



# *The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board*



## **BOARD MEETING**



*February 25, 2022*

Teleconference



## 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, February 25, 2022 beginning at 9:00 a.m.*

**NOTE: Pursuant to Governor Gavin Newsom's Executive Order N-1-22, issued January 5, 2022, and the provisions of Government Code section 11133, neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below. If you have trouble getting on the WebEx event to listen or participate, please call 916-287-7915.**

### **Important Notice to the Public:**

The Board will hold this public meeting via WebEx Events. 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, February 25, 2022 WebEx Link:**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m3b087a92e7597560b11ce0f97880599c>

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, February 23, 2022, to [speechandhearing@dca.ca.gov](mailto:speechandhearing@dca.ca.gov) for consideration.

### **Action may be taken on any agenda item.**

### **Board Members**

Marcia Raggio, Dispensing Audiologist, Board Chair  
Holly Kaiser, Speech-Language Pathologist, Vice Chair  
Tod Borges, Hearing Aid Dispenser  
Karen Chang, Public Member  
Gilda Dominguez, Speech-Language Pathologist  
Debbie Snow, Public Member  
Tulio Valdez, Otolaryngologist, Public Member  
Amy White, Dispensing Audiologist  
VACANT, Hearing Aid Dispenser

*Friday, February 25, 2022*

### **Full Board Meeting Agenda**

### **OPEN SESSION**

1. Call to Order / Roll Call / Establishment of Quorum
2. Swearing In New Board Member

3. 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))*
4. Review and Possible Approval of the August 12-13, 2021, Board Teleconference Meeting Minutes
5. Review and Possible Approval of the October 7-8, 2021, Board Teleconference Meeting Minutes
6. Review and Possible Approval of the November 22, 2021, Board Teleconference Meeting Minutes
7. Board Chair's Report
  - a. 2022 Board and Committee Meeting Calendar
  - b. Board Committee Updates and Reports
8. Executive Officer's Report
  - a. Administration Update
  - b. Budget Report
  - c. Regulations Report
  - d. Licensing Report
  - e. Practical Examination Report
  - f. Enforcement Report
9. DCA Update – DCA Board and Bureau Relations
10. Update on Speech and Hearing Related DCA Waivers related to the COVID-19 State of Emergency
  - a. Active Waivers Approved by DCA
    - i. Modification of Reactivation Requirements for Speech-Language Pathologists
    - ii. Modification of the Direct Monitoring Requirements for Required Professional Experience (RPE) Licenses and the Direct Supervision Requirements for Speech-Language Pathology Assistant (SLPA) Licenses
  - b. Expired Waivers Previously Approved by DCA
    - i. Modification of Continuing Education Requirements for All Licensees
    - ii. Modification of the Limitations on Renewing of Hearing Aid Dispenser (HAD) Temporary Licenses and HAD Trainee Licenses
    - iii. Modification of Limitations and Requirements for Extension of RPE Licenses
11. Update on the Board's 2022 Sunset Review

**BREAK FOR LUNCH (TIME APPROXIMATE)**

12. Update on Board's Filing of Public Comment Regarding U.S. Food and Drug Administration Proposed Rule on Medical Devices; Ear, Nose and Throat Devices; Establishing Over-the-Counter Hearing Aids
13. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages
  - a. Discussion and Possible Action to Amend and/or Adopt Regulations Regarding Speech-Language Pathology Assistants Requirements as stated in Title 16, CCR sections 1399.170 through 1399.170.20.1
  - b. Discussion and Possible Action to Adopt Regulations Regarding Uniform Standards Related to Substance-Abusing Licensees as stated in Title 16, CCR sections 1399.102, 1399.131, 1399.131.1, 1399.155, and 1399.155.1

- c. Discussion and Possible Action to Initiate a Rulemaking Regarding Required Professional Experience Direct Supervision Requirements and Remote or Tele Supervision by Amending Title 16, CCR sections 1399.153 and 1399.153.3
- d. Discussion and Possible Action to Adopt Regulations Regarding Dispensing Audiologist Examination Requirement as stated in Title 16, CCR section 1399.120, 1399.121, 1399.122, and 1399.152.4
- e. Discussion and Possible Action to Amend Regulations Regarding Board Location and Processing Times as stated in Title 16, CCR sections 1399.101, 1399.113, 1399.150.1, 1399.151.1 1399.160.6, and 1399.170.13
- f. Discussion and Possible Action Regarding Continuing Professional Development Requirements for Speech-Language Pathologists, Audiologists, and Speech-Language Pathology Assistants as stated in Title 16, CCR sections 1399.160 through 1399.160.13 and Title 16, CCR section 1399.170.14
- g. Discussion and Possible Action to Adopt Regulations Regarding Notice to Consumers as stated in Title 16, CCR sections 1399.129 and 1399.157.1

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

- a. 2022 Legislative Calendar and Deadlines
- b. Bills for Active Position Recommendations
  - i. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction
- c. Bills with Active Positions Taken by the Board
  - i. AB 29 (Cooper) State bodies: meetings
  - ii. AB 107 (Salas) Licensure: veterans and military spouses
  - iii. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses
  - iv. AB 555 (Lackey) Special education: assistive technology devices
  - v. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing
  - vi. AB 1026 (Smith) Business licenses: veterans
  - vii. AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates
  - viii. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations
- d. Bills with Recommended Watch Status
  - i. AB 227 (Davies) Governor: appointments
  - ii. AB 361 (Rivas) Open Meetings: state and local agencies: teleconferences
  - iii. AB 457 (Santiago) Protection of Patient Choice in Telehealth Provider Act
  - iv. AB 468 (Friedman) Emotional support dogs
  - v. AB 486 (Committee on Education) Elementary and secondary education: omnibus bill
  - vi. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
  - vii. AB 1221 (Flora) Consumer Warranties: service contracts: cancellation: disclosures
  - viii. AB 1236 (Ting) Healing arts: licensees: data collection
  - ix. AB 1291 (Frazier) State Bodies: open meetings
  - x. AB 1308 (Ting) Arrest and conviction record relief
  - xi. AB 1498 (Low) Members of boards within the Department of Consumer Affairs: per diem
  - xii. AB 1687 (Seyarto) California Emergency Services Act: Governor's powers: suspension of statutes and regulations
  - xiii. AB 1733 (Quirk) State bodies: open meetings
  - xiv. SB 607 (Min) Professions and professions
  - xv. SB 731 (Durazo) Criminal records: relief

15. 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)

16. Future Agenda Items

## **CLOSED SESSION**

17. 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**

18. Adjournment

*Agendas and materials can be found on the Board's website at [www.speechandhearing.ca.gov](http://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 facility is 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.*



## MEMORANDUM

DATE	February 4, 2022
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 August 12-13, 2021 Board Teleconference Meeting Minutes

### **Background**

Attached is a draft of the meeting minutes from the August 12-13, 2021 Board Teleconference Meeting.

### **Action Requested**

Please review and discuss whether there are necessary corrections or additional information needed. If not, make a motion to approve the August 12-13, 2021 Board Meeting minutes.

Attachment: August 12-13, 2021 Board Meeting Minutes



**BOARD MEETING MINUTES – DRAFT**  
**Teleconference Meeting**  
**August 12-13, 2021**

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

**Audiology Practice Committee**

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

Dr. Marcia Raggio, Board Chair, called the Audiology Practice Committee (Committee) meeting to order at 9:01 a.m. Dr. Raggio called roll; two members of the Committee were present and thus a quorum was not established.

Committee Members Present

Marcia Raggio, AuD, Board Chair  
Karen Chang, Public Board Member

Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Tenisha Ashford, Enforcement Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel  
Karen Halbo, DCA Regulations Counsel  
Mike Sanchez, DCA Web Cast  
Sarah Irani, DCA Web Cast

Guests Present

Jody Winzelberg, AuD  
Joanne Slater, AuD  
Carolyn Bower, AuD  
Michele Linares

2. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical/Professional Experience (As Stated in Business and Professions Code Sections 2532.2 and 2532.25 and Title 16, California Code of Regulations (CCR) section 1399.152.2)

Dr. Marcia Raggio opened the discussion on the audiology licensing requirements related to supervised clinical/professional experience. Dr. Raggio commented on the concerns with the current statute and a legislative proposal to address those concerns. Dr. Raggio further commented on the regulatory changes to accompany the statutory changes and suggested, for example, to count clinical rotation prior to the official RPE year up to approximately 40% of the total hours.

Dr. Jody Winzelberg, Clinical Training Coordinator with the Department of Audiology at San Jose State University, expressed her agreement with Dr. Raggio's suggestion and shared what the clinical rotations are like for her program.

Dr. Raggio inquired about the type of hours counted at San Jose State University. Dr. Winzelberg replied that the on-campus clinical hours with direct patient care are counted and supervised. Dr. Winzelberg commented on supervised simulations hours and non-supervised lab hours.

Dr. Raggio inquired about rotations during the first year at San Jose State University. Dr. Winzelberg replied that the external rotations do not start in the first year but clinical rotations at the campus clinic starts in the spring of the first year.

Dr. Raggio inquired about any limitations the Board should consider on the number of hours that should be counted toward the official RPE year. Dr. Winzelberg replied that she doesn't understand why there are limitations if the hours are fully supervised and would be happy to have further discussion on the topic. Dr. Raggio commented on concerns raised in prior discussion that true clinical learning occurs after a student has acquired all the didactics.

Dr. Raggio inquired about counting audiology simulation hours. Dr. Winzelberg replied that it can either be a simulation or lab depending if the simulation is on an actual audiologic procedure and suggested a limitation to simulation hours.

Dr. Raggio inquired about the type of task that should be included in the hours. Dr. Winzelberg replied that tasks that a student does related to direct patient care, that an audiologist would do, should be counted as shift hours when the student is placed in an external rotation.

Dr. Raggio inquired about the out-of-state programs or students with federal visas. Dr. Winzelberg replied with information on a situation of a student with a federal visa and a concept that program coordinators were considering. Cherise Burns provided information with what other states are doing and the impact it has on applicants meeting California licensing requirements. Dr. Winzelberg stated that her program is new and haven't come



across this issue but would be happy to reach out to her faculty for information.

Dr. Marcia Raggio inquired about students holding an RPE license for early clinical hours. Ms. Burns commented on consumer protection and the level of supervision during clinical hours. Dr. Jody Winzelberg, Clinical Training Coordinator with the Department of Audiology at San Jose State University, replied that she wouldn't want students in their early clinical hours to be licensed until their RPE year because they are fully-supervised by the program on campus during the early clinical hours.

Dr. Raggio inquired about a prior discussion on removing the RPE requirements. Ms. Burns provided information and the outcome. Dr. Winzelberg commented on the benefits of a temporary RPE license during the externship and consumer protection.

Dr. Raggio provided a summary of the discussion and issues to explore further. Karen Chang inquired if the Board has contact information of program directors/coordinators and suggested if the questions asked today can be sent to them as a survey. Cherise Burns replied that Board staff can complete this task.

Dr. Winzelberg expressed her agreement on a survey to be sent to program directors/coordinators.

#### 4. Discussion and Possible Action Regarding Continuing Professional Development Requirements for Audiologists (As Stated in Title 16, CCR sections 1399.160 through 1399.160.13)

Dr. Raggio opened the discussion on continuing professional development (CPD) requirements for audiologists. Dr. Raggio stated the Committee is reviewing the previously approved regulatory language on self-study, in particular the definition of self-study and the percentage of hours to include in the CPD requirements. Paul Sanchez noted that the Hearing Aid Dispensers Committee promulgated changes to their regulation to allow for 50 percent to be self-study.

Ms. Burns read the current proposed regulatory language on the definition of self-study. Dr. Raggio commented on her preference for in-person courses. Ms. Chang shared her experience with self-study. Mr. Sanchez commented on the previous Board's position regarding 50 percent self-study hours. Dr. Raggio commented on the preferences of the Audiology community and expressed concerns if all the hours were self-study.

Dr. Joanne Slater, Director of Continuing Education (CE) Administration with AudiologyOnline, commented on the level of participation at a virtual compare to in-person events. Dr. Slater further commented on the availability of "live" events and the benefit of online or other self-study materials for different types of learners.

Ms. Burns shared her experience as a CE Auditor for a previous board and suggested changes to the proposed language to include participant/instructor interaction and a definition to synchronous and asynchronous.

Dr. Marcia Raggio inquired if the 50 percent self-study hours was approved by the Board. Paul Sanchez and Cherise Burns replied to confirm that it was. Dr. Raggio noted the decision the Committee needs to make is on the definition of self-study. Karen Chang commented on the proposed language being acceptable. Mr. Sanchez inquired about the meaning of face-to-face. Ms. Burns suggested to use the term pre-recorded to help clarify the definition.

Dr. Carolyn Bower, President of the California Academy of Audiology (CAA), commented on CAA's conference being only in-person. Dr. Raggio inquired about CAA's position on the delivery method of self-study. Dr. Bower replied that CAA can provide training in both virtual and in-person format. Dr. Raggio inquired if CAA board members expressed any personal preference on the delivery method of self-study. Dr. Bower replied that there was a wide variety of personal preference on the delivery method of self-study.

Dr. Joanne Slater, Director of Continuing Education (CE) Administration with AudiologyOnline, suggested that the Board align their definition to what is publicly used such as synchronous and asynchronous. Dr. Slater commented on the benefits of increasing the hours of self-study and suggested the Board to look at other healing arts boards' CE requirements.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on different learning style and expressed concerns in making decisions based on individuals who wait until the last minute to complete all of their CE hours.

Ms. Chang inquired about the meeting material Attachment B on California CE/CPD Requirements. Ms. Burns clarified that "none" under the self-study limitations column means there are no limitations to self-study and all hours can be self-study.

Ms. Chang proposed to change the language to synchronous and asynchronous. Dr. Raggio expressed her agreement with the proposed changes.

Dr. Raggio inquired for further comments regarding the percentage of self-study hours. Mr. Sanchez expressed his gratitude for the comments from the public and commented on the considerations the Board has taken while ensuring consumer protection.

Dr. Raggio provided a summary of the discussion and noted the changes to the previously approved regulatory language to include publicly used terms.

The meeting adjourned at 10:30 a.m.

## **Speech-Language Pathology Practice Committee**

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

Holly Kaiser, Board Vice Chair, called the Speech-Language Pathology Practice Committee (Committee) meeting to order at 10:40 a.m. Ms. Kaiser called roll; three members of the Committee were present and thus a quorum was established.

#### Committee Members Present

Holly Kaiser, SLP, Board Vice Chair  
Gilda Dominguez, SLP, Board Member  
Debbie Snow, Public Board Member

#### Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Tenisha Ashford, Enforcement Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel  
Karen Halbo, DCA Regulations Counsel  
Mike Sanchez, DCA Web Cast  
Sarah Irani, DCA Web Cast

#### Guests Present

Michele Linares

### 2. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

### 3. Discussion and Possible Action Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Speech-Language Pathology Assistants (As Stated in Title 16, CCR sections 1399.160 through 1399.160.13 and Title 16, CCR section 1399.170.14)

Holly Kaiser opened the discussion on the continuing professional development (CPD) requirements for Speech-Language Pathologists (SLP) and Speech-Language Pathology Assistants (SLPA). Ms. Kaiser stated the Committee is reviewing the previously approved regulatory language on self-study, in particular the definition of self-study and the percentage of self-study hours. Ms. Kaiser commented on the advancements in online self-study and comments received from individuals who expressed concerns of the current and proposed self-study hours.

Gilda Dominguez commented on the need for further discussion on the inclusion of the

terms “synchronous” and “asynchronous” in the proposed regulatory language.

Ms. Kaiser inquired about the number or percentage of self-study hours. Ms. Dominguez commented on the need to take into consideration concerns raised such as the availability of courses, monetary barriers, and the convenience of self-study.

Debbie Snow expressed her agreement with the remarks provided and commented on the need for further discussion on the definition of self-study and the flexibility of self-study and online learning.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on the need to allow for continuing education to be accessible by different means and suggested removing all restrictions to self-study hours.

Holly Kaiser inquired about the rulemaking process timeline if changes are made. Paul Sanchez provided a summary of the timeline if the current proposed language moves forward and a timeline if major changes are made. Cherise Burns provided additional information of the process if there are deviations in the language.

Ms. Kaiser commented on the definition of self-study and considerations to remove limitations on the number of hours.

Gilda Dominguez expressed her appreciation for the meeting material Attachment B on California CE/CPD Requirements and commented on what the other healing arts boards are doing. Ms. Dominguez further commented on the inclusion of the terms “real-time” and “interactive” in the definition of synchronous.

Ms. Kaiser provided a summary of the discussion and noted the changes to the definition of self-study to include the terms synchronous and asynchronous and increasing the number of self-study hours.

#### 4. Discussion and Possible Action Regarding Maximum Number of Support Personnel of Speech-Language Pathologists (As Stated in Title 16, CCR section 1399.170.16)

Ms. Kaiser opened the discussion on the maximum number of support personnel of SLPs. Ms. Kaiser stated the Committee is reviewing whether regulations should be changed to allow part-time equivalence in the limitation. Ms. Kaiser commented on the need and benefits of the SLPAs.

Ms. Dominguez shared comments and concerns raised regarding the number of support personnel with no part-time equivalence and the barrier it creates to employment at a phone meeting held on June 16, 2021 with leaders from the California Speech Language Hearing Association (CSHA).

Ms. Snow inquired if there is a difference in the level of supervision needed for consumer protection. Ms. Kaiser commented on current regulations for supervision requirements

and noted that SLPs are responsible for their caseload and the SLPAs that work on their caseload. Ms. Dominguez commented on the caseload being managed by the SLP and not by their support personnel.

Ms. Kaiser inquired about different settings and the number of support personnel. Ms. Dominguez commented on the challenges found in acute hospital settings.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on the challenges in private practice to employ career SLPAs and the lack of part-time equivalence with a shortage of SLPs. Ms. Linares expressed concerns about the restrictions in the number of support personnel that isn't found in other healing arts boards.

Holly Kaiser inquired if the level of supervision required for SLPAs with a certain level of experience should be different. Ms. Linares commented on the differences in experience between career SLPAs and new SLPAs. Ms. Linares further commented on the role work setting play in the level of experience.

Ms. Kaiser inquired about enforcement if changes are made to the number of support personnel with consideration to the level of experience and work settings. Cherise Burns replied that enforcing the number of support personnel is generally a cap or a cap and its equivalent for part-time. Ms. Burns further commented on the implementation and enforcement of the level of experience and noted that the Board will be discussing this item at its full-board meeting when it considers the proposed SLPA regulations. Paul Sanchez noted the discussion is on removing barriers to the number of support personnel and cautioned about creating an enforcement workload with different intricacies involving the hours or working settings.

Ms. Kaiser commented on being open to include language on part-time with a maximum limitation. Ms. Dominguez expressed her agreement to consider full-time equivalent (FTE). Ms. Dominguez requested data regarding the guidance and limitations for the supervision of support personnel from other healing arts boards to be available at the next discussion. Mr. Sanchez and Ms. Kaiser inquired about clarification on the number of support personnel. Ms. Dominguez replied that she would be open to discuss an increase to the total number of support personnel.

Debbie Snow commented on the need to increase the number of support personnel and further discussion on reducing SLPAs working out of their scope of practice. Mr. Sanchez commented on concerns being more about the flexibility in support personnel than the actual number. Ms. Burns commented on changes to the regulatory language to not specify the type of support personnel in the total number of support personnel. Ms. Dominguez expressed agreement to include FTE in the regulatory language and remove the language specifying the support personnel. Ms. Kaiser expressed her agreement to include language on FTE and remove language that specify the type of support personnel. Ms. Dominguez stated that increasing the number of support personnel may be hard to manage, especially if there are concerns of people working out

of scope of practice.

Ms. Kaiser provided a summary of the discussion and recommended to the Board to add language on FTE and remove the statement: “not more than two support personnel can be SLPAs.”

Paul Sanchez inquired about the suggestion to add language on the number of hours for FTE. Holly Kaiser replied that she suggested to define FTE be part-time and not any smaller increments. Cherise Burns expressed her agreement with Ms. Kaiser that it would be easier to implement and enforce if it is written out in those terms.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on the language to align with current employment practices and the number of support personnel to other healing arts boards. Ms. Linares further commented on the concerns of the SLPA’s employment being contingent on someone else. Ms. Kaiser expressed her agreement with her remarks on considering employment practices and looking at what other healing arts boards are doing when defining FTE. Mr. Sanchez noted the discussion is on removing barriers and commented on the definitions needed for the regulatory language.

The meeting adjourned at 11:49 a.m.

## **Board Meeting**

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

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 12:01 p.m. Dr. Raggio called roll; six members of the Board were present and thus a quorum was established.

#### **Board Members Present**

Marcia Raggio, AuD, Board Chair  
Holly Kaiser, SLP, Vice Board Chair  
Tod Borges, HAD, Board Member  
Karen Chang, Public Board Member  
Gilda Dominguez, SLP, Board Member  
Debbie Snow, Public Board Member

#### **Staff Present**

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Tenisha Ashford, Enforcement Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel

Karen Halbo, DCA Regulations Counsel  
Brianna Miller, DCA Executive Office  
Mike Sanchez, DCA Web Cast  
Shelly Jones, DCA Web Cast  
Cesar Victoria, DCA Web Cast

Guests Present

Melanie Gilbert, Au.D.  
Michele Linares  
David M. Lechuga, Ph. D  
Nancy Brison-Moll, Ph.D.  
Ann Tran-Lien, JD  
Mario Espitia, DSW  
James Hiramoto, Ph.D.  
Douglas Beck, Au. D  
Linda Pippert

2. Public Comment for Items not on the Agenda

Dr. Melanie Gilbert, Board Member for the California Academy of Audiology, expressed concerns regarding the California Department of Health Care Services list of providers for their pediatric hearing aid program and commented on the providers listed that are no longer licensed nor have the necessary training to serve the pediatric population.

3. Petition for Reduction of Penalty – Michael Trythall

A petition for reduction of penalty was heard with Administrative Law Judge Thomas Heller presiding. The people were represented by Deputy Attorney General Brian Lee. The petitioner, Michael Trythall, was represented by Robert Weinberg.

A written transcript of the proceeding was transcribed by a court reporter.

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

The Board met in closed session and subsequently adjourned for the day.

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

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 9:01 a.m. Dr. Raggio called roll; six members of the Board were present and thus a quorum was established.

## 6. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

## 7. Review and Possible Approval of the May 13-14, 2021, Board Teleconference Meeting Minutes

There was no Board discussion on the May 13-14 Board meeting minutes or comments from the public, outside agencies, or associations.

There was no Board discussion on the motion or comments from the public, outside agencies, or associations.

