt-out preference signal globally.

(vi) State that in the case of a page or setting view that the consumer accesses to set the opt-out preference signal, the consumer should see up to three choices, including:

(I) Global opt out from sale and sharing of personal information, including a direction to limit the use of sensitive personal information.

(II) Choice to "Limit the Use of My Sensitive Personal Information."

(III) Choice titled "Do Not Sell/Do Not Share My Personal Information for Cross-Context Behavioral Advertising."

(B) Issuing regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer's parent or guardian, to specify that the consumer is less than 13 years of ~~age~~ ~~age~~, or at least 13 years of age and less than 16 years of age.

(C) Issuing regulations, with the goal of strengthening consumer privacy while considering the legitimate operational interests of businesses, to govern the use or disclosure of a consumer's sensitive personal information, notwithstanding the consumer's direction to limit the use or disclosure of the consumer's sensitive personal information, including:

(i) Determining any additional purposes for which a business may use or disclose a consumer's sensitive personal information.

(ii) Determining the scope of activities permitted under paragraph (8) of subdivision (e) of Section 1798.140, as authorized by subdivision (a) of Section 1798.121, to ensure that the activities do not involve health-related research.

(iii) Ensuring the functionality of the business's operations.

(iv) Ensuring that the exemption in subdivision (d) of Section 1798.121 for sensitive personal information applies to information that is collected or processed incidentally, or without the purpose of inferring characteristics about a consumer, while ensuring that businesses do not use the exemption for the purpose of evading consumers' rights to limit the use and disclosure of their sensitive personal information under Section 1798.121.

(20) Issuing regulations to govern how a business that has elected to comply with subdivision (b) of Section 1798.135 responds to the opt-out preference signal and provides consumers with the opportunity subsequently to consent to the sale or sharing of their personal information or the use and disclosure of their sensitive personal information for purposes in addition to those authorized by subdivision (a) of Section 1798.121. The regulations should:

(A) Strive to promote competition and consumer choice and be technology neutral.

(B) Ensure that the business does not respond to an opt-out preference signal by:

(i) Intentionally degrading the functionality of the consumer experience.

(ii) Charging the consumer a fee in response to the consumer's opt-out preferences.

(iii) Making any products or services not function properly or fully for the consumer, as compared to consumers who do not use the opt-out preference signal.

(iv) Attempting to coerce the consumer to opt in to the sale or sharing of the consumer's personal information, or the use or disclosure of the consumer's sensitive personal information, by stating or implying that the use of the opt-out preference signal will adversely affect the consumer as compared to consumers who do not use the opt-out preference signal, including stating or implying that the consumer will not be able to use

the business's products or services or that those products or services may not function properly or fully.

(v) Displaying any notification or pop-up in response to the consumer's opt-out preference signal.

(C) Ensure that any link to a web page or its supporting content that allows the consumer to consent to opt in:

(i) Is not part of a popup, notice, banner, or other intrusive design that obscures any part of the web page the consumer intended to visit from full view or that interferes with or impedes in any way the consumer's experience visiting or browsing the web page or website the consumer intended to visit.

(ii) Does not require or imply that the consumer must click the link to receive full functionality of any products or services, including the website.

(iii) Does not make use of any dark patterns.

(iv) Applies only to the business with which the consumer intends to interact.

(D) Strive to curb coercive or deceptive practices in response to an opt-out preference signal but should not unduly restrict businesses that are trying in good faith to comply with Section 1798.135.

(21) Review existing Insurance Code provisions and regulations relating to consumer privacy, except those relating to insurance rates or pricing, to determine whether any provisions of the Insurance Code provide greater protection to consumers than the provisions of this title. Upon completing its review, the agency shall adopt a regulation that applies only the more protective provisions of this title to insurance companies. For the purpose of clarity, the Insurance Commissioner shall have jurisdiction over insurance rates and pricing.

(22) Harmonizing the regulations governing opt-out mechanisms, notices to consumers, and other operational mechanisms in this title to promote clarity and the functionality of this title for consumers.

(b) The Attorney General may adopt additional regulations as necessary to further the purposes of this title.

(c) The Attorney General shall not bring an enforcement action under this title until six months after the publication of the final regulations issued pursuant to this section or July 1, 2020, whichever is sooner.

(d) Notwithstanding subdivision (a), the timeline for adopting final regulations required by the act adding this subdivision shall be July 1, 2022. Beginning the later of July 1, 2021, or six months after the agency provides notice to the Attorney General that it is

prepared to begin rulemaking under this title, the authority assigned to the Attorney General to adopt regulations under this section shall be exercised by the California Privacy Protection Agency. Notwithstanding any other law, civil and administrative enforcement of the provisions of law added or amended by this act shall not commence until July 1, 2023, and shall only apply to violations occurring on or after that date. Enforcement of provisions of law contained in the California Consumer Privacy Act of 2018 amended by this act shall remain in effect and shall be enforceable until the same provisions of this act become enforceable.

(e) On or before July 1, 2025, the California Privacy Protection Agency shall solicit broad public participation and adopt regulations to further the purposes of this title, including, but not limited to:

(1) Issuing regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer's parent or guardian, to specify that the consumer is less than 13 years of age, or at least 13 years of age and less than 18 years of age.

(2) Issuing regulations regarding age verification and when a business must treat a consumer as being less than 13 or 18 years of age for purposes of this title.

SEC. 5. *The Legislature finds and declares that this act furthers the purposes and intent of The California Privacy Rights Act of 2020.*

AB 2011 - (I) Amends the Law

SECTION 1. Section 12945.21 of the Government Code is amended to read:

12945.21. (a) The department shall create a small employer family leave mediation ~~pilot~~ program for employers with between 5 and 19 employees. Under the ~~pilot~~ program, when an employee requests an immediate right to sue alleging a violation of Section ~~12945.2~~ 12945.2, 12945.6, or ~~Section~~ 12945.7 by an employer having between 5 and 19 employees, the department shall notify the employee in writing of the requirement for mediation prior to filing a civil action if mediation is requested by the employer or employee. The employee shall contact the department's dispute resolution division prior to filing a civil action.

(b) (1) Under the ~~pilot~~ program, the employee shall contact the department's dispute resolution division prior to filing a civil action in the manner specified by the department. The employee shall also indicate whether they are requesting mediation.

(2) Upon contacting the dispute resolution division regarding the intent to pursue a legal action for a violation of Section ~~12945.2~~ 12945.2, 12945.6, or ~~Section~~ 12945.7 by an employer having between 5 and 19 employees, the department shall notify all named respondents of the alleged violation and the requirement for mediation, if mediation is requested by the employee or employer, in writing.

(3) The department shall terminate its activity if neither the employee nor the employer requests mediation within 30 days of receipt by all named respondents of the notification specified in paragraph (2).

(4) If the department receives a request for mediation from the employee or employer within 30 days of receipt by all named respondents of the notification specified in paragraph (2), the department shall initiate the mediation within 60 days of the department's receipt of the request or the receipt of the notification by all named respondents, whichever is later.

(5) Once the mediation has been initiated, no later than seven days before the mediation date, the mediator shall notify the employee of their right to request information pursuant to Sections 226 and 1198.5 of the Labor Code. The mediator shall also help facilitate any other reasonable requests for information that may be necessary for either party to present their claim in mediation.

(c) (1) The employee shall not pursue any civil action under Section ~~12945.2~~ 12945.2, 12945.6, or ~~Section~~ 12945.7 unless the mediation is not initiated by the department within the time period specified in subdivision (b) or until the mediation is complete or the mediation is deemed unsuccessful.

(2) The statute of limitations applicable to the employee's claim, including for all related claims ~~under Section 12945.2 or Section 12945.7 and not under Section 12945.2 or~~

~~Section arising out of a violation of Section 12945.2, 12945.6, or 12945.7~~, shall be tolled from the date the employee contacts the department's dispute resolution division regarding the intent to pursue a legal action until the mediation is complete or the mediation is deemed unsuccessful.

(d) For purposes of this section, the following shall apply:

(1) A mediation is deemed complete when any of the following occur:

(A) Neither the employee nor the employer requests the mediation within 30 days of receipt by all named respondents of the notification or both parties agree not to participate in the mediation.

(B) The employer fails to respond to the notification or mediation request within 30 days of receipt.

(C) The department fails to initiate the mediation within 60 days of the department's receipt of the request for mediation or the receipt by all named respondents of the notification, whichever is later.

(D) The department notifies the parties that it has determined that further mediation would be fruitless, both parties agree that further mediation would be fruitless, *or* one of the parties failed to submit information requested by the other party and deemed by the mediator to be reasonably necessary or fair for the other party to ~~obtain, or the mediator determines that the core facts of the employee's complaint are unrelated to Section 12945.2 or Section 12945.7.~~ *obtain.*

(E) The mediator determines that the core facts of the employee's complaint are unrelated to Section 12945.2, 12945.6, or 12945.7.

(F) (i) The mediator determines that the employer has fewer than 5 or more than 19 employees.

(ii) Clause (i) shall not apply if the parties disagree about whether the employer has between 5 and 19 employees and the mediator is unable to determine that the employer has between 5 and 19 employees.

(2) A mediation is unsuccessful if the claim is not resolved within 30 days of the department's initiation of mediation, unless the department notifies the parties that it has determined more time is needed to make the mediation successful.

(e) A respondent or defendant in a civil action that did not receive a notification pursuant to subdivision (b) as a result of the employee's failure to contact the department's alternative dispute resolution division prior to filing a civil action, and who had between 5 and 19 employees at the time that the alleged violation occurred, shall, upon a timely

request, be entitled to a stay of any pending civil action or arbitration until mediation is complete or is deemed unsuccessful.

(f) If a request for an immediate right to sue includes other alleged violations under this part, this section shall only apply to the claim alleging a violation of Section ~~12945.2~~ 12945.2, 12945.6, or ~~Section~~ 12945.7. Notwithstanding this subdivision, nothing in this section prohibits the parties from voluntarily choosing to mediate all alleged violations.

~~(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.~~

AB 2269 - (I) Amends the Law

SECTION 1. Section 450 of the Business and Professions Code is amended to read:

450. In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall they have been within the period of ~~five~~ *three* years immediately preceding their appointment, any of the following:

(a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any licensee of a board, ~~except that this subdivision shall not preclude the appointment of a person who maintains infrequent employer status with a licensee, or maintains a client, patient, or customer relationship with a licensee that does not constitute more than 2 percent of the practice or business of the licensee.~~ *for services provided pursuant to that license.*

(b) A person maintaining a contractual relationship with a licensee of a board ~~that would constitute more than 2 percent of the practice or business of the licensee, or an officer, director, or substantially full-time representative of that person or group of persons.~~ *for services provided pursuant to that license.*

(c) An employee of a licensee of a board, or a representative of the employee, ~~except that this subdivision shall not preclude the appointment of a person who maintains an infrequent employee relationship or renders professional or related services to a licensee if the employment or service does not constitute more than 2 percent of the employment or practice of the member of the board.~~ *for services provided pursuant to that license.*

(d) The requirements in this section amended by the act adding this subdivision shall apply to a public member or a lay member of a board upon appointment or reappointment on or after January 1, 2025.

SB 908 - (I) Amends the Law

SECTION 1. *The Legislature finds and declares all of the following:*

(a) It is a fundamental and necessary right of every person in this state to have access to information concerning the conduct of the people's business, as set forth in the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and the Legislative Open Records Act (Article 3.5 (commencing with Section 9070) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code).

(b) Many public employees and officials communicate about public business using private electronic devices. The California Supreme Court has held that the mere use of a private electronic device does not transform what would otherwise be a public record into a private record.

(c) As the California Supreme Court explained in City of San Jose v. Superior Court (2017) 2 Cal.5th 608, certain federal laws (See Section 2911 of Title 44 of the United States Code and Section 1236.22 of Title 36 of the Code of Federal Regulations) prohibit the use of personal electronic accounts for official business unless messages are copied or forwarded to an official account.

(d) It is the intent of this act to effectuate the people's right to access information concerning the conduct of the people's business, including the conduct of the people's business done on private electronic devices, pursuant to the California Public Records Act and paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 2. *Article 6 (commencing with Section 7928.500) is added to Chapter 14 of Part 5 of Division 10 of Title 1 of the Government Code, to read:*

Article 6. Electronic Communication by Agency Officials and Employees

7928.500. *(a) An elected or appointed official or employee of a public agency shall not create or send a public record using a nonofficial electronic messaging system unless the official or employee sends a copy of the public record to an official electronic messaging system within 20 days of the original creation or sending of the public record.*

(b) This section may be enforced pursuant to Part 4 (commencing with Section 7923.000).

(c) (1) This section does not limit the disclosure of a public record that is otherwise subject to disclosure under this division.

(2) This section does not require the disclosure of a public record that is not otherwise subject to disclosure under this division.

(d) For the purposes of this section, the following terms shall have the following meanings:

(1) "Electronic message" means an email or a text message.

(2) "Electronic messaging system" means a person, including an internet service provider, that is an intermediary in sending or receiving an electronic message or that provides to end users the ability to send or receive an electronic message.

(3) "Official electronic messaging system" means an electronic messaging system designated by a public agency to be used by an elected or appointed official or employee of a public agency for the official business of the public agency.

