



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

Thursday, August 11, 2022, beginning at 1:00 p.m., and continuing on Friday, August 12, 2022, beginning at 9:00 a.m.

NOTE: Pursuant to 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, to observe and participate, please log on to WebEx (Instructions to connect to this meeting can be found at the end of this agenda). To participate in the WebEx Events meeting, please log on to the following websites each day of the meeting:

Thursday, August 11, 2022, WebEx Link, beginning at 1:00 p.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m7fbc45da31febb78319469ce3dd64ec3>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 249 423 46530, Passcode: 75724230

Friday, August 12, 2022, WebEx Link, beginning at 9:00 a.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m09a0cd56f51af4a69f47e6bd488d2c2e>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 248 325 82446, Passcode: 75724230

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, August 9, 2022, to speechandhearing@dca.ca.gov for consideration.

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

Thursday, August 12, 2022, beginning at 1:00 p.m.

Audiology Practice Committee Members

Marcia Raggio, Dispensing Audiologist, Committee Chair

Karen Chang, Public Member

Tulio Valdez, Otolaryngologist, Public Member

Amy White, Dispensing Audiologist

Audiology Practice Committee Agenda

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda
(The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
3. Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical and Professional Experience as Stated in BPC Sections 2532.2 and 2532.25 and Title 16, CCR sections 1399.152.2

Upon Adjournment of the Audiology Practice Committee Meeting:

Hearing Aid Dispensing Committee Members

Tod Borges, Hearing Aid Dispenser, Committee Chair

Marcia Raggio, Dispensing Audiologist

Karen Chang, Public Member

Tulio Valdez, Otolaryngologist, Public Member

Amy White, Dispensing Audiologist

VACANT, Hearing Aid Dispenser

Hearing Aid Dispensing Committee Agenda

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda
(The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
3. Review, Discussion, and Possible Action on Statutes and Regulations Regarding Hearing Aid Dispensing Trainees as stated in Title 16, California Code of Regulations (CCR) sections 1399.114 through 1399.119
4. Review, Discussion, and Possible Action on Regulations Regarding Hearing Aid Dispenser Advertising Requirements as Stated in Title 16 CCR section 1399.127

**Upon Adjournment of the Hearing Aid Dispensing Committee Meeting on Friday,
August 12, 2022:**

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

Full Board Meeting Agenda

OPEN SESSION

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda (*The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))*)
3. Review and Possible Approval of the May 12- 13, 2022, Board Meeting Minutes
4. Board Chair's Report
 - a. 2022 Board and Committee Meeting Calendar
 - b. Board Committee Updates and Committee Reports
 - i. Enforcement Ad Hoc Committee
 - ii. Hearing Aid Dispensing Committee
 - iii. Audiology Practice Committee
5. Executive Officer's Report
 - a. Administration Update
 - b. Outreach Update
 - c. Budget Report
 - d. Regulations Report
 - e. Licensing Report
 - f. Practical Examination Report
 - g. Enforcement Report
6. DCA Update – DCA Board and Bureau Relations
7. **11:00 a.m.** – Update and Presentation on the Board's Business Modernization Project and Upcoming Online Applications for Licensure

BREAK FOR LUNCH (TIME APPROXIMATE)

8. Review and discussion of potential updates to the Board's Administrative Procedure Manual
9. Update and Discussion Regarding the Board's 2022 Sunset Review and the Board's Sunset Bill, Assembly Bill (AB) 2686
10. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
 - a. 2022 Legislative Calendar and Deadlines
 - b. Bills with Active Positions Taken by the Board
 - i. AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses
 - ii. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction
 - iii. AB 1733 (Quirk) State bodies: open meetings
 - iv. AB 2686 (Assembly Business and Professions) Speech-Language Pathologists, Audiologists and Hearing Aid Dispensers
 - v. AB 2806 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates
 - vi. SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees
 - vii. SB 1453 (Ochoa Bogh) Speech Language Pathologists
 - c. Bills with Recommended Watch Status
 - i. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions
 - ii. AB 1308 (Ting) Arrest and conviction record relief
 - iii. AB 1795 (Fong) Open meetings: remote participation
 - iv. AB 2600 (Dahle) State agencies: letters and notices: requirements
 - v. AB 2790 (Wicks) Reporting of crimes: mandated reporters
 - vi. SB 731 (Durazo) Criminal records: relief
 - vii. SB 1237 (Newman) Licenses: military service
 - viii. SB 1365 (Jones) Licensing boards: procedures
11. 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)
12. Regulatory Report: Update, review, and possible action on Board regulation packages
 - a. Discussion and possible action to Amend regulations regarding Speech-Language Pathology Assistant (SLPA) Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18
 - b. Discussion and possible action to Amend and 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 Amend regulations regarding Required Professional Experience Direct Supervision Requirements and Tele Supervision as stated in Title 16, CCR sections 1399.153 and 1399.153.3
 - d. Discussion and Possible Action to Amend and Adopt Regulations Regarding Examination Requirements for Hearing Aid Dispensers and Dispensing Audiologists as Stated in Title 16, CCR sections 1399.120, 1399.121, 1399.122, and 1399.152.4
 - e. Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as Stated in Title 16, CCR sections 1399.160 through 1399.160.4
 - f. Discussion and Possible Action to Adopt Regulations Regarding Notice to Consumers as Stated in Title 16, CCR sections 1399.129 and 1399.157.1

- g. Discussion and Possible Action to Amend and Adopt Regulations Regarding Fingerprinting Requirements as Stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14
- h. Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements and Continuing Education Course Content Requirements for Hearing Aid Dispensers and Dispensing Audiologists as stated in Title 16, California Code of Regulations (CCR) sections 1399.140, 1399.140.1 and 1399.144
- i. Discussion and Possible Action to Amend Regulations Regarding SLPA Application and Board Processing Times as Stated in Title 16, CCR sections 1399.113, 1399.151.1, 1399.160.6, and 1399.170.13
- j. Discussion and Possible Action to Amend Regulations Regarding Speech-Language Pathology Assistants Program and Academic Requirements as Stated in Title 16, CCR sections 1399.170.4, 1399.170.10, and 1399.170.11

13. Future Agenda Items

CLOSED SESSION

14. 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

15. Adjournment

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

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

The meeting 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.

WEBEX FEATURES FOR PARTICIPANTS

Note: The following features and functions reflect only those relative to participant end user interface and functionality. For programs who desire to moderate/co-moderate their own meetings, SOLID can provide training and materials to reflect features and functions associated with these roles.

Joining a Webex Event

Navigate to the WebEx event using the link provided by the DCA entity via an internet browser. Webex will, in some instances, auto-populate name fields upon sign-in. As a result, some individuals may be automatically logged into the meeting with a Webex generated name (examples below).



Note: It is important for individuals to update the name fields when logging in to correctly reflect their identity to assist the moderator in identifying meeting participants. While we do not require the public to identify themselves, this is particularly important for staff, members, and presenters.

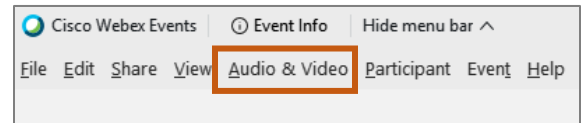
The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again. Click on “Join Now” (do not click “Join by browser”).

Audio

You can select to use either your computer speaker/microphone, a headset, or your phone for audio.

To utilize your phone:

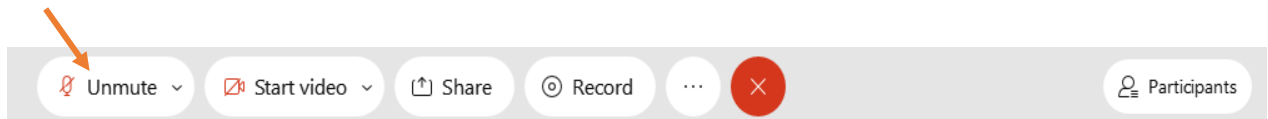
- Click on “Audio & Video” from the menu bar
- Select “Switch Audio”
- Select the “Call In” option and follow the directions



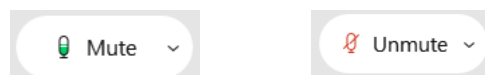
Note: If you connected your audio through your phone, your mute and unmute button should be controlled from your computer or tablet. If you are having trouble unmuting yourself, you may be muted through your phone.

Microphone Indicators

Click on the microphone icon to mute and unmute yourself. You can also mute and unmute yourself using microphone icon next to your name from the participant panel.

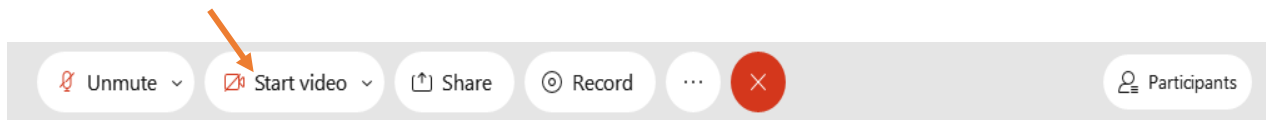


The green microphone indicates your microphone is open and meeting participants can hear you. If your microphone is red, you are muted.



Camera Indicators

Click on the video icon to turn your camera on and off.

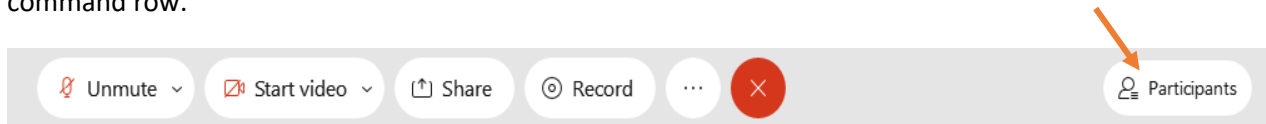


The green camera indicates your camera is on and meeting participants can see you. If your camera is red, your camera is off, and you cannot be seen.



Meeting Participants

To see who is in the meeting, you can access the participant list by clicking on the participant icon on the command row.

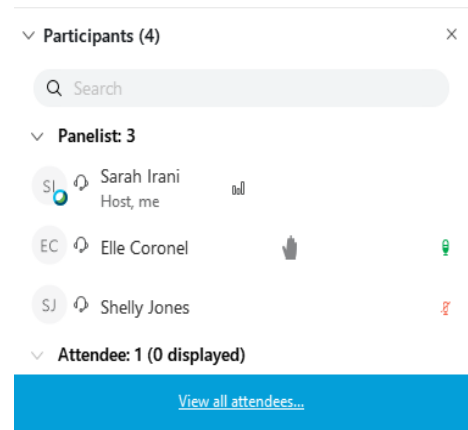


By clicking on this icon, it should display the participant list on the right side of your screen.

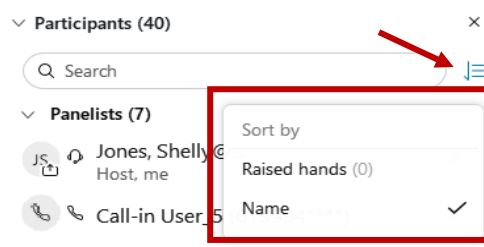
This is an example of a participant list that will display on the right side of your screen.

Icons will appear next to individual names to indicate if they are muted, speaking or background noise, or have their hand raised.

This is helpful to distinguish who is speaking or who is trying to contribute to the conversation. In addition, it is helpful if you state your name before speaking.

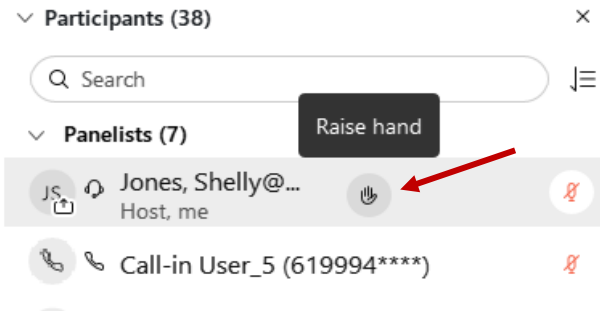


The panelist list has a “sort” feature, which can be located to the right of the search field in the participant panel. Clicking on the sort icon allows the list of panelists to be sorted by either name or raised hands. This feature can be particularly useful for programs who utilize the hand raise feature for discussion.



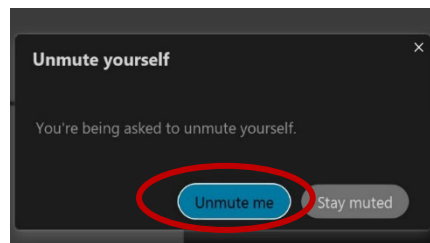
Hand Raise Feature

The hand raise feature is now located next to each participant's name in Webex, both for panelists and attendees. Participants can click the hand icon next to their name to raise and lower their hand.



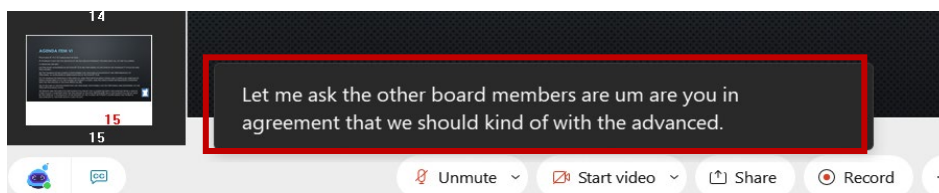
Unmuting Microphones

When the moderator unmutes a participant's microphone, Webex will prompt the participant to unmute themselves. The participant must click the displayed "Unmute me" button to unmute their microphone.

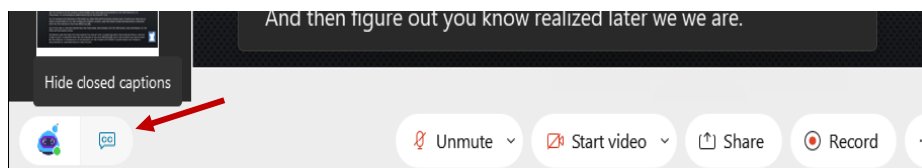


Closed Captioning

Webex provides real-time closed captioning that are displayed in a dialog box within the Webex screen. Participants can click on the dialog box and drag it to any location on the Webex screen.

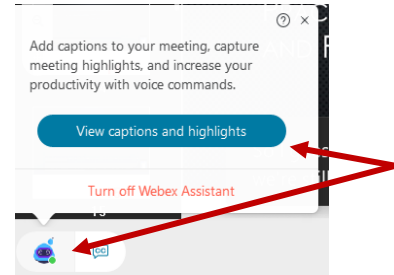
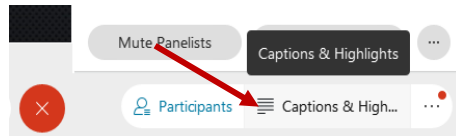


The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



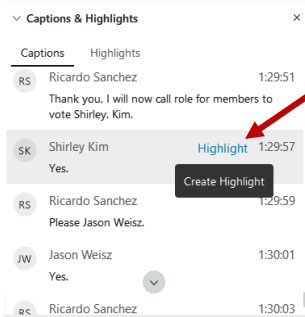
Closed captioning can be viewed in a transcript style that displays the captions by speaker. You can enable and disable this feature through either the participant panel or the Webex Assistant.

- To access this feature via that participant panel, click on the 3 dots at the bottom of the participant panel and select Captions and Highlights
- To use the Webex Assistant, hover over the robot icon on your screen and select either View or Hide captions and highlights.



“Highlighting” is a feature of Webex closed captioning that provides a valuable tool for program staff by allowing quick and easy access to important information, such as motions, votes, action items, or any other caption that contains pertinent information that the program may need to revisit or reference.

To highlight a caption, hover over the caption and click Highlight.



You can also undo a highlight by hovering over a previously highlighted caption and clicking Unhighlight.



MEMORANDUM

DATE	August 1, 2022
TO	Audiology Practice Committee
FROM	Cherise Burns, Assistant Executive Officer
SUBJECT	Agenda Item 3: Update, Discussion, and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical and Professional Experience as stated in Business and Professions Code Sections 2532.2 and 2532.25 and Title 16, CCR sections 1399.152.2

Background

Business and Professions Code (BPC) Section 2532.25(b)(2) requires the submission of evidence of no less than 12 months of satisfactorily completed supervised professional full-time experience (RPE) or its part-time equivalent obtained under the supervision of a licensed audiologist. ” This experience shall be completed under the direction of a board-approved audiology doctoral program. The RPE shall follow completion of the didactic and clinical rotation requirements of the audiology doctoral program.

For current hearing and balance healthcare training this statutory requirement creates restrictive aspects for program completion, thereby creating hardships for audiology doctoral students and programs that may not support adequate consumer protection for audiology and balance services.

At the Board’s November 2020 Meeting, the Board approved a 2021 legislative proposal that would have modified BPC Section 2532.25 to allow some supervised clinical rotation hours to be counted toward the 12-month supervised professional experience.

This legislative proposal was included as part of the Board’s Sunset Review process in 2022. After considerable discussion and negotiation with Board staff, the Assembly Business and Professions Committee and Senate Business, Professions and Economic Development Committee (Committees) agreed to accept some of the Board’s proposed amendments, which are now included in the Board’s Sunset Bill AB 2686 as follows:

Business and Professions Code Section 2532.25

(a) An applicant seeking licensure as an audiologist shall possess a doctorate in audiology earned from an educational institution approved by the board. The board may, in its discretion, accept qualifications it deems to be equivalent to a doctoral degree in audiology. The board shall not, however, accept as equivalent qualifications graduation from a master’s program that the applicant was enrolled in on or after January 1, 2008.

(b) In addition to meeting the qualifications specified in subdivision (a), an applicant seeking licensure as an audiologist shall do all of the following:

(1) Submit evidence of the satisfactory completion of supervised clinical practice with individuals representative of a wide spectrum of ages and audiological disorders. The board shall establish by regulation the required number of clock hours of supervised clinical practice necessary for the applicant. The clinical practice shall be under the direction of an audiology doctoral program at an educational institution approved by the board.

(2) Submit evidence of no less than 12 months of satisfactorily completed supervised professional full-time experience or its part-time equivalent obtained under the supervision of a licensed audiologist or an audiologist having qualifications deemed equivalent by the board. This experience shall be completed under the direction of ~~a board-approved~~ an audiology doctoral ~~program. The required professional experience shall follow completion of the didactic and clinical rotation requirements of the audiology doctoral program.~~ program at an educational institution approved by the board.