**Holly Kaiser made a motion to approve the May 13-14 Board meeting minutes.**

**Debbie Snow seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow)

## 8. Board Chair's Report

Dr. Marcia Raggio discussed the 2021 Board and Committee Meeting Calendar and highlighted the Board's future meetings. Dr. Raggio inquired about the purpose of the November meeting. Cherise Burns replied that the November meeting will be for changes to the Sunset Review Report after the October meeting and can be cancelled if additional Board approval is not needed.

Dr. Raggio inquired if the November meeting will be teleconference or in-person. Ms. Burns replied that it is still unknown as the current waivers are still in effect and it is unknown if, or when, the Governor will decide to extend them.

Dr. Raggio informed Board members to notify Board staff if they cannot attend any of the future Board meetings.

Dr. Raggio reported on the discussions and possible actions from the Audiology Practice Committee meeting held on August 12, 2021.

Holly Kaiser reported on the discussions and possible actions from the Speech-Language Pathology Practice Committee meeting held on August 12, 2021.

Dr. Marcia Raggio inquired about the amount of supervision required depending on the activity of the Speech-Language Pathology Assistant (SLPA). Ms. Kaiser replied that this will be discussed as part of the Regulatory Report, Agenda Item 14. Ms. Burns confirmed that there will be a discussion on all the SLPA requirements.

Michele Linares, Chair of the California Speech Language Hearing Association,



commented on differentiating new and career SLPAs in the regulatory language.

## 9. Executive Officer's Report

### a. Administration Update

Paul Sanchez provided an update on the Business Modernization Project and the office's COVID-19 pandemic response plan.

Paul Sanchez announced the hiring of Maria Liranzo to fill the vacancy for the Legislation and Regulation position. Mr. Sanchez also announced the Board has filled a vacancy for an Enforcement position.

There was no Board discussion or comments from the public, outside agencies, or associations.

### b. Budget Report

Mr. Sanchez provided an overview of the budget report provided by the DCA Budget Office. Mr. Sanchez reported that the SFY 20/21 budget is expected to be spent and highlighted the surplus/deficit data.

There was no Board discussion or comments from the public, outside agencies, or associations.

### c. Regulations Report

Mr. Sanchez provided an overview of the regulations report. Mr. Sanchez reported that the items listed are either in the initial review process or being noticed.

There was no Board discussion or comments from the public, outside agencies, or associations.

### d. Licensing Report

Mr. Sanchez provided an overview of the licensing report. Mr. Sanchez reported the licensing processing time has increased due to an increase of applications.

Holly Kaiser inquired about the meaning of "SPT" on the licenses issued table. Cherise Burns replied that it is a temporary license for out-of-state licensees.

There were no comments from the public, outside agencies, or associations.

### e. Practical Examination Report

Paul Sanchez provided an overview of the practical exam report. Mr. Sanchez

highlighted, in the report, the statistics of the April 2021 examination.

There was no Board discussion or comments from the public, outside agencies, or associations.

#### f. Enforcement Report

Mr. Sanchez provided an overview of the enforcement report. Mr. Sanchez reported a decrease in the number of complaints and investigations during SFY 20/21 which may be due to COVID. Mr. Sanchez highlighted that the data displayed by licensing type as requested by the Board and data on disciplinary actions adopted by the Board are also available in the report.

Mr. Sanchez noted that the California's Attorney General issued a consumer alert on hearing aids sold online or over the counter.

There was no Board discussion or comments from the public, outside agencies, or associations.

#### 10. Overview of the Sunset Review Process and Timeline

Mr. Sanchez provided an overview of the Sunset Review timeline and process. Mr. Sanchez stated that the draft report will be presented to the Board at the October meeting and if there are any changes to the report after the October meeting, the November meeting will be held to finalize the report. Mr. Sanchez further stated that the report will be presented to the Legislature in Spring 2022.

Holly Kaiser inquired about the Sunset hearing. Mr. Sanchez replied that the Board Chair, Board Vice Chair or designated representative, and himself will need to attend the hearing to provide a brief presentation and answer any questions. Ms. Burns provided additional information on the Sunset Review process. Dr. Marcia Raggio shared her experience of the Sunset Review process.

There were no comments from the public, outside agencies, or associations.

#### 11. DCA Update – DCA Board and Bureau Relations

Brianna Miller with the DCA Executive Office provided a Department update on Board vacancies, new and current statewide response to the COVID-19 pandemic, and required board member training.

Dr. Raggio inquired about the Governor's order on in-person meeting. Brianna Miller replied that the governor's order is effective through September 30, 2021 but it may change as the deadline approaches. Brianna Miller stated that the DCA will notify boards of any changes.

Dr. Raggio inquired about notifications for required training. Brianna Miller replied that she can verify if notifications are sent to Board members and can work with Board staff to help any Board members complete their training.

There were no comments from the public, outside agencies, or associations.

#### 12. Update on Speech and Hearing Related DCA Waivers related to the COVID-19 State of Emergency

Cherise Burns provided an update on the waivers approved by the DCA including the modification of continuing education requirements for all licensees, modification of reactivation requirements for speech-language pathologists, modification of the direct monitoring requirements for Required Professional Experience (RPE) licenses and the direct supervision requirements for Speech-Language Pathology Assistant (SLPA) licenses, modification of the limitations on renewing of Hearing Aid Dispenser (HAD) temporary licenses and HAD trainee licenses, and modification of limitations and requirements for extension of RPE licenses. Ms. Burns reported that Board staff is working with the DCA to extend the waivers if they are needed and will notify licensees of any changes.

Dr. Marcia Raggio commended Board staff on getting the waivers in place for the community.

Michele Linares, Chair of the California Speech Language Hearing Association, expressed her gratitude for the waivers and inquired about making the changes permanent. Ms. Burns replied that the Board couldn't waive its own regulations and that is why the executive orders were needed. Ms. Burns commented on what will happen when the waivers expire and how to introduce regulatory changes through the formal rulemaking process. Paul Sanchez commented on introducing regulatory changes and encouraged the public to bring their suggestions for discussion to the Board.

#### 13. Discussion of Cognitive Screenings and Assessments and Audiologists' Scope of Practice

Dr. Raggio opened the discussion with a background on cognitive screenings and assessments as a scope of practice for audiologists. The Board invited a panelist made up of mental health professionals who are subject matter experts on cognitive screenings and assessments. Experts on cognitive screenings and assessments and audiology presented their findings to the Board:

Dr. David Lechuga provided a presentation on cognitive screening tools for healthcare professionals and covered the six purposes of neuropsychological evaluations, variables that may impact a screening, training and expertise of psychologists, screening measures and approaches, tools, and triage.

Dr. Nancy Brison-Moll stated that the cognitive screenings and assessments are dependent on the individual's scope of practice, competence to practice ethically, and training. Dr. Brison-Moll echoed what Dr. Lechuga stated regarding therapist or psychologist trained to do a basic mental status exam and are expected to perform it as part of their scope of practice. Dr. Brison-Moll further stated that many Marriage Family Therapist go on to complete additional training in order to add additional assessment tools to their scope of practice. Ann Tran-Lien concluded to note that the Attorney General's opinion clarifies the ability to perform psychological testing as part of a Marriage and Family Therapists' scope of practice.

Dr. Mario Espitia provided a presentation on screening and evaluating for cognitive decline and covered the use of Alert and Oriented x4, Mini-Cog, Mini-Mental State Exam (MMSE), and Montreal Cognitive Assessment (MoCA). Dr. Espitia also covered other important information to collect, knowing the early signs of Dementia, and assessing for mental health concerns using the geriatric depression scale.

Dr. James Hiramoto stated that the cognitive ability and intelligence test would not be something an audiologist would perform as part of their scope of practice as the intelligence test is not a screening tool. Dr. Hiramoto stressed the importance of repeatability of the test to document the decline in cognitive ability and communicating with family members to gather information on the patient's decline. Dr. Hiramoto suggested that monitoring the person's adaptive behavior as a screening process, such as assessing their reading skills or ability to complete a simple math problem, can raise red flags as an indicator for referral. Dr. Hiramoto concluded with comments on the screening tools previously and described them as being brief, quick to give, and repeatable.

Dr. Douglas Beck stated that the most common complaint audiologists receive from their patients is the inability to understand speech in noise. Dr. Beck further stated that audiologists already perform screenings through the use of speech-in-noise tests, which stress the auditory system. Dr. Beck noted that there are 37 million people in the United States with hearing loss and another 26 million with no hearing loss but have supra-threshold listening disorders and complain that they can't understand speech in noise. Dr. Beck stated that if an individual performs poorly on the speech-in-noise test, this could be an indicator to perform a cognitive test. He further stated that an individual should be referred to an appropriate professional, not treated, if the individual performs poorly on the cognitive test. Dr. Beck commented on professionals performing within their code of conduct/ethics and area of expertise, knowledge, and scope to practice. Dr. Beck noted that Dr. Arlene Pietranton, Executive Director of the American Speech-Language-Hearing Association (ASHA), stated that it's a holistic approach to patient-centered care for audiologists to perform cognitive screenings and it is part of ASHA's scope of practice for audiologists. Dr. Beck provided a brief history of the cochlear implant and how cognitive-related screenings are used in the implant

selection process. Dr. Beck concluded that cognitive assessment is within the scope of practice for an audiologist because it facilitates in getting patients to the right professional.

Dr. Marcia Raggio inquired about the licensure requirement to perform screenings. Dr. David Lechuga replied that it depends on the screening training and it is important that the individual understands the benefits and limitations of the screening before performing them on their patients. Dr. Beck stressed the importance of training prior to performing any screenings.

Dr. Marcia Raggio inquired about the number of audiologists performing cognitive screenings. Dr. Douglas Beck replied that there is no official number but estimated it to be at least 250 audiologists based on feedback from lecture attendance and published work.

Dr. Raggio inquired about the training of the audiologists performing cognitive screenings. Dr. Beck replied that he is not aware of anyone who would not seek the appropriate training to perform these screenings, as they are licensed audiologists who understand their scope of practice and responsibility to the State, their patients, and their national organization.

Dr. Raggio inquired about screening tools audiologists should avoid. Dr. David Lechuga replied that audiologists should avoid screenings such as the RBANS and other screenings that required advanced training or expertise. Dr. Lechuga stated that if an individual purchases a test from a test publisher, they must attest to have a background, expertise, and training in order to use the test.

Dr. Raggio inquired about approaching a patient on performing a cognitive screening. Dr. Beck replied that psychologists, social workers, or psychiatrists should communicate to their patient the relationship of the brain and sound when approaching them on performing a cognitive screening and stated that he doesn't think audiologists should tell a patient they failed a cognitive screening but instead refer them to another professional for further evaluation. Dr. Lechuga commented on requiring informed consent from the patient. Dr. Mario Espitia stated that he provides patients and their family an overview of the process and not diagnosis as it would have been provided to them by their physician prior to seeing him.

Karen Chang inquired about training for cognitive screenings. Dr. Beck replied that he is not familiar with all the training requirements but trainings for MoCA are provided online on various websites in order to obtain a certificate for use and noted that Cognivue was recently approved by the U.S. Food and Drug Administration and may have training for their product. Dr. Beck stated that he is not aware of the formal training for the MMSE or Mini-Cog, but stressed the importance of training before using any screenings on patients.

Holly Kaiser inquired about cognitive screening in clinical/doctoral programs. Dr. Beck replied that it is often covered but vary from program to program.

Dr. Raggio inquired about cognitive screening as part of Speech-Language Pathology (SLP) scope of practice. Ms. Kaiser replied that screenings for attention, memory, problem solving, and executive functioning has been a scope of practice for many years. Gilda Dominguez commented on cognitive screening being part of the scope of practice for SLP and noted that in her practice everyone is familiar with or are trained on using MoCA as a cognitive screening.

Dr. Marica Raggio expressed her gratitude for the panelist input and their expertise on the topic. Dr. Raggio stated that the language in the Audiologists' Scope of Practice, Business and Professions Code Section 2530.2(k), is silent on the inclusion of cognitive screenings. Therefore, the Board cannot not take a position on this issue.

There were no comments from the public, outside agencies, or associations.

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

Heather Olivares provided an update on Board regulations and noted the changes to the report which includes a visual timeline to show where a regulatory package is in the process. Dr. Raggio commended Board staff on the visual timeline in the report.

- a. Update and Discussion of Implementation of Speech-Language Pathology and Audiology Fees (As Stated in 16 CCR sections 1399.157, 1399.170.13, and 1399.170.14)

Ms. Olivares provided an update on the regulatory proposal regarding the Speech-Language Pathology and Audiology Fees. Ms. Olivares reported that the regulatory package was approved by the Office of Administrative Law (OAL) on June 29, 2021 and Board staff is currently working with the DCA to implement the fee increase which includes changes to the Information Technology (IT) systems, forms, and renewal notices.

Dr. Raggio inquired about the completion of the fee increase implementation. Cherise Burns replied that a date is being determined with the DCA's IT and Accounting offices to ensure the renewal notices reflect the updated fees as those are sent out to licensees a few months in advance.

There were no comments from the public, outside agencies, or associations.

- b. Discussion and Possible Action Regarding Required Professional Experience Direct Supervision Requirements and Remote or Tele Supervision (As Stated in Title 16, California Code of Regulations (CCR), sections 1399.153 and 1399.153.3)

Ms. Olivares provided an update on the regulatory proposal regarding the Required Professional Experience Direct Supervision Requirements and Remote or Tele

Supervision. Ms. Olivares reported that the regulatory package is in the DCA pre-review process and stated that Board staff received and incorporated feedback from the DCA's Legal Office.

There was no Board discussion or comments from the public, outside agencies, or associations.

c. Discussion and Possible Action Regarding Speech-Language Pathology Assistants Requirements (As Stated in Title 16, CCR section 1399.170 through 1399.170.20.1)

Heather Olivares provided an update on the regulatory proposal regarding the Speech-Language Pathology Assistants (SLPA) Requirements. Ms. Olivares reported that the regulatory package is still being developed and stated that Board staff worked with the DCA's Legal Office on the regulatory language and have new language that requires the review and approval of the Board.

Ms. Olivares provided a brief background on the regulatory proposal and a summary of the changes made on the previously approved regulatory language. Dr. Marcia Raggio inquired about regulatory language on supervisory requirements depending on the SLPA's circumstances. Ms. Olivares replied that this is listed as a policy discussion item for further discussion in today's meeting. Ms. Olivares provided a summary of the recommended changes on the SLPA supervisor form.

Ms. Olivares opened the discussion on the first policy discussion item. Ms. Olivares inquired if there are any concerns with who serves as a SLPA program director.

Holly Kaiser suggested changes on the SLPA supervisor form under the supervisor information in Part B to reflect current practice language. Ms. Olivares noted to change "clear credential license number" to "clear credential document number".

Dr. Raggio inquired for clarification on the first policy discussion item. Ms. Olivares replied that this is regarding SLPA program directors at a California community college. Tod Borges inquired if there is a reciprocity issue with an out-of-state SLPA as a program director in California and commented on what the proposed regulation would have to say. Ms. Olivares replied that the Board either removes the regulatory language "qualifications deemed equivalent by the Board" or come up with regulatory language on what the equivalency would be. Ms. Kaiser commented on the importance of program directors being licensed for the state they are working in. Dr. Raggio expressed her agreement on programs directors being licensed in California.

Linda Pippert, a member from the public, commented on not being aware of any SLPA program directors at a California community college who are not licensed in California. Mr. Borges inquired about a program's process to hire out-of-state. Ms. Olivares and Paul Sanchez replied with information on the process of becoming licensed in California as an out-of-state licensee and an out-of-state licensee with ASHA's Certificate of Clinical

Competence. Ms. Pippert commented on what programs do if they hire out-of-state and noted that it is not a concern for her.

Dr. Raggio commented on the consensus to have SLPA program directors to be licensed in California. Gilda Dominguez expressed her agreement on having SLPA program directors to be licensed in California. Ms. Olivares noted the changes to remove from section 1399.170.4(b) the regulatory language “or qualifications deemed equivalent by the Board” and possibly remove section 1399.170(j). Dr. Raggio inquired if the language in section 1399.170.4(b) should say “California license”. Ms. Olivares replied that it is implied but it could be added for clarity and noted the changes in section 1399.170.4(b) from “current, active, and unrestricted license” to “current, active, and unrestricted California license”. Dr. Marcia Raggio inquired about removing in section 1399.170.4(b) the regulatory language “qualifications deemed equivalent by the Board”. Heather Olivares replied that the Board can also make changes to the SLPA supervisor qualifications but if the Board would like to keep the current proposed regulatory language then Board staff can remove section 1399.170(j). Dr. Raggio commented on keeping the proposed regulatory language with changes to specify California license. Ms. Olivares noted the changes to change the regulatory language in section 1399.170.4(b) from “current, active, and unrestricted license” to “current, active, and unrestricted California license”, remove from section 1399.170.4(b) the regulatory language “or qualifications deemed equivalent by the Board”, and remove section 1399.170(j).

Ms. Olivares opened the discussion on the second policy discussion. Ms. Olivares inquired if the Board could clarify the requirements for supervision during the first 90 days of work and SLPAs with multiple supervisors. Ms. Olivares provided an example of SLPAs working at multiple school sites with multiple supervisors and inquired how the 20 percent supervision would be handled. Dr. Raggio replied if it would make sense if the percentage were the same regardless of the number of supervisors. Holly Kaiser replied with comments on SLPs being directly responsible for the SLPA and expressed agreement with the 20 percent of the SLPA’s time being the same regardless of the number of supervisors. Dr. Raggio inquired if the stipulation would apply to both seasoned and new SLPAs. Gilda Dominguez inquired if the supervised time is for each SLP or a collaboration among all the SLPs. Ms. Kaiser replied that a SLP need direct contact with the SLPA instead of collaborating the time with one lead SLP. Tod Borges inquired for clarification about which individual’s time is being used to determine the 20 percent. Dr. Raggio replied that her understanding of the 20 percent is on the SLPA’s work time. Ms. Kaiser replied that it would be 20 percent of the SLPA’s work time, not the SLP. Ms. Dominguez inquired if each supervisor is to give 20 percent of their time or if it is a combined supervision of 20 percent per week. Ms. Kaiser replied with ASHA’s recommended guidelines on SLPAs supervision. Dr. Raggio suggested changing the regulatory language to make it clearer and reduce confusion. Mr. Borges suggested to specify the work schedule as the SLPAs. Ms. Dominguez expressed her agreement with changes to specify the work schedule as the SLPAs.

Dr. Raggio suggested 20 percent for each supervisor. Karen Chang expressed her agreement with 20 percent for each supervisor and commented on the benefits of



supervision to consumer safety. Mr. Borges provided examples of what 20 percent would look like under each supervisor compared to hours worked.

Linda Pippert, a member from the public, commented on the confusion of the regulatory language and commended the Board for their robust discussion.

Ms. Olivares commented on the challenges of defining by hours. Ms. Chang commented on the language as being hours worked. Dr. Raggio expressed her agreement on the language as being hours worked and commented on the concerns for SLPAs who get a new supervisor. Karen Chang commented on the concerns for SLPAs who get a new supervisor and how 20 percent supervision would look like for them.

Dr. Marcia Raggio inquired about how common it is for SLPAs to have more than one supervisor. Holly Kaiser replied that she is not aware on how common it is for SLPAs to have more than one supervisor and noted that SLPAs have a specific SLP supervisor assigned to them. Dr. Raggio suggested that the 20 percent can be assigned to the lead SLP. Heather Olivares commented on the SLPA supervisor form and suggested adding language for the lead supervisor to determine the 20 percent supervision. Dr. Raggio inquired about changes to section 1399.170.2(d) to specify the work schedule is the SLPA's work schedule. Ms. Olivares noted the changes to section 1399.170.2(d) from "of the work schedule" to "of the SLPA's work schedule." Ms. Olivares suggested adding language regarding the lead supervisor being responsible of the SLPA's 20 percent supervision. Karen Halbo suggested language to say, "the lead supervisor is responsible for ensuring the SLPA meets the requirement in this subdivision". Paul Sanchez inquired about the location of the supervisor's responsibility on the SLPA supervisor form. Ms. Olivares replied that it is at the bottom of the first page on the form. Ms. Olivares noted that similar changes will be made to sections 1399.170.17 to add "the lead supervisor is responsible for ensuring the SLPA meets the requirement in section 1399.170.2(d)". Mr. Sanchez stated that the changes address all his enforcement concerns. Ms. Olivares noted that similar changes will be made to 1399.170.15(b)(4) to add "the lead supervisor is responsible for ensuring the SLPA meets the requirement in section 1399.170.2(d)". Dr. Raggio inquired about changes to specify the work schedule is the SLPA's work schedule. Ms. Olivares noted the changes to sections 1399.170.17 and 1399.170.15(b)(4) from "of the work schedule" to "of the SLPA's work schedule."

Ms. Olivares opened the discussion on the third policy discussion item. Ms. Olivares inquired about the timeframe a SLPA should receive a copy of the *Responsibility Statement for Supervisors of a SLPA*. Dr. Raggio inquired about the consequences of not providing a copy to a SLPA. Ms. Olivares replied that if the Board receives a complaint, the Board will have to investigate it through the enforcement process. Mr. Sanchez stated that Board staff is trying to determine if this is proposed regulatory language the Board would like to keep.

Linda Pippert, a member from the public, replied that it would matter to some people more than other and it may give SLPAs leverage to ask their supervisor for a copy of their SLPA supervisor form if the regulatory language is there. Ms. Olivares commented on the

remarks to keep the proposed regulatory language. Dr. Raggio commented on the consensus to keep the regulatory language. Gilda Dominguez expressed her agreement to keep the regulatory language.

Cherise Burns inquired about adding similar language to section 1399.170.18 regarding a copy of the *Termination of Supervision*. Dr. Raggio and Ms. Dominguez expressed their agreement with making similar changes to section 1399.170.18. Heather noted the changes to add to section 1399.170.18 to say, “the supervisor shall provide a copy of the form to the assistant within forty-five (45) business days.”

Heather Olivares opened the discussion on the final policy discussion item. Ms. Olivares inquired about the number of support personnel that a SLP can supervise. Cherise Burns provided data on the number of support personnel that other healing arts boards have and how it compares to the Board’s proposed language and suggested changes. Linda Pippert, a member from the public, stated that other healing arts boards allow for flexibility in staffing by not registering assistants to a particular supervisor.

Gilda Dominguez inquired about accommodating part-time SLPAs. Ms. Burns suggested a maximum number with a part-time equivalent statement and noted it wouldn’t change the SLPA supervision. Ms. Dominguez suggested the maximum number could be four and it can be two SLPAs and two SLP Aides. Ms. Burns inquired about the number of SLP Aides used in the community. Lisa Snelling stated that the Board rarely processes SLP Aide applications.

Holly Kaiser inquired about removing regulatory language in support personnel that specify “no more than two are SLPAs”. Ms. Burns replied that it can be stated this way as long as the sentence that defines support personnel remains.