(4) "Public record" has the same meaning as defined in Section 7920.530.

SEC. 3. *Section 9081 is added to the Government Code, immediately following Section 9080, to read:*

9081. *(a) A Member of the Legislature, legislative officer, standing, joint, or select committee or subcommittee of the Senate and Assembly, or agency or employee of the Legislature shall not create or send a legislative record using a nonofficial electronic messaging system unless the Member of the Legislature, legislative officer, standing, joint, or select committee or subcommittee of the Senate and Assembly, or agency or employee of the Legislature sends a copy of the legislative record to an official electronic messaging system within 20 days of the original creation or sending of the legislative record.*

(b) This section may be enforced pursuant to Sections 9076, 9077, 9078, and 9079.

(c) (1) This section does not limit the disclosure of a legislative record that is otherwise subject to disclosure under this article.

(2) This section does not require the disclosure of a legislative record that is not otherwise subject to disclosure under this article.

(d) For the purposes of this section, the following terms shall have the following meanings:

(1) "Electronic message" means an email or a text message.

(2) "Electronic messaging system" means a person, including an internet service provider, that is an intermediary in sending or receiving an electronic message or that provides to end users the ability to send or receive an electronic message.

(3) “Legislative record” has the same meaning as defined in subdivision (c) of Section 9072.

(4) “Official electronic messaging system” means an electronic messaging system designated by the Legislature to be used by a Member of the Legislature, legislative officer, or employee of the Legislature for the official business of the Legislature.

SEC. 4. *The Legislature finds and declares that Section 2 of this act, which adds Article 6 (commencing with Section 7928.500) to Chapter 14 of Part 5 of Division 10 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following finding:*

This act furthers the right of public access to the writings of public officials and agencies by ensuring public access to a public record sent using a nonofficial electronic messaging system.

SEC. 5. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.*

SB 935 - (I) Amends the Law

SECTION 1. Section 100 of the Business and Professions Code is amended to read:

100. There is in ~~the~~ state government, in the Business, Consumer Services, and Housing Agency, ~~a~~ *the* Department of Consumer Affairs.



MEMORANDUM

DATE	February 16, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 11: Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

The following is a list of the Board’s regulatory packages, and their status in the rulemaking process:

a) Discussion and Possible Action to Amend Regulations Regarding SLPA Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on February 2, 2024. The regulatory proposal was submitted to the OAL for review on February 5, 2024. OAL has until March 19, 2024, to make a decision on this rulemaking.

This proposed regulatory change will permit tele-supervision as “direct” supervision of a SLPA, require a higher level of supervision during the first 90 days of work following a SLPA’s initial licensure, require both a minimum level of experience and professional development training in supervision before supervising a SLPA, permit the supervision of three (3) full-time equivalent support personnel not to exceed six (6) support personnel at any time, incorporate by reference a revised supervision form, and revise the notice of termination form.

b) Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

c) Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Public Comment Period phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

d) Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Public Comment Period phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

e) Discussion and Possible Action to Amend Regulations Regarding Approved Institutions as stated in Title 16, CCR section 1399.152

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. Board staff submitted the required regulatory documents for DCA Regulations review on August 28, 2023, and is developing the Economic and Fiscal Impact Statement for Budget review as of September 27, 2023.

This proposed regulatory change will permit the Board to review and/or approve accrediting bodies who wish to provide accreditation to programs where individuals can complete their academic and clinical requirements for licensure in the practices of speech-language pathology or audiology.

f) Discussion and Possible Action to Amend Regulations Regarding Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. Board staff submitted the required regulatory documents for DCA review on September 5, 2023, and is working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement as of September 26, 2023.

This proposed regulatory change will clarify that supervision is required for the entire duration of the trainee or temporary license, specify different level of supervision, require a higher level of supervision during the first ninety (90) days, specify tasks and knowledge supervisors must provide to trainees, require supervisors to complete a training in supervision, specify criteria to request a waiver to supervise more than one trainee or temporary license holder, make requirements applicable to all temporary license types who require supervision, and make requirements applicable to all license types who can supervise.

g) Discussion and Possible Action to Amend and Adopt Regulations Regarding Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on May 13, 2022. Board staff submitted the required regulatory documents for DCA review on August 31, 2022, and is developing the Economic and Fiscal Impact Statement for Budget review as of September 28, 2022.

This proposed regulatory change will require licensees who were initially licensed prior to January 1, 1999, or for whom an electronic fingerprints record does not exist, to be fingerprinted as a condition of renewal.

h) Discussion and Possible Action to Adopt and Amend Regulations Regarding General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on December 1, 2023. Board staff is preparing the required regulatory documents for DCA review.

This proposed regulatory change will codify general application requirements such as the expedited licensure process, make current the written and practical examinations process, codify the written and practical examination application forms and their examination fees, change the practical examination appeal deadline, specify a deadline for the Board to notify an applicant of its decision on their practical examination appeal, and change the hearing aid dispenser examination requirement for applicants of a dispensing audiology license.

i) Discussion and Possible Action to Amend Regulations Regarding Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on December 1, 2023. Board staff is preparing the required regulatory documents for DCA review.

The proposed regulatory change will remove processing times and the references to processing times in multiple regulation sections.

j) Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical as stated in Title 16, CCR section 1399.152.2

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved the proposed regulatory text on December 1, 2023. Board staff is preparing the required regulatory documents for DCA review.

This proposed regulatory change will codify the number of clock hours of supervised clinical practice required for audiology licensure applicants who have completed an audiology doctoral program.

Attachment: Stages of the Regulatory Process

Stages of the Regulatory Process

The Department of Consumer Affairs (DCA) has a four-phase process to approve regulatory packages: (1) Concept; (2) Production; (3) Initial and (4) Final.

(1) CONCEPT PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Regulation Development: The first stage of the regulatory process is to develop the regulatory proposal. This is known as the concept phase. Regulations may be required to implement a new law or regulatory changes may be necessary to address an issue raised by Board members, Board staff, the Legislature, licensees, or other stakeholders. In this phase, the Board and/or Board Committee(s) may work on drafting regulatory language, Board staff will work with DCA Legal staff to address any concerns with the draft regulatory text, and the Board will ultimately adopt the regulatory language.

(2) PRODUCTION PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Preparing Regulatory Package: In this stage, Board staff are working on preparing the required regulatory documents including the Notice of Proposed Regulatory Action, Initial Statement of Reasons, and the Economic and Fiscal Impact Statement. Board staff review Board meeting materials, webcasts, and meeting minutes to assist in the development of these documents which must justify why the regulatory changes are necessary. Board staff may also work closely with DCA’s Budget Office to develop the Economic and Fiscal Impact Statement.

In this stage, Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel propose recommended changes to the regulatory documents (Note: Since the regulatory text is already approved at this time, ideally, there should be no changes to the text. Regulatory Counsel would have already reviewed and sought second-level review of the text to ensure the language is clear, concise, non-repetitive, etc.). Board staff then incorporate recommended changes prior to submitting the regulatory package back to the Board’s Regulations Counsel. Board staff may also meet with Regulations Counsel and/or Budget Staff to provide additional information about the Board’s licensing or enforcement processes in relation to the proposed regulation. At this stage, Legal and Budget approval of the package is obtained. (i.e., Regulatory Counsel approves the package and Budget signs off of Form 399.)

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Departmental Review: Upon approval by the Board’s Regulations Counsel and DCA Budget staff, the entire regulatory package is submitted to the Regulations Coordinator, who then prepares the package for the DCA Director and the Business, Consumer Services and Housing Agency’s review and approval. Throughout this stage, additional changes to the regulatory language and/or regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

(3) INITIAL PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Public Comment Period: Upon approval by the Business, Consumer Services and Housing Agency, the regulatory proposal will be submitted to the Office of Administrative Law (OAL) to be published in the California Regulatory Notice Register. This commences the initial phase of the process. OAL publishes the Notice Register every Friday and the publication date starts the formal 45-day public comment period as well as the one-year deadline to submit the completed rulemaking file to OAL. If the Board makes changes to the regulatory language in response to public comments, the regulatory proposal must be made available to the public for an additional 15-day.

(4) FINAL PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Finalizing Regulatory Package: The Board must respond in writing to every comment received during the public comment period. In this stage, Board staff work with the Board’s Regulations Counsel to develop proposed responses to the public comments, which must be approved by the Board. Board staff then prepare the Final Statement of Reasons which must outline any changes made to the regulatory language and updates to any information contained in the Initial Statement of Reasons such as changes to the fiscal and/or economic impact or additional materials to include in the record. The Final Statement of Reasons will also include the Board’s approved responses to the public comments.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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DCA Regulations Final Review: Upon completion of the Final Statement of Reasons, Board staff submits the entire regulatory proposal to the Board’s Regulations Counsel for final review. In this stage, Board staff work collaboratively with the Board’s Regulations Counsel. The Regulations Counsel may propose recommended changes to the Final Statement of Reasons or request additional underlying documents. Board staff will work with the Board’s Regulations Counsel to address any concerns prior to the final submission to DCA.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Final Departmental Review: Upon approval by the Board’s Regulations Counsel, Board staff submits the entire regulatory package for the Final Departmental Review which involves reviews by the DCA Director, DCA Budget Office, and the Business, Consumer Services and Housing Agency (Note: Agency review may not be required if there are no comments or the comments do not result in modifications to the text). Throughout this stage, additional documents may be requested or changes to the regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Submission to OAL for Review: Upon approval by the Business, Consumer Services and Housing Agency, the completed rulemaking file is submitted to OAL. OAL has 30 working days to approve or deny the regulatory proposal. During this stage, Board staff will work with the OAL Attorney to address any concerns with the regulatory documents or make non-substantive changes to the regulatory language. Board and DCA staff may also work with the Department of Finance to obtain approval of the Economic and Fiscal Impact Statement.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Decision: Unless the Board requested an early effective date, upon approval by OAL, regulations become effective on one of four quarterly dates based on when OAL files the final regulations with the Secretary of State (SOS). Following approval by OAL, Board staff will work internally to implement the new regulations.

OAL Decision Date and Filing with SOS	Effective Date
September 1 to November 30	January 1 st
December 1 to February 29	April 1 st
March 1 to May 31	July 1 st
June 1 to August 31	October 1 st



MEMORANDUM

DATE	February 12, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 11(b): Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, California Code of Regulations (CCR) sections 1399.140, 1399.140.1, and 1399.144

Background

The proposed regulatory changes will increase the number of continuing education (CE) hours Hearing Aid Dispensers (HAD) may earn in related or indirect client care courses; permit other opportunities to fulfil the CE requirements; and align these regulations with the continuing professional development regulatory requirements the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) has for licensees in the practices of speech-language pathology and audiology under Article 11 of Division 13.4 of Title 16 of the CCR.

Pursuant to Government Code sections 11346.9(a)(1) and 11347.1, the Board issued a 15-day notice to allow the public to review new documents relied on to update the information contained in the ISOR. The 15-day public comment period began on January 8, 2024, and ended on January 23, 2024. The Board received thirteen (13) written comments during the 15-day public comment period.

- One (1) in support, and
- Twelve (12) not related to the new documents relied on to update the information contained in the ISOR.

Board staff do not recommend making any additional changes to the text.

Summary of Comments and Draft Board Response (45-Day)

The Board received six (6) written comments during the initial 45-day public comment period.

- Two (2) in support, and
- Four (4) expressed concerns with the proposed regulatory changes or recommended changes.

Summary: The Board received three (3) comments expressing concerns with the limits to self-study and recommended greater flexibility to the CE requirements including more self-study hours,

or aligning with the American Speech-Language-Hearing Association (ASHA) and allowing all CE hours to be earned via self-study.

1. Board Response: The Board decided not to change the proposed regulatory text to accommodate these comments because there does not appear to be consensus within the research on continuing professional development that self-study is the best method.^{1,2} The Board also found that CE is most effective when it is interactive such as opportunities found at “in-person” or “live” courses.^{2,3,4} Therefore, the Board will continue to limit the number of hours that can be completed through self-study. Furthermore, requiring “live” courses is necessary because licensees who practice alone or do not interact with other licensees and professionals run the risk of being less aware of current practice standards, a situation that can endanger the health, welfare, and safety of the public.^{1,5} Courses that are “live” provide opportunities for licensees to connect with other licensees and professionals on a regular basis. Though some individuals do learn better through self-study courses, connecting with other licensees and professionals promotes ongoing competency and reduces professional isolation.³ Therefore, requiring a specified number of hours in “live” coursework will ensure regular interactions with other licensees and professionals for the purpose of consumer protection.

Summary: The Board received one (1) comment recommending that the total number of CE hours required be reduced as an alternative to greater flexibility in accepting more pre-recorded courses, or greater access to different CE opportunities.

2. Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board is not considering changes to the total number of CE hours required. The Board believes reducing the number of CE hours required would undermine public protection. With the proposed regulatory changes, the Board will continue to accept pre-recorded courses for half of the total required CE hours. In addition, the proposed regulatory changes will give licensees greater access to different CE opportunities such as CE hours for service to the Board or teaching a course, and allow for different course content (e.g., courses related to equipment, devices, or other products).