(3) Pass an examination or examinations approved by the board. The board shall determine the subject matter and scope of the examination or examinations and may waive an examination upon evidence that the applicant has successfully completed an examination approved by the board. Written examinations may be supplemented by oral examinations as the board shall determine. An applicant who fails an examination may be reexamined at a subsequent examination upon payment of the reexamination fee required by this chapter.

(c) This section shall apply to applicants who graduate from an approved educational institution on and after January 1, 2008.

Due to the negotiated amendments, as of January 1, 2023, the statute will allow audiology doctoral students the ability to start their 12-month professional full-time experience before the completion of the didactic and clinical rotation requirements.

Now that the Board knows the final language for the statutory changes, the Audiology Committee can resume discussing how to proceed with updating the regulations related to supervised clinical and professional experience requirements for licensure as an Audiologist.

Some issues for consideration include:

- Should the number of clinical experience hours required for licensure be changed to better reflect the requirements of doctoral audiology programs?
- Is there a need to further clarify what qualifies as “supervised clinical practice with individuals representative of a wide spectrum of ages and audiological disorders” (as required in BPC Section 2532.25) or is the current regulatory requirement of three different clinical settings sufficient?
- Should a new regulatory section be created to specify requirements related to the supervised professional experience that is separate and distinct from the requirements related to supervised clinical experience in Title 16 California Code of Regulations section 1399.152.2? Or are the general requirements in subdivision (a) all that is necessary regarding requirements related to the supervised professional experience?
- Should the Board place limitations or caps on certain types of clinical and professional experience, for example, on the number of hours or weeks that can be accrued via simulation?
- Should the Board require programs to submit verification of the clinical rotation hours or professional experience hours in some sort of log or is the training program

director's certification of meeting requirements and the RPE Verification Form sufficient?

- Are there other clarifications needed for the clinical or professional experience that should be codified in regulation?

Board staff, in coordination with the Audiology Practice Committee Chair, developed draft survey questions for Audiology programs to provide the Board with programmatic information pertinent to potential regulatory changes. The draft survey questions are attached for the Audiology Practice Committees consideration. The Audiology Practice Committee may want to discuss whether the survey is still necessary due to the changes in the statutory language, and if necessary, determine if the questions cover all areas of concern.

Action Requested

Review and provide input on the necessity and survey questions in the proposed Doctoral Audiology Program Survey. Board staff will then work with DCA to deploy the survey to doctoral audiology programs.

Attachment A: DRAFT Doctoral Audiology Program Survey

DRAFT – Doctoral Audiology Program Survey

Background

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers (Board), as part of the Sunset Review process, has obtained statutory changes regarding when the supervised, 12-month required professional experience (RPE) can begin to be accrued for the purposes of licensure. Beginning in 2023, the statute will no longer require that the RPE begin only after the completion of the didactic and clinical rotation requirements of the audiology doctoral program.

In order to begin preparing the regulatory package that will follow the statutory changes above, the Board seeks input from stakeholders to help inform appropriate and relevant regulatory changes that might be needed.

Personal/Program Information

1. Name [Text Box]
2. AuD Program Name, School Name, and Location [Text Box]
3. Email and phone number [Text Box]
4. May we contact you if we have additional questions? [Yes/No]

Your Program's Perspective on Clinical and Professional Experience Requirements for California Licensure

1. Are there any special considerations for students from out-of-state programs or students with federal visas that make it difficult for them to meet program experience requirements or state licensure requirements? If so, please explain what considerations exist and any potential solutions to those considerations. [Text Box]
2. How does your program handle students coming from out of state who have not participated in a 12-month 4th year (RPE)? Does your program enroll these types of students to allow them to finish the 12 months of professional experience? [Text Box]
3. How does your program handle students on Federal Visa's that limit the number of months of experience they can accrue during their doctoral program? [Text Box]
4. Should the Board remove the "three different clinical settings" requirement for clinical rotations in current regulations and allow for the programs to determine the number of different settings? [Text Box]
5. Without a specified number of different settings requirements, how would your program verify the clinical rotations provide sufficient clinical practice with individuals representative of a wide spectrum of ages and audiological disorders? [Text Box]
6. How many different clinical rotations would your program require before the externship is allowed to begin? [Text Box]

DRAFT – Doctoral Audiology Program Survey

7. Should the Board remove the allowance that 25-hours of supervised clinical rotations in a field other than audiology can be counted towards licensure? [Text Box]
8. Should supervised clinical rotation hours and externship hours be tracked and reported to the Board for verification? Should it distinguish when the hours are telepractice hours or not? Should it distinguish when the hours are simulation hours? [Text Box]
9. For the clinical rotation hours, should the regulations limit the number of hours allowed for certain activities? For example, non-direct patient contact, audiology-related practice (i.e., shift hours), audiology simulations. [Text Box]
10. For the supervised professional experience, or externship, should the regulations limit the number of hours allowed for certain activities? For example, non-direct patient contact, audiology-related practice (i.e., shift hours), audiology simulations. [Text Box]
11. Should the regulations restrict the ability to accrue RPE hours until after preliminary clinical rotations are completed, e.g., after the second year in the program? [Text Box]
12. Should the regulations clarify when an RPE license is required? Applicants from out of state doctoral programs have expressed confusion regarding the requirements and some audiology program students may have similar questions. [Text Box]

Your AuD Program's Supervised Professional Experience Requirements (Externship)

13. Is the 3rd or 4th year externship under the direction of your program? [Yes/No]
14. What is the average level of supervision provided during the externship? [Text Box]
15. What types of activities constitute the externship, e.g., direct patient contact, non-direct patient contact, audiology-related practice (i.e., shift hours), audiology simulations? [Text Box]
16. Are there limitations on the total number of hours that would be acceptable for the different types of activities performed in the externship? [Text Box]
17. How much and what type of supervision should be provided for the different types of activities performed in the externship? [Text Box]
18. When in the program does the externship begin?
 - a. 3rd year
 - b. 4th year
 - c. Other, please explain [Text Box]
19. Does your program use a software tracking program to log student clinical experience hours over the course of your program?

DRAFT – Doctoral Audiology Program Survey

20. Does your program track externship hours in a separate report that could be sent to the Board for verification? Does your program distinguish the hours by activity type and are telepractice hours or simulation hours tracked separately? [Text Box]

Your AuD Program's Supervised Clinical Practice Requirements (Clinical Rotations)

21. How many hours of supervised clinical rotations does your program require? [Text Box]
22. How many different clinical rotations does your program require? [Text Box]
23. Please describe the types of clinical tasks performed in the program's clinical rotations. [Text Box]
24. How long are each of these clinical rotations? [Text Box]
25. What are the maximum hours of clinical rotations a student could earn? [Text Box]
26. What is the average level of supervision provided during these clinical rotations? [Text Box]
27. What types of activities constitute clinical rotation hours, e.g., direct patient contact, non-direct patient contact, audiology-related practice (i.e., shift hours), audiology simulations? [Text Box]
28. How many clinical rotation hours of the total number of hours would be acceptable for the different type of activities performed in supervised clinical practice? [Text Box]
29. How much and what type of supervision should be provided for the different types of activities performed in supervised clinical practice? [Text Box]
30. Does your program utilize a gradual decrease in the amount of supervision as students gain clinical experience? [Text Box]
31. When in the program do supervised clinical rotations begin (i.e., 1st, 2nd, or 3rd year)?
- 1st year
 - 2nd year
 - 3rd year
 - Other, please explain [Text Box]
32. Does your program track supervised clinical rotations in a separate report that could be sent to the Board for verification? Does your program distinguish the hours by activity type and are telepractice hours or simulation hours tracked separately? [Text Box]



MEMORANDUM

DATE	August 1, 2022
TO	Hearing Aid Dispensing Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and possible action to Amend regulations regarding Hearing Aid Dispenser Trainee and Supervisor Requirements as stated in Title 16, CCR sections 1399.114 through 1399.119

Background

Business and Professions Code Section 2538.28 allows a Hearing Aid Dispenser (HAD) Trainee applicant to work under the supervision of a licensed Hearing Aid Dispenser for up to 18 months. At its October 2017 meeting, the Board discussed concerns with the HAD Trainee and supervisor requirements. Concerns discussed included the need for clarity in the amount and types of supervision for specific tasks; supervisor requirements, and the need to define supervision types in regulation. The Board delegated two Board members to work with Board staff and Department of Consumer Affairs (DCA) Legal to draft regulatory language that further clarifies HAD Trainee and supervisor requirements.

The proposed regulatory language was reviewed and discussed at the Board’s August 2018 meeting. The discussion focused on continuing education requirements for supervising dispensers, knowledge and skills that must be included during the training, and the requirements for direct and immediate supervision. At its November 2018 meeting, the Board approved revisions to proposed regulatory language. Due to limited staff resources and the COVID-19 pandemic, this regulatory package has been delayed and no further Board discussion has occurred or actions been taken since 2018.

Summary of Changes

The proposed changes to the proposed regulatory package text include the following (Board staff’s additions are highlighted in yellow in the Attachment A):

- Added section 1399.114 to update outdated application requirements and distinguish trainee-applicants from applicants for a temporary license under 2538.27 and 2538.28.
- Board staff added section 1399.115 to make the requirements applicable to more than just one of the temporary license types who need to be supervised.

- Section 1399.116 was adopted by the Board to amend the number of allowable trainees and add a continuing education (CE) requirement similar to supervision in the practices of speech-language pathology and audiology. Board staff made the requirements applicable to both temporary license types who need to be supervised and replaced the term “valid” with the phrase “current, active and unrestricted license.”
- Board staff added section 1399.117 to replace a gendered term and make the requirements applicable to both temporary license types.
- Section 1399.118 was adopted by the Board to amend the training requirements to specify tasks and knowledge trainees should gain.
- Section 1399.119 was adopted by the Board to amend supervision requirements to specify the different levels of supervision and require a higher level of supervision during the first ninety (90) days. Board staff made the requirements applicable to both temporary license types who need to be supervised and removed the definition of supervision as it existed under section 1399.102.

Discussion Questions

1. Should section 1399.114(e) be removed or amended? If amended, it may be repurposed to discuss the number of temporary license holders (applicants for a temporary license under Section 2538.27 of the Code) can be supervised.
2. Does an effective date need to be specified in 1399.116(b)?
3. Should record maintenance in regards to section 1399.116(c) be imposed, and if so, should it differ from the CE requirements?
 - HAD CE as stated in 1399.140 – “...for two (2) years following the renewal period in which it was earned.”
 - SLP/AU CPD as stated in 1399.160.12 – “...at least two (2) years from the date of license renewal for which the course was completed.”
 - SLPA supervision as proposed in 1399.170.15 – “...two years from the speech-language pathology assistant’s renewal date.”
4. Should section 1399.117 be amended or repealed? If amended, it should be amended to make the requirements applicable to both temporary license types.
5. Does “independently operate” from Section 2538.30(a) of the Code need to be defined in section 1399.119(c)?
6. As proposed, there will be two types of supervision: immediate and direct. Is this the wish of the Committee?
 - a. Does the practice of fitting or selling include tasks that do not involve direct patient care such as preparing or cleaning testing equipment and environment, managing protected information, and repairs? If so, should “indirect” supervision be defined in section 1399.119 to include these tasks or does Section 2538.30 of the Code prevent the use of “indirect” supervision?
 - b. Should the supervision in section 1399.119(e) be immediate?
7. What type of supervision should be specified in section 1399.119(h) when it states, “physically present”?

8. Should the use of “examination” in this Article be more specific?
9. Are there any parts of this Article that needs a recordkeeping requirement imposed for the purpose of verification?

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to determine whether or not to recommend the regulatory language to the Board to initiate the rulemaking process.

- Attachments A: HAD Trainee and Supervisor Requirements Proposed Language
- Attachments B: HAD Trainee and Supervisor Requirements Proposed Language as Adopted on November 30, 2018
- Attachment C: 2020 HAD Written Examination Outline
- Attachment D: 2020 HAD Practical Examination Outline

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD

PROPOSED REGULATORY LANGUAGE
Hearing Aid Dispensers Trainee and Supervision Requirements

Legend: Added text is indicated with an underline.
Omitted text is indicated by (* * * *)
Deleted text is indicated by ~~strikeout~~.

Amend Sections 1399.114, 1399.115, 1399.116, 1399.117, 1399.118, and 1399.119 of Article 6 of Division 13.3 of Title 16 as follows:

§ 1399.114. Temporary License Applications.

(a) Any trainee-applicant or applicant for a temporary license under sSection 2538.27 of the Code, or temporary license holder, shall provide to the Board the fee as specified in sSection 2538.57(c) of the Code, and the information as stated in either subsection (b) or (c).

~~(b) Any applicant for a temporary license under section 2538.28 of the Code shall provide the following information to the Board in order to show satisfactory supervision and training~~trainee-applicant or a temporary license holder who fails the license examination must provide the Board the following supervision information:

(1) NameSupervisor's full legal name, address of record, license number, telephone number, and the signature of his or her supervisor.supervisor's email address, if any;

(2) Identification of the supervisory facility by proprietaryBusiness name and address;

(3) A statement that the supervisor has agreed to accept the responsibility for the supervision of the applicant; and

(4) A written statement, signed by both the applicant and supervisor, certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

~~(b) The supervisor shall file as an addendum to the application the following statements and information:~~

(1) A general description of the supervisor's facility which shall include the:

(A) Equipment used in the fitting of hearing aids.

(B) Training material.

(C) Training space.

(D) Area in which hearing tests are given.

(2) A description of the portable equipment and tools used outside the supervisory facility in the fitting or selling of hearing aids.

(3) Information that demonstrates adequate supervision and training will be provided in compliance with section 1399.118.

(c) Any applicant for a temporary license under sSection 2538.27 of the Code shall provide the following information to the Board:

(1) An original letter from each licensing entity where the applicant was or is licensed, and

(2) An original letter on an employer's letterhead, or a business letterhead if self-employed.

(ed) Any person holding a temporary license issued pursuant to sSections 2538.27 or 2538.28 of the Code shall, upon passing the examination and receiving a license, surrender the temporary license to the Board.

(de) An excessive number of trainee-applicants under a supervisor may preclude a finding by the Board that the trainee-applicants will be adequately supervised and trained.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 2538.24, 2538.27, and 2538.28, Business and Professions Code.

§ 1399.115. Denial, Suspension, or Revocation of Authority to Supervise.

(a) The Board may refuse to approve or approve subject to terms and conditions, a hearing aid dispenser's authority to supervise ~~a trainee applicant~~, or may suspend, revoke, or impose probationary conditions on a hearing aid dispenser's authority to supervise a trainee applicant for any of the following causes:

(1) The failure to comply with ~~s~~Section 2538.28 of the Code or any of the regulations contained in this ~~article~~Article which is a prima facie violation, or is confirmed by an internal investigation report signed by the Executive Officer, or by a formal investigation by the Division of Investigation of the department within the preceding 36 months. "Confirmed by formal investigation" means the investigator assigned the matter has written a final investigation report which has been countersigned by a Supervising Special Investigator.

(2) The violation of any provision of the Hearing Aid Dispensers Licensing Law or the regulations contained in this division which is confirmed by an internal investigation report signed by the Executive Officer, or by a formal investigation by the Division of Investigation of the department within the preceding 36 months. "Confirmed by formal investigation" means the investigator assigned the matter has written a final investigation report which has been countersigned by a Supervising Special Investigator.

(3) The dispenser's license has been revoked, suspended, or subject to any restrictions within the preceding 36 months.

(4) An Accusation has been filed against the dispenser under the Administrative Procedure Act by the Attorney General's office and the charges are pending.

(5) The provision of false or misleading information during the application process.

(6) The conviction of a crime involving fiscal dishonesty for which the dispenser has been on probation or parole within the preceding 36 months.

(b) The Board shall refuse to approve a hearing aid dispenser's authority to supervise a ~~trainee applicant~~ if the hearing aid dispenser has not possessed a valid, active license as a hearing aid dispenser in California for at least three (3) years preceding the date on which the application for approval was received by the Board.

(c) A hearing aid dispenser may appeal the denial, suspension, revocation, or imposition of probationary conditions upon ~~his or her~~her authority to supervise a ~~trainee applicant~~ by filing such an appeal in writing with the Board's office in Sacramento within 60 days of denial, suspension, revocation or imposition of probationary conditions. The appeal will be considered by the Board within 45 days of receipt of the appeal in the Board's office. If action under this section results in the termination of supervision ~~and training of a trainee applicant~~, then the supervising hearing aid dispenser shall so notify the Board in accordance with section 1399.118, subsection (g).

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 2531.4 and 2538.28, Business and Professions Code.

1399.116. ~~Supervision of Trainee Applicants~~ Supervisor Requirements.

(a) A licensed hearing aid dispenser who wishes to supervise shall not supervise more than one trainee applicants at any one time unless a specific waiver has been granted by the Board. Criteria for such a waiver shall be meet the following criteria prior to the commencement of supervision:

(1) the supervising dispenser shall have possessed a valid current, active, and unrestricted license as a hearing aid dispenser and engaged in the practice of fitting and selling hearing aids for at least three (3) consecutive years;

(2) the supervising dispenser has not been the subject of successful disciplinary action or of a complaint which has been investigated and verified by internal investigation report or the department's Division of Investigation within the preceding three (3) years; and

(3) the supervising dispenser shall not have been found to be in violation of any of the regulations contained in this article within the preceding three (3) years.

(b) A licensed hearing aid dispenser shall not in any circumstance supervise more than three (3) trainee-applicants at any one time.

(c) Beginning one year after effective date of these regulations, the supervising dispenser shall complete a minimum of four (4) hours of continuing professional education in supervision training prior to the commencement of supervision, and complete two (2) hours of continuing education in supervision every four (4) years thereafter. Continuing education obtained by a Board-approved provider as defined in section 1399.141 may be applied towards the continuing education requirement for licensees set forth in section 1399.140.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 2531.4 and 2538.28, Business and Professions Code.

§ 1399.117. Representation of ~~Trainee Applicant~~ Temporary License.

A trainee-applicant or temporary license holder shall, when engaged in the fitting or selling of hearing aids, present himself or herself themselves to the public as a hearing aid dispenser trainee or temporary license holder. Trainee-applicants or temporary license holders may not refer to themselves in any advertising or promotional literature as anything but a hearing aid dispenser trainee or temporary license holder.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 335, 2538.30, and 2533, Business and Professions Code.