Ms. Dominguez inquired about the maximum number of support personnel. Ms. Pippert replied that Aides are rarely used because they are not billable and require complete supervision. Ms. Pippert stated that the community would be delighted to have more than two SLPAs as many SLPAs only work part-time and adding regulatory language for full-time equivalent (FTE) would be appreciated as it will help serve many more clients in the community.

Dr. Marcia Raggio inquired about language for three FTE to mean a total of six people. Paul Sanchez replied that it can depending on how FTE is defined and commented on balancing consumer protection with the needs out there. Dr. Raggio inquired about stipulating only the maximum number of support personnel. Mr. Sanchez replied that FTE needs to be clearly defined.

Ms. Kaiser inquired about the number of hours for part-time. Dr. Raggio stated that part-time may need to be defined for the purpose of consumer protection. Ms. Olivares commented on making the language clear on what the number of hours per week that would be considered as part-time. Ms. Pippert replied that the number of hours for part-time and full-time are specified on the Required Professional Experience (RPE)

application. Ms. Burns stated that boards generally stay out of employment law in order to not restrict the number of hours someone can work but stated the Board can use the language available on the RPE application.

Dr. Raggio inquired about the need to limit the number of SLPAs. Ms. Burns replied that it was suggested to remove the language that limits the number of SLPAs and allow the SLP to choose their support personnel according to the language the Board approves.

Dr. Raggio inquired about the needed regulatory language. Cherise Burns replied to confirm that a definition for FTE will be required, a maximum number of FTE support personnel, and the definition of support personnel. Gilda Dominguez suggested a maximum of five support personnel and not to exceed three full-time. Holly Kaiser suggested up to six SLPAs and not to exceed three FTE. Cherise Burns suggested the regulatory language should say “three (3) FTE support personnel, not to exceed six support personnel” and remove “not more than two of which hold the title of speech-language pathology assistant.”

Dr. Marcia Raggio inquired about timing and adding language to say, “at any one time”. Ms. Burns replied with information on system limitations that are in place but acknowledged that it can be added because of what the Board has seen. Ms. Burns suggested the regulatory language should say, “three (3) FTE support personnel, not to exceed six support personnel, at any time”. Ms. Dominguez inquired if having six support personnel and RPEs is manageable. Ms. Burns replied with information on requests for additional individuals and what Board staff has seen. Ms. Burns read the proposed regulatory language for section 1399.170.16 to say, “a supervisor shall not supervise more than three (3) full-time equivalent support personnel, not to exceed six support personnel, at any time. Support personnel includes speech-language pathology assistants and speech-language pathology aides.” Dr. Raggio expressed her agreement with the amended text. Heather Olivares noted that similar changes will be made on the SLPA supervisor form under the Duties, and Responsibilities of Supervisor, item 13.

Ms. Kaiser inquired about regulatory language to exclude experienced SLPA from the supervisor requirement. Dr. Raggio commented on the difficulty of defining seasoned SLPA. Paul Sanchez cautioned that this could give the appearance of a different type of license.

Linda Pippert, a member from the public, commented on the confusion of 1339.170(d) and if this is the first 90 days of being a new SLPA, starting a new job, or with a new supervisor. Raggio replied that she interpreted it as 90 days from first employment. Paul Sanchez inquired if it should be the first 90 days of licensure. Dr. Raggio replied that it would be the first 90 days when the SLPA starts a job and starts doing the work. Dr. Raggio suggested the regulatory language could specify initial licensure which would exclude experienced/seasoned SLPA from the requirement. Karen Chang commented on her interpretation as being 90 days starting a new job. Ms. Kaiser stated that a SLPA will always have supervision beyond the 90 days as there are certain tasks that require direct supervision and expressed her agreement with the suggested changes.

Ms. Olivares suggested the regulatory language to say, “the supervisor shall provide immediate supervision of all duties performed by a speech-language pathology assistant at least twenty (20) percent per week of the SLPA’s work schedule during the first ninety (90) days of work following initial licensure.” Dr. Raggio inquired about the circumstances SLPAs would not be supervised. Ms. Olivares replied that all the requirements will still apply but there is higher level of supervision during the first 90 days. Ms. Kaiser expressed her agreement with the remarks on SLPAs supervisions and suggested changes.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on the issue that arises when supervisors leave their position and have SLPA assigned to them.

Linda Pippert, a member from the public, commended the Board on their effort to distinguish the first 90 days of supervision to be for new SLPAs.

Dr. Marcia Raggio inquired if the Board should make a motion. Paul Sanchez expressed his agreement for a motion and requested to go over all the changes. Heather Olivares read all the changes to the previously approved regulatory language, and noted the following:

Remove section 1399.170(j).

Amend section 1399.170.2(d) to say, “Notwithstanding subdivisions (a), (b), and (c), the supervisor shall provide immediate supervision of all duties performed by a speech-language pathology assistant at least twenty (20) percent per week of the SLPA’s work schedule during the first ninety (90) days of work following initial licensure. The lead supervisor is responsible for ensuring the SLPA meets the requirement in this subdivision.”

Amend section 1399.170.4(b) to say, “To be eligible for approval by the Board, the program director must hold a current, active, and unrestricted California license” and remove “or have qualifications deemed equivalent by the Board”

Amend section 1399.170.15(b)(4) to say, “Provide immediate supervision at least twenty (20) percent per week of the SLPA’s work schedule for the first ninety (90) days following initial licensure. The lead supervisor is responsible for ensuring the SLPA meets the requirement in this subdivision in section 1399.170.2(d).”

Amend section 1399.170.16 to say, “a supervisor shall not supervise more than three (3) full-time equivalent support personnel, not to exceed six support personnel, at any time. Support personnel includes speech-language pathology assistants and speech-language pathology aides.”

Amend section 1399.170.17 to say at the end, “The lead supervisor is responsible for ensuring the SLPA meets the requirement in section 1399.170(d).”

Amend section 1399.170.18 to say at the end, "The supervisor shall provide a copy of the form to the assistant within forty-five (45) business days."

Amend on page 1 of the supervisor SLPA form, part B item 2, to change from "clear credential license number" to "clear credential document number"; and

Amend on page 3 of the supervisor SLPA form, item 13, to say, "I will not supervise more than three (3) full-time equivalent support personnel, not to exceed six support personnel, at any time."

Holly Kaiser inquired about the language on page 3, item 11, of the SLPA supervisor form and stated that it should be consistent with the proposed changes. Heather Olivares replied that the language on the SLPA supervisor form can be changed to be similar to the proposed changes.

Paul Sanchez inquired about defining full-time equivalent (FTE). Ms. Olivares suggested to add the definition to the list of definitions in section 1399.170. Karen Halbo suggested to define the term for the purpose of clarity. Gilda Dominguez suggested that the full-time definition should match the RPE application. Mr. Sanchez inquired if the language should say part-time is up to 29 hours and full-time 30 or more hours. Ms. Halbo stated that the Board has discretion to define it in the language or in the list of definition. Dr. Marcia Raggio inquired for preferences on where to add the language. Ms. Olivares commented on her personal preference to add it to the list of definitions. Dr. Raggio expressed her agreement to add it to the list of definitions. Ms. Kaiser and Ms. Dominguez expressed their agreement to add it to the list of definitions.

Ms. Olivares suggested to add section 1399.170(j) to define FTE. Ms. Dominguez read the language on part-time and full-time from the RPE application. Ms. Olivares noted the suggested language to add section 1399.170(j) to say, "full-time equivalent means at least 30 hours per week. Part-time is 15-29 hours per week." Cherise Burns inquired about SLPA working less than 15 hours and commented on the unintended consequence of excluding SLPAs who work only 8 hours. Ms. Halbo replied with agreement that it may have an unintended consequence of excluding SLPAs who work less than 15 hours. Ms. Olivares suggested changes to the language for part-time to say, "29 hours per week or less." Ms. Burns expressed her agreement with the suggested definition. Mr. Sanchez inquired about defining only full-time. Ms. Burns and Ms. Olivares replied with suggestion to stay silent on defining part-time. Ms. Dominguez inquired about including per-diem in the FTE definition. Mr. Sanchez replied that the other definitions may not be necessary because the regulation language only refers to full-time. Ms. Burns commented on the categories being related to employment and not supervision.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on the number of hours to define full-time and allowing flexibility for a SLPA to work 30 hours in a 40-hour position. Dr. Raggio replied with a suggestion to define full-time to mean at least 30 hours per week.

Mr. Sanchez commented and inquired on a limiting statement of up to 40 hours. Ms. Burns replied with comments on necessity of language that makes clear what is full-time. Lisa Snelling commented on the need for a definition that distinguishes full-time hours from part-time and how it will make answering questions and reviewing applications easier. Ms. Halbo inquired if there is a desire to have a range for full-time by including a maximum hour. Dr. Raggio inquired if SLPAs to work more than 40 hours.

Michele Linares commented on the many different types of positions employers offered and noted that there are some SLPAs who do work more than 40 hours. Paul Sanchez suggested to defined FTE as 30 to 40 hours per week and anything below is part-time. Heather Olivares read the proposed definition to be added as section 1399.170(j) to say, "for the purpose of this division, full-time equivalent means 30 to 40 hours per week." Cherise Burns inquired about the language and suggested the language should say at least 30 hours or a minimum of 30 hours or more. Ms. Olivares and Mr. Sanchez replied with comments on limiting people from working over 40 hours. Ms. Burns commented on the maximum hour limitation being related to employment law. Dr. Marcia Raggio expressed her agreement on Ms. Burns' remarks and inquired about the language. Ms. Olivares replied that section 1399.170(j) will be added to say, "for the purpose of this division, full-time equivalent means at least 30 hours per week."

Dr. Raggio inquired for additional comments from the Board or the public. No additional comments were provided.

There was no Board discussion on the motion or comments from the public, outside agencies, or associations.

**Dr. Marcia Raggio moved to approve the regulatory language, and Responsibility Statement form to be incorporated by reference, with the discussed changes, and delegate authority to the Executive Officer to make any technical and non-substantive changes and move to start the formal rulemaking process.**

**Debbie Snow seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow)

- d. Discussion and Possible Action to Adopt Uniform Standards Related to Substance-Abusing Licensees as Title 16, CCR section 1399.131.1 and 1399.155.1

Ms. Olivares provided an update on the regulatory proposal regarding the Uniform Standards Related to Substance-Abusing Licensees. Ms. Olivares reported that the regulatory package is still being developed and stated that Board staff worked with the DCA's Legal Office on the regulatory language and have new language that requires the review and approval of the Board.

Ms. Olivares provided a brief background on the regulatory proposal. Ms. Olivares stated

that the Board has the opportunity to adopt the Uniform Standards as part of the Board's Disciplinary Guidelines, a separate document, or incorporate by reference DCA document. Mr. Olivares provided a summary of the meeting materials including examples from other healing arts boards and a draft regulatory language that incorporates by reference the DCA's Uniform Standards document.

Dr. Marcia Raggio inquired for Board staff recommendation. Ms. Olivares replied that the Board has discretion to address both Disciplinary Guidelines and Uniform Standards or just the Uniform Standards.

Dr. Marica Raggio suggested that the Board should adopt the Uniform Standards as its own regulatory proposal and handle the Disciplinary Guidelines as another regulatory proposal. Karen Halbo with the DCA Legal Office suggested the Board to refer this to the Enforcement Committee and adopt the Uniform Standard as model orders. Ms. Halbo commented on the lack of clarity of the Uniform Standards if adopted without changes. Dr. Raggio inquired about the definition of model order. Ms. Halbo replied that, with model order, there are consequences that an Administrative Law Judge can add to a probation order. Tod Borges inquired about clarification on model order in regard to the Uniform Standards. Ms. Halbo replied with information on how the Uniform Standards would be implemented.

Holly Kaiser requested if someone could explain what other healing arts boards did using the examples provided in the meeting materials. Paul Sanchez commented on addressing this item in the Sunset Review and what process would look like to review and update the Disciplinary Guidelines. Ms. Olivares explained each example provided in the meeting material from the simplest to most complex regulatory action.

Dr. Raggio commented on accepting the proposed regulatory language. Gilda Dominguez inquired about the document title for the proposed language. Ms. Olivares replied with the title that will be used in the proposed language if the Board moves forward with the proposed language.

Dr. Raggio inquired about revisiting the Uniform Standards when the Board reviews the Disciplinary Guidelines. Mr. Sanchez replied that the plan is to bring the disciplinary guidelines to the Board at a future meeting.

Ms. Dominguez commented on supporting the proposed regulatory language with amendments to include the actual document title. Ms. Olivares, Cherise Burns, and Mr. Sanchez commented on the difficulty DCA Uniform Standards can pose to enforcement because it is not model order. Ms. Halbo stated that this will provide clarity to licensees of the standards, but it can pose some difficulty for enforcement. Ms. Burns and Mr. Sanchez commented on the different options the Board has and the current workload Board staff has.

Mr. Borges commented on adopting the Uniform Standards today and looking at Disciplinary Guidelines separately. Debbie Snow, Ms. Kaiser, Karen Chang, and Ms.

Dominguez expressed their agreement to adopt the Uniform Standards today and look at Disciplinary Guidelines separately.

There were no comments on the item from the public, outside agencies, or associations.

There was no Board discussion on the motion or comments from the public, outside agencies, or associations.

**Dr. Marcia Raggio moved to adopt the draft proposed regulatory language regarding Uniform Standards with changes to sections 1399.131.1 and 1399.151.1 to replace “stand-alone document” to read “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees, March 2019”, and delegating to the Executive Officer authority to make non-substantive changes and move forward with the formal rulemaking process.**

**Holly Kaiser seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow)

- e. Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical/Professional Experience (As Stated in Business and Professions Code Sections 2532.2 and 2532.25 and Title 16, CCR section 1399.152.2)

Heather Olivares provided an update on the regulatory proposal regarding the Audiology Licensing Requirements Related to Supervised Clinical/Professional Experience. Ms. Olivares reported that the regulatory package is still being developed.

Cherise Burns provided additional updates by reporting on the discussion that occurred at the Audiology Practice Committee meeting held on August 12, 2021. Dr. Marcia Raggio commented on the progress of this item.

Michele Linares, Chair of the California Speech Language Hearing Association, commented on the need to include businesses that are providers of training sites and externships in the discussion. Dr. Raggio replied with information on public participation in the regulatory process and noted the Board welcomes anyone to participate in Board meetings. Ms. Burns provided additional information on public participation in the regulatory process

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

- a. 2021 Legislative Calendar and Deadlines

Ms. Olivares provided an update on the legislative session calendar and upcoming legislative deadlines.



There was no Board discussion or comments from the public, outside agencies, or associations.

b. Board-Sponsored Legislation for the 2021 Legislative Session

i. AB 435 (Mullin) Hearing aids: locked programming software: notice

Ms. Olivares provided an overview of the bill's proposed requirements and where it is in the legislative process. Ms. Olivares reported this bill is expected to pass as it is currently on the Senate floor with no formal opposition.

There was no Board discussion or comments from the public, outside agencies, or associations.

c. Bills with Active Positions Taken by the Board

Heather Olivares provided an overview on the status of bill with active positions taken by the Board and recommended no changes to the Board's position or adopt any new position. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

i. AB 29 (Cooper) State bodies: meetings

Ms. Olivares reported the Board has an approved Oppose position on this bill and it is a two-year bill as it was held under submission by Assembly Appropriations Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

ii. AB 107 (Salas) Licensure: veterans and military spouses

Ms. Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is scheduled for hearing on August 16, 2021 in the Senate Appropriations Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

iii. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses

Ms. Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is a two-year bill because it was not heard in the Senate Business,

Professions and Economic Development Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

iv. AB 555 (Lackey) Special education: assistive technology devices

Ms. Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is a two-year bill because it was not heard in the Assembly Education Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

v. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing

Heather Olivares reported the Board has an approved Support position on this bill and it is a two-year bill because it was not heard in the Assembly Governmental Organization Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

vi. AB 1026 (Smith) Business licenses: veterans

Ms. Olivares reported the Board has an approved Support position on this bill and it is a two-year bill as it was held under submission by the Assembly Appropriations Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

vii. AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates

Ms. Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is a two-year bill as it was held under submission by the Assembly Appropriations Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

viii. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

Ms. Olivares reported the Board has an approved Oppose position on this bill and it is a two-year bill because it was not heard in the Senate Business, Professions and Economic Development Committee. Ms. Olivares provided an overview of the bill's proposed requirements.

There was no Board discussion or comments from the public, outside agencies, or associations.

d. Bills with Recommended Watch Status

Heather Olivares reported the following are new bills with recommended watch status:

- i. AB 457 (Santiago) Protection of Patient Choice in Telehealth Provider Act
- ii. AB 468 (Friedman) Emotional Support Dogs
- iii. AB 1221 (Flora) Consumer Warranties: Service Contracts: Cancellation: Disclosures
- iv. AB 1308 (Ting) Arrest and Conviction Record Relief

There was no Board discussion or comments from the public, outside agencies, or associations.

16. Legislative Items for Future Meeting

Dr. Marcia Raggio solicited legislative items for future meeting. Ms. Olivares stated that Board staff has no additional items.

There was no Board discussion or comments from the public, outside agencies, or associations.

17. Future Agenda Items

Dr. Raggio solicited future agenda items. Tod Borges requested a discussion on continuing education hours for the hearing aid dispensers. Paul Sanchez stated it could be added to a future agenda item and Board staff can work out the details in regard to the quorum.

There were no comments from the public, outside agencies, or associations.

18. 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 and subsequently adjourned for the day.



## MEMORANDUM

DATE	February 4, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 5: Review and Possible Approval of the October 7-8, 2021 Board Teleconference Meeting Minutes

### **Background**

Attached is a draft of the meeting minutes from the October 7-8, 2021 Board Teleconference Meeting.

### **Action Requested**

Please review and discuss whether there are necessary corrections or additional information needed. If not, make a motion to approve the October 7-8, 2021 Board Meeting minutes.

Attachment: October 7-8, 2021 Board Meeting Minutes



**BOARD MEETING MINUTES – DRAFT**  
**Teleconference Meeting**  
**October 7-8, 2021**

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

**Speech-Language Pathology Practice Committee**

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

Holly Kaiser, Board Vice Chair, called the Speech-Language Pathology Practice Committee (Committee) meeting to order at 1:00 p.m. Ms. Kaiser called roll; three members of the Committee were present and thus a quorum was established.

Committee Members Present

Holly Kaiser, SLP, Board Vice Chair  
Gilda Dominguez, SLP, Board Member  
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Tenisha Ashford, Enforcement Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel  
Karen Halbo, DCA Regulations Counsel  
Ann Fisher, DCA SOLID  
Trisha St. Clair, DCA SOLID  
Bryce Penney, DCA Web Cast

2. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Speech-Language Pathology Assistants (As Stated in Title 16, CCR sections 1399.160 through 1399.160.13 and Title 16, CCR section 1399.170.14)

Holly Kaiser provided a summary on continuing professional development (CPD) requirements for Speech-Language Pathologists (SLP). Ms. Kaiser commented on the Board-approved regulatory revisions in 2015 and 2016 and considerations made for additional revisions at its last meeting in August 2021.

Ms. Kaiser identified the recent regulatory changes to add new terms to the list of definitions under section 1399.160. Ms. Kaiser commented on an error to subsection 1399.160(e) that defines renewal period and stated it should be “license’s next expiration date” not “licensee’s”. Gilda Dominguez commented on the definition being clear and based on previous discussions. Debbie Snow expressed agreement with the suggested changes.

Ms. Kaiser identified the recent regulatory changes to the CPD requirements under section 1399.160.3 which removes all the limitations to self-study. Ms. Kaiser opened the discussion on limits to self-study. Ms. Dominguez commented on the flexibility that 50 percent provides and the evolution of virtual learning during the COVID pandemic. Ms. Kaiser inquired if the current number is appropriate. Ms. Dominguez commented on 50 percent being an appropriate number and inquired if this should be clarified for first time license renewals. Cherise Burns stated that Board staff would be able to make the necessary changes to the proposed regulatory language according to what the Committee approves. Paul Sanchez noted the section Ms. Dominguez is referring to is section 1399.160.3(a). Ms. Kaiser commented on increasing the hours to 75 percent but expressed agreement with 50 percent. Ms. Snow expressed agreement with 50 percent being appropriate.

Ms. Kaiser recommended to the Board to consider the discussed revisions to the previously Board-approved proposed regulation which adds new terms to the list of definitions and have the self-study hours to be 50 percent.

There were no comments on this item from the public.

There was no additional Board discussion on the motion.

**Debbie Snow made a motion to recommend to the Board the propose regulatory revisions.**

**Gilda Dominguez seconded the motion.**

**The motion carried 3-0.** (Ayes: Kaiser, Dominguez, Snow)

The meeting adjourned at 1:20 p.m.

#### **Hearing Aid Dispensers Practice Committee**

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

Tod Borges, Committee Chair, called the Hearing Aid Dispensers Committee (Committee) meeting to order at 1:21 p.m. Mr. Borges called roll; three members of the Committee were present and thus a quorum was not established.

#### Committee Members Present

Tod Borges, HAD, Board Member  
Marcia Raggio, AuD, Board Chair  
Karen Chang, Public Board Member

#### Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Tenisha Ashford, Enforcement Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel  
Karen Halbo, DCA Regulations Counsel  
Brianna Miller, DCA Executive Office  
Ann Fisher, DCA Web Cast  
Trisha St. Clair, DCA Web Cast  
Bryce Penney, DCA Web Cast

#### Guests Present

April Dolan, AuD  
Joanne Slater, AuD

#### 1. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations for items not on the agenda.

#### 2. Discussion Regarding Continuing Education Course Content Requirements for Hearing Aid Dispensers and Dispensing Audiologists (As Stated in Title 16, CCR section 1399.140.1)

Tod Borges opened the discussion on section 1399.140.1(a)(2) regarding the continuing education (CE) requirements on related or indirect client care. Mr. Borges expressed concerns about not allowing dispensers to further their education on the programming of hearing aids and commented on past and current CE requirements for manufacturer led seminars.

Dr. Marcia Raggio inquired about examples of courses that are not infomercials but yet would be informational for dispensers. Mr. Borges replied with information on course availability and current CE providers, Hearing Aid Assistance Program and AudiologyOnline. Dr. Raggio inquired about courses provided by AudiologyOnline that

aren't manufacturer sponsored. Tod Borges replied that the course he would like to see will most likely be manufacturer sponsored and described the type of manufacturer-sponsored courses he has seen that dispensers would benefit. Dr. Raggio expressed agreement that the regulatory language is a little too broad and eliminates courses that Mr. Borges described. Dr. Raggio commented on developing language that would allow the type of courses that Mr. Borges described, but crafted so that people understand what is and isn't a hearing aid manufacturer related course. Mr. Borges expressed agreement on crafting the language clearly and commented on the benefits the change would bring.