Summary of Comments and Draft Board Response (15-Day)

The Board received thirteen (13) written comments during the 15-day public comment period.

- One (1) in support, and
- Twelve (12) were not related to the new documents relied on to update the information contained in the ISOR.

¹ Association of State and Provincial Psychology Boards' *Guidelines for Continuing Professional Development*. Available from <https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/profdevelopment2023.pdf>

² *Evidence For Continuing Professional Development Standards For Regulated Health Practitioners In Australia: A Systematic Review*. Available from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10026429/pdf/12960_2023_Article_803.pdf

³ *Continuing professional development: best practices*. Available from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4005177/?report=printable>

⁴ *Interactive Learning in Continuing Professional Development: "at Least 25 Per Cent of Time."* Available from <https://www.royalcollege.ca/content/dam/documents/learning/continuing-professional-development/interactive-learning-cpd-e.html>

⁵ *Competence, ethical practice, and going it alone*. Available from <https://societyforpsychotherapy.org/competence-ethical-practice-and-going-it-alone/>

Summary: The Board received three (3) comments asking about the rulemaking process or the proposed text.

3. Board Response: The Board decided not to accommodate these comments because no objection or recommendation was provided. *Note: Board staff responded to these comments and the responses are included in the Public Comments.*

Summary: The Board received a comment recommending a decrease in the requirement for live CEUs and noted that with a full-time position it is often difficult to attend all of the live CEUs. The comment also noted that the licensee enjoys taking live courses and the Q&A but that a better balance between live and self-study courses would be welcomed.

4. Board Response: The Board decided not to accommodate these comments because they were not related to the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received a comment in support of the addendum and noted that current requirements are not fair because they cause the licensee to choose less ideal courses in order to meet the requirements. The comment also noted that the licensee would get more if there were less selections.

5. Board Response: The Board decided not to accommodate this comment because no objection or recommendation was provided.

Summary: The Board received a comment expressing agreement or support for the proposed text and noted that it could create more opportunities and benefits for the individual.

6. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received four (4) comments expressing agreement or support for the proposed text and noted that:

- The amount of self-study courses for speech-language pathologists has been increasing each year.
- There are widely available continuing education courses online, but often do not align with the West Coast work schedule.
- Increasing the number of hours allocated to self-study will assist SLPs in easily completing additional hours while accommodating a variety of work schedules.
- This will create less confusion regarding the requirements of a licensee and will assist new graduates and seasoned clinicians alike.
- This will hopefully decrease the number of emails and/or phone calls to the California board regarding this subject.
- This will provide an incredible benefit for working mothers/parents, those with high productivity standards at work and overall, every speech language pathologist in this state.

- The licensee is devoted to continuing education that keep them up to date with evidenced based practice.
- Many live courses are during working hours requires time off and make up sessions the days after.
- Occupational therapist may not have live course requirements or much lower number.
- Continuous learning is vital to this field but it may sometimes take multiple courses to fulfill these requirements and not all SLP's have the work schedule to fit multiple courses of CEU's during business hours.
- More SLP's will be able to get a diverse range of CEU's and be able to fit it in during their work week.
- Increasing the number of hours that may be obtained in related or indirect client care courses would be beneficial to professionals within the field of Speech-Language Pathology.
- The licensee had caseload with the following disorders and pathologies: intellectual disability, autism, selective mutism, Attention Deficit Hyperactivity Disorder, Down Syndrome, Cerebral Palsy, Hearing Loss, and hyperdontia, and that it would have been helpful to conduct additional research on these pathologies to learn more how best to support the whole child, and not just their communication needs
- related coursework and study are highly beneficial and increasing the number of hours allotted would allow professionals to better serve the whole client

7. Board Response: The Board decided not to accommodate these comments because the comments were not related to this proposed rulemaking. This rulemaking is for the practice of Practice of fitting or selling hearing aids. Changes to the continuing education requirements for the practice of speech-language pathology is in a different rulemaking.

Summary: The Board received a comment expressing concerns with the proposed regulatory text and recommended no changes to CE hours. The comment noted that the licensee goes through a training to improve their knowledge at their work/company. The commenter further noted that it is not necessary to add more hours because licensees live in a busy world and renewing annually and completing CE is already challenging and stressful.

8. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received a comment recommending self-study to be accepted for all CE hours and noted the addendum seems to be a step in the right direction though it is hard to read.

9. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received a comment expressing that the proposed regulatory text aligns with changing preferences and needs of professionals in our field and recommended a greater percentage of self-study and prerecorded courses, establish clear criteria and quality standards for

approving self-study and prerecorded courses to ensure that they meet the educational objectives, and provide resources and guidelines to assist licensees in identifying reputable and valuable self-study and prerecorded courses. The comment noted that the recommended changes will contribute to the overall enhancement of professional development within the state and aligns with the broader trend in education and training and supports the diverse needs of licensed professionals in our field. The comment further noted that:

- There is a significant shift in the way professionals seek and consume educational content and advances in technology have made self-study and prerecorded courses more accessible and effective which offer flexibility for individuals with varying schedules and learning styles, allowing them to acquire new knowledge and skills at their own pace.
- Self-study and prerecorded courses offer greater flexibility, allowing professionals to engage in learning activities that fit their schedules and personal commitments.
- Modern technology has significantly improved the quality and effectiveness of online educational content, making self-study and prerecorded courses viable alternatives to traditional in-person training.
- Individuals have diverse learning preferences, and offering a variety of CEU options, including self-study and prerecorded courses, accommodates these differences.
- Online courses often eliminate the need for travel and accommodation expenses, making professional development more cost-effective for practitioners.

10. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the Board's responses to comments as currently drafted or propose changes to the Board's responses, and direct Board Staff to prepare the necessary documents to complete the rulemaking process.

Suggested Motion

Move to approve the proposed Board responses to comments on proposed regulatory text for Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, as noticed/amended.

Attachment A: Public Comments
Attachment B: Order of Adoption

HAD CE Public Comment

Comment 1

From: Crystal Cervantes <>

Sent: Friday, July 28, 2023 10:00 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Title 16 of the California Code of Regulations sections 1399.140, 1399.140.1, and 1399.144

Comment from Crystal N. Cervantes: The board should consider adding more flexibility to the CEUs. More self-study hours should be considered. Many of us work full time with heavy workloads in the schools. Attending 20 live hours becomes difficult as this would involve missing about 3-4 days of work as many places only offer 5-6 hours at a time. Please consider this as I could get great education by watching instructors teach or even through reading at a time that doesn't jeopardize my job productivity (eg weekends, evenings, my time off on scheduled school breaks). I do not know if this is directly related to this exact proposal, but it seemed at least slightly related to this theme.

Best,
Crystal N. Cervantes

Sent from my iPhone

Comment 2

From: Shawn Herron <>

Sent: Friday, July 28, 2023 10:23 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Proposed changes to CEU requirements for SLP

I am in complete agreement with the proposed changes increasing the number of allowed hours for indirect, and related-topics courses.

The current regulations are antiquated, and frequently do not allow a license-holder the flexibility to choose their preferred content because they are constrained by the type of course it is (e.g. prerecorded vs. live presentation). In my experience, I have not learned any more watching a live presentation vs. a prerecorded one.

In addition, there are a myriad of topics that would enrich the abilities of a practicing SLP that may not be taken due to the current limitations on the number of hours of "related" topics that can be counted toward license renewal.

Thank-you
Shawn Herron
MA, CCC-SLP

Comment 3

From: Christina A. < >

Sent: Friday, July 28, 2023 5:38 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Public Hearing for CEU requirements

Dear Sir/Madame:

It is unclear why there is a limit on online/recorded courses. There are so many companies that provide SLPs online classes, including ASHA, that can meet our individual professional needs in a time friendly way, which also do not require travel and hotel expenses, that it is burdensome to require in-person or only live seminars.

So many universities and other entities offer online options to students, it does not make sense, considering time, location, and financial needs, to obligate SLPs to be in person or only attend live presentations. Some live presentations are offered as recordings later, which may fit better into someone's busy schedule (cannot always get time off from work to attend CEU sessions).

I would urge you to update this requirement, as ASHA, our national organization, does not have restrictions related to recorded vs live CEUs. As we have more tech friendly ways of achieving these requirements, it would be useful to update this requirement to align with the times and needs of its members.

Thank you for considering this point of view. Many of my colleagues have asked the same question.

Best Regards,
Christina Adami

Comment 4

From: Amanda McCay < >

Sent: Sunday, July 30, 2023 12:55 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Title 16 Modification Comment

Good afternoon,

I agree with the suggestions listed in the email above. I believe that obtaining more hours outside of direct client contact will be very beneficial for those preparing to work in the field as it will aid in the SLPAs ability to be as helpful as possible for their supervising SLP. I also think it would be a great idea to expand ways in which individuals can satisfy their CEUs.

Best,
Amanda McCay
SLPA

Comment 5

From: Jenna Pellegrini < >

Sent: Monday, July 31, 2023 2:35 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Regarding: modify Title 16 of the California Code of Regulations sections 1399.140, 1399.140.1, and 1399.144

Hello,

Thank you so much for announcing this proposal. I am in total agreement with allowing for an increased percentage, even ALL, of our CEU hours to be permitted in recorded (non-live) courses. There is a wealth of high-quality content available through ASHA.org, for example, or previous conventions that have been recorded that could then be used to fulfilling licensure requirements in California. It also allows for more flexibility in timing of viewing content--spread out across multiple evenings, for example, rather than taking time off work which not only impacts earnings but also client care.

Thank you!

Jenna

--

Jenna Pellegrini, M.S. CCC-SLP, CDP

Pronouns: she / her

Vault with your Voice Speech & Swallowing Services

www.vaultwithyourvoice.com

Phone: Fax:

Email:

Comment 6

From: Merry M. Golbad < >

Sent: Thursday, August 10, 2023 9:51 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Hello

Dear board-

Please consider either reducing our required ceu hours or being more flexible in the rules. Perhaps accepting live OR pre-recorded would be much more accommodating to all therapists who are so busy with work and life. Please consider our request as we would Greatly appreciate that.

Thank you-

All the best

M. Golbad

Sent from my iPhone

HAD CE Public Comment Addendum to ISOR

Comment 1

From: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Sent: Monday, January 8, 2024 10:47 AM
To: Angela He <>
Subject: RE: Addendum to ISOR (HAD CE Requirements)

We are accepting comments on the Addendum to the Initial Statement of Reasons for the proposed regulatory changes regarding Hearing Aid Dispensers Continuing Education Requirements.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
1601 Response Road, Suite 260 | Sacramento, CA 95815
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

Sign up to receive updates and notifications on legislative and regulatory changes at
<https://www.speechandhearing.ca.gov/webapplications/subscribe/index.shtml>

From: Angela He <>
Sent: Monday, January 8, 2024 9:22 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Addendum to ISOR (HAD CE Requirements)

Hello,

Received this email and unclear what actions are needed on my part

Thank you

Comment 2

From: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Sent: Monday, January 8, 2024 10:57 AM

To: Chris Fidalgo < >

Subject: RE: Addendum to ISOR (HAD CE Requirements)

No, there are no increases to the number of total hours required. Please visit https://www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml to see the proposed changes regarding Hearing Aid Dispensers Continuing Education.

We are accepting comments on the Addendum to the Initial Statement of Reasons, which can be found using the link provided above, until January 23rd.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
1601 Response Road, Suite 260 | Sacramento, CA 95815
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Web: www.speechandhearing.ca.gov

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From: Chris Fidalgo < >

Sent: Monday, January 8, 2024 9:51 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

Hi there are you going to be requiring more CEUs every 3 years??

-Chris Fidalgo

Comment 3

From: < >

Sent: Monday, January 8, 2024 10:59 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

I'm happy to see the conversation being opened regarding professional learning requirements.

My hope is to see a decrease in the requirement for *live* CEUs. With a full time position, it is often difficult to attend all of the live CEUs I wish to attend without having to request PTO or cancel sessions. I truly enjoy taking courses, and I love the Q&A of the live courses, so it's not I would not continue to attend those when I am able. But a better balance between live and self-study courses would be welcomed!

Comment 4

From: elizabeth morrissy < >

Sent: Monday, January 8, 2024 1:25 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

I am in support of the addendum. I don't think the current requirements are fair, and it causes me to choose less ideal CEU courses, as I need to make sure the requirements are met. I think I would get more out of my CEUs if there were less selections.

Thanks,

Lizzy Morrissy

Comment 5

From: Neda Kalhori < >

Sent: Monday, January 8, 2024 4:57 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

To the notice that is being proposed, I agree with the proposal and would say it could create more opportunities and benefits for the individual.

Comment 6

From: victoria.aradillos@gmail.com < >
Sent: Monday, January 8, 2024 7:57 PM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Addendum to ISOR (HAD CE Requirements)

Hello,

As an SLP working since the start of the pandemic, I support this initiative in its entirety. Since 2020, the amount of self-study courses for speech-language pathologists has been increasing each year. There have been widely available continuing education courses online, but often they do not align with the West Coast work schedule. Increasing the amount of hours allocated to self-study will assist SLPs in easily completing additional hours while accommodating a variety of work schedules.