1399.118. ~~Supervision and Training Required.~~

The ~~supervision and training~~ of a trainee-applicant ~~under Section 2538.28 of the Code engaged in the fitting or selling of hearing aids~~ shall include the following:

- (a) Intervention into the fitting and selling process by the supervisor.
- (b) Inspection of the fitting and selling process by the supervisor.
- (c) Training consisting of at least the following for the duration of the trainee-applicant's temporary license:
 - (1) ~~Review and counter signing of the results of each fitting and sale of a hearing aid~~Pure tone air and bone conduction audiometry;
 - (2) ~~Reevaluation of the fitting and selling techniques of the trainee-applicant at least weekly~~Speech Recognition Threshold;
 - (3) ~~Being readily available to the trainee-applicant to render advice and give instruction and assistance in the fitting and selling of hearing aids~~Most Comfortable Loudness;
 - (4) Word Recognition;
 - (5) Uncomfortable Loudness;
 - (6) Masking for pure tones and speech testing;
 - (7) Electroacoustic analysis equipment and essential American National Standards Institute standards;
 - (8) Choosing appropriate hearing aid styles relative to hearing loss, client dexterity, and cosmetic concerns;
 - (9) Hearing aid fitting software;
 - (10) Knowledge of verification techniques for hearing aid fitting including real ear measurements;
 - (11) Hearing aid troubleshooting;

(12) Assessment of ear mold impression and creation of ear mold impressions;
and

(13) otoscopic inspection of the ear.

(d) Instruction in the procedures for the fitting and selling of hearing aids required by Chapter 5.37.5, Division 2 of the Code.

(e) Training with instruments and equipment generally considered to produce valid hearing measurements necessary to the fitting and selling of hearing aids.

(f) A statement that the supervisor has agreed to accept the responsibility for the ~~supervision and training~~ of the applicant as required by Section 2538.28 of the Code.

(g) The supervisor shall be responsible for providing ~~supervision~~training until whichever of the following first occurs:

(1) The trainee-applicant obtains a permanent license, or

(2) The supervisor or trainee-applicant gives written notification to the Board that ~~he or she is~~they are terminating supervision and training.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section 2538.28, Business and Professions Code.

1399.119. Direct Supervision Requirements.

~~A trainee applicant under Section 2538.28 of the Code shall fit or sell hearing aids only under the direct supervision of the supervising licensed hearing aid dispenser. Supervision shall be provided by the supervising dispenser identified according to section 1399.114(b) and for the duration of the temporary license. "Direct supervision" as used in this section means all of the following:~~ Supervision shall not include supervision by telephonic or electronic means.

(a) "Direct supervision" means the supervising dispenser is on-site and in proximity to where the trainee-applicant ~~or temporary license holder~~ is engaged in the practice of fitting and selling of hearing aids, and the supervising dispenser is available at all times to provide observation, guidance, and assistance to the trainee-applicant.

(b) "Immediate supervision" means the supervising dispenser is physically present and immediately available in the same room to give aid, direction, and instruction to the trainee-applicant ~~or temporary license holder~~.

(c) For purposes of Section 2538.30(a) of the Code, “manage” means to be in charge of, oversee, or administer the day-to-day operations of a business which engages in the fitting or sale of hearing aids.

(d) The supervising dispenser shall provide immediate supervision any time when one of these services are provided: otoscopic inspection of the ear, and ear impressions for hearing aids or ear molds.

(~~ae~~) The supervising dispenser is present within the same work setting a minimum of 20 shall provide immediate supervision one hundred (100) percent of the time in which the trainee applicant is providing services during the first ninety (90) calendar days of the supervision.

(~~bf~~) After a minimum of ninety (90) calendar days or until the supervisor determines competency, with the exception of those services provided in subsection (d), ~~the~~ supervising dispenser shall approve the selection of hearing aid by a trainee applicant provide direct supervision.

(eg) The supervising dispenser shall countersign the audiogram and all sales documents prepared and consummated by a trainee applicant or temporary license holder.

(~~dh~~) If a trainee applicant or temporary license holder fails the license examination, the supervising dispenser is required to be physically present provide immediate supervision at all fittings and sales made by the trainee applicant or temporary license holder regardless of whether these occur in or outside the supervising dispenser’s business location.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 2538.11, 2538.28, and 2538.30, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Hearing Aid Dispensers Trainee and Supervision Requirements
as Adopted by the Board on November 30, 2018

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Amend Sections 1399.116, 1399.118, and 1399.119 of Article 3 of Division 13.3 of Title 16 as follows:

1399.116. Supervision of Trainee-Applicants.

(a) A licensed hearing aid dispenser shall not supervise more than ~~one~~three trainee-applicants at any one time ~~unless a specific waiver has been granted by the Board.~~ Criteria for such a ~~waiver~~supervision shall be:

(1) the supervising dispenser shall have possessed a valid license as a hearing aid dispenser and engaged in the practice of fitting and selling hearing aids for at least three (3) consecutive years prior to the commencement of supervision;

(2) the supervising dispenser has not been the subject of successful disciplinary action or of a complaint which has been investigated and verified by internal investigation report or the department's Division of Investigation within the preceding three (3) years; and

(3) the supervising dispenser shall not have been found to be in violation of any of the regulations contained in this article within the preceding three (3) years.

~~(b) A licensed hearing aid dispenser shall not in any circumstance supervise more than three (3) trainee applicants at any one time.~~

(b) Beginning one year after effective date of these regulations, the supervising dispenser shall complete a minimum of four (4) hours of continuing professional education in supervision training prior to the commencement of supervision, and complete two (2) hours of continuing education in supervision every four (4) years thereafter. Continuing education obtained by a Board-approved provider as defined in Section 1399.141 of the California Code of Regulation may be applied towards the continuing education requirement for licensees set forth in Section 1399.140 of the California Code of Regulations.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 2531.4 and 2538.28, Business and Professions Code.

1399.118. ~~Supervision and Training Required.~~

The supervision and training of a trainee₁-applicant under Section 2538.28 of the Code₁ engaged in the fitting or selling of hearing aids shall include the following:

- (a) Intervention into the fitting and selling process by the supervisor.
- (b) Inspection of the fitting and selling process by the supervisor.
- (c) Training consisting of at least the following for the duration of the trainee-applicant's temporary license:
 - (1) ~~Review and counter signing of the results of each fitting and sale of a hearing aid~~Pure tone air and bone conduction audiometry;
 - (2) ~~Reevaluation of the fitting and selling techniques of the trainee-applicant at least weekly~~Speech Recognition Threshold;
 - (3) ~~Being readily available to the trainee-applicant to render advice and give instruction and assistance in the fitting and selling of hearing aids~~Most Comfortable Loudness;
 - (4) Word Recognition;
 - (5) Uncomfortable Loudness;
 - (6) Masking for pure tones and speech testing;
 - (7) Electroacoustic analysis equipment and essential American National Standards Institute standards;
 - (8) Choosing appropriate hearing aid styles relative to hearing loss, client dexterity, and cosmetic concerns;
 - (9) Hearing aid fitting software;
 - (10) Knowledge of verification techniques for hearing aid fitting including real ear measurements;
 - (11) Hearing aid troubleshooting;
 - (12) Assessment of ear mold impression and creation of ear mold impressions;
and

(13) otoscopic inspection of the ear.

(d) Instruction in the procedures for the fitting and selling of hearing aids required by Chapter 5.3 7-5, Division 2 of the Code.

(e) Training with instruments and equipment generally considered to produce valid hearing measurements necessary to the fitting and selling of hearing aids.

(f) A statement that the supervisor has agreed to accept the responsibility for the supervision and training of the applicant as required by Section 2538.28 of the Code.

(g) The supervisor shall be responsible for providing supervision until whichever of the following first occurs:

(1) The trainee-applicant obtains a permanent license.

(2) The supervisor or trainee-applicant gives written notification to the Board that ~~he or she is~~they are terminating supervision and training.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section 2538.28, Business and Professions Code.

1399.119. Direct Supervision Requirements.

A trainee-applicant under Section 2538.28 of the Code shall fit or sell hearing aids only under the ~~direct~~ supervision of the supervising licensed hearing aid dispenser. Supervision shall be provided by the supervising dispenser for the duration of the trainee-applicant's temporary license at all times while the trainee-applicant is engaged in the practice of fitting or selling hearing aids. "Direct sSupervision" as used in this section means all of the following: shall mean either direct supervision or immediate supervision. Supervision shall not include supervision by telephonic or electronic means.

(a) "Direct supervision" means the supervising dispenser is on-site and in proximity to where the trainee-applicant is engaged in the practice of fitting and selling of hearing aids, and the supervising dispenser is available at all times to provide observation, guidance, and assistance to the trainee-applicant.

(b) "Immediate supervision" means the supervising dispenser is physically present and immediately available in the same room to give aid, direction and instruction to the trainee-applicant.

(c) For purposes of Section 2538.30(a), “manage” means to be in charge of, oversee, or administer the day-to-day operations of a business which engages in the fitting or sale of hearing aids.

(d) The supervising dispenser shall provide immediate supervision any time the trainee-applicant is providing one of these services: otoscopic inspection of the ear, and ear impressions for hearing aids or ear molds.

(~~ae~~) The supervising dispenser is present within the same work setting a minimum of 20 shall provide direct supervision one-hundred (100) percent of the time in which the trainee-applicant is providing services during the first ninety (90) calendar days of the trainee-applicant’s services of fitting or selling hearing aids.

(~~b f~~) After a minimum of ninety (90) calendar days or until the supervisor determines competency, with the exception of those services provided in subsection (d) which require immediate supervision for the duration of the trainee-applicant’s temporary license, ~~the supervising dispenser shall approve the selection of hearing aid by a trainee-applicant~~ provide direct supervision for all other services in connection with the practice of fitting and selling hearing aids to the trainee at all times.

(eg) The supervising dispenser shall countersign the audiogram and all sales documents prepared and consummated by a trainee-applicant.

(~~dh~~) If a trainee-applicant fails the license examination, the supervising dispenser is required to be physically present at all fittings and sales made by the trainee-applicant regardless of whether these occur in or outside the supervising dispenser’s business location.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 2538.11, 2538.28, and 2538.30, Business and Professions Code.

HEARING AID DISPENSER PRACTICAL EXAMINATION OUTLINE – 2020

1. Equipment/Pre-Visit - This content area assesses the candidate's ability to prepare testing equipment and environment to obtain valid and reliable test results.

<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
<ul style="list-style-type: none">• Verify function and calibration of test equipment.	<ul style="list-style-type: none">• Knowledge of calibration requirements for audiometric equipment.• Knowledge of methods to perform a listening check of audiometric equipment.• Knowledge of function and procedures to operate audiometric equipment.• Ability to perform listening check to verify functioning of equipment.
<ul style="list-style-type: none">• Sanitize equipment (e.g., examination and audiometric equipment) before contact with client.	<ul style="list-style-type: none">• Knowledge of methods to sanitize equipment that will be used on client.
<ul style="list-style-type: none">• Maintain an environment that is conducive to audiometric assessment.	<ul style="list-style-type: none">• Knowledge of physical, medical, and environmental conditions that affect audiometric assessment procedures.

2. Assessment - This content area assesses the candidate's ability to perform an audiometric assessment to determine degree, type, and configuration of hearing loss, and need for medical referral.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
2.1 Pre-Assessment	<ul style="list-style-type: none"> Perform ear inspection and otoscopic examination. 	<ul style="list-style-type: none"> Knowledge of purposes and procedures of performing otoscopic examination. Knowledge of purposes and procedures to inspect external ear. Knowledge of anatomy and characteristics of normal and abnormal ears. Knowledge of how to identify normal and abnormal visible conditions of the ear. Knowledge of techniques to assess size, length, and direction of ear canal. Ability to inspect external ear and perform an otoscopic examination. Knowledge of criteria to determine if there is blockage of the ear canal.
	<ul style="list-style-type: none"> Determine need for referral to a physician by assessing client symptoms, objective signs, and medical history. 	<ul style="list-style-type: none"> Knowledge of objective signs and subjective symptoms that require a medical referral. Knowledge of laws and regulations pertaining to signs and symptoms that require a medical referral.
2.2 Assessment	<ul style="list-style-type: none"> Explain procedures to client before and during audiometric assessment. 	<ul style="list-style-type: none"> Knowledge of methods to inform clients about audiometric assessment procedures. Ability to describe procedures to clients before and during assessment.
	<ul style="list-style-type: none"> Perform pure tone air and bone conduction assessments. 	<ul style="list-style-type: none"> Knowledge of purposes and procedures of performing pure tone air conduction assessment. Knowledge of purposes and procedures to perform pure tone bone conduction assessment. Ability to perform pure tone air conduction assessment. Ability to perform pure tone bone conduction assessment. Knowledge of methods to monitor and assess client subjective response to auditory stimuli.

2. Assessment, continued - This content area assesses the candidate's ability to perform an audiometric assessment to determine degree, type, and configuration of hearing loss, and need for medical referral.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
2.2 Assessment, continued	<ul style="list-style-type: none"> • Perform masking during hearing assessment. 	<ul style="list-style-type: none"> • Knowledge of purpose of performing masking. • Knowledge of concept and implications of under and over masking. • Knowledge of procedures of masking during pure tone air conduction assessment. • Knowledge of procedures of masking during pure tone bone conduction assessment. • Knowledge of procedures of masking during speech assessment. • Ability to perform masking during hearing assessments.
	<ul style="list-style-type: none"> • Measure client threshold of discomfort (i.e., TD, UCL, LDL), to determine loudness tolerance. 	<ul style="list-style-type: none"> • Ability to perform assessment to establish client threshold of discomfort.
	<ul style="list-style-type: none"> • Chart and document results of audiometric assessment. 	<ul style="list-style-type: none"> • Knowledge of methods to chart and document assessment results.

3. Ear Impression - This content area assesses the candidate's ability to take and evaluate an ear impression.

<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
<ul style="list-style-type: none"> Evaluate client ear canal to determine whether an ear impression can safely be performed. 	<ul style="list-style-type: none"> Knowledge of purpose and procedures to take an ear impression. Knowledge of purpose and procedures of evaluating client ear canal before an ear impression.
<ul style="list-style-type: none"> Inform client about ear impression procedures to make client aware of sensations. 	<ul style="list-style-type: none"> Knowledge of expectations and sensations experienced during impression procedures. Ability to explain impression-taking procedures.
<ul style="list-style-type: none"> Select type and size of blocking material (e.g., cotton dam) to use during ear impression process. 	<ul style="list-style-type: none"> Knowledge of procedures to take ear impressions on clients with abnormal anatomy (e.g., mastoid cavities). Knowledge of methods to determine size and type of blocking material needed during an ear impression. Knowledge of how to determine placement of blocking material. Knowledge of purposes of using blocking material during an ear impression.
<ul style="list-style-type: none"> Insert blocking material (e.g., cotton dam) before taking ear impression. 	<ul style="list-style-type: none"> Ability to insert blocking material into ear canal before taking an ear impression. Knowledge of procedures and instruments used to insert blocking material into ear canal before taking an ear impression.
<ul style="list-style-type: none"> Verify placement of blocking material (i.e., cotton dam) in client ear with otoscope. 	<ul style="list-style-type: none"> Knowledge of purposes and methods of evaluating placement of blocking material in ear canal.
<ul style="list-style-type: none"> Take ear impression by inserting impression material into client ear. 	<ul style="list-style-type: none"> Knowledge of signs of client discomfort during an ear impression. Ability to prepare impression material. Ability to fill ear canal and external ear with impression material. Knowledge of types of impression material used to make an ear impression.
<ul style="list-style-type: none"> Verify curing of impression material. 	<ul style="list-style-type: none"> Knowledge of method to determine if impression material has cured. Ability to verify impression material has cured in the ear before removal.

3. Ear Impression, continued - This content area assesses the candidate's ability to take and evaluate an ear impression.

<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
<ul style="list-style-type: none"> • Break the seal of impression material. 	<ul style="list-style-type: none"> • Ability to break seal of impression material. • Knowledge of methods to break seal of impression material.
<ul style="list-style-type: none"> • Remove ear impression from client ear. 	<ul style="list-style-type: none"> • Ability to remove impression from ear.
<ul style="list-style-type: none"> • Inspect client ear for injury and impression material with otoscope after removal of ear impression. 	<ul style="list-style-type: none"> • Knowledge of purposes and methods of evaluating client ear canal following ear impression procedures. • Knowledge of conditions resulting from impression procedures which require a medical referral.
<ul style="list-style-type: none"> • Determine accuracy of ear impression by comparing client ear to impression. 	<ul style="list-style-type: none"> • Knowledge of anatomical details that should be found on ear impression. • Knowledge of techniques to determine if ear impression is an accurate representation of an ear. • Ability to identify anatomical details on an ear impression. • Ability to determine if ear impression meets requirements for manufacturing custom products. • Knowledge of purposes and methods of evaluating ear impression. • Knowledge of procedures to identify unique characteristics of ear impression to be represented on the finished product.

4. Fitting and Delivery - This content area assesses the candidate's ability to fit a hearing aid and explain associated accessories and apps.

<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
<ul style="list-style-type: none"> • Insert hearing aid into client ear to assess fit. 	<ul style="list-style-type: none"> • Knowledge of how to insert and remove different style hearing aids. • Knowledge of methods to determine whether hearing aid is a good fit for client. • Ability to insert and remove hearing aids.
<ul style="list-style-type: none"> • Demonstrate and explain techniques to insert, remove, and manipulate hearing aids. 	<ul style="list-style-type: none"> • Knowledge of common issues associated with insertion and removal of hearing aids. • Ability to explain hearing aid insertion and removal techniques. • Knowledge of procedures to insert and remove client hearing aids.
<ul style="list-style-type: none"> • Teach client to use hearing aid and assistive listening device controls. 	<ul style="list-style-type: none"> • Knowledge of information to provide client regarding use of hearing aids (e.g., controls, features). • Ability to demonstrate operation of hearing aids. • Knowledge of information to provide to client regarding phone use with hearing aid. • Knowledge of questions to ask clients regarding hearing aid fit.
<ul style="list-style-type: none"> • Instruct client how to use, maintain, and dispose of hearing aid batteries. 	<ul style="list-style-type: none"> • Knowledge of procedures to care for and dispose of hearing aid batteries. • Knowledge of procedures to use and maintain rechargeable hearing aids. • Ability to insert and remove batteries from hearing aids.
<ul style="list-style-type: none"> • Instruct client on hearing aid care and maintenance to optimize hearing aid function. 	<ul style="list-style-type: none"> • Knowledge of purposes, procedures, and information regarding care and maintenance of hearing aids. • Knowledge of methods to reinforce proper hearing aid use. • Knowledge of methods to reinforce proper hearing aid care.
<ul style="list-style-type: none"> • Instruct client on how to use hearing aid options, features, and accessories. 	<ul style="list-style-type: none"> • Knowledge of techniques to assess client proficiency in using hearing aid options, features, and accessories. • Knowledge of use of hearing aid options, features, and accessories. • Ability to explain to clients the use of hearing aid options, features, and accessories. • Knowledge of purposes and methods of evaluating client use of telecoil.