Karen Chang inquired if the current language in section 1399.140.1(a) cover what the Committee discussed. Mr. Borges replied that the courses will talk about a particular hearing aid. Ms. Chang further inquired if the programming is different for each hearing aid. Mr. Borges replied with information on the differences and how one could extrapolate the information from one device to another.

Dr. Raggio commented on past manufacturer-sponsored, in-service meetings and noted that the manufacturing community would be able to adapt to Board's requirements if changes are made. Mr. Borges suggested that the regulatory language can stipulate a certain amount of hours on courses for manufacturer hearing aid equipment and devices and new products cannot be introduced. Mr. Borges provided an example of a BiCROS course approved for audiology education hours and not for hearing aid dispensers. Cherise Burns commented on the regulatory language for CE providers and CE course approval process and suggested this is something the Audiology Practice Committee could review.

Dr. Raggio commented on arguments previously raised when the revisions were made to remove manufacturer-sponsored course and noted dispensers can attend to learn about new products, but they wouldn't be counted toward CE hours. Mr. Borges commented on the benefits of allowing some courses to be counted towards CE hours. Dr. Raggio and Ms. Chang expressed their agreement to review the regulatory language for revision.

There were no comments from the public, outside agencies, or associations on the discussion regarding the CE requirements on related or indirect client care.

Mr. Borges opened the discussion on section 1399.140.1(a)(1) regarding CE requirements on direct client care. Ms. Burns commented on the definition of direct care and inquired if terms such as "programming" should be included. Mr. Borges replied that changes in other sections would have to be made if the language is changed to include programming and troubleshooting. Ms. Burns commented on the benefits of the change for Board staff and the course approval process. Ms. Chang expressed agreement with the remarks made and commented on the problem of listing out subjects.

Ms. Burns inquired about the definition of the practice of fitting hearing aids. Dr. Raggio and Mr. Borges expressed their agreement that the definition of the practice of fitting hearing aids includes improvement of consumers' ability to use the hearing aids. Ms. Burns further inquired if the practice of fitting of hearing aids includes all the diagnostic



hearing tests. Dr. Marcia Raggio acknowledged Ms. Burns remarks and commented on differences in the scope of practice for dispensing audiologist and hearing aid dispensers. Mr. Borges suggested to use the same language used in dispensers' testing. Ms. Burns stated that the section being discussed is in the Hearing Aid Dispenser regulations and noted that regulations for dispensing audiologists will reference this section. Mr. Borges suggested to table this item for the moment in order to tackle the CE requirement on related or indirect client care. Dr. Raggio commented on the current language for 1399.140.1(a)(1) being acceptable since a practitioner will understand the scope of fitting a hearing aid and added that there is a danger to creating a listing and missing items. Karen Chang and Mr. Borges expressed their agreement with the current language being acceptable.

Ms. Chang commented on the BiCROS course that Mr. Borges described earlier and inquired if this is a specific manufacturer. Mr. Borges replied that they are multiple BiCROS companies. Ms. Chang commented on courses provided by one manufacturer compared to multiple manufacturers. Mr. Borges commented on the importance of having a good understanding in the manufacturer's product that your consumer is using.

Dr. April Dolan, CE Administrator with AudiologyOnline, commented on being available to answer any questions about AudiologyOnline that may help with this process. Mr. Borges extended his appreciation for any information provided as the Committee moves forward in the process.

Dr. Raggio asked if Board staff can define or provide examples of courses approved as "managed care issues" under section 1399.140.1(a)(2). Ms. Burns deferred to Lisa Snelling and commented it could be related to coverage of the hearing aid. Ms. Snelling described courses that would be consider managed care issues. Dr. Raggio stated that the courses described would fall under the practice of fitting. Paul Sanchez commented on defining broad terms like "managed care" and noted that this may be related to healthcare coverage and guiding a client through a third-party administrator or health insurance related issues. Dr. Raggio, Mr. Borges, and Ms. Chang expressed their agreement that the term should be defined as being related to health insurance.

Dr. Dolan commented on the courses offered on insurance and manufacturer-sponsored courses. Dr. Dolan further commented on feedback from members who attended manufacturer-sponsored courses and noted the BiCROS course previously mentioned included pediatric, therefore it wasn't offered to hearing aid dispensers. Dr. Raggio inquired about courses related to insurance or third-party administrator. Dr. Dolan replied that there are a few courses. Ms. Chang stated that she saw four videos on managed care issues on their website.

Dr. Joanne Slater, Director of CE Administration with AudiologyOnline, commented on the American Speech-Language-Hearing Association (ASHA) continuing education units (CEUs) and California CE requirements for hearing aid dispensers. Dr. Slater further commented on the dispenser's regulations for product-based courses and noted that managed care courses are provided by insurance companies with the intent to sell

products. Dr. Slater stated that courses on managed care would not be offered to non-audiologist hearing aid dispensers because dispensers cannot bill insurance companies. Dr. Marcia Raggio inquired if dispensers cannot bill insurance companies. Tod Borges replied that it is not quite correct because he has billed to insurance companies and noted that the vast majority will only work with audiologists and not hearing aid dispensers as a general rule. Dr. Raggio commented on Medi-Cal being able to. Mr. Borges expressed agreement with Medi-Cal being able to work with hearing aid dispensers and noted Medi-Cal is different from Medicaid.

Mr. Borges opened the discussion on legal or ethics courses and asked if legal and ethical issues should be included as an in-direct client course definition. Karen Chang commented on cases seen by the Board are due to an ethical lapse. Dr. Raggio stated that legal or ethics courses are included in the requirements. Mr. Borges clarified his inquiry and asked if this should be its own issue, separate and pulled out from the definition. Cherise Burns commented on the limit of anything outside of direct client care, which includes legal and ethics courses. Ms. Chang suggested to keep the three hours for anything outside of direct client care but a separate hours limit for legal or ethics courses.

Ms. Burns commented on other boards requirements for legal or ethics courses. Mr. Borges expressed concerns about requiring coursework in that category and would like to see how many courses are actually available. Dr. Raggio stated that the California Academy of Audiology has historically made it a point to include legal or ethics courses in their annual conferences and has been able to find providers and speakers on the topic. Mr. Borges commented on the availability of courses to the broader community such as online. Dr. Raggio commented on the current language being acceptable. Paul Sanchez commented on the regulation limiting the number of hours for this topic and noted the enforcement problem in this area. Mr. Borges stated he has no objection and commented on the benefits changes would bring. Ms. Burns stated that there could be a discussion on the number of hours in the next agenda, if the Committee finds the definition acceptable.

Dr. April Dolan, CE Administrator with AudiologyOnline, stated that Dr. Joanne Slater will be able to provide a more comprehensive answer to any questions the Board may have through email.

Mr. Borges opened the discussion on section 1399.140.1(a)(3) regarding additional hearing loss or hearing related health issues that are not named in the definition of courses that are related to the discipline of hearing aid dispensing that should be added. Dr. Raggio commented on the existing language and additional language to broaden awareness on different populations with hearing loss. Mr. Sanchez inquired if the additional language would be to expand the regulation. Dr. Raggio replied with a suggestion to table this item for development and further discussion. Ms. Burns commented on future discussion to add language about different population and the limited number of hours.

Mr. Borges commented on being open to additional hours in related or indirect client care courses. Dr. Raggio inquired if courses on AudiologyOnline are in units of three or four. Lisa Snelling replied that they are usually one hour or two hours but most of them are one hour. Dr. Raggio suggested four hours as a reasonable change. Tod Borges expressed agreement to add an additional hour and commented on the benefits of this change. Karen Chang expressed agreement with the change for an additional hour.

There were no comments from the public, outside agencies, or associations on the discussion regarding additional hearing loss or hearing related health issues that are not named in the definition of courses that should be added.

Ms. Borges opened the discussion on additional course subjects that should be identified as outside the scope. Mr. Borges clarified that these are subjects that would not be allowed. Dr. Raggio inquired if this creates a list problem. Ms. Burns replied that this list is small and shared the current language in section 1399.140.1(b). Dr. Raggio inquired if it is necessary to stipulate medical diagnostic testing that an audiologist might do that a hearing aid dispenser is not allowed to do. Ms. Burns replied that the language can be included. Mr. Borges inquired if subjects not allowed from the manufacturer have to be added to the list of outside scope of acceptable course content. Ms. Burns suggested to clean up the regulation and move the second sentence in section 1399.140.1(a) to 1399.140.1(b).

Dr. Raggio inquired for a list of disallowed courses and course topics that people have attempted to pass as a hearing aid dispenser CE but were denied. Ms. Burns replied that Board staff can look into putting a list together and guessed that it would mostly likely be about specific products. Lisa Snelling stated that denied courses were for a particular product or beyond the scope of practice for a hearing aid dispenser, usually having to do with tinnitus. Ms. Snelling further stated that the Board has seen courses on teambuilding or building your business, which were also denied. Mr. Borges inquired if the Board should leave the language as-is for the time being. Dr. Raggio expressed agreement to leave the current language for the time being.

There were no comments from the public, outside agencies, or associations on the discussion regarding additional course subjects that should be identified as outside the scope.

### 3. Discussion Regarding Continuing Education Requirements for Hearing Aid Dispensers and Dispensing Audiologists (As Stated in Title 16, CCR sections 1399.140)

Mr. Borges opened the discussion on section 1399.140(a)(1) regarding CE hours for related or in-direct client care courses. Ms. Chang inquired if the Committee just made this four hours. Mr. Borges replied to confirm and stated it was discussed earlier to add an hour to make it four hours. Ms. Chang inquired if it should be lowered to 50 percent. Mr. Borges replied that it would mean changing the hours from three to six and it was his understanding that the Committee agreed to four hours as a compromise. Dr. Raggio

expressed agreement to the four hours.

Dr. Raggio inquired about the second statement of the memo discussion question regarding experienced dispensers and new dispensers. Ms. Burns replied that the statement is a reason for changing the hours. Dr. Raggio commented on and expressed concerns about determining who are experienced or new dispensers. Mr. Borges commented on the additional hour for everyone and not based on experience. Dr. Raggio expressed agreement with Mr. Borges remarks and noted the issue of experience did come in the previous discussion. Mr. Borges expressed agreement and stated it would be hard for Board staff to manage. Karen Chang expressed agreement with the remarks provided.

There were no comments from the public, outside agencies, or associations on the discussion regarding CE hours for related or in-direct client care courses.

Mr. Borges opened the discussion on CE hours for legal and ethics courses. Mr. Borges stated that this was discussed earlier which resulted to adding an additional hour. Dr. Raggio and Ms. Chang expressed their agreement on the additional hour.

There were no comments from the public, outside agencies, or associations on the discussion regarding CE hours for legal and ethics.

Mr. Borges opened the discussion on the possibility of opening up or including more recorded CE courses. Mr. Borges commented on the limited opportunities of “live” courses and inquired if the number of “live” courses should be reduced. Dr. Raggio inquired if self-study hours is being increased to six hours. Mr. Borges replied that it is already six hours. Dr. Raggio further inquired if AudiologyOnline has “live” courses. Mr. Borges replied that they do but at the moment they are very limited. Mr. Borges commented on the changes to course content and the possibility of the changes increasing the availability of courses to the dispensing community. Dr. Raggio inquired how courses would look for programming and post-fitting adjustment of a specific hearing aid. Mr. Borges stated there have been and deferred to Dr. April Dolan, CE Administrator with AudiologyOnline.

Dr. Dolan inquired if self-study is synchronous or asynchronous. Dr. Raggio replied that it is asynchronous self-study courses. Dr. Dolan commented on synchronous product courses and manufacturer-specific courses provided by AudiologyOnline. Dr. Raggio commented on Dr. Dolan’s remarks about manufacturer-specific courses. Dr. Dolan commented on the ASHA’s guidelines for courses offered by ASHA-approved providers. Mr. Borges commented on past and current manufacturer-specific courses. Dr. Raggio commented on the marketing of products at manufacturer-specific courses and shared her experience attending manufacturer-sponsored courses. Dr. Raggio inquired about the type of courses being offered by manufacturers. Dr. Dolan replied that there are courses on troubleshooting, new products, and across-the-board about how to fit and troubleshoot for a specific product. Dr. Raggio commented on the Board’s regulations and the use of other professional organizations as a model. Mr. Borges expressed agreement and

inquired about expanding the number of self-study hours.

Paul Sanchez commented on the history of increasing the number of self-study hours allowed for hearing aid dispensers. Dr. Marcia Raggio inquired about the number of hours and when the changes were made. Mr. Sanchez replied that the number of self-study hours allowed is six and that changes were made three or four years ago. Mr. Sanchez stated that no issues have been raised on the number of hours and suggested to find out if there are limitations of “live” courses. Karen Chang inquired of Mr. Borges about how he manages the “live” and self-study course requirements. Mr. Borges replied with information about his experience and commented on dispensers expressing difficulty in completing their hours due to the limited number of courses available from one month to another. Ms. Chang inquired of Mr. Borges about his experience at “live” courses and how to get more hearing aid dispensers courses. Mr. Borges replied with information on his experience attending “live” courses and commented on the qualifications of recorded content for CE hours and the self-study hours.

Dr. Raggio inquired about dispensers completing all their hours in one sitting if the self-study hours were increased. Mr. Borges replied that the same could be said for six hours and he doesn’t think this issue can be fully regulated. Dr. Raggio commented on limiting the number of hours for consumer protection and shared her experience attending “live” conferences. Mr. Borges shared his experience attending online courses and “live” events.

Mr. Borges inquired about the number of self-study hour that is in the best interest to the consumers. Dr. Raggio commented on six hours being acceptable. Ms. Chang commented on the level of participation at events being dependent on the person. Ms. Chang further commented on “live” courses for consumer protection and barriers for hearing aid dispensers to attend “live” courses. Paul Sanchez stated that Board staff has seen more interactive online courses and noted that physical presence isn’t a requirement for interactive courses. Ms. Burns commented on the possibility of more “live” courses being available if changes are made to the regulations on course content for direct client care.

Dr. April Dolan, CE Administrator with AudiologyOnline, extended her gratitude to the Board and noted that Joanne Slater would be able to answer questions to help clarify any other questions the Board may have.

Mr. Borges opened the discussion on the definition of self-study and commented on the definition for synchronous instruction. Dr. Raggio and Ms. Chang agreed with Mr. Borges remarks. Dr. Raggio inquired if section 1399.140(a)(2)(B) is adequate. Ms. Chang replied that it is adequate. Ms. Burns clarified that Board staff is asking if the Committee wanted to move to language that includes asynchronous and synchronous. Dr. Raggio and Mr. Borges stated that they would like to receive input from Legal on the topic.

Ms. Chang inquired if Board staff can provide a list of CE requirements in other states. Mr. Borges replied that a lot of states follow International Hearing Society for testing, and

it could be the same for continuing education, but a comparison would be beneficial for future discussion. Mr. Sanchez commented on Board staff being able to provide a list of states and suggested to look at states with similar licensing requirements as California.

The meeting adjourned at 3:38 p.m.

## **Board Meeting**

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

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 9 a.m. Dr. Raggio called roll; six members of the Board were present and thus a quorum was established.

#### **Board Members Present**

Marcia Raggio, AuD, Board Chair  
Holly Kaiser, SLP, Vice Board Chair  
Tod Borges, HAD, Board Member  
Karen Chang, Public Board Member  
Gilda Dominguez, SLP, Board Member  
Debbie Snow, Public Board Member

#### **Staff Present**

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Tenisha Ashford, Enforcement Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel  
Karen Halbo, DCA Regulations Counsel  
Brianna Miller, DCA Executive Office  
Dani Rogers, DCA Regulation Counsel  
Trisha St. Clair, DCA Web Cast  
Bryce Penney, DCA Web Cast  
Sarah Irani, DCA Web Cast

#### **Guests Present**

Beverley Dunbar  
Christy Kirsch, AuD  
Joanne Slater, AuD  
Jody Winzelberg, AuD  
Linda Oliver

## 2. Public Comment for Items not on the Agenda

Cherise Burns read a written comment from the public regarding concerns with the licensing fee increases for recent graduates.

## 3. Review and Possible Approval of the August 12-13, 2021, Board Teleconference Meeting Minutes

Dr. Raggio tabled the approval of the August 12-13, 2021 Board Teleconference Meeting Minutes for further revisions. Dr. Raggio and Gilda Dominguez provided technical changes to Board staff. Cherise Burns informed Board Members that additional changes can be submitted to Board staff before the final approval of the meeting minutes.

There were no comments from the public, outside agencies, or associations on this agenda item.

## 4. Board Chair's Report

Dr. Raggio discussed the 2021 Board and Committee Meeting Calendar. Ms. Burns stated the dates for next year will be proposed at the November meeting.

Holly Kaiser reported on the discussions and possible actions from the Speech-Language Pathology Practice Committee meeting held on October 7, 2021.

Tod Borges reported on the discussions from the Hearing Aid Practice Committee meeting held on October 7, 2021.

Dr. Raggio informed Board members of the committee membership roster included in the report.

There were no comments from the public, outside agencies, or associations on this agenda item.

## 5. Executive Officer's Report

### a. Administration Update

Paul Sanchez provided updates on the Business Modernization Project, fee increases, state workers COVID vaccine and testing requirement, and Board staff vacancy.

Dr. Raggio inquired about Board staffing vacancy. Mr. Sanchez replied that there are currently no staffing vacancies. Ms. Burns clarified that the Board will have one position to backfill the staff who will be working on the Business Modernization Project. Mr. Sanchez commented on the Business Modernization Project and Board staff vacancies.

There were no comments from the public, outside agencies, or associations on this

agenda item.

b. Budget Report

Mr. Sanchez provided an overview of the budget report provided by the DCA's Budget Office. Mr. Sanchez stated the report reflects the first month of the budget year and will be adjusted in the coming months to accurately reflect what the Board is actually going to spend, especially with the Business Modernization Project costs that are not fully reflected in the report.

There was no Board discussion or comments from the public, outside agencies, or associations on this agenda item.

c. Regulations Report

Paul Sanchez highlighted the regulations report.

There was no Board discussion or comments from the public, outside agencies, or associations on this agenda item.

d. Licensing Report

Mr. Sanchez provided an overview of the licensing report. Mr. Sanchez reported the Board is in its peak season in processing licensing and the current cycle time is nine to ten weeks.

There was no Board discussion or comments from the public, outside agencies, or associations on this agenda item.

e. Practical Examination Report

Mr. Sanchez provided an overview of the practical exam report. Mr. Sanchez reported the Board conducted two practical exams in July and noted their statistics are in the report.

There was no Board discussion or comments from the public, outside agencies, or associations on this agenda item.

f. Enforcement Report

Mr. Sanchez provided an overview of the enforcement report. Mr. Sanchez reported the number of complaints has decreased since the pandemic and the Board is still seeing low numbers of complaints and convictions received. Mr. Sanchez stated that Board staff will continue to monitor these numbers.



There was no Board discussion or comments from the public, outside agencies, or associations on this agenda item.

## 6. DCA Update – DCA Board and Bureau Relations

Brianna Miller with the DCA Executive Office provided a Department update including Board vacancies, new and current statewide response to the COVID-19 pandemic and required board member training.

Dr. Raggio and Karen Chang inquired on the required board member training. Brianna Miller replied with information on upcoming training dates, how to sign up, and topics covered. Dr. Raggio stated that Cherise Burns can help any Board members with signing up for these events.

There were no comments from the public, outside agencies, or associations on this agenda item.

## 7. Update on Speech and Hearing Related DCA Waivers related to the COVID-19 State of Emergency

Ms. Burns provided an update on the waivers approved by DCA. Ms. Burns reported the following are set to expire on October 31, 2021:

- modification of the direct monitoring requirements for Required Professional Experience (RPE) licenses and the direct supervision requirements for Speech-Language Pathology Assistant (SLPA) licenses,
- modification of limitations and requirements for extension of RPE licenses,
- modification of the limitations on renewing of Hearing Aid Dispenser (HAD) temporary licenses and HAD trainee licenses,

Ms. Burns further reported that the modification of continuing education requirements for all licensees whose license expires up through October 31, 2021 ends on October 31, 2021 and the deadline to complete the CE requirement, including the “live” course requirement, was extended to March 28, 2022. Ms. Burns clarified that the extension does not apply to license renewals for the month of November, December, January, and February. Ms. Burns stated that Board staff will notify stakeholder with this information and with information on the Governor’s telehealth services extension. Ms. Burns clarified that while tele supervision may not be allowed, it does not mean telehealth services are not allowed. Ms. Burns commented on the importance of the Governor's Executive orders to obtain the DCA waivers.

Dr. Raggio commented on the professional community’s gratitude for the waivers and the efforts made by the Board to get waivers approved.

There were no comments from the public, outside agencies, or associations on this agenda item.

## 8. Discussion and Possible Action on the Board's 2022 Sunset Review

Paul Sanchez opened the discussion on the Board's 2022 Sunset Review. Mr. Sanchez provided a brief background of the process and report.

### a. Discussion and Possible Action on the Following Items Regarding the Board's 2016 Sunset Review:

Ms. Burns explained that Section 11 is where the Board takes a look at their responses to issues raised during the last Sunset Review and determine whether or not actions are still needed. The following are those issues:

#### i. Status of Long-Term Fund Condition

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding the status of the long-term fund condition. Ms. Burns provided a brief background on the issue. Ms. Burns stated that the staff recommendation and Board response provided at the last Sunset Review does not change and the Board only provides an update on the issue for this report.

Dr. Raggio inquired about the last fee increase. Paul Sanchez replied that the last major fee increase was in 2001/2002 and stated that it is not typical for healing arts boards to go 20 years without fee increases. Ms. Burns and Mr. Sanchez commented on the licensing population growth and Board staffing level to meet performance goals.

Dr. Raggio expressed the Board's appreciated for all the work the Board does.

There were no comments on this item from the public, outside agencies, or associations.

#### ii. Board Staffing Levels to Meet Performance Goals

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding Board staffing levels to meet performance goals. Ms. Burns provided a brief background on the workload demands.

Dr. Raggio inquired on updating the update based on the information reported earlier. Ms. Burns replied that it's not necessary because organizational charts will be submitted with the report.

Mr. Sanchez inquired about the number of positions. Ms. Burns replied that she will have to verify if its funded and authorized positions or just authorized positions.

There were no comments on this item from the public, outside agencies, or associations.

### iii. Training and Examination for Hearing Aid Dispensers

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding training and examination for Hearing Aid Dispensers.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

### iv. English Language Literacy Testing for Foreign Trained Speech-Language Pathologists

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding English language literacy testing for foreign trained Speech-Language Pathologists.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

### v. Elimination of the Speech-Language Pathology Aide Designation

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding the elimination of the Speech-Language Pathology (SLP) Aide designation.