I also support the proposed regulatory language change as this creates less confusion regarding the requirements of a licensee. It will also hopefully decrease the amount of emails and/or phone calls to the California board regarding this subject. This change will assist new graduates and seasoned clinicians alike.

Best,
Victoria Aradillos M.S., CCC-SLP

Comment 7

From: < >
Sent: Tuesday, January 9, 2024 10:31 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Addendum to ISOR (HAD CE Requirements)

My thoughts to this are adding more or less or keeping it where it is as the CE Hours. Why make it more difficult. We go also go through our Work Company skills training to improve our knowledge. I feel like its not necessary to add more hours. We live in a busy world and just renewing this Lic. annually and completing our CE is already a challenging to finish our CE, it can be stressful sometimes. Please, no changes to CE hours.

Thank You.
Anonymous. HCP

Comment 8

From: John Vuu < >

Sent: Tuesday, January 9, 2024 8:55 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

Dear Speech and Hearing Board,

Thank you so much for considering changes to CEU requirements that will provide an incredible benefit for working mothers/parents, those with high productivity standards at work and overall every speech language pathologist in this state.

We're very devoted to continuing education and how they keep us up to date with evidenced based practice. Considering that many live courses are during working hours, there have been days were I and other fellow clinicians I know requested part of the day off to attend and needing to make up sessions the days after. I have also been told our occupational therapist colleagues may not have live course requirements or much lower number.

I whole heartedly support this measure and always grateful for the board for maintaining the standards and high quality of our profession.

Kind regards,

John Vuu

Comment 9

From: Jean Gerth < >

Sent: Wednesday, January 10, 2024 9:00 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

I would rather see self-study be accepted for ALL CEUs, but this addendum seems to be a step in that direction. It's very hard to read.

Comment 10

From: Robert Snyder < >

Sent: Wednesday, January 10, 2024 6:22 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: CEU requirements policy changes to support more self study and prerecorded courses

To whom it may concern:

I am writing to bring to your attention the evolving landscape of professional development and continuing education within our industry. As an active participant and advocate for continuous learning, I would like to propose a modification to the current Continuing Education Unit (CEU) requirements to better align with the changing preferences and needs of professionals in our field.

Over the past few years, there has been a significant shift in the way professionals seek and consume educational content. Advances in technology have made self-study and prerecorded courses more accessible and effective. These modalities offer flexibility for individuals with varying schedules and learning styles, allowing them to acquire new knowledge and skills at their own pace.

In light of these developments, I propose that the California Speech-Language Pathology and Audiology Board, and Hearing Aid Dispensers Bureau considers amending the CEU requirements to accommodate a greater percentage of self-study and prerecorded courses. This adjustment would reflect the changing dynamics of professional development and provide licensees with more options to fulfill their educational obligations.

Several key reasons support this proposal:

1. **Flexibility and Accessibility:** Self-study and prerecorded courses offer greater flexibility, allowing professionals to engage in learning activities that fit their schedules and personal commitments.

Technological Advancements: Modern technology has significantly improved the quality and effectiveness of online educational content, making self-study and prerecorded courses viable alternatives to traditional in-person training.

Diversity of Learning Styles: Individuals have diverse learning preferences, and offering a variety of CEU options, including self-study and prerecorded courses, accommodates these differences.

Cost-Effectiveness: Online courses often eliminate the need for travel and accommodation expenses, making professional development more cost-effective for practitioners.

To implement these changes, I suggest considering the following steps:

- Increase the allowable percentage of CEUs that can be earned through self-study and prerecorded courses.
Establish clear criteria and quality standards for approving self-study and prerecorded courses to ensure that they meet the educational objectives set by the California Speech-Language Pathology and Audiology Board, and Hearing Aid Dispensers Bureau.
Provide resources and guidelines to assist licensees in identifying reputable and valuable self-study and prerecorded courses.

I believe that embracing these changes will contribute to the overall enhancement of professional development within our state. It aligns with the broader trend in education and training and supports the diverse needs of licensed professionals in our field.

I am available to discuss this proposal further and welcome the opportunity to collaborate with the California Speech-Language Pathology and Audiology Board, and Hearing Aid Dispensers Bureau to implement positive changes that benefit our professional community.

Thank you for considering this proposal. I appreciate your time and attention to this matter.

Sincerely,

Robert Snyder

Comment 11

From: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Sent: Tuesday, January 23, 2024 4:22 PM
To: Leshayia Meadows < >
Subject: RE: Addendum to ISOR (HAD CE Requirements)

No, it can be a combination of courses and duration.

Please note that the language will read: *A licensee who claims continuing education credit for indirect patient/client care courses, courses related to the practice of hearing aid dispensing, or both as defined in Section 1399.140.1 cannot claim more than four (4) hours of continuing education per renewal period.*

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
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From: Leshayia Meadows <>
Sent: Wednesday, January 10, 2024 9:13 PM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Addendum to ISOR (HAD CE Requirements)

Hello,

I just wanted to clarify for my personal understanding regarding The Proposed Regulatory Language, Amend section 1399.140. Continuing Education Required where it states a licensee who claims continuing education credit for indirect patient/client care cannot claim more than four (4) hours of continuing education per renewal period in one instance?

Sent from my iPhone

Comment 12

From: Fanta < >

Sent: Tuesday, January 16, 2024 7:45 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

Good morning,

My SLP License number is: 36071

I am in support of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board public notice to increase the number of hours obtained to earn CEU credits and other opportunities to fulfill CEU requirements. Continuous learning is vital to this field but it may sometimes take multiple courses in the past to fulfill these requirements and not all SLP's have the work schedule to fit multiple courses of CEU's to fulfill the past requirements during business hours. With this new code, more SLP's will be able to get a diverse range of CEU's and be able to fit it in during their work week.

Best,

Fanta Sinayoko M.S. CCC-SLP

Comment 13

From: Shannon Dole < >

Sent: Wednesday, January 17, 2024 7:39 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Addendum to ISOR (HAD CE Requirements)

I am in support of the proposed changes to the California Code of Regulations sections 1399.140, 1399.140.1, and 1399.144. I believe that increasing the number of hours that may be obtained in related or indirect client care courses would be beneficial to professionals within the field of Speech-Language Pathology. From a personal standpoint, I had a caseload of students last year with the following disorders and pathologies: intellectual disability, autism, selective mutism, Attention Deficit Hyperactivity Disorder, Down Syndrome, Cerebral Palsy, Hearing Loss, hyperdontia, and other diagnoses that I can't remember.

It was so helpful to conduct additional research on these pathologies to learn more about how I could best support the whole child, and not just their communication needs. I find related coursework and study to be highly beneficial, since increasing the number of hours allotted would allow us as professionals to better serve the whole client.

Thank you,

Shannon Dole, MS, CCC-SLP

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD

Continuing Education Requirements for Hearing Aid Dispensers

ORDER OF ADOPTION

Amend section 1399.140 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140. Continuing Education Required.

(a) ~~Any hearing aid license that expires on or after July 1, 2017~~Except as provided in Section 1399.144, a licensee who holds a hearing aid dispenser license pursuant to Section 2538.26 of the Code is required to complete at least twelve (12) hours of continuing education from a provider approved under Section 1399.141 during each annual renewal period.

~~(1) A licensee who claims No more than three (3) hours of continuing education credit may be credited in related or for indirect patient/client care courses, courses related to the practice of hearing aid dispensing, or both as provided defined in Section 1399.140.1 cannot claim more than four (4) hours of continuing education per renewal period.~~

~~(2)(A) A licensee who claims No more than six (6) hours of the required continuing education credit may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses cannot claim more than six (6) hours of continuing education per renewal period.~~

~~(B) Self-study does not include live courses. A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course affords participants the opportunity to interact with an instructor and/or other course participants, or both.~~

~~(3) A licensee who claims continuing education credit for courses related to equipment, devices, or other products as defined in Section 1399.140.1 cannot claim more than six (6) hours of continuing education per renewal period.~~

(b) Records showing completion of each continuing education course shall be maintained by the dispenser for two (2) years following the renewal period in which it was earned.

(c) Each dispenser renewing ~~his or her~~their license under the provisions of Section 2538.53 of the Code shall be required to submit proof satisfactory to the Board of

compliance with the provisions of this article. Records shall be provided to the Board in response to a compliance audit.

(d) Verification of compliance shall be documented at the time of license renewal on a form provided by the Board.

~~(e) This article shall not apply to any dispenser who is renewing a license for the first time following the issuance of an initial permanent license.~~

~~(fe) Any person whose hearing aid dispenser's license has been expired for two renewal cycles years or more shall complete the required hours of approved continuing education for the prior two years most recent renewal cycle before such license may be restored.~~

~~(f) Applicants for initial licensure who are licensed in another state and apply for licensure in this state are not required to complete the continuing education required by this section until their first renewal.~~

~~(g) If a licensee teaches a course approved under Section 1399.141 and claims continuing education for the same course, the licensee shall be credited once per renewal, receiving the same number of hours as a licensee who attended the course.~~

~~(h) If a licensee serves the Board as a selected participant in Board-sponsored examination development or administration related functions and claims continuing education credit, the licensee shall receive up to two (2) hours of continuing education credit for each day of service for a maximum of four (4) hours per renewal period. The licensee shall maintain a record of hours served for submission to the Board for the purpose of subsection (c).~~

~~(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board shall not apply the course as credit towards the continuing education requirements.~~

~~(j) A licensee who claims continuing education credit for participating in a Board sponsored Occupational Analysis shall be credited no more than two (2) hours.~~

Note: Authority cited: ~~Section~~Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: ~~Section~~Sections 2538.18 and 2538.54, Business and Professions Code.

Amend section 1399.140.1 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140.1. Continuing Education Course Content.

(a) The content of a continuing education course shall pertain to direct or indirect patient/client care, or be related to the practice of hearing aid dispensing, ~~or indirect~~

~~patient/client care. Course content shall not focus on equipment, devices, or other products of a particular publisher, company, or corporation.~~

(1) Direct patient/client care courses cover current practices in the fitting of hearing aids. This may include content on the fitting, programming, and troubleshooting of equipment, devices, or other products of a particular manufacturer or company only as it relates to benefitting a client's hearing and functional use of the equipment, device, or product.

(2) Indirect patient/client care courses cover practical aspects of hearing aid dispensing (e.g., legal or ethical issues which shall include~~(including~~ the ethics of advertising and marketing), consultation, record-keeping, office management, and managed care issues).

(3) Courses that are related to the ~~discipline-practice~~ of hearing aid dispensing may cover general health condition or educational course offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, service delivery models, interdisciplinary case management issues, or medical pathologies that also result in hearing difficulties.

(b) Examples of courses that are considered outside the scope of acceptable course content include:

~~(1) personal~~Personal finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer; and

(2) Marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices, or products.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Amend section 1399.144 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.144. ~~Waiver of Requirement~~Exemptions from Continuing Education.

~~(a) The Board may, in its discretion, exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to the Board for its consideration.~~A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 703 and 704 of the Code.

(b) To obtain an exemption, a licensee shall submit a written request for exemption from the continuing education requirement for any of the reasons listed below. The Board will

notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption is granted. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For any amount of time during the licensee's previous license renewal period the licensee was called to active duty as defined in Section 114.3 of the Code;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing education requirement is granted, it shall be valid only for the current renewal period.

(bd) Any dispenser who submits an application for a waiver a written request for exemption, which is denied by the Board, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority cited: ~~Section~~Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: Sections 114.3 and 2538.18, Business and Professions Code.



MEMORANDUM

DATE	February 5, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 11(c): Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists in Title 16, California Code of Regulations (CCR) sections 1399.160 through 1399.160.4

Background

This proposed regulatory change will clarify definitions to reflect advancements made to speech-language pathology and audiology continuing professional development (SLP-AU CPD) courses delivered online, increase the number of self-study hours to half of the total required hours, and clarify current regulations by making SLP-AU CPD requirements consistent with the Board’s SLP-AU CPD audit process and the professional learning requirements for similar license types and course content.

On December 8, 2023, the Board issued a 15-day notice of availability of the modified text, and the comment period closed on December 26, 2023. The Board did not hold a public hearing for this proposed regulatory action nor was one requested from any interested person or their authorized representative.

The Board received a total of twelve (12) comments: ten (10) written comments during the 15-day comment period and two (2) after the 15-day comment period. The Board received:

- One (1) in support,
- Eight (8) not related to the proposed modification, and
- Three (3) on the rulemaking process or procedures followed in modifying the proposed regulation.

Recommendations for Discussion

1. Board staff does not recommend the Board to modify the text to accommodate comments received for the reasons stated under “staff response.”
 - a. **Summary:** The Board received one (1) comment in support of reducing the hours of live classes and noted that the amount required for live classes is hard to maintain as a full-time speech-language pathologist.

Staff Response: The comments received were not related to the modifications made to the proposed regulations that was noticed to the public on December 8, 2023, pursuant to Government Code section 11346.8(c).

b. Summary: The Board received three (3) comments in support of increasing the hours of self-study and noted that:

- It is difficult to find live continuing education unit (CEU) courses that fit a busy work schedule or relevant to the population being served,
- Many on-demand CEUs offered virtually on the East that interfered with work and home life, and
- Changes would allow courses during the workday instead of after hours.