5. Follow-Up/Postfitting Care - This content area assesses the candidate's ability to resolve client issues including physical fit and acoustic targets.

<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
<ul style="list-style-type: none"> • Assess performance of hearing aids and client complaints to determine whether repairs need to be made. 	<ul style="list-style-type: none"> • Knowledge of techniques to differentiate between external and internal feedback. • Knowledge of procedures to run an electroacoustic analysis on a hearing aid to determine if it is performing to manufacturer specifications. • Knowledge of evaluation techniques to determine whether to repair hearing aids or send to the manufacturer for repair. • Knowledge of purposes and methods of evaluating volume control of hearing aids. • Knowledge of techniques to differentiate changes in client hearing from malfunction of hearing aid. • Knowledge of client complaints that indicate hearing aid malfunction. • Knowledge of procedures to assess causes of hearing aid malfunction.
<ul style="list-style-type: none"> • Perform hearing aid maintenance and repair. 	<ul style="list-style-type: none"> • Knowledge of types of repairs for hearing aids. • Knowledge of how to service or repair hearing aids. • Knowledge of equipment and tools used to repair hearing aids. • Ability to service hearing aids including ear mold tube replacement.
<ul style="list-style-type: none"> • Determine if hearing aid can be repaired or if it must be replaced. 	<ul style="list-style-type: none"> • Knowledge of how to determine whether hearing aid can be repaired or needs to be replaced.

6. Counseling - This content area assesses the candidate's ability to establish realistic expectations and educate the client on optimizing communication while using hearing aids and accessories.

<i>Tasks</i>	<i>Associated Knowledge/Ability Statements</i>
<ul style="list-style-type: none">• Establish realistic expectations about potential experiences while wearing hearing aids.	<ul style="list-style-type: none">• Knowledge of realistic expectations regarding hearing amplification.• Knowledge of factors that affect successful hearing aid fitting.• Knowledge of adaptation process and implications for new hearing aid users.• Knowledge of purposes and methods of evaluating client expectations about amplification.• Knowledge of cognitive and physical factors that influence successful hearing aid use.
<ul style="list-style-type: none">• Educate client on strategies to optimize communication while using hearing aids and accessories in different circumstances.	<ul style="list-style-type: none">• Knowledge of strategies for maximizing communication in different listening environments.• Ability to describe strategies for maximizing communication to clients in different listening environments.

2020 HEARING AID DISPENSER WRITTEN EXAMINATION OUTLINE

1. Equipment / Pre-visit (4%) - This content area assesses the candidate's knowledge of preparing testing equipment and environment to obtain valid and reliable test results.

<i>Task</i>		<i>Associated Knowledge Statements</i>	
T1	Verify function and calibration of test equipment.	K1	Knowledge of calibration requirements for audiometric equipment.
		K2	Knowledge of methods to perform a listening check of audiometric equipment.
		K3	Knowledge of function and procedures to operate audiometric equipment.
T2	Sanitize equipment (e.g., examination and audiometric equipment) before contact with client.	K5	Knowledge of methods to sanitize equipment that will be used on client.
T3	Maintain an environment that is conducive to audiometric assessment.	K6	Knowledge of physical, medical, and environmental conditions that affect audiometric assessment procedures.

2. Case History (8%) - This content area assesses the candidate's knowledge of pertinent client information to gather prior to assessment and the management of protected information.

<i>Tasks</i>		<i>Associated Knowledge Statements</i>	
T4	Obtain client report of symptoms.	K7	Knowledge of techniques to gather and assess client symptoms.
T5	Obtain pertinent client health and family health history.	K8	Knowledge of health, genetic, and medical conditions that may contribute to hearing loss.
		K9	Knowledge of the effect of hearing aid use history on assessment and treatment.
		K10	Knowledge of the effect of ear surgery history on assessment and treatment.
		K11	Knowledge of types of illnesses, medical treatments, and medications that may affect hearing.
		K12	Knowledge of health history questions to assess for conditions that may contribute to hearing loss.
		K13	Knowledge of effects of ear pathologies on hearing loss.
T6	Obtain pertinent client social and environmental history.	K14	Knowledge of the effect of exposure to physical or acoustic trauma on hearing loss and treatment.
		K15	Knowledge of lifestyle activities that could impact hearing loss and treatment.
T7	Document and maintain protected client hearing and health information.	K16	Knowledge of HIPAA laws and regulations.

3. Assessment (24%) - This content area assesses the candidate's knowledge of audiometric assessment techniques that determine degree, type, and configuration of hearing loss, and need for medical referral.

<i>Subarea</i>		<i>Tasks</i>		<i>Associated Knowledge Statements</i>
3.1 Pre-Assessment (2%)	T9	Determine need for referral to a physician by assessing client symptoms, objective signs, and medical history.	K24	Knowledge of objective signs and subjective symptoms that require a medical referral.
			K25	Knowledge of laws and regulations pertaining to signs and symptoms that require a medical referral.
3.2 Assessment (16%)	T10	Develop audiometric assessment plan to accommodate client needs.	K26	Knowledge of health, genetic, and medical conditions that may impact audiometric assessment.
			K28	Knowledge of logical order of assessment procedures.
			K29	Knowledge of issues that would require a modification to assessment procedures.
			K30	Knowledge of methods to perform sound field testing.
			K31	Knowledge of anatomical features that require a change in testing methodology.
			K32	Knowledge of methods and procedures to test clients with abnormal anatomy.
3.2 Assessment (16%)	T11	Explain procedures to client before and during audiometric assessment.	K33	Knowledge of methods to inform clients about audiometric assessment procedures.
			K35	Knowledge of techniques to describe audiometric assessment procedures to clients.
3.2 Assessment (16%)	T12	Perform pure tone air and bone conduction assessments.	K36	Knowledge of purposes and procedures of performing pure tone air conduction assessment.
			K37	Knowledge of purposes and procedures to perform pure tone bone conduction assessment.
			K40	Knowledge of methods to monitor and assess client subjective response to auditory stimuli.

3. Assessment, continued (24%) - This content area assesses the candidate's knowledge of audiometric assessment techniques that determine degree, type, and configuration of hearing loss, and need for medical referral.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
3.2 Assessment, continued (16%)	T13 Perform masking during hearing assessment.	K41 Knowledge of purpose of performing masking. K42 Knowledge of concept and implications of under and overmasking. K43 Knowledge of procedures of masking during pure tone air conduction testing. K44 Knowledge of procedures of masking during pure tone bone conduction testing. K45 Knowledge of procedures of masking during speech testing.
	T14 Measure client threshold of discomfort (i.e., TD, UCL, LDL), to determine loudness tolerance.	K47 Knowledge of purposes of measuring threshold of discomfort. K48 Knowledge of procedures to determine dynamic range of hearing. K49 Knowledge of principles and procedures to establish client threshold of discomfort for pure tones and speech discrimination.
	T15 Perform most comfortable level assessment (MCL).	K51 Knowledge of purposes, principles, and procedures of establishing client most comfortable level (MCL) for speech.
	T16 Perform speech reception threshold assessment.	K52 Knowledge of principles and procedures of establishing speech reception threshold. K53 Knowledge of procedures to perform speech reception threshold testing.
	T17 Perform speech WRS/SD (word recognition score / speech discrimination) assessment.	K54 Knowledge of principles and procedures to perform speech discrimination / word recognition assessment.
	T18 Chart and document results of audiometric assessment.	K56 Knowledge of methods to chart and document assessment results.

3. Assessment, continued (24%) - This content area assesses the candidate's knowledge of audiometric assessment techniques that determine degree, type, and configuration of hearing loss, and need for medical referral.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
3.3 Evaluation and Interpretation of Results (6%)	T19 Evaluate client audiometric assessment results to determine if retesting is necessary.	K57 Knowledge of reliable assessment results based on client audiometric and behavioral indications.
		K58 Knowledge of relationship between audiometric results and speech assessment results.
		K59 Knowledge of conditions, error, or reliability issues that indicate retesting is necessary.
	T20 Evaluate client audiometric assessment results to determine degree, type, and configuration of hearing loss.	K61 Knowledge of principles and criteria for determining significant air-bone gap.
		K62 Knowledge of criteria to identify asymmetrical hearing loss.
		K63 Knowledge of how to interpret audiometric assessment results.
		K65 Knowledge of audiometric test results that require medical referral.
		K66 Knowledge of type, degree, and configuration of hearing loss indicated by audiometric assessment results.
	T21 Explain and discuss client audiometric assessment results and evaluation of hearing loss with implications for communication.	K67 Knowledge of criteria to compare client audiometric test results with subjective symptoms.
		K68 Knowledge of criteria to identify changes in hearing.
K69 Knowledge of symptoms associated with specific audiometric assessment results.		
K70 Knowledge of counseling techniques to help explain audiometric assessment results to clients.		
K71 Knowledge of methods to counsel clients and explain implications of hearing loss.		
K72 Knowledge of hearing difficulties related to the degree, type, and configuration of hearing loss.		
K73 Knowledge of consequences of untreated hearing loss.		

4. Selection and Sales (13%) - This content area assesses the candidate's knowledge of patient candidacy and selection of hearing aids.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
4.1 Hearing Aid Candidacy, Recommendation, and Selection (10%)	T22 Determine client candidacy for hearing aids.	K74 Knowledge of how to use assessment results to determine amplification recommendations.
		K75 Knowledge of anatomical variations that affect client candidacy for amplification.
		K76 Knowledge of hearing amplification requirements for different hearing losses.
		K77 Knowledge of indications for monaural, binaural, or CROS systems, and implantable devices.
		K78 Knowledge of the advantages of different styles of hearing aids.
		K79 Knowledge of audiometric assessment results that affect earmold/dome selection.
		K80 Knowledge of physical considerations that affect manipulation of hearing aids.
	T23 Apply client historical information to hearing aid selection and settings.	K81 Knowledge of client needs that affect hearing aid selection and fitting.
		K82 Knowledge of previous hearing aid use and how that impacts new hearing aid fitting.
		K83 Knowledge of effects of previous hearing aid use on client motivation for hearing assistance.
	T24 Determine client lifestyle compatibility with hearing aid features.	K84 Knowledge of hearing aid features.
		K85 Knowledge of criteria for selecting hearing aid parameters based on client needs.
	T25 Determine hearing aid options and accessories to recommend to clients.	K86 Knowledge of benefits of hearing aid amplification for various lifestyles.
		K87 Knowledge of types of hearing aid options and accessories (e.g., Bluetooth, remote controls, TV, telecoil, and FM).
		K88 Knowledge of types of hearing aid controls.
K89 Knowledge of methods to explain hearing aid options to clients.		
K90 Knowledge of dynamic range considerations for hearing aid selection.		
		K92 Knowledge of advantages of different styles of hearing aids.

4. Selection and Sales, continued (13%) - This content area assesses the candidate's knowledge of patient candidacy and selection of hearing aids.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
4.1 Hearing Aid Candidacy, Recommendation, and Selection, continued (10%)	T38 Select user-controlled options of hearing aid.	K122 Knowledge of purposes and procedures to select user-controlled options of hearing aids. K123 Knowledge of purposes and procedures of adjusting acoustic characteristics of hearing aids.
	T37 Select physical characteristics of earmold or domes to fit client needs.	K121 Knowledge of purposes and procedures of selecting options and styles of earmolds or domes.
4.2 Sale (3%)	T39 Obtain signed medical clearance or medical waiver from client before selling hearing aids.	K124 Knowledge of requirement to obtain medical clearance or waiver for clients.
	T40 Dispense hearing aid to client by adhering to state and federal guidelines and regulations.	K125 Knowledge of dispenser legal obligation to client to adjust, replace, and refund hearing aids.
		K126 Knowledge of laws and regulations regarding the sale and fitting of hearing aids.
		K127 Knowledge of FDA regulations regarding the sale of hearing aids.
K128 Knowledge of requirements of documenting hearing aid sales.		

5. Ear Impression (8%) - This content area assesses the candidate's knowledge of how to take and evaluate an ear impression.

<i>Tasks</i>		<i>Associated Knowledge Statements</i>	
T26	Evaluate client ear canal to determine whether an ear impression can safely be performed.	K93	Knowledge of purpose and procedures to take an ear impression.
		K94	Knowledge of purpose and procedures of evaluating client ear canal before an ear impression.
T27	Inform client about ear impression procedures to make client aware of sensations.	K95	Knowledge of expectations and sensations experienced during impression procedures.
T28	Select type and size of blocking material (e.g., cotton dam) to use during ear impression process.	K97	Knowledge of procedures to take ear impressions on clients with abnormal anatomy (e.g., mastoid cavities).
		K98	Knowledge of methods to determine size and type of blocking material needed during an ear impression.
		K99	Knowledge of how to determine placement of blocking material.
		K100	Knowledge of purposes of using blocking material during an ear impression.

6. Pre-Fitting (5%) - This content area assesses the candidate's knowledge of procedures to establish hearing aid settings and physical characteristics before fitting.

<i>Tasks</i>		<i>Associated Knowledge Statements</i>	
T41	Check hearing aids to verify functionality and consistency with order before fitting.	K129	Knowledge of the American National Standards Institute (ANSI) standards for hearing aid performance.
		K130	Knowledge of purposes and methods of evaluating physical characteristics of hearing aids.
		K131	Knowledge of methods to verify function of hearing aids.
		K132	Knowledge of manufacturer specifications (included features and settings) for hearing aids.
T42	Evaluate physical characteristics of custom products and earmolds before fitting (e.g., shell, canal, consistency with order, defects).	K133	Knowledge of methods used to verify earmold received from manufacturer.
		K134	Knowledge of purposes and methods of evaluating physical characteristics of earmolds.
T44	Pre-program or adjust hearing aid settings for client.	K136	Knowledge of procedures of setting levels of maximum output for hearing aids.
		K137	Knowledge of how to program and adjust hearing aids.
		K138	Knowledge of methods to configure and verify program settings of hearing aids.
		K139	Knowledge of audiometric test results that affect selection of acoustic properties of hearing aids.

7. Fitting (17%) - This content area assesses the candidate's knowledge of how to fit a hearing aid and associated accessories and apps.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
7.1 First Fit (8%)	T45 Insert hearing aid into client ear to assess fit.	K140 Knowledge of how to insert and remove different style hearing aids. K141 Knowledge of methods to determine whether hearing aid is a good fit for client.
	T46 Modify hearing aid or earmold to fit client.	K143 Knowledge of hearing aid physical characteristics that need adjustment or to be remade. K144 Knowledge of modifications for custom products and earmolds. K145 Knowledge of common complaints and their indications for physical hearing aid fit. K146 Knowledge of physical characteristics that can be modified on earmolds to improve fit or address client complaints. K147 Knowledge of methods and tools to modify physical characteristics of hearing aids and earmolds. K148 Knowledge of questions to ask clients regarding hearing aid fit. K149 Knowledge of physical characteristics that can be modified on hearing aids to improve fit or address client complaints.
T47	Adjust hearing aid electroacoustic characteristics (e.g., gain, frequency response, maximum power output) to meet client fitting needs.	K150 Knowledge of purpose and methods to set and adjust electroacoustic characteristics of hearing aids. K151 Knowledge of procedures to assess electroacoustic characteristics and performance of hearing aid. K152 Knowledge of common client complaints associated with electroacoustic characteristics of hearing aids. K153 Knowledge of procedures to help client adapt to sensory stimuli with hearing aid use. K154 Knowledge of relationship between adjustable acoustic characteristics of hearing aid and client perceptions of sound quality. K155 Knowledge of adjustments to reduce feedback. K156 Knowledge of adjustments that need to be made to hearing aid programming, including telecoil.

7. Fitting, continued (17%) - This content area assesses the candidate's knowledge of how to fit a hearing aid and associated accessories and apps.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
	T52 Evaluate outcome of hearing aid fitting with verification measures (i.e., sound field testing, real ear).	K170 Knowledge of purposes and procedures of performing unaided and aided sound field testing. K171 Knowledge of purpose and procedures to perform real ear/probe measurement. K172 Knowledge of necessary adjustments to hearing aids based on performance. K173 Knowledge of methods to validate client hearing aid benefit.
7.2 Delivery (9%)	T48 Demonstrate and explain techniques to insert, remove, and manipulate hearing aids.	K157 Knowledge of common issues associated with insertion and removal of hearing aids. K159 Knowledge of procedures to insert and remove client hearing aids.
	T49 Teach client to use hearing aid and assistive listening device controls.	K160 Knowledge of information to provide client regarding use of hearing aids (e.g., controls, features). K162 Knowledge of information to provide to client regarding phone and app use with hearing aid. K163 Knowledge of questions to ask clients regarding hearing aid fit.
	T50 Instruct client how to use, maintain, and dispose of hearing aid batteries.	K164 Knowledge of procedures to care for and dispose of hearing aid batteries. K165 Knowledge of procedures to use and maintain rechargeable hearing aids.
	T51 Instruct client on hearing aid care and maintenance to optimize hearing aid function.	K167 Knowledge of purposes, procedures, and information regarding care and maintenance of hearing aids. K168 Knowledge of methods to reinforce proper hearing aid use. K169 Knowledge of methods to reinforce proper hearing aid care.
	T53 Instruct client on how to use hearing aid options, features, and accessories.	K175 Knowledge of techniques to assess client proficiency in using hearing aid options, features, and accessories. K176 Knowledge of use of hearing aid options, features, and accessories. K178 Knowledge of purposes and methods of evaluating client use of telecoil.