Holly Kaiser inquired about the number of SLP Aides currently registered. Ms. Burns replied that the Board has the number of SLP Aides registered in the last five years but there is no way to distinguish them once they are a part of the licensing population.

Beverley Dunbar, SLPA Program Coordinator at Pasanda College, expressed concerns that increasing the status of SLP Aides is a decrease in the job status protection for SLPAs. Mr. Sanchez and Ms. Burns replied that the Board's intent is not to increase the status of SLP Aides or expand the scope of what they can do. Ms. Kaiser provided further clarification on the Board's intention, which is to create renewal requirements for the purpose of consumer protection. Beverley Dunbar expressed further concerns that this may be an increase to SLP Aides' status due to a lack of clarity between SLP Aides and SLPAs.

Dr. Raggio asked for final comments on the concerns raised on SLP Aides. Mr. Sanchez provided a brief background on the issue from the prior Sunset and emphasized the Board's intentions is to create a structure to keep SLP Aides accountable and make the designation clearer. Ms. Burns commented on consumer protection materials that can be provided to differentiate the license types and where to complain if there are concerns.

### vi. Addressing the Workforce Shortage in Audiology

Ms. Burns read the question and provided a summary of the staff recommendation, board

response, and update regarding the workforce shortage in Audiology.

There was no Board discussion on this item.

Dr. Jody Winzelberg, Clinical Training Coordinator with the Department of Audiology at San Jose State University, stated that, in speaking with other program directors, there is a struggle to place California students so to accept other out of state educated audiology students seeking Required Professional Experience (RPE) opportunities would put a strain on California programs. Dr. Raggio inquired about students completing their RPE out of state. Dr. Winzelberg replied that the state is not part of the National Council for State Authorization Reciprocity Agreements (NC-SARA); therefore, California programs are restricted in placing students in different state for RPE experience. Dr. Winzelberg suggested joining the NC-SARA consortium to alleviate the problem. Dr. Raggio encouraged her, or a representative, to present this to the Board for further discussion.

#### vii. Addressing the Workforce Shortage in Speech-Language Pathology

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding the workforce shortage in Speech-Language Pathology.

Dr. Raggio shared that three CSU programs received a CSU chancellor grant to increase their graduate enrollment for the length of the grant period. Ms. Burns stated that this information can be included in the report.

There were no comments on this item from the public, outside agencies, or associations.

#### viii. Status of BreEZe Implementation

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding the status of BreEZe implementation.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

#### ix. Addressing Consumer Protection Issues with Locked Hearing Aids

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update regarding consumer protection issues with locked hearing aids. Ms. Burns reported that the Board-sponsored bill was signed by the Governor and the information in the report will be updated.

Dr. Raggio inquired if it is necessary to add in the report that the consumers have to sign off that they were informed of locked hearing aids. Ms. Burns replied that this is information that can be added to the report.

There were no comments on this item from the public, outside agencies, or associations.

x. Technical Statutory Clean-up Issues

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update on technical statutory clean-up issues.

Ms. Burns read the question and provided a summary of the staff recommendation, board response, and update on the continuation of the licensing and regulation of speech-language pathologists, audiologists, and hearing aid dispensers by the current Board membership.

Dr. Raggio inquired about a section in the report for enforcement as a reason why this Board is needed. Ms. Burns replied that a reference doesn't need to be here but if additional clarification is needed, a quick snippet can be provided. Mr. Sanchez commented on the overarching theme being consumer protection, which will appear throughout the report.

There were no comments on these items from the public, outside agencies, or associations.

b. Discussion and Possible Action on the Following Items Regarding the Board's 2022 Sunset Review:

Ms. Burns explained that the Board has an opportunity to inform the Legislature of solutions to issues that the Board may want legislative actions. The following are those new issues:

i. Creating Speech-Language Pathology and Audiology Aide Renewal and Continuing Professional Development Requirements

Ms. Burns provided a summary of the background on the Aide designation, effects on consumers, Board recommendation, and proposed statutory text to create SLP Aide and Audiology Aide Renewal and Continuing Professional Development Requirements

Gilda Dominguez extended her compliments to the recommendation for its effort to bring more consistency and address consumer protection concerns.

Beverley Dunbar, SLPA Program Coordinator at Pasanda College, inquired about and expressed concerns on the Aides and Assistants designation and inquired about continuing education for Aides. Mr. Sanchez replied that the concerns expressed will be considered in Board staff analysis. Holly Kaiser acknowledged the concerns expressed and commented on the Board's intention to address those issues. Ms. Dominguez commented on the duty of a supervisor and tasks Aides perform. Beverley Dunbar extended her gratitude for the comments made and suggested whether there could be more clarity on the guidelines for Aides within the regulations.

Dr. Christy Kirsch, Audiology Clinic Director at San Diego State University, commented on the need for clearer guidelines on Audiology Aides. Dr. Raggio replied that the Board is aware of the issue and trying to determine what Aides can and cannot do.

Dr. Joanne Slater, CEU Administration Director with AudiologyOnline, commented on the availability of continuing education courses to licensees and consumers. Beverley Dunbar clarified that she didn't suggest people are not allowed to attend unless they held a certain type of license but was concerned about who the workshops are directed for.

#### ii. Audiology Licensing Requirements – Required Clinical and Professional Experience

Ms. Burns provided a summary of the background on the Audiology licensing requirements, effects on consumers, Board actions, Board recommendations, and proposed statutory text to modify the RPE requirements.

Dr. Raggio inquired about a meeting with Californian programs regarding the proposed RPE regulations. Ms. Burns replied that it will happen once a survey to gather data is sent prior to a meeting.

Dr. Christy Kirsch, Audiology Clinic Director at San Diego State University, suggested the State's RPE hours follow the ASHA guidelines. Dr. Raggio replied that information on RPE hours will be gathered from the programs throughout the State and the Board will be addressing this issue soon.

#### iii. Hearing Aid Dispensers Committee Membership

Ms. Burns provided a summary of the background on the issue with the Hearing Aid Dispensers (HAD) Committee quorum, effects on consumers, Board actions, Board recommendations, and proposed statutory text to change HAD Committee membership.

Dr. Raggio inquired on the audiologist's membership. Ms. Burns replied that it would be up to the Board Chair to determine which audiologist to appoint to the committee.

Dr. Raggio inquired about required Board actions on the Sunset Review Report. Ms. Burns replied that the Board will approve it in its entirety once the report is complete, and if there are any issues, they can be discussed today or at the next meeting in November. Mr. Sanchez commented on Board staff looking for direction from the Board to make sure the Board is in agreement with the direction of the report.

Ms. Chang expressed agreement with the recommended changes from six to four and commented on the difficulty to maintain a quorum. Tod Borges, Gilda Dominguez, and Debbie Snow expressed agreement with the recommended changes.

There were no comments on this item from the public, outside agencies, or associations.

- iv. Persons Deemed to Meet Requirements – Updating Audiology Requirements to Allow Qualifications Deemed Equivalent to Include Certificate of Clinical Competence in Audiology and American Board of Audiology Certificate

Ms. Burns provided a summary of the background on outdated Audiology reference on persons deemed to meet requirements, effects on consumers, Board actions, Board recommendations, and proposed statutory text to allow for equivalent to include Certificate of Clinical Competence in Audiology and American Board of Audiology Certificate.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

- v. Elimination of the Nonoperative Grandfather Clause for Speech-Language Pathology Aides that Allowed Aide Experience to Count Towards Speech-Language Pathology Assistant Licensure That Ended on June 1, 2003 in Business and Professions Code Section 2532.7

Ms. Burns provided a summary of the background on the nonoperative grandfather clause for Speech-Language Pathology, effects on consumers, Board actions, Board recommendations, and proposed statutory text to eliminate the nonoperative clause.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

- vi. Technical Statutory Clean-up Issues

Ms. Burns provided a summary of the background on technical statutory clean-up issues, effects on consumers, Board actions, Board recommendations, and proposed statutory text.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

- vii. Including Violations of Business and Professions Code Section 650 in the Board's Definition of Unprofessional Conduct for Enforcement Purposes

Ms. Burns provided a summary of the background on the enforcement of unprofessional conduct, effects on consumers, Board actions, Board recommendations, and proposed statutory text to aid the Board to enforce these types of violations and enhance consumer protection.

Dr. Raggio inquired of the Board if there are any new issues that should be identified in the report. Ms. Burns commented on a discussion that was tabled regarding statutory authority to waive requirements and noted this will be a DCA-wide provision.

Dr. Raggio inquired for any further Board discussion.

Karen Chang inquired about the outcome of previous discussions on telehealth and hearing aids purchased online. Ms. Burns replied that regulations allow telehealth. Dr. Raggio commented on the Board needing to determine the tele supervision of telehealth. Ms. Burns commented on the regulatory proposal for RPE tele supervision.

Dr. Raggio inquired about the SLPA supervision requirement for onsite and telehealth. Ms. Burns deferred to Heather Olivares. Ms. Olivares provided information on the proposed regulation for SLPAs direct and in-direct tele supervision.

Dr. Raggio commented on the Attorney General's consumer alert for online or over the counter (OTC) hearing aids and possible regulations on OTC hearing aids from the U.S. Food and Drug Administration (FDA). Mr. Sanchez commented on statutes restricting sales by catalog or direct mail and suggested the Board may consider reviewing BPC 2538.23, and similar law for dispensing audiology, if the Board wants to attempt to expand it to online sales. Ms. Chang stated that the Board should consider including online sales in statutes. Dr. Raggio inquired about waivers to make that designation. Mr. Sanchez replied that no waiver is needed for devices classified as hearing aids by the FDA. Dr. Raggio inquired of the DCA Legal Office regarding wavier for online sales to be included. Michael Kanotz with the DCA Legal Office stated that he will follow up with Board staff with more information on the issue.

There were no comments on this item from the public, outside agencies, or associations.

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

Holly Kaiser commented on the format of the report and expressed her appreciation for the visual chart to track the process.

- a. Update and Discussion of Implementation of Speech-Language Pathology and Audiology Fees (As Stated in 16 CCR sections 1399.157, 1399.170.13, and 1399.170.14)

Heather Olivares provided an update on the regulatory proposal for the Speech-Language Pathology and Audiology fees. Ms. Olivares reported that the fees increase will go into effect on November 1, 2021.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

- b. Discussion and Possible Action Regarding Speech-Language Pathology Assistants Requirements (As Stated in Title 16, CCR section 1399.170 through 1399.170.20.1)



Ms. Olivares provided an update on the regulatory proposal for the Speech-Language Pathology Assistants requirements. Ms. Olivares reported that the Board approved the regulatory language on August 13, 2021 and Board staff is working on the regulatory documents. Ms. Olivares stated that, once the documents are completed, they will be submitted to the DCA Legal Office for the pre-review process.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

c. Discussion and Possible Action to Adopt Uniform Standards Related to Substance-Abusing Licensees as Title 16, CCR section 1399.131.1 and 1399.155.1

Ms. Olivares provided an update on the regulatory proposal for the Uniform Standards Related to Substance-Abusing Licensees. Ms. Olivares reported that the Board approved the regulatory language on August 13, 2021 and Board staff is working on the regulatory documents. Ms. Olivares stated that, once the documents are completed, they will be submitted to the DCA Legal Office for the pre-review process.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

d. Discussion and Possible Action Regarding Required Professional Experience (RPE) Direct Supervision Requirements and Remote or Tele Supervision (As Stated in Title 16, California Code of Regulations (CCR), sections 1399.153 and 1399.153.3)

Ms. Olivares provided an update on the regulatory proposal for RPE direct supervision requirements and remote or tele supervision. Ms. Olivares reported that Board staff submitted the required regulatory documents to DCA to start the initial review process on August 24, 2021 and the Legal Counsel identified changes for review and discussion.

Ms. Olivares provided a summary of the changes since it was last approved on May 14, 2021.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

There was no Board discussion on the motion or comments from the public, outside agencies, or associations.

**Karen Chang made a motion to approve the proposed regulatory text for Section(s) 1399.153 and 1399.153.3, direct Board staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, 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 public**

**hearing if requested. If no adverse comments are received during the 45-day public comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section(s) 1399.153 and 1399.153.3 as noticed.**

**Gilda Dominguez seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow)

- e. Discussion and Possible Action to Adopt Regulations Regarding Dispensing Audiologist Examination Requirement (As Stated in Title 16, CCR section 1399.152.4)

Ms. Olivares provided an update on adopting regulations regarding Dispensing Audiologist examination requirement. Ms. Olivares reported that the regulatory package is still being developed and Board staff recently received feedback from DCA's Legal Counsel to further develop this language.

Dr. Raggio inquired about the meeting material for this item. Ms. Olivares replied that this item was held for further development and will be presented at a future meeting.

There were no comments on this item from the public, outside agencies, or associations.

- f. Discussion and Possible Action to Amend Regulations Regarding Board Location and Processing Times (As Stated in Title 16, CCR section 1399.101, 1399.113, 1399.150.1, 1399.151.1 and 1399.160.6)

Ms. Olivares provided an update on amending regulations regarding Board location and processing time. Ms. Olivares reported that the regulatory package is still being developed and Board staff have proposed non-substantive changes for review and approval by the Board.

Ms. Olivares provided a brief background on the Section 100 regulation process that this regulatory package will go through. Ms. Olivares noted the changes include updating the Board's address and removing regulations on the processing times and any references to statues that were repealed.

Tod Borges inquired on the removal of the processing times. Ms. Olivares and Ms. Burns replied with information on the processing time in regulations compared to actual processing time that Board staff can perform. Ms. Olivares and Ms. Burns stated that the Board streamlined the process to shorten the processing timeframes in comparison to what is currently in regulations. Ms. Burns noted the Board reports annually to DCA and will soon report quarterly on the processing times.

There were no comments on this item from the public, outside agencies, or associations.

There was no Board discussion on the motion or comments from the public, outside agencies, or associations

**Holly Kaiser move to approve the regulatory language, move to start the rulemaking process for Section 100 changes without regulatory effect, and delegate authority to the Executive Officer to make any technical and non-substantive changes that may be required to complete the rulemaking file.**

**Debbie Snow seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow)

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

##### a. Legislative Calendar and Deadlines

Ms. Olivares provided an update on the legislative session and upcoming legislative deadlines.

Dr. Raggio inquired about the deadline to introduce legislation next year. Ms. Olivares replied that the legislative calendar is not available yet and provided an approximate timeline of next year's deadlines.

There were no comments on this item from the public, outside agencies, or associations.

##### b. Board-Sponsored Legislation

###### i. AB 435 (Mullin) Hearing aids: locked programming software: notice

Ms. Olivares reported this bill was signed by the Governor and went through the process fairly quickly without any opposition. Ms. Olivares provided a summary of the bill.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

##### c. Bills with Active Positions Taken by the Board

Ms. Olivares provided an overview on the status of bill with active positions taken by the Board and recommended no changes to the Board's position or adopt any new position.

Dr. Raggio inquired about the meaning of a bill not heard in a committee. Ms. Olivares provided a variety of reasons that prevents a bill from being heard in a committee and what may happen to it in the second year.

###### i. AB 29 (Cooper) State bodies: meetings

Ms. Olivares reported the Board has an approved Oppose position on this bill and it is a two-year bill as it was held under submission by the Assembly Appropriations Committee. Ms. Olivares provided a summary of the bill.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

ii. AB 107 (Salas) Licensure: veterans and military spouses

Ms. Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is on the Governor's desk waiting for him to sign or veto it. Ms. Olivares further reported the bill was amended to address the Board's concern and provided a summary of the bill.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

iii. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses

Heather Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is a two-year bill because it was not heard in the Senate Business, Professions and Economic Development Committee. Ms. Olivares further reported this bill is similar to AB 107 and may not move forward in its current form.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

iv. AB 555 (Lackey) Special education: assistive technology devices

Ms. Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is a two-year bill because it was not heard in the Assembly Education Committee. Ms. Olivares provided a summary of the bill and commented on monitoring the bill if it moves forward in the process.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

v. AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing

Ms. Olivares reported the Board has an approved Support position on this bill and it is a two-year bill because it was not heard in the Assembly Governmental Organization Committee. Ms. Olivares provided a summary of the bill.

Holly Kaiser inquired about visual participation. Ms. Olivares replied to confirm that the Board will have to display visual participation of its meetings if this bill passes.

There were no comments on this item from the public, outside agencies, or associations.

vi. AB 1026 (Smith) Business licenses: veterans

Ms. Olivares reported the Board has an approved Support position on this bill and it is a two-year bill as it was held under submission by the Assembly Appropriations Committee. Ms. Olivares provided a summary of the bill.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

vii. AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates

Heather Olivares reported the Board has an approved Oppose Unless Amended position on this bill and it is a two-year bill as it was held under submission by the Assembly Appropriations Committee. Ms. Olivares provided a summary of the bill and commented on monitoring the bill if it moves forward in the process.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

viii. SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

Ms. Olivares reported the Board has an approved Oppose position on this bill and it is a two-year bill because it was not heard in the Senate Business, Professions and Economic Development Committee. Ms. Olivares provided a summary of the bill.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

d. Bills with Recommended Watch Status

Ms. Olivares provided a summary on the following bills with recommended watch status that are signed, likely to be signed, or at the Governor's desk:

- AB 361 (Rivas) Open meetings: state and local agencies: teleconferences
- AB 457 (Santiago) Protection of Patient Choice in Telehealth Provider Act
- AB 468 (Friedman) Emotional Support Dogs
- AB 486 (Committee on Education) Elementary and secondary education: omnibus bill
- AB 1221 (Flora) Consumer Warranties: Service Contracts: Cancellation: Disclosures
- AB 1291 (Frazier) State bodies: open meetings
- SB 607 (Min) Business and Professions

Ms. Olivares noted the following bills with recommended watch status that are two-year bill:

- AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
- AB 1236 (Ting) Healing arts: licensees: data collection
- AB 1308 (Ting) Arrest and Conviction Record Relief
- SB 731 (Durazo) Criminal records: relief

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

#### 11. Legislative Items for Future Meeting

Dr. Marcia Raggio solicited legislative items for future meeting.

There was no Board discussion on this item or comments from the public, outside agencies, or associations.

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

Dr. Raggio provided an update on the Executive Officer (EO) appraisal and inquired for further discussion on this item.

Ms. Chang inquired about the difference between the EO salary and level increase. Dr. Raggio replied with a brief explanation on the difference between ranges and salary. Mr. Sanchez provided examples of different factors that determine an EO's level.

Ms. Chang inquired about the requested Board action. Dr. Raggio replied that the Board must entertain a motion to approve the request for a salary increase. Ms. Burns provided a brief explanation comparing the EO salary and level increase with rank-and-file employees. Dr. Raggio provided a brief history of Mr. Sanchez's employment and salary increase history.

Mr. Borges inquired about the action the Board needs to take. Dr. Raggio replied to confirm that the Board will take action to increase the salary and not the level.

Ms. Chang inquired about the details of the action on the salary increase. Dr. Raggio deferred to the DCA's Legal Counsel, Michael Kanotz. Mr. Kanotz replied to confirm that the motion the Board can entertain is to support a salary increase and not determine or specify the amount.

Dr. Raggio inquired about a motion to increase the level. Mr. Kanotz replied that the Board can recommend a level increase as well and noted the Board doesn't have the authority to do either on its own. Dr. Raggio commented on making the recommendation for both a salary and level increase.

There were no comments for this item from the public, outside agencies, or associations.

There was no additional Board discussion on the motion or comments from public, outside agencies, or associations.

**Debbie Snow made a motion to recommend an increase of the salary and the level of the Executive Officer.**

**Holly Kaiser seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow)

### 13. Future Agenda Items

Dr. Marcia Raggio solicited future agenda items. Ms. Chang suggested a discussion on the online sales of hearing aids.

Linda Oliver, a member from the public, suggested a discussion on Audiology Aides to visually observe ears prior to screening and conducting video otoscopy or create an Audiology Assistants that can perform the task.

14. The Board will Meet in Closed Session 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 a closed session.

### 15. Adjournment

The meeting adjourned at 1:43 p.m.



## MEMORANDUM

DATE	February 4, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 6: Review and Possible Approval of the November 22, 2021 Board Teleconference Meeting Minutes

### **Background**

Attached is a draft of the meeting minutes from the November 22, 2021 Board Teleconference Meeting.

### **Action Requested**

Please review and discuss whether there are necessary corrections or additional information needed. If not, make a motion to approve the November 22, 2021 Board Meeting minutes.

Attachment: November 22, 2021 Board Meeting Minutes





**BOARD MEETING MINUTES – DRAFT**  
**Teleconference Meeting**  
**November 22, 2021**

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

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

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 9:01 a.m. Dr. Raggio called roll; five members of the Board were present and thus a quorum was established.

Board Members Present

Marcia Raggio, AuD, Board Chair  
Holly Kaiser, SLP, Vice Board Chair  
Tod Borges, HAD, Board Member  
Gilda Dominguez, SLP, Board Member  
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Lisa Snelling, Licensing Coordinator  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Michael Kanotz, DCA Legal Counsel  
Brianna Miller, DCA Executive Office  
David Bouilly, DCA Web Cast  
Sarah Irani, DCA Web Cast  
Elizabeth Coronel, DCA Web Cast  
Mike Sanchez, DCA Web Cast

Guests Present

Pablo Velez  
Maret Wilson Walker

2. Public Comment for Items not on the Agenda

Pablo Velez, Program Director with Amigo Baby from Ventura County, commented on concerns with the end of the waiver for tele supervision and its impact on Speech-Language Pathologists who use a Speech-Language Pathology Assistant to translate.

Maret Wilson Walker, Board Member with California Speech-Language Hearing Association (CSHA), commented on a letter to the Board from CSHA regarding the end of the waiver for tele supervision and the impact on consumers and providers.

### 3. Discussion and Possible Action on the Board's 2022 Sunset Review Report

Paul Sanchez opened the discussion on the Board's 2022 Sunset Review Report and expressed his gratitude for public comments and the members of the Sunset Review Ad Hoc Committee.

Mr. Sanchez opened the discussion on Section 1 regarding the background and description of the board and regulated profession. Mr. Sanchez provided a summary of the information in this section and commented on the changes to the language since the last Sunset Review Report.

Cherise Burns opened the discussion on Section 2 regarding performance measures and customer satisfaction surveys. Ms. Burns provided a summary of the information in this section and commented on the attachments associated with this section.

Mr. Sanchez opened the discussion on Section 3 regarding fiscal and staff. Mr. Sanchez provided a summary of the information in this section and commented on the current fund level and spending. Ms. Burns commented on the fee information included in the report and Budget Change Proposal for staffing.