Staff Response: The comments received were not related to the modifications made to the proposed regulations that was noticed to the public on December 8, 2023, pursuant to Government Code section 11346.8(c).

c. Summary: The Board received four (4) comments recommending all hours to be completed through self-study courses and noted that:

- It is restrictive to people with children or caregivers or people who have to work two jobs to make ends meet to make even half of these be live;
- Many live trainings fall within the workday when services are being provided and rescheduling cause hardship on managing cases;
- Professional organization like, ASHA, doesn't limit self study hours;
- There are no difference in quality between pre-recorded and live courses;
- Live or actual in-person courses are typical more costly, not widely available, and negatively impact services to patients;
- On-demand courses can be done anytime, such as after work or on weekends;
- Evidence shows that "non-live" teaching can be just as effective as "live" teaching (1. Shqaidef AJ, Abu-Baker D, Al-Bitar ZB, Badran S, Hamdan AM. Academic performance of dental students: A randomised trial comparing live, audio recorded and video recorded lectures. *Eur J Dent Educ.* 2021; 25: 377–384. 2. Bahnson, J., & Olejnikova, L. (2017). Are recorded lectures better than live lectures for teaching students legal research. *Law Libr. J.*, 109, 187.);
- Non-live CEUs allow clinicians greater scheduling flexibility, such late night or weekends;
- As the world becomes more digital, the availability of live CEUs becomes increasingly limited and encourages the Board to review its document for supposed sources of CEUs as there are very few viable options on this list;
- With the increased availability of non-live CEUs, clinicians can select CEUs in topic areas that are relevant to their practice, thereby ensuring high-quality services for the public;
- The belief that non-live CEUs limit discussion is incorrect i.e., non-live CEUs frequently provide contact information where attendees can ask follow-up questions and some even contain an open chat window where attendees can

ask questions and the presenter receives a notification so they can answer (ASHA’s virtual annual conferences utilizes this feature);

- The requirement for “live” CEUs is inconsistent with other states’ regulations, where “non-live” CEUs are recognized as a valid form of learning; and
- For the reasons mentioned above, allowing anything less than 100% of non-live CEUs is unwarranted. The public is best served when clinicians can obtain CEUs appropriately, effectively, and in topics that support the populations they work with. Said another way, the requirement for “live” CEUs severely limits clinicians' ability to advance their learning and expertise, which in turn harms the public.

Staff Response: The comments received were not related to the modifications made to the proposed regulations that was noticed to the public on December 8, 2023, pursuant to Government Code section 11346.8(c).

- d. **Summary:** The Board received two (2) comments regarding the rulemaking process and public comment.

Staff Response: There was no objection or recommendation was provided. *Note: Board staff responded to these comments and the responses are included in the Public Comments.*

- e. **Summary:** The Board received one (1) comment in support and noted that it promotes a valuable method of learning and reflection for licensees.

Staff Response: There was no objection or recommendation was provided.

- f. **Summary:** The Board received one (1) comment objecting to the procedures followed in modifying the proposed regulation.

Staff Response: The objection was regarding the procedures followed in modifying the proposed regulation and not the regulatory text. *Note: Board staff responded to this comment and the response is included in the Public Comments.*

Does the Board wish to accept this recommendation?

2. Board staff recommend the Board modify section 1399.160.4(f) to say, “outside the acceptable course content” instead of “outside the scope of continuing professional development”. This change is much clearer to what the information contained in the subsection.

Does the Board wish to accept this recommendation?

3. Board staff recommend the Board to make an addendum to the Initial Statement of Reasons (ISOR). In preparing the Final Statement of Reasons pursuant to Government Code section 11346.9, Board staff are relying on documents not identified in the ISOR nor were they made available for public review prior to the close of the 45-day public comment period. The Board is permitted to rely on new documents during the rulemaking process only if the Board issues a 15-day notice to allow the public to review new documents pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Does the Board wish to accept this recommendation?

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to modify the regulatory text and direct Board Staff to proceed with a 15-day public comment period.

Suggested Motion Language

Move to modify the proposed regulatory text for 16 CCR sections 1399.160 through 1399.160.4, and direct staff to take all steps necessary to notice the modified regulatory text and addendum to the ISOR.

Attachment A: Public Comments on the Modified Text
Attachment B: Proposed Second Modified Text
Attachment C: Addendum to the ISOR

SLP-AU CPD Public Comment Modified Text

Comment 1

From: Allison Junod < >

Sent: Friday, December 8, 2023 9:34 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Live hours regulation

Hello,

I am writing to state I support reducing the hours of live classes. It can be difficult to find live seminars that fit my area (EI) along with finding the time during the work week to attend classes. Self study hours allow for flexibility, as long as additional learning when being able to pause and look at slides. Some live hours can be useful to hear others thoughts and experiences, however the amount that is required now is hard to maintain as a full time Slp. Thank you for listening.

Comment 2

From: Isabella Pezzini < >

Sent: Friday, December 8, 2023 9:52 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Proposed Modified Text (SLP-AU CPD Requirements)

Good morning,

I am emailing to express my support for the proposed change for the CPD requirements for speech language pathologists to increase the number of self study hours to include half of the required hours, as well as clarifying current regulations. It is difficult to find live CEU courses that fit in with a busy work schedule. Often, the only options that are available are not relevant to the population I work with, but are being taken to fulfill the CPD live webinar requirements. Furthermore, by increasing the number of self study hours allowed, therapists can take more courses they want to learn about and increase their knowledge in that subject area in order to best serve their current population.

Thank you,

Isabella Pezzini, M.S., CCC-SLP
Speech-Language Pathologist
[Open Play Therapy](#)

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**SLP-AU CPD Public Comment
Modified Text**

Comment 3

From: Leigh Medina Hall < >
Sent: Friday, December 8, 2023 10:06 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Comment (SLP-AU CPD Requirements)

Hello,

I personally feel like there should be no restrictions on how many CEUs are live versus not live. It's really restrictive to people with children or caregivers or people who have to work two jobs to make ends meet to make even half of these be live.

and even without children, many of these live, trainings, fall within my workday, when I am in sessions with students and if I miss a session, I owe a make up and I don't really have the bandwidth in my schedule to try and catch up like this repeatedly.

Thank you for the consideration.

Comment 4

From: Pearl Punperk < >
Sent: Friday, December 8, 2023 10:33 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Comment on Proposed Modified Text (SLP-AU CPD Requirements)

To Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board,
I agree with the proposal. In addition, I would appreciate if all hours of required CPD can be completed through self-study. Since ASHA, a national governing body of SLP-AUD doesn't limit self study hours, why does the board impose this requirement without giving sufficient reasons other than "self study may not adequately improve professional learning". In my experience as an SLP, I find no difference in quality between pre-recorded and live courses. We all have to listen to audio or watch a video of the courses and take and pass an exam afterwards to assess our knowledge gained from the courses. However, the differences in finding, paying for, finding time for live vs in-demand course can be vastly different. Live or actual in-person courses are typical more costly than on-demand. Live courses are not widely available compared to on-demand course. And lastly, we the SLPs, in many cases have to take time off work in order to attend live courses which takes away the time we could be helping our patients. However, with on-demand courses, we can take them anytime, such as after work or on weekends.

Sincerely,
Pearl Punperk, MS, CCC-SLP

**SLP-AU CPD Public Comment
Modified Text**

Comment 5

From: SpeechandHearingRegulations@DCA
Sent: Monday, December 11, 2023 12:50 PM
To: 'Amy Jamison-Casas' <>
Subject: RE: FW: Public Notice of Regulatory Action – Proposed Modified Text (SLP-AU CPD Requirements)

Please see the yellow highlighted text for the modifications:
https://www.speechandhearing.ca.gov/board_activity/lawsregs/cpd_modtext.pdf

These modifications were discussed at the Board meeting on December 1, 2023. There were materials for the discussion and the recording of the meeting will be posted online when ready at https://www.speechandhearing.ca.gov/board_activity/meetings/index.shtml.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
1601 Response Road, Suite 260 | Sacramento, CA 95815
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

From: Amy Jamison-Casas <>
Sent: Friday, December 8, 2023 11:40 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Re: FW: Public Notice of Regulatory Action – Proposed Modified Text (SLP-AU CPD Requirements)

Hi there,
I'm not able to see where my comments were modified. Can you please show me and explain?
Thank you!
Amy

Amy Jamison-Casas, M.S., CCC-SLP
Speech Language Pathologist

Current Clinic Affiliation: Arkansas Regional Therapy Services, LLC

*(Licensed by the States of Arkansas, SP# and California SP#
Arkansas Board of Examiners Speech-Language Pathology & Audiology
Phone: (501) 537-9151 website: <https://www.abespa.com> and the
California Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board Phone: (916) 287-7915 website: <https://www.speechandhearing.ca.gov/>)*

"Work is love made visible. And if you cannot work with love, but only with distaste, it is better that you should leave your work and sit at the gate of the temple and take alms of those who work with joy." - Kahlil Gibran

**SLP-AU CPD Public Comment
Modified Text**

Comment 6

From: Shawn Herron <>
Sent: Friday, December 8, 2023 10:45 PM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Modified Text (SLP-AU CPD Requirements)

Finally, these changes are long overdue! Personally, I don't see a need for any in-person "live" requirements! Perhaps that should be considered as well.

Shawn Herron
MA, CCC-SLP

Comment 7

From: SpeechandHearingRegulations@DCA
Sent: Monday, December 11, 2023 12:50 PM
To: Welby Lo <>
Subject: RE: FW: Public Notice of Regulatory Action – Proposed Modified Text (SLP-AU CPD Requirements)

Please see the yellow highlighted text for the modifications:

https://www.speechandhearing.ca.gov/board_activity/lawsregs/cpd_modtext.pdf

These modifications were discussed at the Board meeting on December 1, 2023. There were materials for the discussion and the recording of the meeting will be posted online when ready at

https://www.speechandhearing.ca.gov/board_activity/meetings/index.shtml.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
1601 Response Road, Suite 260 | Sacramento, CA 95815
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

From: Welby Lo <>
Sent: Saturday, December 9, 2023 8:22 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Re: FW: Public Notice of Regulatory Action – Proposed Modified Text (SLP-AU CPD Requirements)

Hello,

I'm not seeing any information on the comment. Where would we go to find it?

**SLP-AU CPD Public Comment
Modified Text**

Comment 8

From: Rina Ribiat < >

Sent: Sunday, December 10, 2023 1:49 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Proposed Modified Text (SLP-AU CPD Requirements)

I would be very happy if CA increases the number of self study hours to half the total required hours.

Thank you,

Rina

Comment 9

From: Jennifer Juday < >

Sent: Monday, December 11, 2023 12:38 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Proposed Modified Text (SLP-AU CPD Requirements)

I am happy the increase in self-study hours is being proposed. There have been many on-demand CEUs that have been offered virtually on the East that have interfered with my work and home life on the West Coast. Under these new guidelines, I can participate in these courses during my workday instead of after hours. Currently, I miss out on a lot of on-demand courses that interest me because of the current guidelines.

--

Jenna Juday, M.A. CCC-SLP

CA License #

Speech Language Pathologist at

Del Mar Elementary School

Student Services

San Luis Coastal Unified School District

**SLP-AU CPD Public Comment
Modified Text**

Comment 10

From: Andrea Ball < >

Sent: Thursday, December 21, 2023 8:45 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Cc: Sanchez, Paul@DCA < >; Burns, Cherise@DCA < >; Laura Wasco < >

Subject: RE: CSHA Comment Ltr on Modified Reg Lang: Cont Prof Deve Req

Good Morning,

Please see attached comment letter from the California Speech-Language Hearing Association (CSHA) on Proposed Modified Regulatory Language on Continuing Professional Development Requirements.

Thank you for your consideration.

Best,

Andrea

Andrea Ball

President

Ball/Frost Group LLC

Text of Letter:

December 21, 2023

Maria Liranzo

Legislation, Regulations, and Budget Analyst
Speech-Language Pathology and Audiology
And Hearing Aid Dispensers Board
1601 Response Road, Suite 260
Sacramento, California 95815

submitted via e-mail

RE: Proposed Modified Regulatory Language - Continuing Professional Development Requirements

Dear Ms. Liranzo:

The California Speech Language Hearing Association (CSHA) appreciates the continued efforts of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers (SLPAHAD) Board to clarify definitions that reflect advancements made to continuing professional development (CPD) courses delivered online, increase the number of self-study hours allowed to half of the total required hours, and clarify current regulations by making CPD requirements consistent with the Board's CPD audit process and the professional learning requirements for similar license types and course content. *This letter addresses [the proposed modifications reflected in the regulatory language dated December 1, 2023](#).*

**SLP-AU CPD Public Comment
Modified Text**

The COVID-19 State of Emergency dramatically shifted the landscape of medically necessary health care coverage and how professionals continue to improve their professional learning to maintain ethical and competent practice. While online CPD offerings were available and used by some Speech-Language Pathologists (SLPs) beforehand, the profession shifted from largely being in person to being delivered via electronic platforms overnight. The allowance of more on-line CPD course offerings has been extremely beneficial to meeting consumer needs and helping to address an acute staffing shortage of SLPs in California.