8. Follow-Up Care (11%) - This content area assesses the candidate's knowledge of procedures to resolve client issues including physical fit and acoustic targets.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
8.1 Postfitting Care (8%)	T54 Provide client with follow-up care.	K179 Knowledge of techniques to conduct ongoing client counseling on hearing aid use. K180 Knowledge of methods to maintain hearing health. K181 Knowledge of methods to compare previous and new audiometric test results.
	T55 Gradually adjust programming of hearing aid in follow-up visits to help client become accustomed to target settings.	K182 Knowledge of necessary adjustments based on client experience or adaptation level. K183 Knowledge of necessary adjustments required to achieve real ear measure target.
	T56 Modify physical characteristics of custom products and earmolds to fit client and troubleshoot client complaints.	K184 Knowledge of procedures used to modify earmolds for physical fit and acoustic performance. K185 Knowledge of methods to select domes to modify acoustic performance. K186 Knowledge of methods to use buffers and grinders. K187 Knowledge of ear anatomy that affects hearing aid fitting.
	T57 Identify electroacoustic adjustments to be performed on hearing aid based on client complaints.	K188 Knowledge of techniques to identify and eliminate acoustic feedback. K189 Knowledge of purposes and methods of identifying circuit noise of hearing aids. K190 Knowledge of procedures to identify causes of feedback in hearing aids. K191 Knowledge of purposes and methods of evaluating frequency response of hearing aid. K192 Knowledge of purposes and methods of evaluating gain of hearing aids.

8. Follow-Up Care, Continued (11%) - This content area assesses the candidate's knowledge of procedures to resolve client issues including physical fit and acoustic targets.

<i>Subarea</i>	<i>Tasks</i>	<i>Associated Knowledge Statements</i>
8.2 Repairs (3%)	T58 Assess performance of hearing aids and client complaints to determine whether repairs need to be made.	K193 Knowledge of techniques to differentiate between external and internal feedback.
		K194 Knowledge of procedures to run an electroacoustic analysis on a hearing aid to determine if it is performing to manufacturer specifications.
		K195 Knowledge of evaluation techniques to determine whether to repair hearing aids or send to the manufacturer for repair.
		K196 Knowledge of purposes and methods of evaluating volume control of hearing aids.
		K197 Knowledge of techniques to differentiate changes in client hearing from malfunction of hearing aid.
		K198 Knowledge of client complaints that indicate hearing aid malfunction.
	T59 Perform hearing aid maintenance and repair.	K199 Knowledge of procedures to assess causes of hearing aid malfunction.
		K200 Knowledge of types of repairs for hearing aids.
		K201 Knowledge of how to service or repair hearing aids.
	K202 Knowledge of equipment and tools used to repair hearing aids.	

9. Counseling (10%) - This content area assesses the candidate's knowledge of methods to establish realistic expectations and educate the client on optimizing communication while using hearing aids and accessories.

<i>Tasks</i>	<i>Associated Knowledge Statements</i>
T60 Determine when hearing aid is no longer adequate for client needs.	K204 Knowledge of indicators that a different hearing aid would be more effective to meet client needs.
	K205 Knowledge of how hearing may change over time.
T62 Establish realistic expectations about potential experiences while wearing hearing aids.	K207 Knowledge of realistic expectations regarding hearing amplification.
	K208 Knowledge of factors that affect successful hearing aid fitting.
	K209 Knowledge of adaptation process and implications for new hearing aid users.
	K210 Knowledge of purposes and methods of evaluating client expectations about amplification.
	K211 Knowledge of cognitive and physical factors that influence successful hearing aid use.
T63 Educate client on practices to optimize communication while using hearing aids and accessories in different circumstances.	K212 Knowledge of strategies for maximizing communication in different listening environments.



MEMORANDUM

DATE	July 29, 2022
TO	Hearing Aid Dispensing Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 4: Discussion and possible action to Amend regulations regarding Hearing Aid Dispenser Advertising Requirements as stated in Title 16, CCR section 1399.127

Background

Due inquiries and complaints received regarding the lack of clarity with Hearing Aid Dispensing (HAD) advertising regulations, at its June 2013 meeting, the Board approved proposed regulatory changes.

At the May 2016 meeting, the Board amended the proposed regulatory language in Title 16 California Code of Regulations (CCR) section 1399.127. At its February 2017 meeting, the Board delegated to two Board members the task to make further revisions to the proposed regulatory language. At its August 2017 meeting, the Board approved further revisions to the proposed regulatory language. Due to limited staff resources and the COVID-19 pandemic, this regulatory package has been delayed and no further Board discussion have occurred, or actions been taken since 2017.

Summary of Changes

The proposed changes to the previously approved regulatory package text include the following:

- Various amendments to subsections (a) and (b) to increase clarity and readability.
- Removed paragraphs (1) through (10) from subsection (b) and corresponding tables.
- Added subsections (c) through (g) to specify information required when advertising, information not permitted when advertising, and advertisements that involve rebates, additional charges, or prices.
- Renumbered subsection (c) to become (h) and added exemption and disciplinary actions for sales resulting from national advertisements that violate the requirements.

Action Requested

Staff recommends the Committee to review and discuss the provided materials. The Committee may wish to determine whether or not to recommend the regulatory language to the Board.

Attachment: Proposed changes to HAD Advertising Proposed Language as Adopted on August 11, 2017

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
 AND HEARING AID DISPENSERS BOARD**

**PROPOSED REGULATORY LANGUAGE
 HAD Advertising**

Legend: Added text is indicated with an underline.
 Omitted text is indicated by (* * * *)
 Deleted text is indicated by ~~strikeout~~.

Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(a) A person licensed to dispense hearing ~~aid-dispenser~~aids may advertise ~~any goods~~the fitting and selling of hearing aids or services ~~authorized to be provided by such~~allowed by the license in ~~a~~the manner authorized by Section 651 of the Business and Professions Code ~~so~~as long as ~~such~~the advertising does not promote the unnecessary ~~or excessive~~ use of such goods ~~or~~and/or services.

(b) An advertisement ~~violates~~for fitting and selling hearing aids and/or other authorized services is false, fraudulent misleading, or deceptive in violation of Business and Professions Code Section 651 ~~of the Code when~~if it violates any provision of Article 8, Chapter 5.3 of Division 2 of the Code, beginning with Section 2538.10.:

~~(1) Is not exact, and any conditions or other variables to an advertised price are not disclosed.~~

~~(2) Includes a statement of price comparison that is not based upon verifiable data.~~

~~(3) Advertises a discount in a false or misleading manner, including but not limited to, failing to disclose the dates on which the sale or discount price will be in effect if the sale or discount price is a limited time offer.~~

~~When advertising a specific hearing aid model:~~

Correct:	50% off Acme Model 12
Regularly \$1000, Now \$500	
Incorrect:	50% off Acme hearing aid

~~When advertising a category of hearing aids (e.g. all models from one manufacturer, or all BTE models):~~

Correct:	50% off Manufacturer's Suggested Retail Price
All Acme Hearing Aids	
Incorrect:	Acme Hearing Aids -- 50% Off
Correct:	50% off Manufacturer's Suggested Retail Price, All Hearing Aids Offer good January 1-7, 1998 (or Offer expires January 7, 1998)
Incorrect:	50% off Manufacturer's Suggested Retail Price, All Hearing Aids

~~(4) Utilizes a business name that is so broad as to connote comprehensive and diagnostic hearing services, unless the dispenser is also licensed as a physician or audiologist.~~

Correct:	Delta Hearing Aid Center
Incorrect:	Delta Hearing Center

~~(5) Advertises hearing tests without qualification as to the nature of the hearing testing that may be performed by a hearing aid dispenser.~~

Correct:	Test to determine if you could be helped by a hearing aid
Incorrect:	Hearing test

~~(6) Includes sending to a consumer preset appointment information or "rebate coupons" that resemble checks as part of a direct mail solicitation.~~

~~(7) Includes an educational degree but does not list the degree and field, or includes the title "Dr." where the degree is a non-medical doctorate and the advertisement does not disclose that fact.~~

Correct:	John Doe, Ph.D. in Audiology	Jane Doe, M.A. in Audiology
	John Doe, Ph.D. (Audiology)	Jack Doe, B.A. (Audiology)
Incorrect:	Dr. John Doe	Jane Doe, M.A.
	Dr. John Doe (Audiology)	Jack Doe, B.A.

~~(8) Includes abbreviations for job titles or job certifications as letters after a name where those letters do not represent an academic degree or credential.~~

~~(9) Refers to a dispenser's certification by a professional organization but either does not include the name of the certifying organization or, includes the name written in a manner not easily understood by consumers.~~

Correct:	John Doe, Hearing Aid Dispenser Lic. No. HA-xxxx
NB-HIS, Certified by the National Board of Certification in Hearing Instrument Sciences	

Incorrect:	John Doe, NB-HIS
------------	-----------------------------

~~(10) Includes the term “specialist” when referencing licensure without including the title “hearing aid dispenser.”~~

Correct:	Jane Doe, Hearing Aid Dispenser Lic. No. HA-xxxx
Jack Doe, Licensed Hearing Aid Dispenser	
John Doe, Hearing Instrument Specialist	
Hearing Aid Dispenser Lic. No. HA-xxxx	
Incorrect:	Jane Doe, Hearing Aid Specialist Lic. No. HA-xxxx
Jack Doe, Licensed Hearing Aid Specialist	

(c) Advertising for fitting and selling hearing aids by a person licensed to dispense hearing aids for the purpose of fitting and selling hearing aids or other authorized services shall include the following information:

(1) The name and established retail business address(es) of the hearing aid dispenser registered with the Board pursuant to Section 2538.34 of the Code or the name and address of the principal place of business of the licensed dispensing audiologist as required by Section 2538.4 of the Code.

(2) The license number of the person licensed to dispense hearing aids, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

(d) In addition to any false, fraudulent, misleading, or deceptive statements, claims, or images prohibited under Section 651 of the Code, an advertisement for fitting and selling hearing aids shall not include:

(1) An educational degree that was not earned and does not specify the exact degree and field in which the degree was earned.

(2) Other than for a physician or surgeon licensed in this state, the title Dr. without specifying the exact field in which the doctoral degree was earned.

(3) A job title or dispenser’s certification by a professional organization that is not clearly identified by the full job title or certification and name of the certifying organization.

(4) An offer to perform a hearing test that does not clearly state that the test is being performed in order to fit and sell a hearing aid. An offer for authorized services as part of a research and/or field study does not violate this section if no selling of a hearing aid occurs following the research or study.

(5) Any description of services that are required to be performed by a licensed audiologist unless there is a licensed audiologist registered at the advertised address to perform those services.

(6) Preset appointment information when the consumer has not requested such an appointment.

(e) The use of rebate coupons or rebate checks without informing the consumer of all the various material facts relating to the actual price of the device and discounts or sales that are currently available on that device shall constitute false, fraudulent misleading, or deceptive advertisement.

(f) Any advertisement shall fully disclose any and all additional charges.

(g) An advertisement of price shall not be used to entice the consumer into a more costly transaction than the advertised item or service at the advertised price. An advertisement for price that uses a price comparison shall be based on verifiable data. The licensee shall retain such data for one year after the advertisement is published or disseminated. An advertisement that offers a price discount shall:

(1) List the dollar amount of the non-discounted fee for the specific hearing aid or provide consumers with a method to ascertain the actual price;

(2) Inform the public of the dates on which the sale or discount price will be in effect if the sale or discount price is a limited time offer; and

(3) Inform the specific group who qualifies for the discount of any other terms and conditions or restrictions imposed for qualifying for the discount.

(eh) Any national advertisement run in California shall comply with California laws and regulations.

(1) Exempt from said advertising is paragraph (c) of this section.

(2) A person licensed to dispense hearing aids is subject to discipline or enforcement action for sales resulting from a national advertisement that violates this section.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 651, 651.3 ~~and 2533~~[2538.4](#), [2538.10](#), and [2534.34](#), Business and Professions Code.



MEMORANDUM

DATE	June 24, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Review and Possible Approval of the May 12-13, 2022 Board Meeting Minutes

Background

Attached is a draft of the meeting minutes from the May 12-13, 2022 Board Meeting.

Action Requested

Please review and discuss whether there are necessary corrections or additional information needed. If not, make a motion to approve the May 12-13, 2022 Board Meeting minutes.

Attachment: May 12-13, 2022 Board Meeting Minutes



BOARD MEETING MINUTES – DRAFT
Sacramento, Glendora, and Teleconference Meeting
May 12-13, 2022

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.

Hearing Aid Dispensing Committee

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

Tod Borges, Committee Chair, called the Hearing Aid Dispensing Committee (Committee) meeting to order at 1:00 p.m. Mr. Borges called roll; four members of the Committee were present and thus a quorum was established.

Committee Members Present

Tod Borges, Hearing Aid Dispenser, Committee Chair
Marcia Raggio, Dispensing Audiologist
Karen Chang, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Maria Liranzo, Legislation/Regulation/Budget Analyst
Heather Olivares, Legislation/Regulation Analyst
Tenisha Ashford, Enforcement Coordinator
David Bouilly, DCA SOLID
Bryce Penney, DCA Web Cast

Guests Present

April Dolan, AuD

2. Public Comment for Items Not on the Agenda

Patrick, a member of the public, inquired about remote supervision for Required Professional Experience (RPE).

3. Discussion and possible action to Amend or Adopt regulations regarding Continuing Education Requirements and Continuing Education Course Content Requirements

for Hearing Aid Dispensers and Dispensing Audiologists as stated in Title 16, California Code of Regulations (CCR) sections 1399.140, 1399.140.1 and 1399.144

Cherise Burns provided a summary of changes to the regulations regarding continuing education (CE) requirements.

Mr. Borges opened the discussion on the changes to regulations regarding CE requirements. Mr. Borges commented that section 1399.140(h) once existed and suggested no more than four hours for examination related duties. Dr. Amy White expressed agreement with a specified number of hours per day and suggested limiting the number of hours per renewal period. Karen Chang expressed agreement with the suggested four hours. Mr. Borges commented that this may encourage licensees to help with developing or administering the examination.

Dr. White inquired if the four hours would be per day. Mr. Borges replied the examination are one day and workshops are two days. Ms. Burns clarified that examinations now run for two days in a row. Mr. Borges commented to break down the hours further. Dr. White expressed agreement that it should be two hours per day.

Paul Sanchez inquired if Ms. Burns can read the suggested changes and if there was a maximum number of hours. Ms. Burns replied that a maximum number of four hours was suggested. Mr. Borges inquired if this limitation applied to both the workshops and examinations. Dr. White replied limiting it four hours total. Dr. Marcia Raggio expressed agreement to limit it to four hours for both workshops and examinations. Mr. Borges expressed agreement to limit it to four hours for both workshops and examinations and suggested it to be for each renewal.

Ms. Burns noted the suggested changes are: "If a licensee serves the Board as a selected participant in Board sponsored examination development or examination administration related functions, the licensee may receive up to two (2) hours of continuing education credit for each day of service with a maximum of four (4) hours per renewal period."

Ms. Burns suggested removing the last sentence in subsection (h). Mr. Borges expressed agreement that this information is redundant and can be omitted. Karen Halbo, the Board's regulation counsel, expressed agreement that this sentence is not necessary and can be omitted.

Mr. Borges opened the discussion on the changes to allow hearing aid device courses. Mr. Borges commented on the benefits to consumers if their dispenser can complete courses on the programming, troubleshooting, and functionality of hearing aid devices. Dr. Raggio commented on why these types of course were removed in the past. Mr. Borges commented that courses offered today are different from courses provided in the past. Ms. Burns commented on the course approval process. Dr. Raggio commented on marketing materials provided during the course and marketing emails following the course. Mr. Borges shared his experience of marketing materials in

courses he attended. Mr. Sanchez commented on the ability to regulate marketing materials to those enrolled in Board approved courses. Ms. Burns suggested regulatory language can be added regarding the distribution of marketing materials as an unacceptable course content. Dr. White commented on the difficulty of drafting clear regulatory language on courses related to hearing aid devices. Ms. Burns commented on how CE course approval and audit process would look for these types of courses. Mr. Borges commented on course content that help consumers being valuable for hearing aid dispensers.

Dr. White inquired about a maximum number of hours for courses on hearing aid devices. Mr. Borges replied that it could be considered. Ms. Burns commented that it could be added to section 1399.140. Mr. Borges expressed agreement with limiting the number of hours. Ms. Burns commented on the use of subject matter experts for complex requests during the course approval process. Mr. Sanchez commented on the regulatory language being clear for licensees to understand.

Ms. Chang inquired if there are other providers who provide courses on hearing aid devices. Mr. Borges replied that courses will come from the manufacturer of the device. Dr. White commented on why these types of course were removed in the past.

Dr. Raggio inquired if courses provided on AudiologyOnline are provided by manufacturer. Mr. Borges replied that there are a wide variety of providers for various topics and courses on hearing aid devices and that they are primarily provided by the manufacturer of the device.

Ms. Burns provided a summary of changes to the regulations regarding CE requirements exemptions in section 1399.144.

Ms. Burns provided a summary of the attachments included for discussion which includes other states CE requirements and denied courses. Ms. Chang commented on Arizona's limitations on hours sponsored by a single manufacturer and inquired how it compared to current regulations and the proposed changes. Ms. Burns and Mr. Borges replied that current regulations do not permit courses sponsored by a manufacturer and limiting the number of manufacturers could be a restriction to consider. Ms. Chang inquired how many brands do dispensers carry. Mr. Borges replied that most dispenser carry two or three and commented that consumers may come with a different brand. Dr. White commented on the importance of limiting the number of hours on courses that are sponsored by a manufacturer. Mr. Borges commented on Arizona's course approval process. Mr. Borges further commented on continuing education being on the scope of practice to dispense hearing aids. Dr. White commented on the scope of practice and other tasks involved to fitting hearing aids. Dr. Raggio commented that technological advancements to hearing aid devices make courses on them appropriate and beneficial to dispensers.

Dr. April Dolan, Continuing Education Administrator from Audiology Online, commented on being available to answer any questions.

Ms. Burns inquired about the limitation to the number of hours for hearing aid device courses. Ms. Chang replied that no limitation was established. Mr. Borges commented that this can be discussed at the Board meeting when it's ready for their vote.

Ms. Halbo inquired about the language for unacceptable course content for marketing materials. Ms. Burns replied that the Committee was suggesting adding it to section 1399.141(b)(2) as: "This shall include the distribution of any materials during or after the course." Mr. Borges expressed agreement with the proposed language.

Ms. Chang inquired about materials provided during the courses. Mr. Borges replied that PowerPoint slides are generally provided. Ms. Chang commented on the proposed language being clear so that it doesn't prevent this type of material from being distributed.

Dr. Raggio inquired about the proposed language and issues with restraint of trade. Michael Kanotz replied that it would be a case-by-case basis in terms of commercial speech and for regulatory purpose the basis or necessity for the requirement will be needed to promulgate the requirement.

Dr. April Dolan, Continuing Education Administrator from Audiology Online, inquired if there will be a period prior to promulgating the requirement. Ms. Burns replied that course providers can work with Board staff to correct any deficiencies and noted that this expands acceptable courses making it easier to allow for these types of courses.