Ms. Burns opened the discussion on Section 4 regarding the licensing program and provided a summary of the information in this section. Ms. Burns commented on the various tables associated with this section. Mr. Sanchez inquired of Ms. Burns if she can provide information on the challenges of conducting Continuing Education (CE) audits during the pandemic. Ms. Burns replied with information on the CE audit process, changes to business process due to the COVID pandemic, and the Board's plan to resume CE audits.

Dr. Raggio inquired about the problem of incomplete applications. Ms. Burns commented on checklists on each application, possible reasons for incomplete applications, and efforts the Board has made to reduce the submission of incomplete applications. Dr. Raggio commented on the consequences for incomplete applications. Ms. Burns commented on an increased workload as a result of incomplete applications and that additional measures were needed to processing incomplete applications. Ms. Burns stated that, when the Board completes its Business Modernization Project, all the required documents will be required for online applications with some exceptions such as school transcripts. Mr. Sanchez commented on the increased workload also as a result of an increasing licensing population.

Dr. Raggio inquired on the reasons for Continuing Professional Development courses not being approved. Ms. Burns replied with reasons for denied courses from what she has

seen. Mr. Sanchez stated that some courses are generally outside of the scope of practice for Hearing Aid Dispensers and are often repeated submissions of a previously denied course. Ms. Burns noted the increase in denied courses in 2021. Lisa Snelling described topics of courses that were denied by the Board.

Dr. Marcia Raggio inquired on how this Board's CE audits compare to other healing arts boards. Mr. Sanchez replied with information on this Board's workload and shared his experience with CE audits at another Board. Ms. Burns replied with her experience with CE audits at another Board.

Dr. Raggio inquired about adding language in the report to acknowledge the problem and provide a solution. Mr. Sanchez replied that there is a statement on the top of page 52.

Holly Kaiser inquired about processing incomplete applications compare to complete applications. Ms. Burns replied with information on the current office process for incomplete applications compare to complete applications. Mr. Sanchez commented on Board staff processing applications. Ms. Kaiser inquired if applicants are aware of the impact of incomplete applications. Mr. Sanchez commented on outreach to inform applicants. Ms. Burns commented on the potential issues that may occur to complete an incomplete application. Ms. Kaiser commented on providing the information on the application or website to increase applicant's awareness of the impact of incomplete application.

Mr. Sanchez opened the discussion on Section 5 regarding the enforcement program and provided a summary of the information in this section. Mr. Sanchez commented on the various tables associated with this section.

Mr. Sanchez opened the discussion on Section 6 regarding public information policies and provided a summary of the information in this section.

Mr. Sanchez opened the discussion on Section 7 regarding online practice issues and provided a summary of the information in this section.

Ms. Burns opened the discussion on Section 8 regarding workforce development and job creation. Ms. Burns provided a summary of the information in this section.

Ms. Burns opened the discussion on Section 9 regarding current issues and provided a summary of the information in this section. Mr. Sanchez inquired of Ms. Burns if she can provide a brief background on the items being discussed in this section. Ms. Burns provided a brief background on Uniform Standards, Consumer Protection Enforcement Initiative, and BreEZe.

Ms. Burns opened the discussion on Section 10 regarding Board actions and responses to COVID-19. Ms. Burns provided a summary of the information in this section.

Mr. Sanchez opened the discussion on Section 11 regarding board action and response

to prior sunset issues. Mr. Sanchez provided a summary of the information in this section and commented on the updates for all issues raised at the last Sunset Review.

Dr. Raggio commented on additional information that can be added to the update for Issue #7 on page 86. Mr. Sanchez suggested that the last sentence can be amended to include the additional information. Ms. Burns suggested to include the additional information as the last sentence in the first paragraph to say, “these funds allowed for increased enrollments (of a certain number and/or at the following schools:).

Dr. Raggio inquired for clarification on the question being asked in Issue #9. Mr. Sanchez replied that the question is explained in the Staff Recommendation. Ms. Burns commented on providing an update on the Staff Recommendation and not the issue question.

Ms. Burns opened the discussion on Section 12 regarding new issues and provided a summary of the information in this section.

Ms. Burns opened the discussion on Section 13 regarding attachments and provided a summary of the attachments associated with this report.

Dr. Raggio inquired about Attachment E. Ms. Burns replied with areas the Board should be aware of and information on how to read the data and what the data displays.

Ms. Kaiser inquired about the missing committee meeting in Table 1a. Ms. Burns noted the suggested changes to add members and their committees for October 2021.

Gilda Dominguez suggested changing the term “assessments” to “procedures” in the third paragraph on page 1. Ms. Burns noted the suggested changes.

Dr. Raggio suggested changing the term “problem” in the third paragraph on page 1. Ms. Burns suggested changing “problem” to “language difficulty”. Ms. Dominguez and Ms. Kaiser expressed their agreement with the suggested changes. Ms. Burns noted the suggested changes.

Tod Borges suggested to specify the age to the term “individuals” in the that last paragraph on page 1. Mr. Sanchez commented on the language and circumstances for younger clients. Ms. Burns suggested the language to say, “hearing aid dispensers generally work with individuals over the age of 16, but can work with younger individuals under specified circumstances.” Ms. Kaiser expressed her agreement with the suggested changes. Ms. Burns noted the suggested changes.

Dr. Raggio suggested changes to correct her name under the Audiology Practice Committee in Attachment B. Ms. Burns noted the suggested change.

Ms. Kaiser suggested changes on page 25 to Section 2 in question 7. Ms. Burns suggested the language to say, “the Environmental Scan Survey (n=900) of the Board’s

effectiveness that included responses from various external stakeholders”. Ms. Kaiser expressed her agreement with the suggested changes. Ms. Burns noted the suggested change.

There were no comments on this item from the public, outside agencies, or associations.

There was no Board discussion on the motion or comments from the public, outside agencies, or associations.

**Dr. Marcia Raggio moved to approve the Board's proposed Sunset Review Report as amended at today's Board Meeting, and authorize the Executive Officer, or his designee, to make any minor or technical changes necessary to the Report and submit it to the Assembly and Senate Joint Sunset Review Oversight Committee.**

**Tod Borges seconded the motion.**

**The motion carried 5-0.** (Ayes: Raggio, Kaiser, Borges, Dominguez, Snow)

#### 4. Election of Board Officers

Dr. Raggio opened the discussion on the election of Board Officers and inquired for any nominations for Board Chair. Ms. Kaiser nominated Dr. Raggio for Board Chair.

Mr. Sanchez inquired for additional nominations for Board Chair. No additional nominations were provided.

Mr. Sanchez inquired for public comment on the nomination for Board Chair. There were no comments from the public, outside agencies, or associations.

**Approve the nomination of Dr. Marcia Raggio as Board Chair.**

**The motion carried 5-0.** (Ayes: Raggio, Kaiser, Borges, Dominguez, Snow)

Mr. Sanchez extended his congratulations to Dr. Raggio for continuing as Board Chair. Mr. Sanchez expressed his gratitude to Dr. Raggio and Ms. Kaiser for filling the role as Board Chair and Board Vice Chair this year.

Mr. Sanchez provided a brief description of the duties performed by the Board Vice Chair. Mr. Sanchez inquired for any nominations for Board Vice Chair. Ms. Dominguez nominated Ms. Kaiser for Board Vice Chair. Ms. Kaiser accepted the nomination.

Mr. Sanchez inquired for public comments on the nomination for Board Vice Chair. There were no comments from the public, outside agencies, or associations.

**Approve the nomination of Ms. Kaiser as Board Vice Chair.**

**The motion carried 5-0.** (Ayes: Raggio, Kaiser, Borges, Dominguez, Snow)

Mr. Sanchez extended his congratulations to Ms. Kaiser for continuing as Board Vice Chair.

#### 5. Future Agenda Items and Potential Dates for Board Meetings in 2022

Dr. Raggio solicited future agenda items. Ms. Kaiser inquired about a discussion on tele supervision. Mr. Sanchez replied that he will be addressing concerns raised in a letter to the Board and suggested it can be a pending item for a future meeting if further discussion is needed.

Dr. Raggio solicited future agenda items from the public. There were no comments from the public, outside agencies, or associations.

Dr. Raggio inquired about potential dates for the Board Meetings in 2022. Ms. Burns replied with a list of potential dates for the Board Meetings in 2022:

- January 7 or 14,
- February 24 and 25 or March 3 and 4,
- May 12 and 13 or May 19 and 20,
- August 11 and 12 or August 18 and 19,
- October 27 and 28 or November 3 and 4 with October 20 and 21 as alternative.

Ms. Burns commented on the January meeting being short in order to comment on the federal regulation proposal for over-the-counter hearing aids and any other items. Ms. Burns further commented on additional meetings for the Sunset Review before the legislative hearing.

Dr. Raggio inquired about the length of the other meetings. Ms. Burns replied that Board staff anticipate half day on the first day and full day on the second day unless there are additional items for the Sunset Review that need to be addressed.

Dr. Raggio inquired about teleconference meetings. Ms. Burns replied that the current waivers were extended through January 2022 and noted that Board staff will continue to monitor public health information and the recommendations from the DCA. Mr. Sanchez commented on teleconference meetings and the length of the meetings.

Ms. Kaiser inquired about meetings in-person. Ms. Burns replied that historically the Board meets twice in Sacramento, and once in both the Bay Area and Southern California. Ms. Burns stated that the Spring and Fall meetings are generally when the Board travels outside of Sacramento. Mr. Sanchez commented on historical board meeting locations.

Ms. Kaiser requested to eliminate January 14 and August 19 as potential dates for the Board Meetings in 2022.

Ms. Dominguez requested to eliminate August 18-19 and November 3-4 as potential dates for the Board Meetings in 2022.

Ms. Burns commented on the potential August dates for the Board Meetings in 2022. Dr. Marcia Raggio inquired for public comment on the potential dates for the Board Meetings in 2022. There were no comments from the public, outside agencies, or associations.

6. The Board will Meet in Closed Session 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 a closed session.

7. Adjournment

The meeting adjourned at 11:51 a.m.



# MEMORANDUM

DATE	February 15, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Marcia Raggio, Board Chair
SUBJECT	Agenda Item 7: Board Chair's Report

The Board Chair will provide a verbal update on Board and Committee activities.

## a. 2022 Board Meeting Calendar

MEETING CALENDAR/ AGENDAS/ MINUTES					
Meeting Date	Location	Agenda	Meeting Materials	Minutes	Webcast
<b>2022</b>					
October 27-28, 2022 Board Meeting	TBD				<a href="#">Webcast</a>
August 11-12, 2022 Board Meeting	TBD				<a href="#">Webcast</a>
May 12-13, 2022 Board Meeting	TBD				<a href="#">Webcast</a>
February 25, 2022 Board Meeting	Teleconference	<a href="#">Agenda</a>			<a href="#">Webcast</a>
January 13, 2022 Board Meeting	Teleconference	<a href="#">Agenda</a>	<a href="#">Materials</a>		<a href="#">Webcast</a>



## b. Board Committee Updates and Reports

A list of current committees is provided below.

### STANDING COMMITTEES

Standing Committee composition and leadership are determined by the Board President and are fully within the scope of the Open Meetings Act. Standing Committee meetings are often held in conjunction with regularly scheduled Board Meetings.

<b>SLP PRACTICE COMMITTEE</b> <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Holly Kaiser	Chair	SLP
Gilda Dominguez	Member	SLP
Debbie Snow	Member	Public
<b>AUDIOLOGY PRACTICE COMMITTEE</b> <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Marcia Raggio	Chair	DAU
Amy White	Member	DAU
Tulio Valdez	Member	ORL/Public
Karen Chang	Member	Public
<b>HEARING AID DISPENSING COMMITTEE</b> <i>Provides policy and regulatory guidance with respect to HAD practices and recommends scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD
VACANT	Member	HAD
Marcia Raggio	Member	DAU
Amy White	Member	DAU
Tulio Valdez	Member	ORL/Public
Karen Chang	Member	Public

### AD HOC COMMITTEES

Ad Hoc Committees may be established by the Board President as needed. Composition and leadership will be appointed by the Board President. Ad Hoc Committees may include the appointment of non-Board members at the Board President's

discretion. Ad Hoc Committees are not fully within the scope of the Open Meetings act, however all recommendations made by Ad Hoc Committees must be reviewed and voted on by the Board in a public Board Meeting.

<b>SUNSET REVIEW AD HOC COMMITTEE</b> <i>Develop for the Board's review the Board's Sunset Review Report to the California Legislature</i>		
<b>Name</b>	<b>Position</b>	<b>Profession</b>
Marcia Raggio	Chair	AU
Holly Kaiser	Member	SLP
<b>ENFORCEMENT AD HOC COMMITTEE</b> <i>Review and recommend to the Board proposed revisions to the laws, regulations, and policies related to the Board's enforcement of the Boards Practice Act.</i>		
<b>Name</b>	<b>Position</b>	<b>Profession</b>
Debbie Snow	Chair	Public
Holly Kaiser	Member	SLP
<b>LEGISLATIVE AD HOC COMMITTEE</b> <i>Review and recommend to the Board proposed positions on legislation impacting the Board, its licensees, and the Board's Practice Act</i>		
<b>Name</b>	<b>Position</b>	<b>Profession</b>
Karen Chang	Chair	Public
Marcia Raggio	Member	DAU

**Legend:**

- DAU - Dispensing Audiologist
- SLP - Speech-Language Pathologist
- ORL/ENT - Otolaryngologist/Ear, Nose & Throat
- HAD - Hearing Aid Dispenser
- AU - Dispensing Audiologist

# **Hand Carry Item**

Agenda Item 8:  
Executive Officer's Report

**Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board - 0376**

**FY 2021-22 BUDGET REPORT**

February 25, 2022 Board Meeting

FM 6

OBJECT DESCRIPTION	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22				
	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (MONTH 13)	ACTUAL EXPENDITURES (Prelim FM13)	GOVERNOR'S BUDGET 2021-22	CURRENT YEAR EXPENDITURES 12.31.2021	PERCENT SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
<b>PERSONNEL SERVICES</b>									
Salary & Wages (Staff)	478,930	525,967	601,545	599,726	794,000	351,999	44%	839,182	(45,182)
Statutory Exempt (EO)	91,296	94,944	98,268	92,318	82,000	52,672	64%	105,604	(23,604)
Temp Help	8,446	224	64,729	38,449	1,000	24,582	2458%	55,112	(54,112)
Board Member Per Diem	5,100	4,700	4,600	1,700	6,000	3,100	52%	6,200	(200)
Overtime/Flex Elect	19,003	36,663	55,901	54,620	5,000	33,552	671%	67,103	(62,103)
Staff Benefits	309,624	332,488	434,247	418,932	484,000	233,300	48%	551,000	(67,000)
<b>TOTALS, PERSONNEL SVC</b>	<b>912,400</b>	<b>994,986</b>	<b>1,259,290</b>	<b>1,205,746</b>	<b>1,372,000</b>	<b>699,205</b>	<b>51%</b>	<b>1,624,202</b>	<b>(252,202)</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>									
General Expense	42,122	34,923	48,858	67,144	68,000	21,541	32%	62,138	5,862
Printing	9,772	10,587	11,227	19,251	28,000	14,240	51%	47,523	(19,523)
Communication	6,228	5,986	7,072	7,482	21,000	945	5%	7,913	13,087
Postage	25,482	19,259	7,155	1,725	12,000	3,264	27%	6,529	5,471
Insurance	20	4,040	25	158	0	0	0%	158	(158)
Travel In State	15,163	5,210	13,115	9,148	30,000	8,659	29%	13,183	16,817
Training	0	0	7,088	0	9,000	0	0%	0	9,000
Facilities Operations	73,447	86,769	101,321	82,568	99,000	56,300	57%	143,845	(44,845)
C & P Services - Interdept.	38	49	52	70	75,000	0	0%	0	75,000
Attorney General	133,121	112,665	156,882	298,782	143,000	111,484	78%	222,968	(79,968)
Office Admin. Hearings	45,135	37,170	8,025	128,785	22,000	18,619	85%	58,594	(36,594)
C & P Services - External	82,277	71,696	73,529	79,957	768,000	17,295	2%	87,958	680,042
DCA Pro Rata	339,000	392,000	367,221	355,665	545,000	411,000	75%	545,000	0
DOI - Investigations	153,000	200,000	200,908	32,198	121,000	89,250	74%	121,000	0
Interagency Services	0	0	0	2,196	29,000	50	0%	2,000	27,000
IA w/ OPES	0	500	67,039	24,264	60,000	7,602	13%	47,009	12,991
Consolidated Data Center	3,258	195	4,971	14,553	17,000	8,666	51%	17,332	(332)
Information Technology	1,240	2,013	431	5,210	171,000	4,171	2%	13,188	157,812
Equipment	3,220	0	15,400	30,670	5,000	48	1%	14,750	(9,750)
Other Items of Expense		0	113,356	2,553	0	0	0%	2,629	(2,629)
Other (Vehicle Operations)		0		0	0	0	0%	0	0
<b>TOTALS, OE&amp;E</b>	<b>1,032,524</b>	<b>1,233,062</b>	<b>1,203,675</b>	<b>1,162,379</b>	<b>2,223,000</b>	<b>762,706</b>	<b>34%</b>	<b>1,413,717</b>	<b>809,283</b>
<b>TOTAL EXPENSE</b>	<b>1,944,924</b>	<b>2,228,048</b>	<b>2,462,965</b>	<b>2,368,125</b>	<b>3,595,000</b>	<b>1,461,910</b>	<b>41%</b>	<b>3,037,919</b>	<b>557,081</b>
<b>NET APPROPRIATION</b>	<b>1,911,924</b>	<b>2,174,452</b>	<b>2,429,965</b>	<b>2,304,144</b>	<b>3,562,000</b>	<b>1,461,910</b>	<b>41%</b>	<b>3,004,919</b>	<b>557,081</b>
<b>SURPLUS/(DEFICIT):</b>									<b>15.50%</b>

**Speech-Language Pathology, Audiology, and Hearing Aid Disp  
(Dollars in Thousands) Fund Condition based on FM06**

	<b>Actual 2020-21</b>	<b>CY 2021-22</b>	<b>BY 2022-23</b>	<b>BY+1 2023-24</b>
<b>BEGINNING BALANCE</b>	\$ 1,853	\$ 1,545	\$ 976	\$ 1,289
Prior Year Adjustment	\$ -35	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,818	\$ 1,545	\$ 976	\$ 1,289
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>				
Revenues				
4129200 - Other regulatory fees	\$ 37	\$ 39	\$ 36	\$ 36
4129400 - Other regulatory licenses and permits	\$ 361	\$ 472	\$ 529	\$ 529
4127400 - Renewal fees	\$ 1,766	\$ 2,092	\$ 2,289	\$ 2,289
4121200 - Delinquent fees	\$ 29	\$ 29	\$ 27	\$ 27
4171400 - Canceled Warrants Revenue	\$ 5	\$ 3	\$ 8	\$ 8
4163000 - Income from surplus money investments	\$ 10	\$ 3	\$ 6	\$ 7
Totals, Revenues	\$ 2,208	\$ 2,638	\$ 2,895	\$ 2,896
General Fund Transfers and Other Adjustments				
<b>TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>	\$ 2,208	\$ 2,638	\$ 2,895	\$ 2,896
<b>TOTAL RESOURCES</b>	\$ 4,026	\$ 4,183	\$ 3,871	\$ 4,185
<b>EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>				
Expenditures:				
1111 Program Expenditures (State Operations)	\$ 2,304	\$ 3,011	\$ 2,400	\$ 2,472
9892 Supplemental Pension Payments (State Operations)	\$ 38	\$ 38	\$ 38	\$ 38
9900 Statewide Pro Rata	\$ 139	\$ 158	\$ 144	\$ 144
<b>TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS</b>	\$ 2,481	\$ 3,207	\$ 2,582	\$ 2,654
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 1,545	\$ 976	\$ 1,289	\$ 1,531
Months in Reserve	5.8	4.5	5.8	6.9

**NOTES:**

Assumes workload and revenue projections are realized in BY +1 and ongoing.  
Expenditure growth projected at 3% beginning BY +1.  
CY revenue and expenditures are projections.

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

LICENSES ISSUED	FY15/16	FY16/17	FY17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
							QTR 2
AU	48	53	77	63	63	71	56
DAU	26	24	30	35	31	23	12
AUT	0	0	2	4	3	1	3
SLP	1,352	1,457	1,482	1,446	1,444	1,621	984
SPT	0	0	0	0	0	0	0
SLPA	606	501	558	602	615	505	324
RPE	834	897	945	977	1,059	1,039	798
AIDE	44	44	33	32	44	22	21
PDP	22	21	20	15	5	13	7
HAD Permanent	140	120	137	135	95	55	41
HAD Trainee	180	152	169	156	116	93	70
HAD Licensed in Another State	16	16	20	17	12	11	11
HAD Branch	407	315	341	333	312	249	128
<b>TOTAL LICENSES ISSUED</b>	<b>3,675</b>	<b>3,600</b>	<b>3,814</b>	<b>3,815</b>	<b>3,799</b>	<b>3,703</b>	<b>2,455</b>

LICENSEE POPULATION	FY15/16	FY16/17	FY17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
							QTR 2*
AU	556	698	720	831	837	830	855
DAU	1,045	1,211	1,246	1,334	1,384	1,375	1,406
<i>Both License Types</i>	<i>1,601</i>	<i>1,909</i>	<i>1,966</i>	<i>2,165</i>	<i>2,221</i>	<i>2,205</i>	<i>2,261</i>
AUT	0	0	2	4	7	8	8
SLP	14,860	18,024	19,161	21,374	22,527	23,309	24,321
SPT	0	0	0	0	0	0	0
SLPA	2,795	3,752	4,118	4,822	5,297	5,538	5,735
RPE	806	1,174	1,232	1,364	1,595	1,626	1,760
AIDE	133	235	216	245	273	290	306
HAD	996	1,179	1,266	1,380	1,407	1,398	1,429
HAD Trainees	158	238	204	214	237	243	266
HAD Licensed in Another State	18	18	28	31	42	47	58
HAD Branch Office	963	1,409	1,297	1,347	1,401	1,411	1,382
<b>TOTAL LICENSEES</b>	<b>22,330</b>	<b>27,938</b>	<b>29,490</b>	<b>32,946</b>	<b>35,007</b>	<b>36,075</b>	<b>37,526</b>

\* Data as of February 11, 2022

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board  
Enforcement Report

<b>COMPLAINTS AND CONVICTIONS</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>
	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Q2 2021-22</b>
Complaints Received	329	158	164	91	33
Convictions Received	128	124	103	45	25
Average Days to Intake	2	1	1	5	5
Closed	10	5	17	2	0
Pending	1	1	1	6	3

<b>INVESTIGATIONS Desk</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>
	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Q2 2021-22</b>
Assigned	446	273	260	131	59
Closed	388	188	189	193	82
Average Days to Complete	102	148	222	380	516
Pending	126	198	260	198	171

<b>INVESTIGATIONS DOI</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>
	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Q2 2021-22</b>
Assigned	17	13	9	0	0
Closed	19	12	10	8	3
Average Days to Complete	462	752	770	839	1,300
Pending	19	20	19	11	9

<b>ALL TYPES OF INVESTIGATIONS</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>
	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Q2 2021-22</b>
Closed w/o Discipline Referral	386	183	181	187	83
Cycle Time - No Discipline	115	184	251	368	486

<b>CITATIONS/ CEASE &amp; DESIST</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>
	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Q2 2021-22</b>
Citations Issued	26	16	11	6	2
Avg Days to Citation & Fine	82	155	336	429	669
Cease & Desist Letters Issued	3	1	0	2	0

<b>ATTORNEY GENERAL CASES</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>	<b>FISCAL YEAR</b>
	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Q2 2021-22</b>
Pending at the AG	22	21	23	21	15
Accusations Filed	5	4	8	8	3
Statement of Issue (SOI) Filed	2	5	1	2	0
Accusation Withdrawn, Dismissed, Declined	4	3	1	0	1
SOI Withdrawn, Dismissed, Declined	0	4	1	0	0
Average Days to Discipline	780	1,741	824	2,245	1,189

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board  
Enforcement Report

<b>ATTORNEY GENERAL FINAL OUTCOME</b>	<b>FISCAL YEAR 2017-18</b>	<b>FISCAL YEAR 2018-19</b>	<b>FISCAL YEAR 2019-20</b>	<b>FISCAL YEAR 2020-21</b>	<b>FISCAL YEAR Q2 2021-22</b>
Probation Only	4	4	5	1	0
Surrender of License	3	1	3	3	0
License Denied (SOI)	3	2	1	0	0
Suspension & Probation	0	1	0	0	1
Revocation-No Stay of Order	3	1	3	2	4
Public Reprimand/Reproval	1	0	0	0	0





# MEMORANDUM

DATE	February 15, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Assistant Executive Officer
SUBJECT	Agenda Item 10: Update on Speech and Hearing Related DCA Waivers related to the COVID-19 State of Emergency

## **Background**

Pursuant to the Governor's Executive Order [N-39-20](#), during the State of Emergency, the director of the Department of Consumer Affairs (DCA) may waive any statutory or regulatory requirements with respect to a professional license issued pursuant to Division 2 of the Business and Professions Code.