Improvement in definition of self-study in Section 1399.160 (a)(1)

Although not all of the topics that CSHA noted in our November 21, 2023 letter on the earlier version of proposed regulations have been addressed, the association is pleased with the modifications made to the definition of self-study. The modified text in Section 1399.160 (a)(1) removes the requirement for a self-study course to require an assessment or examination and for participants to obtain a grade of 70% or more. The new definition pursuant to the modified text requires participants to complete an evaluation of what was learned at the conclusion of the course. This change promotes a valuable method of learning and reflection for licensees.

Clarifying definitions and the number of hours that may be completed via self-study will provide more opportunities for SLPs to take continuing professional development courses on-line. A benefit to consumers will be an anticipated reduction in service interruptions because licensed practitioners will have greater ability to complete CPD without needing to take time off to attend in-person courses. Licensees will also benefit from decreased travel costs due to the increase in the number of self-study hours allowed and clarity about when CPD delivered online is considered self-study.

CSHA thanks the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board for its commitment to create a long-term fix to clarify definitions and reflect advancements made to continuing professional development (CPD) courses delivered online.

Thank you for your consideration. Please contact me or CSHA Legislative Advocates Andrea Ball and Laura Wasco at _____ and _____ if you have any questions and would like to schedule a meeting.

Sincerely,

Robert McKinney *Marcella McCollum*
Robert McKinney, Advocacy Chair
California Speech-Language Hearing Association

Marcella McCollum

SLP-AU CPD Public Comment Modified Text

Marcella McCollum, Board Chair
California Speech-Language Hearing Association

Copy: Paul Sanchez, Executive Director, Speech Language Pathology
Audiology and Hearing Aid Dispenser Board

California Speech-Language Hearing Association • Human Lives. Human Connection. 825 University Avenue,
Sacramento, CA 95825 • www.csha.org • email: csha@csha.org

Comment 11

From: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Sent: Tuesday, January 2, 2024 9:13 AM
To: J S <>
Subject: RE: Proposed Modified Text (SLP-AU CPD Requirements)

The Board noticed the modified the text in accordance with Government Code section [11346.8\(c\)](#).

The Board does accept late comments if they are within a reasonable timeframe. They will be identified as such when the Board reviews and response to public comments.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
1601 Response Road, Suite 260 | Sacramento, CA 95815
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

Sign up to receive updates and notifications on legislative and regulatory changes at
<https://www.speechandhearing.ca.gov/webapplications/subscribe/index.shtml>

From: J S <j>
Sent: Thursday, December 28, 2023 10:48 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Modified Text (SLP-AU CPD Requirements)

The period of public comment was ridiculously short!

Obviously, people are busy at this time of year - the Board should have extended the period of public comment for another week or two.

This looks like the Board acting in its own self interest and not serving the public.

**SLP-AU CPD Public Comment
Modified Text**

Comment 12

From: Christopher Padilla < >
Sent: Friday, January 5, 2024 10:21 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Re: Public Comment: CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS

Hello,

If you are still accepting public comments, please see mine attached to this message.

If you have any questions or need any additional information, please don't hesitate to let me know.

Kind regards,

Christopher Padilla

El El mar, ene 2, 2024 a la(s) 1:34 p.m., SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov> escribió:
The Modified Text of Regulations for SLP-AU CPD requirements can be found on the Board's website at https://www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
[1601 Response Road, Suite 260 | Sacramento, CA 95815](https://www.speechandhearing.ca.gov)
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

From: Christopher Padilla < >
Sent: Tuesday, January 2, 2024 10:59 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Re: Public Comment: CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS
Sounds good, will do!

I didn't see any specific modifications highlighted in yellow, though. Could you please clarify where these are located?

Thank you again!
Christopher Padilla, M.S., CCC-SLP, BCTS
CEO, Linguistik, LLC
www.linguistik.org

El El mar, ene 2, 2024 a la(s) 12:53 p.m., SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov> escribió:

**SLP-AU CPD Public Comment
Modified Text**

No structure or length. However, at this point of the process, please keep your comments on the most recent modifications made to the proposed regulations which are highlighted in yellow.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
[1601 Response Road, Suite 260 | Sacramento, CA 95815](https://www.speechandhearing.ca.gov)
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

From: Christopher Padilla < >
Sent: Tuesday, January 2, 2024 10:23 AM
To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>
Subject: Re: Public Comment: CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS
Hello,

Thank you for the clarification! I will work on finalizing a document to submit by the end of the day.

Speaking of which, I was planning on composing a 1- to 2-page document to submit for the Board's consideration. I have never submitted comments in the past, however. Is there a template or structure (including length requirements) for public comments?

Thank you, and talk soon!

Christopher Padilla, M.S., CCC-SLP, BCTS
CEO, Linguistik, LLC
www.linguistik.org

El El mar, ene 2, 2024 a la(s) 11:07 a.m., SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov> escribió:

Yes, we accept late comments if they are within a reasonable timeframe. They will be identified as such when the Board review and response to public comments.

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board
[1601 Response Road, Suite 260 | Sacramento, CA 95815](https://www.speechandhearing.ca.gov)
Main: (916) 287-7915
Web: www.speechandhearing.ca.gov

SLP-AU CPD Public Comment Modified Text

From: Christopher Padilla <c>

Sent: Tuesday, January 2, 2024 7:34 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Subject: Public Comment: CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS
To Whom It May Concern:

I was wondering if it might still be possible to submit public comments for the proposed regulation regarding continuing professional development requirements? I noticed on the DCA website that comments were due by December 26th, so I wanted to double-check.

Thank you for your time!

Kind regards,

Christopher Padilla, M.S., CCC-SLP, BCTS
CEO, Linguistik, LLC
www.linguistik.org

Text of Letter:

Dear Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board:

I am writing in regards to the topic of “non-live” vs. “live” CEUs for the purpose of maintaining licensure in the state of California. I apologize for not being able to write a longer description of my beliefs (I am still on Winter Break!), but I nonetheless wanted to submit this public comment for the Board’s consideration.

I believe there are at least eight reasons why the Board should allow clinicians to obtain “non-live” CEUs:

1. Evidence shows that “non-live” teaching can be just as effective as “live” teaching. Here are some examples:
 - Shqaidef AJ, Abu-Baker D, Al-Bitar ZB, Badran S, Hamdan AM. Academic performance of dental students: A randomised trial comparing live, audio recorded and video recorded lectures. *Eur J Dent Educ.* 2021; 25: 377–384.
 - Bahnson, J., & Olejnikova, L. (2017). Are recorded lectures better than live lectures for teaching students legal research. *Law Libr. J.*, 109, 187.
2. Non-live CEUs allow clinicians greater scheduling flexibility, such as by providing them opportunities to take relevant CEUs late at night or on the weekends. Importantly, this is often the only option for busy practitioners.
3. As the world becomes more digital, the availability of live CEUs becomes increasingly limited. I would encourage the Board to review its document for supposed sources of CEUs—there are very few viable options on this list.
4. With the increased availability of non-live CEUs, clinicians can select CEUs in topic areas that are relevant to their practice, thereby ensuring high-quality services for the public.

**SLP-AU CPD Public Comment
Modified Text**

5. The belief that non-live CEUs limit discussion is incorrect. For example, non-live CEUs frequently provide contact information where attendees can ask follow-up questions. Moreover, some even contain an open chat window where attendees can ask questions and the presenter receives a notification so they can answer (ASHA's virtual annual conferences utilizes this feature).

6. The requirement for "live" CEUs is inconsistent with other states' regulations, where "non-live" CEUs are recognized as a valid form of learning.

For the reasons mentioned above, allowing anything less than 100% of non-live CEUs is unwarranted. The public is best served when clinicians can obtain CEUs appropriately, effectively, and in topics that support the populations they work with. Said another way, the requirement for "live" CEUs severely limits clinicians' ability to advance their learning and expertise, which in turn harms the public.

Thank you for your time and attention to this matter. If you have any questions or inquiries regarding the above information, please do not hesitate to contact me.

Sincerely,

Christopher Padilla, M.S., CCC-SLP
Speech-Language Pathologist, CA #28872

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

**PROPOSED SECOND MODIFIED REGULATORY LANGUAGE
Continuing Professional Development Requirements**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout . Added modified text is shown in <u>double underline</u> Deleted modified text is show in double strikethrough Added 2nd modified text shown in <i><u>italicized double underline</u></i> Deleted 2nd modified text shown in <i>italicized double strikeout</i> Modified text in yellow highlight
----------------	--

Adopt section 1399.160 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160. Definitions.

As used in this article:

(a) A continuing professional development “course” means a form of systematic learning at least one hour (60 minutes) in length including, ~~but not limited to,~~ academic studies, extension studies, lectures, conferences, seminars, and workshops, ~~and self-study courses.~~

~~(b1) A “self-study course” means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, viewing or listening to recorded courses, or participating in “self-assessment testing” (open-book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the provider was the correct answer). A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course offering affords participants the opportunity to interact with an instructor and/or other course participants course where the course instruction and licensee participation do not occur simultaneously, and requires the completion of an evaluation on what was learned during the course or at the conclusion of the course. completing and obtaining a grade of 70% or more on an assessment or examination of the course content at the conclusion of the course instruction.~~

~~(eb)~~ A continuing professional development “provider” means an accredited institution of

higher learning, a nonprofit education association, a nonprofit professional association, an individual, or other organization that offers continuing professional development courses and meets the requirements contained in this article.

(dc) A “renewal period” means the ~~two-year~~ period that spans from a license's expiration date to the license's next expiration date.

(ed) An “operational plan” means a detailed, written description which contains information that explains how the provider intends to conduct business, advertise its courses, provide educational services, and meet the minimum standards established in this article.

(fe) “Continuing pProfessional development” shall have the same meaning and effect as the term “continuing education” when interpreting the provisions in this Aarticle.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (c)(1), (e) and (f), Business and Professions Code.

Adopt section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a speech-language pathology or an audiology licensee whose license expires in the year 2001, shall certify in writing, ~~when applying for license renewal,~~ by signing a statement under penalty of perjury that ~~during the preceding renewal period~~ from the date of issuance the licensee has completed twelve (12) hours of continuing professional development ~~courses~~ as defined in Section 1399.160.3(a) from a provider approved under Section 1399.160.7.

(b) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2001,~~ shall certify in writing, ~~when applying for license renewal,~~ by signing a statement under penalty of perjury that ~~during the preceding renewal period~~ from the date of issuance the licensee has completed eight (8) hours of continuing professional development ~~courses~~ for each license for a total of sixteen (16) hours of continuing professional development as defined in Section 1399.160.3(b) from a provider approved under Section 1399.160.7.

(c) Except as provided in Section 1399.160.2 and subsection (a), a speech-language pathology or an audiology licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twenty-four (24) hours of continuing professional development ~~courses~~ as defined in Section 1399.160.3(c) from a provider

approved under Section 1399.160.7.

(d) Except as provided in Section 1399.160.2 and subsection (b), a licensee who holds both a speech-language pathology license and an audiology license, shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed sixteen (16) hours of continuing professional development ~~courses~~ for each license for a total of thirty-two (32) hours of continuing professional development as defined in Section 1399.160.3(d) from a provider approved under Section 1399.160.7.

(e) Except as provided in Section 1399.160.2, a licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twelve (12) hours of continuing professional development as defined in Section 1399.160.3(e) from a provider approved under Section 1399.160.7.

(f) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and an audiology license authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed sixteen (16) hours of continuing professional development as defined in Section 1399.160.3(f)(1) from a provider approved under Section 1399.160.7 biennially and eight (8) hours of continuing professional development as defined in Section 1399.160.3(f)(2) from a provider approved under Section 1399.160.7 annually.

(eg) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify the completion of the continuing professional development requirement by producing a record of course completion, upon request by the Board, is subject ~~to~~ to disciplinary action under Section 2533(e) of the Code.

(h) Any person whose license has been expired for two renewal cycles or more shall complete the required hours of continuing professional development for the most recent renewal cycle before such license may be restored.

NOTE: Authority cited: Sections 2531.95 and 2532.6~~(a)~~, Business and Professions Code. Reference: Sections ~~2532.6(b), 2532.6(c), 2532.6(d) and 2533(e)~~, Business and Professions Code.

Adopt section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.2. Exemptions from Continuing Professional Development.

~~(a) An initial licensee shall complete at least twelve (12) hours of continuing professional development, of which no more than four (4) hours may be earned through the following activities prior to his or her first license renewal:~~

~~(1) No more than (2) hours of self-study activities,~~

~~(2) No more than (2) hours from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4), or in indirect client care courses as defined in Section 1399.160.4(c)(3).~~

~~(ba) A licensee is exempt from the continuing professional development requirement if his or her their license is inactive pursuant to Sections 703 and 704 of the Code.~~

~~(eb) To obtain an exemption, a A licensee ~~may~~ shall submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing professional development required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:~~

~~(1) For at least one year any amount of time during the licensee's previous license renewal period the licensee was absent from California due to military service called to active duty as defined in Section 114.3 of the Code;~~

~~(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or~~

~~(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:~~

~~(A) the nature and extent of the disability;~~

~~(B) an explanation of how the disability hinders the licensee from completing the continuing professional development requirement; and~~

~~(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or~~

psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Sections 114.3 and 2532.6(d), Business and Professions Code.