Karen Chang made a motion to recommend to the Board the propose regulatory language as amended.

Dr. Marcia Raggio seconded the motion.

The motion carried 4-0. (Ayes: Borges, Raggio, Chang, White)

4. Discussion and possible action regarding Examination Requirements for Hearing Aid Dispensers and Dispensing Audiologists as stated in Title 16, CCR sections 1399.120, 1399.121, and 1399.122

Maria Liranzo provided a background on the changes to the regulations regarding examination requirements for Hearing Aid Dispensers and Dispensing Audiologists.

Dr. Raggio inquired about the payment status for applicants who are not accepted to the practical examination. Ms. Burns replied that payments are processed when the number of applicants is finalized for each examination. Ms. Burns provided a background of the current practical examination process and what it would look like under the proposed changes. Mr. Sanchez commented on the proposed changes providing more flexibility to Board staff in providing the practical examination.

Mr. Kanotz inquired about the number of allowable applicants and how they are determined. Ms. Liranzo replied that applicants are accepted in the order received and the Board determines the number of applicants accepted based on the number of examiners, location, and health and safety considerations. Mr. Sanchez commented on the limitations of the current process. Ms. Burns provided a background on Board staff process during the application filing period.

Ms. Chang inquired about applicants who reside outside of Sacramento. Ms. Burns replied that applications are sent to the Board through a postal service for early morning drop off. Mr. Sanchez commented on the proposed changes increasing the opportunities to complete the practical examination. Ms. Chang expressed agreement with the proposed changes.

Dr. Raggio inquired about retaking a failed portion of the examination. Ms. Burns replied that this was a change that occurred after DCA's Office of Professional Examination Services conducted an evaluation. Dr. Raggio inquired about halting the examination for failing a portion. Ms. Burns replied that there are different processes for scoring and halting the examination depending safety risks in a particular section.

Ms. Liranzo provided a summary of changes to sections 1399.120. Ms. Burns clarified that the information being added to regulations is a process that already exists and are not new requirements.

Ms. Liranzo provided a summary of changes to section 1399.121. Ms. Chang suggested if the provision regarding removal for cheating could be numbered the same on 1399.120 and 1399.121. Ms. Liranzo noted the suggested change.

Ms. Chang inquired about the total cost for completing both the practical and written examination. Ms. Burns replied to confirm that the total cost would be \$725. Ms. Chang inquired if the cost would be the same for retaking it. Ms. Burns replied that it would. Mr. Borges noted that it wouldn't if an appeal is granted. Ms. Burns confirmed and commented on the practical examination appeal process.

Mr. Borges inquired about the regulatory text and the phrase "including but not limited to." Ms. Halbo replied that "shall include" is an expansive term and the phrase "including but not limited to" is no longer necessary.

Ms. Liranzo provided a summary of changes to sections 1399.122 and 1399.152.4.

Mr. Borges inquired about having more emphasis on laws and regulations in the written examination. Mr. Sanchez replied that the proposed language in section 1399.120(b)(6) will aid discussion regarding the written examination development with DCA.

Ms. Liranzo provided a summary of the attachments included for discussion which includes the last approved version of the regulatory text and the most recent examinations outlines.

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

Dr. Marcia Raggio made a motion to recommend to the Board the propose regulatory language.

Karen Chang seconded the motion.

The motion carried 4-0. (Ayes: Borges, Raggio, Chang, White)

The meeting adjourned at 2:40 p.m.

Audiology Practice Committee

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

Dr. Marcia Raggio, Committee Chair, called the Audiology Practice Committee (Committee) meeting to order at 3:02 p.m. Dr. Raggio called roll; three members of the Committee were present and thus a quorum was established.

Committee Members Present

Marcia Raggio, Dispensing Audiologist, Committee Chair
Karen Chang, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Maria Liranzo, Legislation/Regulation/Budget Analyst
Heather Olivares, Legislation/Regulation Analyst
Tenisha Ashford, Enforcement Coordinator
David Bouilly, DCA SOLID
Bryce Penney, DCA Web Cast

Guests Present

Debbie Clark, AuD
Christy Kirsch, AuD

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 Statutory and/or Regulatory Requirements Related to Audiology Aide Scope of Practice and Supervision Requirements as

stated in BPC section 2530.2 and Title 16, CCR section 1399.154 through 1399.154.7

Dr. Raggio opened the discussion regarding the scope of practice and supervision requirements for audiology aides. Dr. Raggio commented on the issues and concerns regarding the role and tasks of audiology aides. Dr. Amy White commented on defining the tasks by listing prohibited tasks and defining audiology aide supervision similar to speech-language pathology assistant (SLPA) supervision. Dr. Raggio expressed agreement in defining audiology aide supervision similar to SLPA supervision.

Dr. Raggio suggested that any task that requires a license cannot be performed by an audiology aide and commented on the advantage and disadvantage of this type of language.

Karen Chang inquired about activities an audiology aide can or cannot perform. Dr. Raggio replied that some tasks listed on page 4 of the memo are appropriate and others are not as they require a license to perform. Paul Sanchez commented that various attachments are included for discussion which includes examples of tasks. Ms. Chang inquired if Attachment H would be an appropriate list to adopt. Dr. Raggio replied that examples listed uses broad language that can be open to different interpretation and the suggested supervision may be too restrictive. Dr. White commented on defining direct and indirect supervision similar to Attachment F.

Dr. White inquired if the intent for clarifying the audiology aide is for the creation of an audiology assistant license. Cherise Burns replied that this is separate from creating an audiology assistant which requires a statutory authority similar to SLPAs.

Dr. Raggio inquired about continuing education requirements for aides. Ms. Burns replied that renewal and continuing education requirements for aides are recommendations as part of the Board's Sunset Review. Mr. Sanchez commented on the need to clarify current aide requirements for consumer protection and the Board may consider the creation of an audiology assistant license type in the future.

Dr. White inquired about implementing changes to current aide requirements and the impact on those that currently perform tasks that would be considered outside their scope of practice. Mr. Sanchez replied that the Board requires an examination to properly make ear mold impressions to dispense hearing aids and it would be necessary to inform individuals performing this task that they would need to be licensed.

Dr. White inquired if tasks like ear impressions are currently not allowed to be performed by aides. Mr. Sanchez replied that they should not be allowed and the purpose of making changes is to make this clear. Ms. Burns commented that Board staff approve task according to their level of evasiveness and noted that without a renewal requirement the Board is not aware of the type of tasks aides are currently doing after they have been trained. Dr. Raggio commented on the Board receiving aide registration forms with tasks listed that are outside their scope of practice. Ms. Burns

commented on current aide applicants being more educated and experienced and the Board not having a structure for oversight and supervision when they are trained in tasks considered outside the scope

Dr. Raggio commented on the tasks listed in Attachment H as being appropriate for an aide to perform and others that would require some level of supervision and training due to their complexity. Dr. Raggio inquired who determines if an aide is not qualified or not adequately trained. Ms. Burns replied that there would have to be some sort of measure as Board staff are not trained in knowing what “qualified” or “adequately trained” means. Mr. Sanchez commented to clarify the attachments are examples to aid the discussion and not recommendations.

Dr. Raggio inquired if the Board would need regulations to make these changes. Ms. Burns replied there are no list of tasks in regulations. Michael Kanotz replied that to adopt standards and tasks that aides can perform would require regulations. Ms. Burns commented that the Board is authorized to designate standards and requirements related to the extent, kind, and quality of services performed by the aide, which can be defined in regulations. Ms. Burns commented on using this authority as an opportunity to clarify training requirements in section 1399.154.4.

Dr. White inquired if current training plans can be audited to see the current task being performed by aides. Ms. Burns replied that current plans can be reviewed to see the type of task listed. Dr. White commented on the negative impact changes to aide requirements may have to current business operation.

Dr. Raggio inquired about listing tasks that an aide can perform. Ms. Burns replied this is one method but may be problematic if a task is not listed. Dr. Raggio inquired if the list should contain categories of task and not specific tasks. Ms. Burns replied that this is another option and suggested listing tasks aides cannot perform as the current statutory language is broad.

Dr. White inquired about specifying education or training requirements. Ms. Burns replied that the statutory language for aides is an experience and training requirement rather than an education requirement. Ms. Burns commented that explicit statutory authority is generally given to implement education requirements such as those that exist for SLPAs. Mr. Kanotz commented on aides as used under the Business and Professions Code are generally unlicensed person with some training and registered with a board. Dr. White commented on the confusion with the use of aides under other healing arts boards. Dr. Raggio commented on the use of aides under other boards. Dr. Raggio commented on audiology assistant programs in California and inquired what happens to those individuals after the program. Ms. Burns replied that they could only be registered as an aide.

Dr. Raggio inquired if this Committee should develop categories of tasks and supervision requirements for aides. Ms. Burns replied that this would make specific the board’s designated standards and requirements as stated in Business and Professions

Code 2530.6. Ms. Burns commented on various ways to define the extent, kind, and quality of services performed by the aide.

Dr. Raggio inquired if aides would continue to exist if an assistant license type was created. Ms. Burns replied that the Board continues to receive registration applications for speech-language pathology aides even with a SLPA license type.

Ms. Burns read a written comment from Debbie Clark with Pacific Hearing Services in Los Altos regarding audiology assistants' ability to perform otoscopy and clarity on what they can do independently.

Dr. Debbie Clark from Pacific Hearing Services in Los Altos commented on providing input at future committee meetings regarding audiology aides.

Dr. Christy Kirsch, Clinical Director from San Diego State University, commented on the need for clearer guidelines in order to train audiology students on the proper use of aides or assistants in the clinic.

Dr. Raggio commented on the concept of triage by aides and inquired if it would require some type of interpretation. Ms. Burns replied that licensed professionals like registered nurses that perform triage have a certain amount of training to implement certain criteria on patients.

Dr. Amy White made a motion to have no more than two committee members to work with Board staff to draft language regarding audiology aides.

Karen Chang seconded the motion.

The motion carried 3-0. (Ayes: Raggio, Chang, White)

4. Update, discussion, and possible action regarding Audiology Licensing Requirements Related to Supervised Clinical and Professional Experience as stated in Business and Professions Code Sections 2532.2 and 2532.25 and Title 16, CCR sections 1399.152.2

Ms. Burns provided an update on statutory changes to supervised clinical and professional experience for audiology license and noted that Board staff recommend further discussion to be held at a future meeting after statutory amendments are more certain.

Dr. Raggio inquired about amendments to the statutory language. Ms. Burns replied that the Joint Sunset Review Oversight Committee have inquires on the Board's suggested changes that Board staff are resolving. Mr. Sanchez commented on the discussion Board staff are having with the Joint Sunset Review Oversight Committee.

Dr. Raggio inquired about the survey for the audiology programs in California. Ms. Burns replied that questions are being prepared and will be sent to programs in the summer.

Dr. Christy Kirsch, Clinical Director from San Diego State University, inquired on what pre-didactic means to the Board. Ms. Burns replied that these are clinical rotations or experiences completed before the completion of the didactic program.

The meeting adjourned at 4:01 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 4:10 p.m. on Thursday, May 12, 2022 and 9:03 a.m. on Friday, May 13, 2022. Dr. Raggio called roll; eight members of the Board were present and thus a quorum was established.

Board Members Present

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
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Maria Liranzo, Legislation/Regulation/Budget Analyst
Heather Olivares, Legislation/Regulation Analyst
Tenisha Ashford, Enforcement Coordinator
David Bouilly, DCA SOLID
Bryce Penney, DCA Web Cast

Guests Present

Matt Shafer
Carl Sims
Laura Wasco
Jennifer Kizner
Kenya Gomez

2. Public Comment for Items not on the Agenda

Cherise Burns read a written comment from Jill Axtell regarding in-person continuing education requirements.

3. Review and Possible Approval of the January 13, 2022, Board Teleconference Meeting Minutes

Maria Liranzo provided a summary of the January 13, 2022, Board Teleconference Meeting Minutes.

There was no Board discussion nor comments from the public, outside agencies, or associations.

Gilda Dominguez moved to approve the January 13, 2022 Board meeting minutes.

Dr. Amy White seconded the motion.

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

4. Review and Possible Approval of the February 25, 2022, Board Teleconference Meeting Minutes

Ms. Liranzo provided a summary of the February 25, 2022, Board Teleconference Meeting Minutes.

Holly Kaiser requested amendments on page 6 under Agenda Item 13c to replace "CASHA" with "CSHA."

Gilda Dominguez requested amendments on page 4 under the fifth paragraph to remove the second "a" from Pasadena.

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

Karen Chang moved to approve the February 25, 2022 Board meeting minutes, as amended.

Tod Borges seconded the motion.

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

5. Board Chair's Report

Dr. Raggio opened the discussion on the 2022 Board and Committee Meeting Calendar and noted that the next meeting will be in-person unless stated otherwise. Cherise Burns commented on requesting bids to help determine a viable location in southern California for August's meeting and suggested Sacramento or teleconference for October's meeting.

Debbie Snow and Ms. Kaiser reported on the discussion from the Enforcement Ad Hoc Committee meeting. Paul Sanchez commented on the overview provided on the enforcement process.

Tod Borges reported on the discussion and actions from the Hearing Aid Dispensing Committee meeting held on May 12, 2022. Dr. Amy White inquired about the four hours limitation. Mr. Borges replied that it was suggested for courses on hearing aid devices but not decided. Mr. Borges noted that it was decided to limit the hours in helping to develop and administer the examination to four hours. Ms. Burns commented that another change discussed was the four hours for in direct or related care.

Dr. Raggio reported on the discussion and actions from the Audiology Practice Committee meeting held on May 12, 2022.

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

6. Executive Officer's Report

Mr. Sanchez reported on the Business Modernization Project including filling a vacant position created by the project and progress made since the last Board meeting.

Mr. Sanchez reported on outreach efforts including the Board presenting at the California Speech-Language Hearing Association Convention in Pasadena. Ms. Kaiser and Ms. Dominguez commented on their experience.

Mr. Sanchez reported on the Board's budget and fund condition including the current surplus(deficit) percentage and months in reserve. Karen Chang inquired if DCA Pro Rata includes the Business Modernization Project. Ms. Burns replied that DCA Pro Rata is calculated to include some of the project cost but mostly includes services provided by Legal, Human Resources, printing, budgets, and other services not provided by Board staff. Ms. Chang inquired about pro rata encumbrance status. Ms. Burns replied that it is unencumbered until the end of the fiscal year. Ms. Chang inquired if the current surplus(deficit) percentage includes unencumbered funds. Ms. Burns replied it includes all encumbered funds.

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

Mr. Sanchez noted a report on the licensing processing time, practical examination, licenses issued, and licensee population.

Mr. Sanchez noted a report on enforcement and disciplinary actions.

Dr. Raggio inquired if any audiologists took the practical examination. Mr. Sanchez replied that there are some listed under “Applicants without Supervision.”

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

7. DCA Update – DCA Board and Bureau Relations

Brianna Miller with DCA Executive Office provided an update on in-person meetings, Board and Bureau Relations newsletter, DCA’s open meeting survey, positions filled in DCA’s executive team, Board member orientation training, and leadership change to Board and Bureau Relations.

Dr. Raggio complimented the leadership meetings provided by the Board and Bureau Relations.

Ms. Kaiser inquired about the open meeting survey. Ms. Miller replied that DCA is providing this to staff to complete after each meeting starting April 1, 2022.

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

8. Update and Discussion Regarding the Board’s 2022 Sunset Review, Board Testimony at the Joint Sunset Review Oversight Committee (Committee) Hearing on March 10, 2022, and the Board’s Response to the Issues Identified in the Committee’s Sunset Background Paper

Mr. Sanchez provided an update on the Board’s Sunset Review and noted that Assembly Bill 2686 will establish a new sunset date and make changes to the Board’s Practice Act.

Dr. Raggio inquired about future discussions regarding Business and Profession Code 2532.25 related to the audiology supervised clinical and professional experience licensing requirement. Ms. Burns replied that discussions are ongoing as the bill goes through the legislature.

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

9. Update and Discussion on the Audiology & Speech-Language Pathology Interstate Compact

Dr. Raggio opened the discussion with a background on the Audiology & Speech-Language Pathology Interstate Compact (ASLP-IC) and invited Matt Shafer, Deputy Director with the National Center for Interstate Compacts, the Council of State

Governments, to present to the Board on the ASLP-IC.

Mr. Shafer provided a presentation on the ASLP-IC and covered what an interstate compact is and its uses, common misconceptions, data on various compacts enacted or under development, the development process of the ASLP-IC, the benefits of the ASLP-IC, state participation requirements, how the compact works, how it affects licensees with license/credential such as working in a school setting or authorized to dispense hearing aid, state sovereignty and jurisdiction in regards to adverse actions, and the compact commission.

Mr. Borges inquired about the meaning of “buying compact privileges.” Mr. Shafer replied that there is a fee paid for every state in which a licensee would want a compact privilege in and the state has the ability to set that fee.

Mr. Borges inquired about fees to the compact itself. Mr. Shafer replied there is a fee that goes to the compact commission and a fee to the member state.

Dr. Raggio inquired about additional cost for the state to belong to the compact. Mr. Shafer replied ASLP-IC currently does not charge states to maintain their membership and noted the other compacts that do.

Dr. Raggio inquired which doctoral degree an audiologists need. Mr. Shafer replied that he will need to confirm if it's a clinical degree, and not a PhD.

Dr. Raggio inquired what they mean by supervised clinical practicum. Mr. Shafer replied that he will need to confirm and report back to the Board.

Dr. Raggio inquired about how a state would conduct a license verification through the compact. Mr. Shafer replied that this is all done through the compact's data system.

Dr. Raggio inquired about interstate compact privilege for hearing aid dispensers. Mr. Shafer replied that it is intended for licensed audiologists and speech-language pathologists.

Ms. Kaiser inquired about continuing education requirements under the interstate compact. Mr. Shafer replied that additional requirement can be imposed in order to perform a certain function within the state.

Dr. Raggio inquired about current laws for California licensees providing services in other states through telehealth. Mr. Sanchez and Ms. Burn replied that a California licensee may need to be licensed in another state in order to provide services to a patient located in another state.

Mr. Sanchez inquired about the required participation in enforcement cases. Mr. Shafer replied that it would be sharing information with the state that is conducting an investigation on a licensee.

Dr. Raggio inquired about licensee participation with criminal record. Mr. Shafer replied that applicants can't have a criminal record where they were found guilty of a felony related to the practice, they are licensed in.