After the issuance of the Governor's Executive Orders, Board staff worked quickly to identify waivers necessary for applicants and licensees and developed and submitted waiver request proposals for review and consideration by the DCA Director. Note, waiver requests submitted by the Board may differ from the final waiver language approved by DCA. During the pandemic, DCA has worked with the Board to ensure that all approved waivers that are still needed are extended.

At this time, DCA Waivers have been wound down and the currently active DCA waivers below are not expected to be extended by DCA further than their current expiration dates.

Below is an update on the waivers that affect Board licensees.

### **a. Active Waivers Approved by DCA**

- i. Modification of Reactivation Requirements for Speech-Language Pathologists (DCA-22-212)** – Originally approved March 31, 2020 and extended on September 17 and December 15, 2020, July 1, and August 31, 2021, and January 11, 2022. This waived the continuing education (CE) and fees associated with reactivation for Speech-Language Pathologists who have been in a Retired, Inactive, or Cancelled status for no longer than five (5) years. The reactivation of licenses under this waiver is valid until April 1, 2022.
- ii. Modification of the Direct Monitoring Requirements for Required Professional Experience (RPE) Licenses and the Direct Supervision Requirements for Speech-Language Pathology Assistant (SLPA) Licenses (DCA-22-214)** – Originally approved May 6, 2020 and extended on

July 1, August 27, October 22, and December 15, 2020, and February 26, April 30, July 1, and August 31, 2021 and January 11, 2022. This waived the in-person supervision requirements for Required Professional Experience (RPEs) and Speech-Language Pathology Assistants (SLPAs) through March 31, 2022.

**b. Expired Waivers Previously Approved by DCA**

- i. **Modification of Continuing Education Requirements for All Licensees (DCA-21-194)** – Originally approved March 31, 2020 and extended on July 1, August 27, October 22, December 15 of 2020, and on February 26, March 30, June 3, July 26, and September 28 of 2021. This waived CE or examination requirements for renewal for 6 months from the date of each order (currently through March 28, 2022) and applied only to Active licensees that expire between March 31, 2020 and October 31, 2021. NOTE: These waivers do not waive the self-study restrictions in the Board's CE/CPD requirement.
- ii. **Modification of the Limitations on Renewing of Hearing Aid Dispenser (HAD) Temporary Licenses and HAD Trainee Licenses (DCA-21-188)** – Originally approved May 29, 2020 and extended on September 17, and December 15 of 2020, and February 26, April 30, July 1, and August 31 of 2021. This waived the statutory limitations on renewing Hearing Aid Dispenser (HAD) Temporary Licenses and the limitation on the number of times a HAD Trainee license can be renewed. Specifically, this waiver removes the limitation that HAD Temporary Licenses cannot be renewed in Business and Professions Code (BPC) section 2538.27(b) and removes the limitation that HAD Trainee Licenses cannot be renewed more than twice in BPC section 2538.28(c). DCA-20-16 authorizes the Board to extend the expiration date of HAD Temporary Licenses and HAD Trainee Licenses by six (6) months for eligible licensees. This waiver only applies to HAD Temporary Licenses that expire between March 31, 2020 through October 31, 2021 and HAD Trainee Licenses that have been renewed twice and expire between October 31, 2020 through August 31, 2021.
- iii. **Modification of Limitations and Requirements for Extension of RPE Licenses (DCA-21-171)** – Originally approved July 17, 2020 and extended on September 17, and December 15 of 2020, and on February 26, April 30, July 1, and August 31 of 2021. This waived the limitation that an RPE License cannot be reissued for more than 12 months in Title 16 California Code of Regulations (CCR) section 1399.153.10(a) and waives the associated fee. The waiver also removes the limitation that a Speech-Language Pathology or Audiology RPE License cannot be reissued or extended due to the licensee's inability to take and pass the licensing examinations in 16 CCR section 1399.153.10(a). The waiver authorizes the Board to extend an already reissued RPE License for an additional six (6) months without paying the \$35 application fee and to approve an RPE License reissuance for the purposes of taking and passing the respective licensing examinations in Speech-Language Pathology and Audiology. The 6-month extension and fee waiver allowed by this waiver for an already reissued RPE License only applies to RPEs who have a reissued RPE License that would expire between March 31, 2020 and October 31, 2021. The allowance for RPE Licenses to be reissued due to the RPE License holder's

inability to take and pass the licensing examinations applies to all RPE License holders who have not already had their RPE License reissued before October 31, 2021.

**Action Requested**

This item is for informational purposes only, no action is required.



# MEMORANDUM

DATE	February 16, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Agenda Item 11: Update on the Board's 2022 Sunset Review

## **Background**

Each year, the Assembly Business and Professions Committee and the Senate Business, Professions, and Economic Development Committee hold joint Sunset Review oversight hearings to review the boards and bureaus under the Department of Consumer Affairs (DCA). The sunset review process provides an opportunity for DCA, the Legislature, the boards and bureaus, and stakeholders to discuss the performance of the boards and bureaus, make recommendations for improvements, and extend the sunset date of a board or bureau.

The sunset date of a board or bureau is decided by the Legislature. Typically, if there aren't any major concerns or deficiencies with a board or bureau, the Legislature will set a four-year sunset date. The Board's sunset date and provisions can be found in Business and Professions Code section 2531. The Board's sunset date was initially set at January 1, 2022, which would have had our Sunset Review oversight hearing scheduled for Spring 2021; however, due to the COVID-19 pandemic and delays in the 2020 Sunset Review oversight hearings, the sunset date for our Board was extended by a year until January 1, 2023, which puts our Sunset Review oversight hearing in Spring of 2022.

## **Update**

The Board completed the Sunset Review Report at its November 2021 Board Meeting and submitted the final report to both the Assembly Business and Professions and Senate Business, Professions, and Economic Development Committee on January 5, 2022.

In the Spring of 2022 the Board will be scheduled to attend a Sunset Review oversight hearing, we currently do not have a hearing date scheduled yet. This hearing is usually attended by the Board Chair, Vice Chair, and Executive Officer. The Board will be asked a number of questions by legislators on the committees based on issues raised in the Sunset Review Report.

Following the Sunset Review oversight hearing, Board staff will work with the staff of the Assembly Business and Professions and Senate Business, Professions, and Economic Development Committees to address any issues raised by the legislators. The Committees

will then draft and introduce Sunset Bills that will make any necessary legislative changes as well as set the Board's new sunset date.

After the Sunset Bills have been approved by both houses of the legislature and signed by the Governor, the Board's new sunset date and changes to its Practice Act will go into effect on January 1, 2023..

**Action Requested**

This item is for informational purposes only, no action is required.



# MEMORANDUM

DATE	February 4, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Agenda Item 12: Update on Board's Filing of Public Comment Regarding U.S. Food and Drug Administration Proposed Rule on Medical Devices; Ear, Nose and Throat Devices; Establishing Over-the-Counter Hearing Aids

## **Background**

The U.S. Food and Drug Administration (FDA) Reauthorization Act of 2017 established a category of over-the-counter (OTC) hearing aids and required the FDA to promulgate the regulatory requirements that will apply to them. To establish the OTC category and realign other regulations for hearing aids to reflect the new category, the FDA published proposed regulations for public comment and will eventually publish final regulations, taking public comments into account.

At its January 13, 2022 meeting, the Board discussed the FDA's proposed regulations for OTC Hearing Aids and delegated to the Board Chair and Executive Officer the responsibility of combining and submitting the Board's comments prior to the end of the public comment period.

Board staff submitted the Board's comments on January 18, 2022, which was publicly posted on Regulations.gov by the FDA on January 20, 2022.

Attachment: Board's Comments on Proposed Rules: Docket No. FDA- 2021-N-0555 for Establishing Over-the-Counter Hearing Aids



January 18, 2022

Janet Woodcock, MD, Acting Commissioner  
Dockets Management Staff (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852.

RE: Public Comment on Proposed Rules: Docket No. FDA- 2021-N-0555 for  
Establishing Over-the-Counter Hearing Aids

Dear Acting Commissioner Woodcock:

The California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) appreciates the opportunity to comment on the U.S. Food and Drug Administration (FDA) proposed rules for establishing over-the-counter (OTC) hearing aids.

The Board is a state agency vested with the authority to regulate the practices of speech-language pathology, audiology, and hearing aid dispensing and regulates approximately 35,000 licensees in the State of California. The Board's mandate and its mission is to protect the public while exercising its licensing, regulatory, and disciplinary functions. The Board protects the public by setting entry-level licensing standards, which includes examination requirements that measure a candidate's professional knowledge and clinical abilities, ensure basic competence and are consistent with the demands of the current delivery systems. In relation to the fitting and sale of hearing aids, this includes requiring individuals who wish to fit and sell hearing aids to demonstrate safe practices when performing hearing testing and taking ear impressions. Additionally, to protect the public, the Board is authorized to discipline licensees who endanger the health, welfare, and safety of the public.

The Board understands the FDA's effort to address the barriers that impede the use of hearing aids in the US and the FDA's effort to establish regulations for the sale and use of OTC hearing aids. The Board reviewed the proposed regulations and believes the language does not impede the Board's regulation of its licensees or the enforcement of California law in relation to its licensees. While the Board's ability to continue regulating the fitting and sale of prescription hearing aids is a critical consumer protection, the ability of individuals to sell, dispense, distribute, or provide customer support for OTC hearing aids without a license creates a potential for consumer harm. Therefore, the Board has significant concerns regarding the proposed regulatory language.

## **Concern #1: The use of the term “dispenser” in the Over-the-Counter Hearing Aid Controls would likely create confusion for consumers**

Proposed Code of Federal Regulations, Title 21, Part 801, Section (hereafter “Section”) 801.422(b) would define “Dispenser” as “any person as defined in section 201(e) of the Federal Food, Drug, and Cosmetic Act, engaged in the sale of prescription hearing aids to any member of the consuming public or any employee, agent, salesperson, and/or representative of such a person.” Therefore, the use of “dispenser” in the Over-the-Counter hearing aid provisions in Section 800.30, subdivisions (b) and (h)(2)(C) is inappropriate and would likely create confusion for consumers that the dispenser is licensed. The misuse of the word “dispenser” in the proposed regulations disregards the common use of this term associated with professionally-fit prescription hearing aids, and could create major difficulties for states in applying laws related to the licensing and the sale of prescription hearing aids.

Proposed Section 800.30(b) would provide that “A person that represents as a marketer, seller, **dispenser**, distributor, or customer service support representative (or an equivalent description) is not a “licensed person” solely by making such representations.” (Emphasis added). Similarly, Section 800.30(h)(2)(C) would provide that “A person shall not incur specialized obligations by representing as a servicer, marketer, seller, **dispenser**, customer support representative, or distributor (or an equivalent description) of OTC hearing aids. However, a person representing as any other defined professional or establishment, or as a State licensed dispenser, is subject to applicable State and local requirements even if the person undertakes commercial or professional activities only in relation to OTC hearing aids.” (Emphasis added).

Under the proposed regulations, while those selling OTC hearing aids may be allowed to dispense OTC hearing aids under the Federal Food, Drug, and Cosmetic Act, allowing these individuals to represent themselves as “dispensers” connotes a higher level of knowledge and skill to assist consumers and may create confusion as to who is allowed under federal law to sell prescription hearing aids. In California, the term “hearing aid dispenser” is used to describe a licensed individual and an unlicensed person may not advertise as a dispenser unless they hold a hearing aid dispenser license. (California Business and Professions Code sections 2538.14 and 2538.20). According to the FDA’s proposed regulations, the use of the word “dispenser” alone would not imply licensure, which may impact the Board’s ability to issue citations to unlicensed individuals relating to the use of the title “Hearing Aid Dispenser” if they, in fact, are only dispensing OTC hearing aids.

**Recommendation:** The Board suggests the removal of the word “dispenser” as it relates to OTC hearing aids to make clear that those selling OTC hearing aids are not licensed dispensers.



## **Concern #2: Additional general consumer protections are needed for OTC Hearing Aid outside packaging label requirements**

In proposing the outside package labeling requirements, the FDA stated that it believes “this information empowers consumers and answers threshold questions about the suitability of purchasing an OTC hearing aid for their hearing needs.” However, the Board believes that it is unrealistic for the FDA to expect that the extensive outside package labeling requirements will empower consumers without an established minimum font size. Due to the fact that the most likely consumer of OTC hearing aids would be elderly individuals, federal regulations should engender protections for these vulnerable consumers so that the outside package labeling, which will most likely be read prior to purchase of the device, is readable and understandable. Without an established minimum font size, the extensive guidance suggested for the OTC hearing device outside package labeling may be printed in small font size so that the manufacturer need not utilize larger packaging.

The proposed regulations would also not include a consumer notification regarding locked or proprietary programming software that could limit the utility of the OTC hearing aid to the consumer. Consumers are harmed when they, often unknowingly, purchase hearing aids that cannot be serviced or managed in a wide geographic location. Essentially this renders the hearing aid unmanageable unless the consumer can return to the place where it was originally purchased or the specified manufacturer.

To address this problem for prescription hearing aids, the Board sponsored state legislation in 2020 that enacted California Assembly Bill 435 (Chapter 266, Statutes of 2021), which requires dispensers of hearing aids with locked software to provide consumers with a written disclosure that informs the consumer of limitations regarding adjustments to their hearing aid and other related services caused by the locked software. The disclosure states as follows: “The hearing aid being purchased uses proprietary or locked programming software and can only be serviced or programmed at specific facilities or locations.” (California Business and Professions Code sections 2538.35 and 2539.4).

Without similar labeling requirements for OTC hearing aids that warn the consumer of locked or proprietary programming features, the use of locked or proprietary software may create barriers for consumers trying to obtain hearing aid adjustments or software updates. The proposed regulations should have protections such that consumers are made aware that the OTC hearing aid they are purchasing has locked or proprietary programming features that is only programmable by the specified manufacturer or authorized retailer.

**Recommendation:** The Board suggests establishing a minimum font size for outside package labeling to ensure that the information is readable and understandable for the most likely consumers of OTC hearing aids.

**Recommendation:** The Board suggests including a warning label on the outside package to inform consumers if the OTC hearing aid contains locked or

proprietary programming features that may limit how and where they can get programming assistance with the OTC hearing aid.

### **Concern #3: Lack of a federal return policy diminishes consumer protection**

Proposed Section 800.30(h)(3) provides that the proposed regulations would not “modify or otherwise affect the ability of any person to exercise a private right of action under any State or Federal product liability, tort, warranty, contract, or consumer protection law.” However, the proposed regulations do not specifically require that OTC hearing aids have a minimum federally consistent return policy. While many well-established retailers may offer a return policy, if online sellers and small store front sellers do not offer a return policy, the consumer will have to use private civil remedies to ensure they can return the OTC hearing aid and be refunded the amount paid since the Board would not have jurisdiction if the seller of the OTC hearing aid is not licensed by the Board. For vulnerable consumers, suing the seller to get a few hundred dollars back may not be a viable option and thus the consumer is ultimately harmed.

**Recommendation:** The Board suggests a minimal standard of return policy in the regulations governing OTC hearing aids and that this information be provided to consumers on the Outside Package Labeling prior to the “Manufacturer’s return policy” in proposed Section 800.30(c)(1)(i)(F). The Board also recommends that the “Manufacturer’s return policy” include a phone number and web address where consumers can contact the manufacturer regarding returns.

### **Concern #4: Potential for Consumer Harm from lack of Gain Limits and/or warning on the dangers of prolonged use of upper limit output**

The proposed regulations would require the maximum OSPL90 output level to be 115 dB sound pressure level (SPL) and would permit a limit of 120 dB SPL if an input-controlled compression and a user adjustable device volume control were included features of the OTC hearing aid device. The FDA argues that this would allow ample time for a user to “take appropriate action to mitigate unacceptably high sound levels” such as “adjusting the volume, turning the device off, removing the device from the ear, or moving out of the loud environment.” A further justification for not requiring a gain limit is that it, “may unduly constrain the design of effective devices.” The proposed rule also provides that the FDA does “not believe a separate, additional gain limit is necessary to provide reasonable assurance of safety and effectiveness” and “that the NASEM report does not recommend any limit on gain for OTC devices, only on maximum output.”

The Board believes that it is unrealistic for the FDA to expect consumers to react before being at risk for noise-induced hearing loss due to the fact that the most likely consumer of OTC hearing aids will be elderly individuals who may have reduced cognition, mobility, and/or dexterity. In addition, there is considerable research available, as well, that finds that individuals of any age will have difficulty determining the danger of loud sounds to their hearing. Without a proposed gain limit or range, an output limit only places consumers at risk of overamplification and permanent hearing damage, tinnitus,

and loudness discomfort. Particularly since the guidance does not require that OTC devices have volume controls, by having gain limits or a gain range, appropriate device use would not have to rely on the ability of potentially vulnerable consumers, who may not recognize that sound is too loud in a timely way or who don't have the ability to implement the suggested mitigating strategies. While a low and high gain range is recommended, at a minimum, the gain requirement for a mild-moderate hearing loss is 25dB (2cc coupler, 50dB SPL input level, ANSI S3.22-2014), although gain is typically determined by the exact degree of hearing loss and at which frequencies.

**Recommendation:** The Board suggests that the FDA, at a minimum, should have a warning on the outside package to advise consumers of the danger of prolonged exposure to the upper limit output and amend the text in in proposed Section 800.30(c)(2)(i)(B) to include an identical warning on the inside packaging, as well as require a gain limit of 25dB or a low and high gain limit range.

**Concern #5: Age verification at the time of purchase provides further protection to the hearing health of people younger than 18 years of age.**

The proposed regulations would establish a condition for the sale of OTC hearing aids that would prevent the sale to people younger than 18 years of age in an effort to provide reasonable assurance of safety and effectiveness. However, it would not require sellers to verify the age of purchasers, or in the case of online or mail-order sales, the age of the recipient. The Board believes that a requirement that sellers verify the age of purchasers at the time of purchase would best protect the hearing health of people younger than 18 years while promoting access to OTC hearing aids. This type of quick age verification is neither overly burdensome nor creates barriers to accessing OTC hearing aids.

**Recommendation:** The Board suggests requiring age verification at the time of purchase as an added consumer protection measure.

The Board thanks the FDA for its consideration of these significant comments and looks forward to the FDA's response. Should you have any questions, please contact Paul Sanchez, Executive Officer, at (916) 905-5452 or paul.sanchez@dca.ca.gov.

Sincerely,

Original signature on file

Marcia Raggio, Ph.D., Board Chair  
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

cc: Paul Sanchez, Executive Officer, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board



# MEMORANDUM

DATE	February 16, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 13: 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 or Adopt Regulations Regarding Speech-Language Pathology Assistants Requirements (As Stated in Title 16, CCR section 1399.170 through 1399.170.18)**

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved regulatory language on August 13, 2021. 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. Once these regulatory documents are completed, the regulatory proposal is submitted to DCA Legal for the pre-review process.

b) **Discussion and Possible Action to Adopt Regulations Regarding Uniform Standards Related to Substance-Abusing Licensees (As Stated in Title 16, CCR sections 1399.102, 1399.131, 1399.131.1, 1399.155 and 1399.151.1)**

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved regulatory language on August 13, 2021. 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. Once these regulatory documents are completed, the regulatory proposal is submitted to DCA Legal for the pre-review process.

c) **Discussion and Possible Action to Initiate a Rulemaking and Amend or Adopt Title 16, CCR sections 1399.153 and 1399.153.3 Regarding Required Professional Experience Direct Supervision Requirements and Tele-Supervision**

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

On August 24, 2021 Board staff submitted the complete regulatory proposal to DCA to start the Initial Departmental Review process. Board staff are working with DCA on requested changes to the regulatory documents. Once completed, DCA will submit the regulatory documents to the Business, Consumer Services and Housing Agency for review.

d) **Discussion and Possible Action to Adopt Regulations Regarding Dispensing Audiologist Examination Requirement (As Stated in Title 16, CCR section 1399.152.4)**

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal is in the Regulation Development phase. Board staff are working with DCA Legal to address any concerns with the Board-approved regulatory text. Once the regulatory text is ready, Board staff will have the Board review and discuss the regulatory text at a future Board meeting.

e) **Discussion and Possible Action to Amend Regulations Regarding Board Location and Processing Times (As Stated in Title 16, CCR section 1399.101, 1399.113, 1399.150.1, 1399.151.1, 1399.160.6, and 1399.170.13)**

Regulation Development	Preparing Regulatory Package	Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	---------------------	------------------------------	--------------

The Board approved regulatory language on October 8, 2021. Board staff are working on preparing the required regulatory documents including the Written Statement of Explanation. Once these regulatory documents are completed, the regulatory proposal is submitted to DCA Legal for the review process as a Section 100 Change without Regulatory Effect.

f) **Discussion and Possible Action Regarding Continuing Professional Development Requirements for Speech-Language Pathologists, Audiologists, and Dispensing Audiologist (As Stated in Title 16, CCR sections 1399.160, 1399.160.1, 1399.160.2, 1399.160.3, 1399.160.4, and 1399.160.7)**

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal is in the Regulation Development phase. Board staff are working with DCA Legal to address any concerns with the regulatory text. Once the regulatory text is ready, Board staff will have the Board review and discuss the regulatory text at a future Board meeting.