Adopt section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee who renews under Section 1399.160.1(a), whose license expires in the year 2001, shall accrue at least twelve (12) hours of continuing professional development hours in courses as defined in Section 1399.160.4. A licensee under this subsection who claims may accrue no more than four (4) hours of continuing professional development hours for courses through self-study courses shall be allowed to claim no more than six (6) hours of continuing professional development earned through self-study during this renewal period. A licensee under this subsection who claims continuing professional development credit from courses as defined in Section 1399.160.4(c)(4) or Section 1399.160.4(c)(32) shall be allowed to claim no more than three (3) two (2) hours of continuing professional development from such courses.

(b) A licensee who renews under Section 1399.160.1(b) holds both a speech-language pathology license and an audiology license that expire in the year 2001, shall accrue at least eight (8) hours of continuing professional development hours from courses as defined in Section 1399.160.4 for each license. A licensee under this subsection who claims may accrue no more than two (2) hours of continuing professional development hours for courses through self-study courses shall be allowed to claim no more than four (4) hours of continuing professional development earned through self-study for each license. A licensee under this subsection who claims continuing professional development hours from courses as defined in Section 1399.160.4(c)(4) or Section 1399.160.4(c)(32) shall be allowed to claim no more than two (2) one and one half (1.5) hours of continuing professional development from such courses for each license.

(c) A licensee who renews under Section 1399.160.1(c) shall accrue at least twenty-four (24) hours during a single renewal period of continuing professional development hours from courses as defined in Section 1399.160.4. A licensee under this subsection who claims may accrue no more than eight (8) hours of continuing professional development hours for courses earned through the following activities during a single renewal period:

(1) No more than six (6) hours of self-study shall be allowed to claim no more than twelve (12) hours of continuing professional development earned through self-study activities,

~~(2) No more than four (4) hours~~ A licensee under this subsection who claims continuing professional development hours from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32), shall be allowed to claim no more than ~~six (6)~~ four (4) hours of continuing professional development from such courses.

~~(31) A licensee who renews an audiology license and claims continuing professional development hours from courses related to hearing aid dispensing shall be allowed to claim no~~ Not more than 50% of the continuing professional development hours required from such courses of a licensed non-dispensing audiologist, may be in hearing aid courses, but and the continuing professional development hours shall not be obtained from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether the course focuses on a particular manufacturer's or company's equipment, devices, or product equipment, devices, or other products of a particular publisher, company or corporation.

~~(d) A licensee who renews under Section 1366.160.1(d) holds both a speech-language pathology license and an audiology license, shall accrue at least sixteen (16) hours of continuing professional development hours from courses as defined in Section 1399.160.4 for each license. A licensee under this subsection who claims may accrue no more than five (5) hours of continuing professional development hours for courses earned through the following activities for each license:~~

~~(1) No more than two and one half (2.5) hours of self-study shall be allowed to claim no more than eight (8) hours of continuing professional development for self-study courses for each license activities,~~

~~(2) No more than two and one half (2.5) hours~~ A licensee under this subsection who claims continuing professional development credit from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32) shall be allowed to claim no more than ~~four (4)~~ two and one half (2.5) hours of continuing professional development from such courses for each license.

~~(1) A licensee who renews an audiology license and claims continuing professional development hours from courses related to hearing aid dispensing shall be allowed to claim credit for those hours in accordance with Section 1399.160.3(c)(1).~~

~~(e) A licensee who renews under Section 1366.160.1(e) licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall accrue at least twelve (12) hours of continuing professional development hours from courses as defined in Section 1399.160.4 annually. A licensee under this subsection who claims~~

~~licensed audiologist authorized to dispense hearing aids may accrue no more than (3) hours of continuing professional development hours for courses earned through the following activities during a single renewal period:~~

~~(1) No more than one and a half (1.5) hours of self-study shall be allowed to claim no more than six (6) hours of continuing professional development for self-study courses activities,~~

~~(2) No more than one and a half (1.5) hours~~ A licensee under this subsection who claims continuing professional development hours from courses related to the discipline of audiology, as defined in ~~Section 1399.160.4(c)(4) or~~ in indirect client care courses as defined in Section 1399.160.4(c)(~~32~~) shall be allowed to claim no more than ~~three (3) two (2)~~ hours of continuing professional development from such courses.

~~(31) A licensee shall complete~~ Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing but and these hours shall not be obtained from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether the course focuses on a particular manufacturer's or company's equipment, devices, or products. ~~the equipment, devices, or other products of a particular manufacturer or company.~~ The remaining 50% of the continuing professional development hours required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) and shall not be obtained from hearing aid dispensing courses as provided for in this section.

~~(f) A licensee who renews under Section 1366.160.1(f) holds both a speech-language pathology license and a dispensing audiology license shall accrue:~~

~~(1) At least sixteen (16) hours of cContinuing professional development hours courses in from speech-language pathology courses as defined in Section 1399.160.4. A licensee under this paragraph who claims biennially, of which no more than four (4) hours of the continuing professional development hours earned for courses may be accrued through the following activities during a single renewal period:~~

~~(A) No more than two and one-half (2.5) hours of self-study shall be allowed to claim no more than eight (8) hours of continuing professional development for self-study courses activities,~~

~~(B) No more than two and one-half (2.5) hours~~ A licensee under this paragraph who claims continuing professional development hours from courses related to the discipline of speech-language pathology as defined in ~~Section 1399.160.4(c)(4) or~~ in indirect client care courses as defined in Section 1399.160.4(c)(~~32~~) shall be allowed to claim no more than ~~four (4) two and one-half (2.5)~~ hours of continuing professional development from such courses.

~~(2) At least eight (8) hours of continuing professional development hours from courses in dispensing audiology courses as defined in Section 1399.160.4 and 1399.160.3(e)(31), annually, of which no more than two (2) hours of A licensee under this paragraph who claims continuing professional development credit for courses earned may be accrued through the following activities during a single renewal period:~~

~~(A) No more than one (1) hour of self-study shall be allowed to claim no more than four (4) hours of continuing professional development for self-study courses activities,~~

~~(B) No more than one (1) hour A licensee under this paragraph who claims continuing professional development hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32) shall be allowed to claim no more than two (2) one and one half (1.5) hours of continuing professional development from such courses.~~

~~(g) If a licensee teaches a course offered by a provider registered with the Board or an entity listed in Section 2532.6 of the Code, the licensee may claim credit and claims continuing professional development credit for the same course, the licensee shall be credited only once per renewal, receiving the same amount of hours of continuing professional development credit as a licensee who attended the course.~~

~~(h) A licensee may shall not claim credit for the same course more than once for hours of continuing professional development per renewal.~~

~~(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board may shall not apply the course as credit towards the continuing professional development requirement.~~

~~(j) A licensee who supervises a Required Professional Experience temporary license holder must complete the required supervision training in Section 1399.153.3.~~

~~(k) A licensee who supervises a Speech-Language Pathology Assistant must complete the required supervision training in Section 1399.170.15.~~

~~(l) A licensee who claims continuing professional development for participating in a Board sponsored Occupational Analysis shall be credited no more than two (2) hours.~~

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (c) and (e), Business and Professions Code.

Adopt section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.4. Continuing Professional Development Course Content.

(a) A licensed speech-language pathologist shall determine that the content and learning outcomes of a course are relevant to the practice of speech-language pathology as defined in Section 2530.2(d).

(b) A licensed audiologists shall determine that the content and learning outcomes of a course are relevant to the practice of audiology as defined in Section 2530.2(k).

(c) The content of a course shall pertain to direct patient/client care, related, or indirect patient/client care, or related to the practice of speech-language pathology or audiology.

(1) ~~Examples of direct patient/client care courses for the practice of speech-language pathology include: fluency disorders, voice disorders, motor disorders of speech, dysphagia, speech science, oral and written language disorders, aphasia and neurogenic disorders of language and cognition, augmentative and alternative communication, phonological/articulatory disorders language science, and patient/client counseling to facilitate recovery from, or adjustment to, a communication disorder.~~

(2) ~~Examples of direct patient/client care courses for the practice of audiology include, auditory and vestibular assessment, auditory habilitation/rehabilitation, hearing assistive technology, industrial audiology/hearing conservation and hearing science.~~ Direct patient/client care courses cover the current practice of speech-language pathology or audiology. This may include content on instruments and technology used for assessment/diagnosis or intervention.

(3) Indirect patient/client care courses cover pragmatic aspects of speech-language pathology or audiology practice (e.g., legal or ethical issues, consultation, record-keeping, office management, managed care issues, research obligations, technological applications related to assessment/diagnosis or intervention).

(4) Courses that are related to the discipline practice of speech-language pathology or audiology may shall cover general medical or educational offerings including, but not limited to, social interaction, cultural and linguistic diversity competency, and diversity, equity, and inclusion as it applies to service delivery for diverse populations, professional service delivery models, interdisciplinary case management issues, or medical pathologies related to neurological disorders that also result in communication difficulties.

(d) A provider shall ensure that a course has specific objectives that are measurable.

(e) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

(f) Courses considered outside the acceptable course contentscope of continuing professional development include, but are not limited to, those in the following areas:

(1) money management, the licensee's personal finances or personal business matters;

(2) general physical fitness or the licensee's personal health;

(3) presentations by political or public figures or other persons that do not deal primarily with the practice of either speech-language pathology or audiology;

(4) tort liability;

(5) courses that address increased office production or computerization, financial planning, employee benefits, marketing or motivational topics to increase productivity or profitability; and

(6) courses in which the primary beneficiary is the licensee, not the consumer; and

(7) marketing, launching, or demonstrating the marketability of instruments and technology regardless of whether it focuses on a particular manufacturer's or company's instruments and technology.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Section 2532.6(b), (c) and (e), Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

ADDENDUM TO THE INITIAL STATEMENT OF REASONS
Continuing Professional Development (CPD) Requirements

In preparing the Final Statement of Reasons pursuant to Government Code section 11346.9, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) relied on documents not identified in the Initial Statement of Reasons (ISOR) nor were they made available for public review prior to the close of the 45-day public comment period.

The following are the documents the Board is relying on to update the information contained in the ISOR for the Final Statement of Reasons:

- Association of State and Provincial Psychology Boards' *Guidelines for Continuing Professional Development*. Available from <https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/profdevelopment2023.pdf>
- *Evidence For Continuing Professional Development Standards For Regulated Health Practitioners In Australia: A Systematic Review*. Available from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10026429/pdf/12960_2023_Article_803.pdf
- *Competence, ethical practice, and going it alone*. Available from <https://societyforpsychotherapy.org/competence-ethical-practice-and-going-it-alone/>
- *Designing Professional Development Training Programs with the Learner in Mind*. Available from <https://susanfitzell.com/designing-professional-development-training-programs-with-the-learner-in-mind/>
- *Neurodiversity and Career Development: Strategies for Advancement*. Available from <https://enna.org/neurodiversity-and-career-development-strategies-for-advancement/>
- *Continuing professional development: best practices*. Available from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4005177/?report=printable>
- *Interactive Learning in Continuing Professional Development: "at Least 25 Per Cent of Time."* Available from <https://www.royalcollege.ca/content/dam/documents/learning/continuing-professional-development/interactive-learning-cpd-e.html>



MEMORANDUM

DATE	February 16, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 11(d): Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

Background

This proposed regulatory change will clarify that anyone licensed to dispense hearing aids can advertise the fitting and selling of hearing aids in accordance with Business and Professions Code section 651 and CCR section 1399.127, information required in advertisements, prohibited advertisements, and national advertisements disseminated in California.

The 45-day public comment period began on November 17, 2023, and ended on January 3, 2024. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) received two (2) written comments during the initial 45-day public comment period.

- The Board received a comment requesting a public hearing on December 6, 2023. The comment noted that it appreciates the Board’s ongoing commitment to protecting the public and ensuring that advertising by hearing aid dispensers is clear and transparent for consumers; however, one provision would cause undue hardship on licensees to be in compliance. The comment recommends amending Section 1399.127(c) to say, "unless the following information is provided on an internet website and that internet website address is included in the advertising."
- The Board received another comment agreeing that all measures should be in place to ensure the public are not misled or deceived by advertising; however, it noted that one provision in this regulatory package would cause undue hardship on licensees to be in compliance. This is because advertisements have very limited space to include all the necessary information and many licensees have multiple locations. The comment expressed concerns that licensees may not be able to advertise if there is not enough space in the advertisement for all the required information. The comment also noted that this would constitute an unlawful restraint of trade by the Board and violates the constitutional first amendment free speech doctrine granted to dispensers and recommends amending Section 1399.127(c) to say, "unless the following information is provided on an internet website and that internet website address is included in the advertising."

A public hearing was requested pursuant to Government Code section 11346.8, which will be held by the Board on March 1, 2024 at 11:00 a.m.

Recommendations

The Board may accommodate the recommendation from public comments. The language would appear as follow:

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, unless the following information is provided on an internet website and that internet website address is included in the advertising:

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

(2) The license number of the person licensed to dispense hearing aids, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

Additionally, the Board may also consider the following change:

- Requiring the license number of all who are licensed at the location advertised.