Mr. Sanchez inquired about the Board's ability to act against a licensee who poses an immediate danger to the public. Mr. Shafer replied that this type of information can be shared through the compact's data system to notify other states of a licensee who poses an immediate danger to the public.

Dr. White inquired if licensees have to change their state when they move to another state. Mr. Shafer replied that licensee would need to be licensed in the state they primarily reside.

Dr. White inquired about audiologists who wish to sell hearing aids under this compact. Mr. Shafer replied that secondary license requirements are not covered under the compact and will need to confirm if California requirements would be considered a secondary license.

Ms. Burns inquired about a renewal fee for compact privileges. Mr. Shafer replied there is a renewal fee similar to the initial fee.

Dr. Raggio inquired about personnel for the operation of the compact and commission. Mr. Shafer replied that the compact is still being implemented and no states are issuing privileges at the moment.

Ms. Dominguez inquired about how a licensee initiates a compact privilege. Mr. Shafer replied that they would contact the commission who will issue them the privileges once the requirements are verified.

Ms. Burns inquired how the compact verifies the licensee's information. Mr. Shafer replied the commission contacts the state the licensee is licensed in to obtain documents to verify the requirements.

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

10. Discussion on the Board's Communication Methods with Licensees

Ms. Burns provide a summary of the Board's communication methods with its licensees.

Karen Chang inquired about the number of licenses who opt out of the email list. Ms. Burns replied that there may be a way to obtain this information but will require working with DCA.

Ms. Chang inquired if the Board needs permission from DCA to use social media. Ms. Burns replied with information on what other boards are doing and commented on the

resources needed to manage social media and other public communications activities. Ms. Chang commented on a method to create a social page to provide information without receiving comments from the public. Mr. Sanchez commented on the importance of strategic communication.

Ms. Kaiser inquired if this information can be provided to California Speech Language Hearing Association (CSHA) to highlight in their magazine or newsletter. Ms. Burns replied that a summary can be provide to them and other professional organizations. Ms. Burns commented on the email list for legislative advisories when there are statutory or regulatory changes.

Ms. Chang suggested a QR code that sends individuals directly to the Board's website on flyers handed out at schools or events. Ms. Burns commented that Board staff can work with DCA to create one.

Dr. Raggio inquired about the purchase of addresses and if this applies to email addresses. Ms. Burns replied that email addresses are only for the purpose of the Board. Ms. Burns stated that any organization can request a list of addresses that is publicly available as this is public information and does not include phone number or email address.

Brianna Miller with DCA Executive Office commented on communication services DCA can provide to the Board.

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

11. Update and Discussion 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

Mr. Sanchez provided an update on the Board's public comment to the U.S. Food and Drug Administration (FDA) regarding the proposed rule on Over-the-Counter (OTC) hearing aids. Ms. Burns, Dr. Raggio, and Michael Kanotz commented on the federal regulatory process.

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

12. Regulatory Report: Update, review, and possible action on Board regulation packages

Ms. Liranzo provided an update on Board regulations and noted four items for discussion and possible action.

Heather Olivares provided an update on proposed regulations regarding board location and processing times and noted that changes to the processing times does not qualify for the Section 100 process because of the authority used that is still in place and will

need to go through the formal regulatory process. Ms. Burns provided a background on the regulations regarding processing time.

Ms. Liranzo provided a summary of changes to the proposed regulations regarding Speech-Language Pathology Assistant (SLPA) requirements.

Dr. Raggio inquired about the changes to the supervision requirements after initial licensure. Ms. Liranzo replied that the number of hours remains the same and a recordkeeping requirement is added for the purpose of compliance verification.

Ms. Kaiser inquired if the word “initial” was being added for clarity. Ms. Liranzo replied that this text was approved by the Board at the August 2021 Board meeting.

Mr. Sanchez and Ms. Burns commented on the changes to the proposed regulations and how it will help move the package forward and noted that Board staff will have further discussion with DCA Legal on the items removed from this package regarding SLPA program and academic requirements.

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

Karen Chang moved to approve the proposed regulatory text for Sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18 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 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18 as noticed.

Holly Kaiser seconded the motion.

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

Ms. Liranzo provided a background to the proposed regulations regarding examination requirements for hearing aid dispensers and dispensing audiologists and a summary of changes to regulations. Ms. Liranzo noted that the Hearing Aid Dispensing Committee review the language and no substantive changes were made.

There was no Board discussion nor comments from the public, outside agencies, or associations.

Tod Borges moved to approve the proposed regulatory text for Sections 1399.120, 1399.121, 1399.122, and 1399.152.4 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 1399.120, 1399.121, 1399.122, and 1399.152.4 as noticed.

Dr. Amy White seconded the motion.

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

Ms. Liranzo provided a background to the proposed regulations regarding Continuing Professional Development (CPD) requirements for speech-language pathologists and audiologists and a summary of changes to regulations.

Dr. Raggio inquired about the number of dual license holders in the practice of speech-language pathology and audiology. Ms. Burns replied that the Board staff will need to research and report back to the Board.

Ms. Kaiser inquired for a breakdown on the different type of hours limitations. Ms. Liranzo replied that self-study is half of the required hours and courses on related or indirect client care is one-third of the self study hours.

Ms. Burns suggested to amend sections 1399.160.3(c)(3) and 1399.160.3(e)(3) using the proposed language the Hearing Aid Dispensers Committee recommended on May 12, 2022: "shall not be obtained from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices or products. This shall include the distribution of any materials during or after the course." Ms. Burns noted that this can be amended again during the regulatory process if changes are made to the proposed changes to the Hearing Aid Dispensers regulations.

Mr. Sanchez inquired about the area of the language regarding course content for hearing aid devices that needed further discussion. Ms. Burns replied that further discussion is needed in regard to limiting the number of hours and if the language causes commercial speech restriction. Michael Kanotz and Karen Halbo commented on DCA Legal needing to do further research on the language and commercial speech. Ms. Burns noted that this can be amended again during the regulatory process if changes are made to the proposed changes to the Hearing Aid Dispensers regulations.

Ms. Chang inquired about the motion the Board needs to make. Ms. Burns replied that the Board may wish to amend sections 1399.160.3(c)(3) and 1399.160.3(e)(3) to align it with the proposed language the Hearing Aid Dispensers Committee recommended on May 12, 2022. Ms. Halbo and Ms. Burns commented to clarify that the language is saying that Board-approved course providers cannot send or provide marketing materials to those enrolled to their course.

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

Karen Chang moved to approve the proposed regulatory text, as amended, for Sections 1399.160 through 1399.160.4 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 1399.160 through 1399.160.4 as amended.

Gilda Dominguez seconded the motion.

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

Ms. Liranzo provided a background to the proposed regulations regarding fingerprinting requirements and a summary of changes to regulations.

Dr. Raggio inquired about the cost to get fingerprinted. Ms. Liranzo replied that it is at least fifty dollars (\$50) for the background check and an additional amount for the service fee.

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

Debbie Snow moved to approve the proposed regulatory text for Sections 1399.112, 1399.151.2, and 1399.170.14 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 1399.112, 1399.151.2, and 1399.170.14 as noticed.

Dr. Amy White seconded the motion.

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

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

Heather Olivares provided an update on the legislative calendar and deadlines.

Ms. Olivares provided an update on bills for active position recommendations. Ms. Olivares provided a summary of Board staff position recommendation on Assembly Bill (AB) 1733 by Assemblymember Quirk regarding state board meetings.

Dr. Raggio inquired about the history on disclosing Board member's meeting locations. Ms. Olivares replied that current laws require this and commented on the benefits to the Board and public from these proposed changes. Ms. Burns commented on the benefits of these proposed changes which includes Board members attending the meeting remotely without disclosing their location.

Mr. Borges inquired if this would reduce travel for Board members to attend Board meetings. Ms. Burns replied that it could as the proposed changes would require one physical location to be available to the public which can be where Board staff are located.

Debbie Snow inquired if Board members would be able to attend the Board meeting in-person. Mr. Burns replied that the proposed changes do not prohibit a Board member from doing so. Ms. Olivares commented on what the proposed changes requires. Michael Kanotz commented on how the proposed changes compare to current laws.

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

Karen Chang made a motion adopt a Support position on AB 1773.

Debbie Snow seconded the motion.

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

Ms. Olivares provided a summary of Board staff position recommendation on AB 2686 by the Business and Professions Committee regarding the Board's sunset.

Dr. Raggio inquired about the suggested amendments from the Sunset Report. Ms. Olivares replied that the Board should adopt a Support position while Board staff continue to work with the Business and Professions Committee.

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

Holly Kaiser made a motion adopt a Support position on AB 2686.

Karen Chang seconded the motion.

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

Ms. Olivares provided a summary of Board staff position recommendation on AB 2806 by Assemblymember Rubio regarding preschool mental health services.

Dr. Raggio inquired about the process to propose amendments to the Legislature. Ms. Olivares replied that Board staff submits a position letter to committee staff which outlines the Board's concerns and suggested amendments to address those concerns and, if the amendments are accepted, the Board can withdraw their opposition.

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

Holly Kaiser made a motion adopt an Oppose Unless Amended position on AB 2806 according to Board staff recommendation.

Tod Borges seconded the motion.

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

Ms. Olivares provided a summary of Board staff position recommendation on Senate Bill (SB) 1031 by Senator Ochoa Bogh regarding inactive license fees.

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

Tod Borges made a motion adopt aa Oppose position on SB 1031.

Karen Chang seconded the motion.

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

Ms. Olivares provided a summary of SB 1453 by Senator Ochoa Bogh regarding flexible fiber optic trans nasal endoscopic procedure, commonly known as the FEES procedure. Mr. Sanchez noted that the Board received a letter from Dr. Tulio Valdez who was not able to attend today's meeting.

Dr. Raggio inquired about the definition for "readily available" regarding other appropriate medical professionals. Ms. Olivares replied that this is not defined and

Board staff is recommending amendments to further define it or allow the Board time to define it in regulations.

Dr. Raggio inquired if there was any opposition to this bill. Ms. Olivares replied that there was no opposition on record at this time.

Ms. Burns read Dr. Valdez's comment from a letter submitted to the Board.

Dr. Raggio inquired about the current limitations to performing this procedure. Ms. Dominguez replied with her experience in performing this procedure in her workplace. Ms. Dominguez commented on ensuring that the public is protected from risks associated with this procedure and expressed agreement with allowing physicians as well as an otolaryngologist to order speech-language pathologists to perform this procedure. Ms. Dominguez suggested incorporating the recommendation from the article in the American Journal of Speech-Language Pathology that was included as an attachment for Board discussion. Ms. Dominguez commented on who should supervise the required 25 supervised procedure and the inclusion of an educational content to include continuing education and examination.

Dr. Raggio inquired of Ms. Dominguez on the location of her practice. Ms. Dominguez replied that her practice is in a medical facility with otolaryngologists and they have emergency procedures in place.

Dr. Raggio inquired of Ms. Dominguez if private practice would have the ability to establish protocols for emergency medical backup procedures. Ms. Dominguez replied that it would be suggested to have it in place and noted Tennessee's language regarding physicians as part of the emergency medical backup procedures.

Dr. Raggio inquired the type of patients who would need this procedure from a speech-language pathologist in private practice. Ms. Dominguez replied that in her medical setting they receive referrals for patients with head and neck cancer.

Dr. Raggio inquired if speech-language pathologists are performing this procedure in private practice because of a lack of individuals in a medical setting . Dr. White replied that a medical facility may not have an otolaryngologist.

Ms. Kaiser inquired of Ms. Dominguez about the supervision for the required 25 supervised procedure. Ms. Dominguez replied the training received from an otolaryngologist is valuable and beneficial in multidisciplinary settings.

Dr. Raggio inquired of Ms. Dominguez on the type of endoscopes used in these procedures. Ms. Dominguez replied that there are different manufacturers and different sizes and units. Dr. Raggio inquired if learning to use multiple scopes is necessary. Ms. Dominguez replied that it depends on the type of scope and the techniques used.

Dr. Raggio inquired of Ms. Dominguez if manufacturers provide training on autoclave. Ms. Dominguez replied that at her facility trainings are provided through their supplier in order to maintain accreditation.

Mr. Borges inquired of Ms. Dominguez if a person is competent to perform procedure with any type of scope if they were trained using one type. Ms. Dominguez replied that this isn't specified in the materials that was included for Board discussion.

Dr. White inquired of Ms. Dominguez if portable equipment exists that would allow this procedure to be performed at locations based on the patient's medical needs. Ms. Dominguez replied that portable FEES companies exist in other states and defers to the public for more information. Dr. White commented on the possibility of allowing these procedures to be performed outside of medical facilities. Ms. Dominguez commented that most nursing homes have protocols for emergency medical backup procedures.

Dr. White inquired if the bill language differentiates adult and pediatric. Ms. Burns replied there is no language differentiating that.

Mr. Borges inquired about the invasiveness of the procedure. Ms. Dominguez replied that it is invasive and patients are provided information to give consent for the procedure. Mr. Borges commented on medical supervision provided by someone who isn't an expert on the part of the body the procedure is being performed. Dr. White commented on the data provided in the article from the American Journal of Speech-Language Pathology regarding the risks associated to this procedure that was included as an attachment for Board discussion.

Ms. Burns commented on the different level of emergency medical backup procedures across different locations and contraindications.

Dr. Raggio inquired the status of the bill in the legislative process. Ms. Olivares replied that it is almost through the process in the Senate and will need to go through the process in the Assembly.

Dr. Raggio inquired of the position recommendation on this bill. Mr. Olivares replied that Board staff do not have a a recommendation and that it was left to the Board to decide. Mr. Kanotz commented on the different type of positions available to the Board and what they express to the Legislature. Mr. Sanchez commented that the Board may want to consider amendments. Ms. Olivares provided a summary of Board staff suggested amendments which includes delayed implementation, clarity in the supervision and written verification requirements, reporting requirements for adverse events during a procedure, and additional contraindications. Mr. Sanchez commented that the suggested amendments will improve the language that currently exists. Ms. Olivares commented that Board staff are working with the sponsor of this bill on the suggested amendments.

Ms. Chang inquired if this is a procedure speech-language pathologists currently can perform. Ms. Olivares replied that they can but are limited in the location and commented that this bill expands the locations. Ms. Burns commented that this bill will also change the supervisor who needs to be available.

Ms. Kaiser suggested a Support If Amended position. Dr. White expressed her agreement and commented on the importance to balance public safety and access to care. Ms. Dominguez and Ms. Chang expressed agreement to the suggested position.

Dr. Raggio inquired about additional training requirements. Ms. Olivares replied that there isn't and commented on the recommendation for certifying competency in this procedure outlined in the article from the American Journal of Speech-Language Pathology that was included as an attachment for Board discussion. Ms. Olivares noted Board staff can discuss with the sponsor of this bill if they would consider amendments for additional training requirements. Ms. Dominguez commented on the creditability of the author and the article from the American Journal of Speech-Language Pathology. Ms. Dominguez commented on the benefits of having additional medical professionals in the room when performing these procedures.

Dr. Raggio inquired if treating dysphasia can be performed in a private practice or home. Ms. Dominguez replied that there are treatments performed in private practice or home such as Modified Barium Swallow.

Ms. Olivares inquired if the Board wished to suggest amendments to require the physician to be on-site. Ms. Dominguez replied she would like to see the physician in the same facility in regard to emergency procedures and not over the shoulder supervision once trained in the procedure.

Laura Wasco, Senior Director of Legislative Affairs with Ball/Frost Group representing CSHA, commented on the goal to clarify the eligibility to perform the procedure and locations where they can be performed.

Jennifer Kizner, Speech-Language Pathologist and Clinical Specialist at Stanford Health Care, commented on her experience performing procedure and its history and background. Dr. Raggio inquired if any radiology is involved in the procedure. Ms. Kizner replied that they only assist with the Modified Barium Swallow. Dr. Raggio inquired about patients with contraindications and experiences with adverse events during a procedure. Ms. Kizner replied that she experienced a couple nose bleeds and one or two vasovagal episodes but nothing that required transfer to a higher level of care. Ms. Kizner commented on the emergency procedure and other medical professionals available in her setting. Dr. Raggio inquired if this procedure is safe to perform in private practice. Ms. Kizner replied that she would want to know their emergency procedures. Dr. Raggio inquired about FEES courses. Ms. Kizner replied that she trains speech-language pathologists with an otolaryngologist and trained speech-language pathologists. Ms. Burns inquired about performing this procedure in community facilities. Ms. Kizner replied that skilled nursing facilities should be able to

have the appropriate emergency procedures and commented on the importance to evaluate the patient to verify prior to the procedure that it is still appropriate to perform it on them in the condition they are in at that time. Ms. Kaiser inquired about the supervision of the 25 supervised procedure. Ms. Kizner replied that an otolaryngologist shows how to safely pass the scope and the examination and assessments are within the scope of practice of a speech-language pathologist.

Kenya Gomez with Emanate Health in West Covina commented on how procedures are handled in her organization and the benefits to patients for being able to perform these procedures where they are located.

Gilda Dominguez made a motion to adopt a Support Unless Amended position on SB 1453 and delegate to the Executive Officer, or their delegate, to request of and negotiate amendments with the author and sponsor of the bill to achieve a reasonably delayed implementation so that the bill can be clarified through regulations, clarity on the supervision and written verification for the 25 required procedure and competent to perform these procedures, reporting requirements for adverse event that occur during the procedure, and inclusion of additional contraindications identified in the meeting

Tod Borges seconded the motion.

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

Ms. Olivares provided an update on bills with active positions taken by the Board. Ms. Olivares provided a summary of AB 1662 by Assemblymember Gipson regarding criminal conviction licensure disqualification determination and noted it has an Oppose Unless Amended position. Ms. Olivares commented on the recent amendments to the bill and recommended the Board to change their position to Oppose as the fees do not cover all the cost the Board would incur to process the request for pre-determination or any appeals to the pre-determination.

Mr. Borges inquired of the intent of this bill. Ms. Olivares replied that it would give people with criminal history an opportunity to ask if they would be disqualified for licensure prior to starting a training program. Ms. Burns commented that the bill lacks clarity in what happens after the pre-determination is made and the potential for a costly appeal process if the pre-determination made is disqualification.

David Bouilly commented on the Board's Oppose position on AB 1662.

Holly Kaiser made a motion to change the Board's position to an Oppose position on AB 1662.

Debbie Snow seconded the motion.

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

Ms. Olivares provided an update on bills with recommended watch status. There was no Board discussion nor comments from the public, outside agencies, or associations on bills with recommended watch status.