**g) Discussion and Possible Action to Amend Regulations Regarding Notice to Consumer (As Stated in Title 16, CCR, Section 1399.129 and 1399.157.1)**

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal is in the Regulation Development phase. Revisions to Board-approved regulatory text requires review and approval by the Board. See the separate memo for this regulatory proposal



# MEMORANDUM

DATE	February 16, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 13(g): Discussion and Possible Action Regarding Notice to Consumer (As Stated in Title 16, CCR, Section 1399.129 and 1399.157.1)

## **Background**

This proposed regulatory package is a Board-approved language that has been amended to include changes identified by Board staff and Department of Consumer Affairs (DCA) Legal Counsel and requires Board review and approval. This proposed regulation will begin the process to implement, interpret, and make specific the provisions of Business and Professions Code (BPC) Section 138 (Chapter 879, Statutes of 1998).

To increase consumer protection, the Legislature enacted BPC Section 138 which mandates that individuals regulated by this Board notify their consumers that they are licensed in the State of California. It also mandates that this Board implement, interpret, and make specific the provisions of BPC Section 138 through the rulemaking process to begin on or before June 30, 1999.

Due to governance structure changes, which culminated in 2010, and limited staff resources, the progress to adopt into regulations the provisions of BPC Section 138 have been delayed. In the Board's 2016-2020 Strategic Plan, the Board identified as one of its outreach objectives as: "require practitioners to display a consumer notice at the practitioner's point of service regarding the roles and responsibilities of the Board." At its May 2017 meeting, the Board expressed its desire to promulgate regulations that require its licensees to give notice to consumers regarding the Board's oversight of its licensees. The Board adopted proposed regulatory language at its August 2017 meeting, which were amended at its February 2018 meeting.

On January 24, 2022 Board staff submitted revisions of the adopted proposed text to the DCA for review. Board staff and DCA Legal Counsel identified changes to the regulatory language for review and discussion by the Board.

## **Summary of Changes**

The most recent proposed changes are highlighted in yellow and include the following:

- Amended the phone number to the new Board office phone number in sections 1399.128 and 1399.157.1.
- Added language to include representatives in sections 1399.129(b)(2) and (b)(3) and sections 139.157.1(c)(2) and (c)(3).
- Added language to include a minimum font size for the written statement in sections 1399.129(b)(2) and 1399.157.1(c)(2). This is a placeholder for if the Board wishes to add a font size to this notice method.
- Language was removed from section 1399.157.1(b) to make it consistent with other parts of the proposed regulation.

## **Action Requested**

Staff recommends the Board review and discuss the provided materials. The Board may wish to approve the regulatory language to initiate the rulemaking process.

### *Suggested Motion Language*

Move to approve the proposed regulatory text for Sections 1399.129 and 1399.157.1, 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, and if no adverse comments are received, 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 and adopt the proposed regulations at Sections 1399.129 and 1399.157.1 as noticed.

Attachment A: Revised Notice to Consumer Proposed Language

Attachment B: Notice to Consumer Proposed Language as Adopted February 9, 2018



**PROPOSED REGULATORY LANGUAGE**  
**Notice to Consumers**

**Amend section 1399.129 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:**

**§ 1399.129. ~~Application and Certificate Fees.~~ ~~[Repealed]~~ Notice to Consumers.**

(a) A licensee engaged in the practice of fitting or selling hearing aids shall provide notice to each client or patient of the fact that the licensee is licensed and regulated by the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board. The notice shall include the following statement:

“NOTICE TO CONSUMERS  
Hearing Aid Dispensers, Hearing Aid Temporary Licensees,  
Hearing Aid Trainees, and Dispensing Audiologists  
are licensed and regulated by the Speech-Language  
Pathology & Audiology & Hearing Aid Dispensers Board  
(916) 287 7915  
[www.speechandhearing.ca.gov](http://www.speechandhearing.ca.gov)”

(b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in each of the practice locations the licensee provides services. The notice shall be in a conspicuous location and accessible to public view. It shall be in at least 48-point type in Arial font.

(2) Providing the client or patient, or the client’s or patient’s representative, with the notice in a written statement in at least 12-point type. An acknowledgement, stating the client or patient, or the client’s or patient’s representative, received the notice shall be signed and dated by the client or patient or the client’s or patient’s representative. The acknowledgment shall be retained in the client’s or patient’s records demonstrating receipt.

(3) Providing the notice on a written receipt where the notice is placed immediately above the signature line for the client or patient, or the client’s or patient’s representative, in at least 14-point type.

NOTE: Authority cited: ~~Section 3328~~ Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section ~~3456~~ 138, Business and Professions Code.

**Amend section 1399.157.1 of Article 8 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:**

**§ 1399.157.1. ~~Professional Corporation Fees. [Renumbered]~~ Notice to Consumers.**

(a) A licensed Speech-Language Pathologist, Speech-Language Pathology Assistant, Required Professional Experience Licensee, or Speech-Language Pathology Aide shall provide notice to each patient of the fact that the licensee is licensed and regulated by the Speech-Language Pathology & Audiology & Hearing Aid Board. The notice shall include the following statement:

“NOTICE TO CONSUMERS  
Speech-Language Pathologists, Speech-Language Pathology Assistants,  
Required Professional Experience Licensees, and Speech-Language Pathology Aides  
are licensed and regulated by the  
Speech-Language Pathology & Audiology &  
Hearing Aid Dispensers Board  
(916) 287 7915  
www.speechandhearing.ca.gov”

(b) A licensed Audiologist, Required Professional Experience Licensee, and Audiology Aide shall provide notice to each patient of the fact that the licensee is licensed and regulated by the Speech-Language Pathology & Audiology & Hearing Aid Board. The notice shall include the following statement:

“NOTICE TO CONSUMERS  
Audiologists, Required Professional Experience Licensees,  
and Audiology Aides are licensed and regulated by the  
Speech-Language Pathology  
& Audiology & Hearing Aid Dispensers Board  
(916) 287 7915  
www.speechandhearing.ca.gov”

(c) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in each of the practice locations the licensee provides services. The notice shall be in a conspicuous location and accessible to public view. It shall be in at least 48-point type in Arial font.

(2) Providing the client or patient, or the client’s or patient’s representative, with the notice in a written statement in at least 12-point type. An acknowledgement, stating the client or patient, or the client’s or patient’s representative, received the notice shall be signed and dated by the client or patient or the client’s or patient’s representative. The acknowledgment shall be retained in the client’s or patient’s records demonstrating receipt.

(3) Providing the notice on a written receipt where the notice is placed immediately above the signature line for the client or patient, or the client's or patient's representative, in at least 14-point type.

Note: Authority cited: ~~Sections 2531.25, 2536.7 and 2537.7~~Section 2531.95, Business and Professions Code. Reference: ~~Sections 2536.1, 2536.3, 2536.4, 2537.1, 2537.3 and 2537.4~~Section 138, Business and Professions Code.

# Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

## Title 16, Chapters 13.3 and 13.4 Speech-Language Pathology and Audiology and Hearing Aid Regulations Article 5. Miscellaneous and Article 8. Miscellaneous

### Proposed Language

The proposed language is all new text

Add Section 1399.129. of Division 13.3, Title 16 of the California Code of Regulations to read as follows:

### Article 5. Miscellaneous

#### 1399.129. Notice to Consumers Application and Certificate Fees

- (a) A licensee engaged in the practice of fitting or selling hearing aids shall provide notice to each client or patient of the fact that the licensee is licensed and regulated by the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board. The notice shall include the following statement:

#### “NOTICE TO CONSUMERS

Hearing Aid Dispensers, Hearing Aid Temporary Licensees,

Hearing Aid Trainees, and Dispensing Audiologists

are licensed and regulated by the Speech-Language

Pathology & Audiology & Hearing Aid Dispensers Board

(916) 263 2666

[www.speechandhearing.ca.gov](http://www.speechandhearing.ca.gov)”

- (b) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in each of the practice locations the licensee provides services. The notice shall be in a conspicuous location and accessible to public view. It shall be in at least 48-point type in Arial font.

(2) Providing the client or patient, or the client or patient’s representative, with the notice in a **written statement**. An acknowledgement, stating the **client or patient** received the notice shall be signed and dated by the client or patient or the client or patient’s

representative. The acknowledgment shall be retained in the client or patient's records demonstrating receipt.

(3) Providing the notice on a written receipt where the notice is placed immediately above the signature line for the **client or patient** in at least 14-point type.

NOTE: Authority cited: **Section 2531.95**, Business and Professions Code; Reference: Section 138, Business and Professions Code

The proposed language is all new text

Add Section 1399.157.1. of Division 13.4, Title 16 of the California Code of Regulations to read as follows:

## Article 8. Miscellaneous

### 1399.157.1. Notice to Consumers ~~Professional Corporation Fees~~

(a) A licensed Speech-Language Pathologist, Speech-Language Pathology Assistant, Required Professional Experience Licensee, or Speech-Language Pathology Aide shall provide notice to each patient of the fact that the licensee is licensed and regulated by the Speech-Language Pathology & Audiology & Hearing Aid Board. The notice shall include the following statement:

#### "NOTICE TO CONSUMERS

Speech-Language Pathologists, Speech-Language Pathology Assistants,  
Required Professional Experience Licensees, and Speech-Language Pathology Aides  
are licensed and regulated by the  
Speech-Language Pathology & Audiology &  
Hearing Aid Dispensers Board  
**(916) 263 2666**  
www.speechandhearing.ca.gov"

(b) A licensed Audiologist, Required Professional Experience Licensee, and Audiology Aide shall provide **notice to each patient of the fact that the licensee is licensed and regulated by the** notice to each patient of the fact that the licensee is licensed and regulated by the Speech-Language Pathology & Audiology & Hearing Aid Board. The notice shall include the following statement:

“NOTICE TO CONSUMERS

Audiologists, Required Professional Experience Licensees,  
and Audiology Aides, are licensed and regulated by the  
Speech-Language Pathology  
& Audiology & Hearing Aid Dispensers Board

(916) 263 2666

[www.speechandhearing.ca.gov](http://www.speechandhearing.ca.gov)”

(c) The notice required by this section shall be provided by one of the following methods:

(1) Prominently posting the notice in each of the practice locations the licensee provides services. The notice shall be in a conspicuous location and accessible to public view. It shall be in at least 48-point type in Arial font.

(2) Providing the client or patient, or the client or patient’s representative, with the notice in a **written statement**. An acknowledgement, stating the **client or patient** received the notice shall be signed and dated by the client or patient or the client or patient’s representative. The acknowledgment shall be retained in the client or patient’s records demonstrating receipt.

(3) Providing the notice on a written receipt where the notice is placed immediately above the signature line for the **client or patient** in at least 14-point type.

NOTE: Authority cited: Section 2531.95 Business and Professions Code; Reference: Section 138, Business and Professions Code.



# MEMORANDUM

DATE	February 7, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Heather Olivares, Legislation/Regulation Analyst
SUBJECT	Agenda Item 14: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

## a. Legislative Calendar and Deadlines

- January 31, 2022 – Last day for each house to pass bills introduced in 2021 in their house
- February 18, 2022 – Last day for bills to be introduced
- April 29, 2022 – Last day for policy committees to hear fiscal bills introduced in their house
- May 6, 2022 – Last day for policy committees to hear non-fiscal bills introduced in their house
- May 20, 2022 – Last day for fiscal committees to hear bills introduced in their house

## b. Bills for Active Position Recommendations

- **AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction**

### Status:

This bill has been referred to the Assembly Business and Professions Committee.

### Summary:

This bill would require boards to determine if a prospective applicant may be disqualified from licensure based on information provided by the prospective applicant regarding their criminal conviction. The prospective applicant may make this request by mail or email at any time, including before obtaining any training or education required for licensure, or paying any application fee.

## **Recommended Position: Oppose Unless Amended**

Board Staff estimate potentially receiving 80 requests for a predetermination per year which will increase the licensing and enforcement staff workload by 5 hours per request for an annual workload increase of 400 hours of staff time. Additionally, this bill would require Board Staff to make a predetermination based on information provided by the prospective applicant, which may not be completely accurate, leading to an inaccurate predetermination that the prospective applicant may rely upon when deciding whether to pursue licensure or the education and experience required for licensure. Board Staff recommends the Board adopt an Oppose Unless Amended position with suggested amendments to require the prospective applicant to pay a fee to cover the costs of the request for predetermination and submit the Board's live scan form or fingerprint "hard" card with the required fingerprinting fee to get accurate conviction information from the Department of Justice and Federal Bureau of Investigation.

### **c. Bills with Active Positions Taken by the Board**

- **AB 29 (Cooper) State bodies: meetings**

**Status:**

This bill is dead. The bill was held under submission in the Assembly Appropriations Committee.

**Board Position: Oppose**

**Summary:**

This bill would have required the Board to make all writings and materials for publicly noticed meetings available on the Board's website and provided to any person requesting such materials in writing at least 72 hours prior to the meeting or on the same day the writings and materials are provided to Board members, whichever is earlier. This bill would also have prohibited the Board from discussing or acting on any items not provided in advance of the meeting as required.

- **AB 107 (Salas) Licensure: veterans and military spouses**

**Status:**

This bill was signed by the Governor.

**Board Position: Oppose Unless Amended**

**Summary:**

This bill requires boards to issue a temporary license within 30 days to applicants currently licensed in another state who are married to or in a domestic partnership with an active duty member of the military currently stationed in California, if the



criminal background check does not show grounds for denial. The temporary license is nonrenewable and expires 12 months after issuance, upon issuance of a permanent license, or upon denial of an application for a permanent license. *The bill includes a provision that the temporary license expires upon the denial of an application for a permanent license which addressed the Board's concerns.*

- **AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses**

**Status:**

This is a 2-year bill. The bill has not been heard in the Senate Business, Professions, and Economic Development Committee.

**Board Position: Oppose Unless Amended**

**Summary:**

This bill would expand current law requiring a temporary license for applicants currently licensed in another state who are married to or in a domestic partnership with an active duty member of the military currently stationed in California to also apply to applicants who are veterans discharged within the previous 5 years and active duty military personnel who will be separating from the military within 90 days. Additionally, this bill would remove current provisions that allow a temporary license to expire upon the denial of an application for a permanent license.

- **AB 555 (Lackey) Special education: assistive technology devices**

**Status:**

This bill is dead. The bill was not heard in the Assembly Education Committee.

**Board Position: Oppose Unless Amended**

**Summary:**

This bill would have authorized a local education agency or special education local plan area to retain, sell, or dispose of an assistive technology device, including hearing aids, if the market value of the device is less than \$5,000 and it is not needed for another individual with exceptional needs.

- **AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing**

**Status:**

This bill is dead. The bill was not heard in the Assembly Governmental Organization Committee.

**Board Position: Support**

**Summary:**

This bill would have amended current law regarding public meetings held by teleconference to only require the agenda to include a primary physical meeting location where the public may physically attend and participate. Board members attending the meeting via teleconference or physically at the primary physical meeting location would count toward establishing a quorum. This bill would have required public meetings held by teleconference to include both an audible and visual means of participation.

- **AB 1026 (Smith) Business licenses: veterans**

**Status:**

This bill is dead. The bill was held under submission in the Assembly Appropriations Committee.

**Board Position: Support**

**Summary:**

This bill would have required boards to grant a 50-percent fee reduction for an initial license for military veterans who provide satisfactory evidence with their application. The bill would have defined satisfactory evidence as a driver's license or identification card with "Veteran" printed on its face.

- **AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates**

**Status:**

This bill is dead. The bill was held under submission in the Assembly Appropriations Committee.

**Board Position: Oppose Unless Amended**

**Summary:**

This bill would have required specific actions to be taken prior to disenrolling or suspending a child due to a behavior issue and would require the use of suspension or expulsion only as a last resort in responding to a child's behavior. The bill would have included a provision that would authorize a person with at least a master's degree in speech and language pathology to provide early childhood mental health consultation services.

- **SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations**

**Status:**

This bill is dead. The bill was not heard in the Senate Business, Professions, and Economic Development Committee.

**Board Position: Oppose**

**Summary:**

This bill would have prohibited the assessment of an administrative fine for minor violations if the licensee corrects the violation within 30 days. Minor violations would have been defined as those that do not pose a serious health or safety threat, are not willful, do not occur while on probation, and are not violations that the licensee has a history of committing.

**d. Bills with Recommended Watch Status**

- **AB 227 (Davies) Governor: appointments**

**Status:**

This bill is dead. The bill was held under submission in the Assembly Appropriations Committee.

**Summary:**

This bill would would have required the public announcement of a Governor appointee to disclose any contribution of \$1,000 or more to the Governor's campaign within the previous 12 months.

- **AB 361 (Rivas) Open meetings: state and local agencies: teleconferences**

**Status:**

This bill was signed by the Governor.

**Summary:**

This bill authorizes state entities to hold public meetings through teleconferencing without requiring a location accessible to the public until January 31, 2022.

- **AB 457 (Santiago) Protection of Patient Choice in Telehealth Provider Act**

**Status:**

This bill was signed by the Governor.

**Summary:**

This bill clarifies existing law regarding rebates for patient referrals to provide that payment for internet-based advertising, appointment booking services, or any service that provides information and resources to prospective patients does not constitute a referral of a patient if the internet-based service provider does not recommend or endorse a specific licensee to the prospective patient.

- **AB 468 (Friedman) Emotional support animals**

**Status:**

This bill was signed by the Governor.

**Summary:**

This bill prohibits a healing arts licensee from providing documentation relating to an individual's need for an emotional support dog unless specified conditions are met including establishing a client-provider relationship at least 30 days in advance and completing a clinical evaluation of the individual regarding the need for an emotional support dog.

- **AB 486 (Committee on Education) Elementary and secondary education: omnibus bill**

**Status:**

This bill was signed by the Governor.

**Summary:**

This education omnibus bill includes a provision regarding the assessment of a pupil's language and speech disorders in school settings. Specifically, this bill updates terminology to require a speech-language pathologist to determine that a pupil's difficulty in understanding or using language results from speech sound disorder, voice disorder, fluency disorder, language disorder, or hearing impairment or deafness.

- **AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions**

**Status:**

This bill has been referred to the Senate Rules Committee.

**Summary:**

This bill would require boards that post information about a revoked license due to a criminal conviction on the online license search system to post the expungement order if the person reapplies for licensure or remove the information if the person

does not reapply for licensure within 90 days of the Board receiving the expungement order. The Board would be authorized to charge a \$25.00 fee to cover the reasonable cost of administering this provision.

- **AB 1221 (Flora) Consumer warranties: service contracts: cancellation: disclosures**

**Status:**

This bill was signed by the Governor.

**Summary:**

This bill expands the Song-Beverly Consumer Warranty Act to require a service contract that continues until cancelled by the buyer or service contractor to meet specified conditions including disclosing in a clear and conspicuous manner that the service contract continues until cancelled and providing contact information the buyer can use to cancel the service contract.

- **AB 1236 (Ting) Healing arts: licensees: data collection**

**Status:**

This bill is dead. However, this issue was addressed as part of budget trailer bill language.

**Summary:**

This bill would have required healing arts boards to request specified workforce data from its licensees at the time of electronic application for a license and license renewal or at least biennially from a scientifically selected random sample of licensees. The Board would have been required to report the data collected on a biennial basis and post it on the Board's website. The Board would also have been required to provide the data annually to the Office of Statewide Health Planning and Development.

- **AB 1291 (Frazier) State bodies: open meetings**

**Status:**

This bill was signed by the Governor.

**Summary:**

This bill requires state bodies that limit time for public comment to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body.

- **AB 1308 (Ting) Arrest and conviction record relief**

**Status:**

This is a 2-year bill. The bill has not been heard in the Senate Public Safety Committee.

**Summary:**

This bill would expand current law regarding arrest and conviction record relief to allow an arrest or conviction that occurred on or after January 1, 1973 to be considered for relief.

- **AB 1498 (Low) Members of boards within the Department of Consumer Affairs: per diem**

**Status:**

This bill is dead. The bill was not heard in the Assembly Appropriations Committee.

**Summary:**

This bill would have required boards to define “day that the member discharged official duties” as either the accumulation of eight hours spent in the discharge of official duties or the day on which the Board member performed an official duty for the purposes of the per diem of \$100 for each day.

- **AB 1687 (Seyarto) California Emergency Services Act: Governor’s powers: suspension of statutes and regulations**

**Status:**

This bill has been referred to the Assembly Emergency Management Committee.

**Summary:**

This bill would limit the Governor’s authority during a state of emergency to only suspend the statutes and regulations of a state agency that are connected with the specific conditions of the state of emergency.

- **AB 1733 (Quirk) State bodies: open meetings**

**Status:**

This bill is pending referral to its first policy committee.

**Summary:**

This bill would require open meetings to provide members of the public with a physical location to hear, observe, and address the state body and means to remotely hear or hear and observe the meeting and remotely address the state

body without requiring public comments to be submitted prior to the meeting. This bill would allow Board members to remotely participate in an open meeting without disclosing the remote location. This bill would also require a state body to end or adjourn the meeting if the means of remote participation fails during the meeting and cannot be restored.

- **SB 607 (Min) Business and Professions**

**Status:**

This bill was signed by the Governor.

**Summary:**

This omnibus bill requires boards to waive the application fee and initial license fee for applicants currently licensed in another state who are married to or in a domestic partnership with an active duty member of the military currently stationed in California. This provision becomes effective July 1, 2022.

- **SB 731 (Durazo) Criminal records: relief**

**Status:**

This is a 2-year bill. The bill failed passage on the Assembly Floor.

**Summary:**

This bill would expand current law regarding arrest record relief to include a person who has been arrested for a felony on or after January 1, 1973.

## **Agenda Item 14 – Attachments 1 - 4**

Attachment 1 is the January 18, 2022 text version of Assembly Bill 1662, which is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1662](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1662).

Attachment 2 is the Author Fact Sheet for Assembly Bill 1662, which is available upon request.

Attachment 3 is the January 24, 2022 text version of Assembly Bill 1687, which is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1687](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1687).

Attachment 4 is the January 31, 2022 text version of Assembly Bill 1733, which is available online at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1733](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1733).