(2) The license number of all persons licensed to dispense hearing aids at the location advertised, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

The Board may also accommodate any recommendation from the public provided at the public hearing held on March 1, 2024, requested pursuant to Government Code section 11346.8.

Question for Discussion

1. Does the Board wish to accommodate the recommendation from public comments or the public hearing or does the Board wish to consider other changes that would address concerns expressed in the public comments or public hearing?

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to modify the regulatory text and direct Board Staff to proceed with a 15-day public comment period.

Suggested Motion Language

Move to modify the proposed regulatory text for 16 CCR section 1399.127, and direct staff to take all steps necessary to notice the modified regulatory text.

Attachment A: Public Comments
Attachment B: Proposed Modified Text

HAD Advertising Public Comments

Comment 1

From: Bryce Docherty < >

Sent: Wednesday, December 6, 2023 11:32 AM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Cc: Bryce Docherty < >; Burns, Cherise@DCA < >

Subject: Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising

Ms. Liranzo:

On behalf of the Hearing Healthcare Providers of California, please see the attached written request for a public hearing on the Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising. Please confirm receipt of this request.

Thank You!

Bryce W.A. Docherty

Founder & CEO

Web: www.tdgstrategies.com

Pronouns: He/Him/His

Text of Letter:

Hearing Healthcare Providers California
One Capitol Mall, Suite 800
Sacramento, CA 95814
Phone (916) 447-1975
Fax (916) 444-7462
www.hhpca.org

December 6, 2023

Maria Liranzo

Legislation, Regulations, and Budget Analyst

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

1601 Response Road, Suite 260

Sacramento, CA 95815

Sent via email to: SpeechandHearingRegulations@dca.ca.gov

RE: Speech Language Pathology, Audiology and Hearing Aid Dispensers Board Title 16. Professional and Vocational Regulations Division 13.3: Hearing Aid Dispensing Advertising

Dear Ms. Liranzo:

Pursuant to the Speech Language Pathology, Audiology and Hearing Aid Dispensers Board (*hereafter; Board*) Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing

Advertising, the Hearing Healthcare Providers of California (HHP) respectfully requests a hearing on these proposed regulations.

HHP certainly appreciates the Board's ongoing commitment to protecting the public and ensuring that advertising by hearing aid dispensers is clear and transparent for consumers. However, one provision in this regulatory package would cause undue hardship on hearing aid dispensers to comply. Specifically, Subsection (c) of Section 1399.127, Advertising. HHP recommends the following amendment to the proposed regulations:

Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, unless the following information is provided on an internet website and that internet website address is included in the advertising:

- (1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.
- (2) The license number of the person licensed to dispense hearing aids, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

HHP is the professional association that represents Hearing Instrument Specialists throughout California. Our members test hearing and select, fit, and dispense hearing instruments. Our mission is to enable effective treatment alternatives for hearing impaired Californians and enhance our professional development.

Thank you for considering this hearing request and an opportunity for HHP to address our concerns. For any further questions or additional information, please contact HHP Legislative-Regulatory Advocate Bryce Docherty at _____ or _____.

Sincerely,

Dennis Tobin

Dennis Tobin
President, Hearing Healthcare Providers of California

cc: Cherise Burns, Assistant Executive Officer, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
Kimberly Kirchmeyer, Director, California Department of Consumer Affairs Jennifer Simoes, Deputy Director, Legislative Affairs, California Department of Consumer Affairs

Comment 2

From: Bryce Docherty <>

Sent: Friday, December 22, 2023 1:48 PM

To: SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov>

Cc: Sanchez, Paul@DCA <>; Burns, Cherise@DCA <>; Bryce Docherty <>

Subject: Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising

Importance: High

Ms. Liranzo:

On behalf of the Hearing Healthcare Providers of California, please see the attached written comments on the Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising. Please confirm receipt or this request.

Thank You!

Bryce W.A. Docherty

Founder & CEO

Web: www.tdgstrategies.com

Pronouns: He/Him/His

Text of Letter:

Hearing Healthcare Providers California
One Capitol Mall, Suite 800
Sacramento, CA 95814
Phone (916) 447-1975
Fax (916) 444-7462
www.hhpca.org

December 22, 2023

Maria Liranzo

Legislation, Regulations, and Budget Analyst

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

1601 Response Road, Suite 260

Sacramento, CA 95815

Sent via email to: SpeechandHearingRegulations@dca.ca.gov

**RE: Speech Language Pathology, Audiology and Hearing Aid Dispensers Board Title 16.
Professional and Vocational Regulations Division 13.3: Hearing Aid Dispensing Advertising**

Dear Ms. Liranzo:

Pursuant to the Speech Language Pathology, Audiology and Hearing Aid Dispensers Board
(*hereafter; Board*) Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing

Advertising, the Hearing Healthcare Providers of California (HHP) respectfully submits the following comments. Thank you for the opportunity.

HHP certainly appreciates the Board's ongoing commitment to protecting the public and ensuring that advertising by hearing aid dispensers is clear and transparent for consumers. Furthermore, HHP agrees that all measures should be in place to ensure the public are not misled or deceived by advertising.

However, one provision in this regulatory package would cause undue hardship on hearing aid dispensers to comply. Advertisements have very limited space for all the current advertising requirements and font size can only be so small. HHP is concerned about numerous situations where practices have multiple locations whereby the patients are treated by a multitude of practitioners. These practices would no longer be able to legally advertise if there is not enough room in the advertisement to include all the necessary information. HHP not only sees this as impractical but also not in the public's best interest. Lastly, as written, this would also constitute an unlawful restraint of trade by the Board and violates the constitutional first amendment free speech doctrine granted to hearing aid dispensers.

To ensure the consumer has all of the necessary information to make an informed decision about which hearing, and instrument specialist will provide their care, HHP would strongly suggest an amendment to the proposed regulations allowing hearing aid dispensers to include all the required information in the advertisement on their internet website and that the internet website address be included in the advertising.

Specifically, Subsection (c) of Section 1399.127. Advertising. HHP recommends the following amendment to the proposed regulations:

Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, unless the following information is provided on an internet website and that internet website address is included in the advertising:

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

(2) The license number of the person licensed to dispense hearing aids, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

HHP is the professional association that represents Hearing Instrument Specialists throughout California. Our members test hearing and select, fit, and dispense hearing instruments. Our mission is to enable effective treatment alternatives for hearing impaired Californians and enhance our professional development.

Thank you for the opportunity for HHP to address our concerns. For any further questions or additional information, please contact HHP Legislative-Regulatory Advocate Bryce Docherty at _____ or _____.

Sincerely,

Dennis Tobin

Dennis Tobin

President, Hearing Healthcare Providers of California

cc: Cherise Burns, Assistant Executive Officer, Speech-Language Pathology and Audiology
and Hearing Aid Dispensers Board

Kimberly Kirchmeyer, Director, California Department of Consumer Affairs Jennifer Simoes, Deputy Director,
Legislative Affairs, California Department of Consumer Affairs

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
 AND HEARING AID DISPENSERS BOARD**

**PROPOSED MODIFIED REGULATORY LANGUAGE
 Hearing Aid Dispensing Advertising**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout . Added modified text is shown in <u>double underline</u> Deleted modified text is show in double strikethrough Modified text in yellow highlight
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Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(a) A person licensed to dispense hearing aid ~~dispenser aids~~ may advertise any goods the fitting and selling of hearing aids or services ~~authorized to be provided by such~~ allowed by the license in a the manner authorized by Section 651 of the Code and this Section ~~so as long as such the~~ advertising does not promote the unnecessary or ~~excessive~~ use of such goods ~~or or~~ services.

(b) An advertisement ~~violates~~ for fitting and selling hearing aids or other authorized services is in violation of Section 651 of the Code when if it violates any provision of Article 8, Chapter 5.3 of Division 2 of the Code, beginning with Section 2538.10.:

(1) ~~Is not exact, and any conditions or other variables to an advertised price are not disclosed.~~

(2) ~~Includes a statement of price comparison that is not based upon verifiable data.~~

(3) ~~Advertises a discount in a false or misleading manner, including but not limited to, failing to disclose the dates on which the sale or discount price will be in effect if the sale or discount price is a limited time offer.~~

~~When advertising a specific hearing aid model:~~

Correct:	50% off Acme Model 12
Regularly \$1000, Now \$500	
Incorrect:	50% off Acme hearing aid

When advertising a category of hearing aids (e.g. all models from one manufacturer, or all BTE models):

Correct:	50% off Manufacturer's Suggested Retail Price
All Acme Hearing Aids	
Incorrect:	Acme Hearing Aids – 50% Off
Correct:	50% off Manufacturer's Suggested Retail Price, All Hearing Aids Offer good January 1-7, 1998 (or Offer expires January 7, 1998)
Incorrect:	50% off Manufacturer's Suggested Retail Price, All Hearing Aids

~~(4) Utilizes a business name that is so broad as to connote comprehensive and diagnostic hearing services, unless the dispenser is also licensed as a physician or audiologist.~~

Correct:	Delta Hearing Aid Center
Incorrect:	Delta Hearing Center

~~(5) Advertises hearing tests without qualification as to the nature of the hearing testing that may be performed by a hearing aid dispenser.~~

Correct:	Test to determine if you could be helped by a hearing aid
Incorrect:	Hearing test

~~(6) Includes sending to a consumer preset appointment information or “rebate coupons” that resemble checks as part of a direct mail solicitation.~~

~~(7) Includes an educational degree but does not list the degree and field, or includes the title “Dr.” where the degree is a non-medical doctorate and the advertisement does not disclose that fact.~~

Correct:	John Doe, Ph.D. in Audiology	Jane Doe, M.A. in Audiology
	John Doe, Ph.D. (Audiology)	Jack Doe, B.A. (Audiology)
Incorrect:	Dr. John Doe	Jane Doe, M.A.
	Dr. John Doe (Audiology)	Jack Doe, B.A.

~~(8) Includes abbreviations for job titles or job certifications as letters after a name where those letters do not represent an academic degree or credential.~~

~~(9) Refers to a dispenser's certification by a professional organization but either does not include the name of the certifying organization or, includes the name written in a manner not easily understood by consumers.~~

Correct:	John Doe, Hearing Aid Dispenser Lic. No. HA-xxxx
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NB-HIS, Certified by the National Board of Certification in Hearing Instrument Sciences	
Incorrect:	John Doe, NB-HIS

(10) Includes the term “specialist” when referencing licensure without including the title “hearing aid dispenser.”

Correct:	Jane Doe, Hearing Aid Dispenser Lic. No. HA-xxxx
Jack Doe, Licensed Hearing Aid Dispenser	
John Doe, Hearing Instrument Specialist	
Hearing Aid Dispenser Lic. No. HA-xxxx	
Incorrect:	Jane Doe, Hearing Aid Specialist Lic. No. HA-xxxx
Jack Doe, Licensed Hearing Aid Specialist	

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, unless the following information is provided on an internet website and that internet website address is included in the advertising:

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

(2) The license number of ~~the all~~ persons licensed to dispense hearing aids at the location advertised, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

(d) In addition to advertisement prohibited under Section 651 of the Code, an advertisement for fitting and selling hearing aids or other authorized services shall not include:

(1) An educational degree that was not earned or does not specify the exact degree and field in which the degree was earned.

(2) Other than for a physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board in this state, the title "doctor" or any variation of this term without specifying the exact field in which the doctoral degree was earned.

(3) A job title or dispenser's certification by a professional organization that is not clearly identified by the full job title or certification and name of the certifying organization.

(4) An offer to perform a hearing test by a hearing aid dispenser that does not clearly state that the test is being performed in order to fit and sell a hearing aid.

(5) Any description of services that are required to be performed by a licensed audiologist unless there is a licensed audiologist at the advertised address to perform those services.

(6) Preset appointment information when the consumer has not requested such an appointment.

(7) The use of rebate coupons or rebate checks without informing the consumer of all the various material facts relating to the standard price of the device and discounts or sales that are currently available on that device.

(e) An offer for authorized services as part of a research or field study does not violate this section if no selling of hearing aids occurs in connection with the research or study.

(f) Any advertisement shall fully disclose any and all additional charges associated with the purchase of hearing aids, such as additional programming of hearing aid features. An advertisement for price that uses a price comparison shall be based on verifiable data and contains the following:

(1) The dollar amount of the non-discounted fee for the specific hearing aid or provide consumers with a method to ascertain the standard price;

(2) The dates on which the sale or discount price will be in effect if the sale or discount price is a limited time offer; and

(3) Any other terms, conditions, or restrictions imposed for qualifying for the discount.

(g) The licensee shall retain the data required in subsection (f) for one year after the advertisement is published or disseminated.

(eh) Any national advertisement run in California shall comply with California laws and regulations.

(1) The advertising described in subsection (h) is exempt from the requirements of subsection (c) of this section.

(2) A person licensed to dispense hearing aids is subject to discipline or enforcement action for sales resulting from a national advertisement that violates this section.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Sections 651, 651.3 and ~~2533~~2538.10, Business and Professions Code.