14. Legislative Items for Future Meeting

Dr. Marcia Raggio solicited legislative items for future meetings from the Board. Ms. Olivares noted Board staff have no additional items at this time.

Dr. Raggio inquired if items can be added after today's meeting. Ms. Olivares replied that Board members can contact Board staff with their suggested legislative items.

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

15. Future Agenda Items

Dr. Marcia Raggio solicited future agenda items from the Board. There was no Board discussion.

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

16. 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 met in closed session and subsequently adjourned for the day.

17. Adjournment

The meeting adjourned at 4:49 p.m. on Thursday, May 12, 2022 and after the closed session on Friday, May 13, 2022.



MEMORANDUM

DATE	August 2, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Marcia Raggio, Board Chair
SUBJECT	Agenda Item 4: 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
2022					
October 27-28, 2022 Board Meeting	Southern California				Webcast
August 11-12, 2022 Board Meeting	Teleconference	Agenda			
May 12-13, 2022 Board Meeting	Sacramento and Teleconference	Agenda	Materials Hand Carry - Agenda Item AUD 3 Hand Carry - Agenda Item 6 EO Report Hand Carry - Agenda Item 12a Hand Carry - Agenda Item 12f		Webcast - May 12 Webcast - May 13 Part 1 Webcast - May 13 Part 2
February 25, 2022 Board Meeting	Teleconference	Agenda	Materials Hand Carry-Agenda Item 8	Minutes	Webcast
January 13, 2022 Board Meeting	Teleconference	Agenda	Materials	Minutes	Webcast

b. Board Committee Updates and Reports

The Enforcement Ad Hoc Committee, Audiology Practice Committee, and Hearing Aid Dispensing Committee will provide verbal reports regarding their committee meetings.

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.

<i>Addresses changes in practice patterns and recommends position statements</i>		
Name	Position	Profession
Holly Kaiser	Chair	SLP
Gilda Dominguez	Member	SLP
Debbie Snow	Member	Public
<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
<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.

SUNSET REVIEW AD HOC COMMITTEE <i>Develop for the Board's review the Board's Sunset Review Report to the California Legislature</i>		
Name	Position	Profession
Marcia Raggio	Chair	AU
Holly Kaiser	Member	SLP
ENFORCEMENT AD HOC COMMITTEE <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>		
Name	Position	Profession
Debbie Snow	Chair	Public
Holly Kaiser	Member	SLP
LEGISLATIVE AD HOC COMMITTEE <i>Review and recommend to the Board proposed positions on legislation impacting the Board, its licensees, and the Board's Practice Act</i>		
Name	Position	Profession
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



MEMORANDUM

DATE	August 2, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Assistant Executive Officer
SUBJECT	Agenda Item #7: Update and Presentation on the Board’s Business Modernization Project and Upcoming Online Applications for Licensure

Background

Since the last Board meeting, Board staff and management have made significant progress on the Business Modernization Project. The Board’s project lead, Tim Yang has been collaborating with Board management, DCA’s Office of Information Services and our external vendors JBS Associates and SimpliGov to implement the online applications.

Board management expects that the new online application system will improve the application process and provide applicants with the following benefits:

- No paper forms
- No waiting for the mail
- No writing a check or going to the bank
- Faster processing times
- Faster feedback from the Board in event of deficiencies
- Updates on the progress of an application throughout the application process

We also anticipate that there will be many process improvements for staff that will result in less time waiting for and processing paper documents and the ability to easily communicate with applicants with frequency and efficiency .

The Board’s goal is to o complete the Business Modernization Project by Spring of 2023 with all initial license applications available online by January 30, 2023. These online applications will be launched in three releases.

- **Release 1 – Goes Live September 1, 2022**

The Board projects to launch its first two online applications in Release 1, which we expect to go live on September 1, 2022. Release 1 will include applications for a Required Professional Experience (RPE) Temporary license and Speech-Language Pathology license.

- **Release 2 – Goes Live November 28, 2022**

The Board projects to launch its next four online applications in Release 2, which we expect to go live on November 28, 2022. Release 2 will include applications for an Audiology license, Speech-Language Pathology Assistant registration, and Speech-Language Pathology and Audiology Aide registration.

- **Release 3 – Goes Live January 30, 2023**

The Board projects to launch its remaining nine online applications in Release 3, which we expect to go live on January 30, 2023. Release 3 will include applications for a Hearing Aid Dispenser license, Hearing Aid Dispenser Trainee registration, Branch Office license, Temporary licenses for Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers, Dispensing Audiology license, and CE Course and CPD Provider applications.

More information regarding the project releases and details will be posted to the Board's website in the coming weeks.

To demonstrate the simple yet elegant online application system, Mark Fukui with JBS Associates, Tim Yang, and Cherise Burns will be providing a live demonstration of one of the online applications during the meeting.

Action Requested

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



MEMORANDUM

DATE	August 3, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Assistant Executive Officer
SUBJECT	Agenda Item #8: Review and discussion of potential updates to the Board's Administrative Procedure Manual

Background

Boards and Bureaus at Department of Consumer Affairs (DCA) adopt Administrative Procedure Manuals to provide guidance to Board Members regarding the roles and responsibilities of their position, rules of conduct, and the general processes and procedures to be followed in completing Board business. The Administrative Procedure Manual also provides transparency to the public on the Board's governance and administrative structure and the way the Board operates.

Board staff want initiate revision of the 2016 Board Member Manual to prepare a revised Administrative Procedure Manual for 2023 that the Board can adopt at our October Board meeting. In the interim, staff will update parts of the manual that include DCA-wide policies, Travel and Salary Policies and Procedures, Board Member Orientation and Training, and legal requirements related to the Open Meetings Act and Administrative Procedures Act.

Areas for Board discussion may include:

1. Are revisions or additions needed to the Introduction or General Rules of Conduct in Chapter 1, such as adding the Board's Mission, Vision, and Strategic Goals?
2. Should the Frequency of Meetings in Chapter 2 be updated to reflect the use of web-based teleconference meetings to enhance opportunities for public participation?
3. Should Agenda Items in Chapter 2 be updated to reflect current DCA requirements for agenda preparation, and require requests to be made six to eight weeks prior to a meeting?

4. Should Recording in Chapter 2 be updated to reflect current DCA recommendations to record and post to the Board's website either the webcast recording or WebEx recording of the board meeting for greater transparency to the public.
5. Are revisions to Making a Motion at Meetings in Chapter 2 needed regarding seconding a motion, how to withdraw a motion, and the basic process of a motion?
6. Are there any revisions needed in the Roles and Responsibilities of Board Officers in Chapter 4?
7. Should the Chair's Roles and Responsibilities in Chapter 4 be updated to reflect the more formalized process for the annual evaluation of the Executive Officer and that the process is based on the calendar year not fiscal year?
8. Should the Election of Officers in Chapter 4 be updated to reflect that officer elections are based on the calendar year and not fiscal year.
9. Based on the changes to the Board's Sunset Bill, should the Committee and Creation of Committees in Chapter 4 be updated to reflect changes to these committees, specify the functions of those committees?
10. Should the use of Ad Hoc Committees be specified in the Committees and Creation of Committees in Chapter 4?
11. Does Chapter 5 on Board Administration and Staff need any revisions?
12. Are there any sections of Chapter 6 Other Policies and Procedures that could use additional clarification?
13. Are there any sections in Chapter 7 Complaint and Disciplinary Process that could use additional clarification?
14. If the Board is still comfortable with one vote being required to hold a case for closed session, as stated in Board Review of Stipulations, Proposed Decisions, and Default Decisions in Chapter 7, should the Mail Ballot Vote Definitions be updated to one vote as well?
15. Are there any issues or topics that are not covered that Board members would like additional clarification?

Action Requested

The Board should review and discuss the issues and policies specified in the current Board Member Manual and identify areas for revision or addition for the updated Administrative Procedure Manual.

Attachment: Board Member Manual (Adopted August 2016)



Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

Board Member Manual

August 2016

TABLE OF CONTENTS

Chapter 1: Introduction

General Rules of Conduct

Chapter 2: Board Meeting Procedures

Bagley-Keene Open Meeting Act

Frequency of Meetings

Board Member Attendance at Board Meetings

Quorum

Agenda Items

Notice of Meetings

Notice of Meetings to be Posted on the Internet

Record of Meetings

Recording of Meetings

Use of Electronic Devices During Meeting

Making a Motion at Meeting

Attachment A: Guide to the Bagley-Keene Open Meeting Act

Chapter 3: Travel and Salary Policy and Procedures

Travel Approval

Travel Arrangements

Out-of-State Travel

Travel Claims

Salary Per Diem

Chapter 4: Selection of Officers and Committees

Officers of the Board

Election of Officers

Officer Vacancies

Creation of Committees

Committee Appointments

Chapter 5: Board Administration and Staff

Board Administration

Board Staff

Executive Officer

Executive Officer Evaluation

Legal Counsel

Strategic Planning

Legislation

Chapter 6: Other Policies and Procedures

Board Member Orientation and Training

Board Member Disciplinary Actions

Removal of Board Members

Resignation of Board Members

Conflict of Interest

Contact with Candidates, Applicants and Licensees

Communication with Other Organizations and Individuals

Gifts from Candidates

Request for Records Access
Ex Parte Communications

Chapter 7: Complaint Enforcement Process

Introduction
Proposed Decision
Complaint Intake
Unlicensed Activity
Investigations
Expert Review
Cite and Fine
Formal Disciplinary Actions
Filing Formal Charges
Stipulation
Formal Administrative Hearing
Office of Administrative Hearings
Board Review of Stipulations and Proposed Decision.
Disqualification
Ex Parte Communications
Prosecution
Mail Ballot Procedure
Pleadings
Mail Ballot Definitions
Mail Ballot Votes

1. Introduction

Overview

In 1973, the Legislature established the Speech-Language Pathology and Audiology Board (SLPAB) to protect the public from the unauthorized and unqualified practice of speech-language pathology and audiology. The SLPAB licensed speech-language pathologists (SLPs) and audiologists. A speech-language pathologist assesses and treats speech or communication disorders in children and disabled adults. An audiologist is a licensed health care professional who identifies, assesses, and manages disorders of the auditory, balance, and other neural systems. Audiologists evaluate, recommend, fit, dispense, and verify/validate hearing aids for patients ranging in age from newborns to the elderly.

In 2001, the Legislature created the Hearing Aid Dispensers Bureau (HADB) within the Department of Consumer Affairs as the licensing and regulatory agency for hearing aid dispensers, defined in statute as individuals engaged in the fitting or selling of hearing aids to an individual with impaired hearing. The HADB was charged with the education and protection of consumers in the purchase of hearing aids by ensuring the competency of hearing aid dispensers.

In 2010 (AB 1535 - Jones, Chapter 309, Statutes of 2009) the SLPAB and HADB were merged to create a new entity, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board). It also changed the governance structure of the Board to the following: two SLPs, two audiologists (one of whom must be a dispensing audiologist), and two hearing aid dispensers, all to be appointed by the Governor. The Governor also has the appointing authority for a public member seat to be occupied by a licensed physician and surgeon, certified in otolaryngology. Two other public member seats are to be appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively. Board Members may serve up to two, four-year terms. Board Members are paid \$100 for each day actually spent in the discharge of official duties and are reimbursed travel expenses.

The Board is one of the Boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and initiates its own regulations.

Protection of the public is the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code (BPC) §2531.02

The purpose of this handbook is to provide guidance to Board Members regarding general processes and procedures involved with their position on the Board. It also serves as a useful source of information for new Board Members as part of the induction process.

General Rules of Conduct

The following rules of conduct detail expectations of Board Members. The Board is comprised of both public and professional members with the intention that, together, the Board can collectively protect the public and regulate the Speech-Language Pathology, Audiology and Hearing Aid Dispensing professions.

- Board Members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board Members shall recognize the equal role and responsibilities of all Board Members.
- Board Members shall adequately prepare for Board responsibilities.
- Board Members shall not speak or act for the Board without proper authorization.
- Board Members shall maintain the confidentiality of non-public documents and information.
- Board Members shall act fairly, be nonpartisan, impartial and unbiased in their role of protecting the public.
- Board Members shall treat all applicants and licensees in a fair and impartial manner.
- Board Members shall not use their positions on the Board for personal, familial or financial gain.

2. Board Meeting Procedures

All Healing Arts Boards under the DCA, including the Board must meet in accordance with the provisions set forth by the Bagley-Keene Open Meeting Act. The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

Open Meetings

The Bagley-Keene Act of 1967, officially known as the Bagley-Keene Open Meeting Act, implements a provision of the California Constitution which declares that "the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny", and explicitly mandates open meetings for California State agencies, Board s, and commissions. The act facilitates accountability and transparency of government activities and protects the rights of citizens to participate in State government deliberations. Similarly, California's Brown Act of 1953 protects citizen rights with regard to open meetings at the county and local government level.

The Bagley-Keene act stipulates that the Board is to provide adequate notice of meetings to be held to the public as well as provide an opportunity for public comment. The meeting is to be conducted in an open session, except where closed session is specifically noted. See **Attachment A** for the *Guide to the Bagley-Keene Open Meeting Act*.

Frequency of Meetings

The Board is mandated to hold one meeting annually (Business and Professions Code section 2531.7) but generally meets four times annually to make policy decisions and review committee recommendations. Additional meetings may be called by the Chair or by written request of any two members of the board. The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the public and licensees.

Board Member Attendance at Board Meetings

Board members must attend each meeting of the Board. If a member is unable to attend he/she is asked to contact the Board Chair or the Executive Officer and ask to be excused from the meeting for a specific reason.

Quorum

Five Board Members constitute a quorum of the Board for the transaction of business. Either having members in attendance or by teleconference, with proper notice, can meet the requirement for a quorum. The concurrence of a majority of those members of the Board present and voting at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board.

Agenda Items

(GC § 11125 et seq.)

Any Board Member may submit items for a Board Meeting agenda to the Board Chair with a copy to the Executive Officer three to four weeks to the meeting. Members may also recommend agenda items during the meeting under Future Agenda Items. A motion and

vote may be taken but is not necessary. The Board Chair will confer with the Executive Officer and Legal Counsel regarding the future agenda items. It will be a standing item to review the status of future agenda items that have been recommend by Board Members that may not have made the current Board Meeting agenda.

Staff maintains a list of action items to research and bring back to a future Board Meeting. Staff may recommend the issue be referred to a Committee first to be vetted. Prior to items being placed on the agenda, staff conducts research to determine if an item is appropriate for Board discussion. This research starts with identifying how the item meets our mandate to protect the health and safety of California consumers. In addition, staff researches potential benefits to the State, identifies the current professional trends and what other states are doing. For items requiring legislative and/or regulatory changes, staff identifies potential concerns by anticipating who would be in support of or in opposition to the bill/rulemaking.

No item shall be added to the agenda subsequent to the provision of the meeting notice.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Items not included on the agenda may not be discussed.

Notice of Meetings (*Government Code Section 11120 et seq.*)

The minutes are a summary, not a transcript, of each Board Meeting. They shall be prepared by Board staff and submitted for review by Board Members before the next Board Meeting. Board Minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

Recording (*Board Policy*)

The meetings may be recorded if determined necessary for staff purposes. Recordings may be disposed of upon Board approval of the minutes.

Use of Electronic Devices During Meetings

Members should not text or email each other during an open meeting on any matter within the Board's jurisdiction.

Use of electronic devices, including laptops, during the meetings is solely limited to access the Board Meeting materials that are in electronic format.

Making a Motion at Meetings

When new business is to be introduced or a decision or action is to be proposed, a Board Member should make a motion to introduce a new piece of business or to propose a decision or action. All motions must reflect the content of the meeting's agenda – the Board cannot act on business that is not listed on the agenda.

Upon making a motion, Board Members must speak slowly and clearly as the motion is being voice and/or video recorded. Members who opt to second a motion must remember to repeat the motion in question. Additionally, it is important to remember that once a motion has been made and seconded, it is inappropriate to make a second motion until the initial one has been resolved.

The basic process of a motion is as follows:

- An agenda item has been thoroughly discussed and reviewed. If it is a new piece of business, see step 2.
- The Board Chair opens a forum for a Member to make a motion to adopt or reject the discussed item.
- A Member makes a motion before the Board.
- Another Member seconds this motion.
- The Board Chair puts forth the motion to a vote.
- The Board Chair solicits additional comment from the Board and then the public.
- If it is a voice vote, those in favor of the motions say “aye” and those opposed say “no”. Members may also vote to “abstain”, meaning a non-vote or “recuse” meaning to disqualify from participation in a decision on grounds such as prejudice or personal involvement. Recusal is the proper response to a conflict of interest.
- The vote of each Board Member shall be recorded via roll call vote.
- Upon completion of the voting, the Chair will announce the result of the vote (e.g. “the ayes have it and the motion is adopted” or “the no’s have it and the motion fails”).

3. Travel & Salary Policies & Procedures

Travel Approval

(DCA Memorandum 96-01)

Board Members shall have Board Chair approval for travel except for regularly scheduled Board and Committee Meetings to which the Board Member is assigned.

Travel Arrangements (Board Policy)

Board staff will make travel arrangements for each Board Member as required.

Out-of-State Travel

(State Administrative Manual § 700 et seq.)

For out-of-state travel, Board Members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office.

Travel Claims

(State Administrative Manual § 700 et seq. and DCA Travel Guidelines)

Rules governing reimbursement of travel expenses for Board Members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. Board Members will be provided with completed travel claim forms submitted on their behalf. The Executive Officer's Assistant maintains these forms and completes them as needed. It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board Members shall follow the procedures contained in DCA Departmental Memoranda which are periodically disseminated by the Director and are provided to Board Members.

Salary Per Diem ([BPC § 103](#))

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by BPC § 103.

In relevant part, this section provides for the payment of salary per diem for Board Members "for each day actually spent in the discharge of official duties," and provides that the Board Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

For Board -specified work, Board Members will be compensated for time spent performing work authorized by the Board Chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, and committee work. That work does not include preparation time for Board or Committee Meetings. Board Members cannot claim salary per diem for time spent traveling to and from a Board or Committee Meeting.

4. Selection of Officers and Committees

Officers of the Board

The Board shall elect from its members a Chair, Vice-Chair, to hold office for one year or until their successors are duly elected and qualified.

Roles and Responsibilities of Board Officers

Chair

- **Board Business:** Conducts the Board's business in a professional manner and with appropriate transparency, adhering to the highest ethical standards. Shall use Roberts Rules of Order as a guide and shall use the Bagley-Keene Act during all Board Meetings.
- **Board Vote:** Conducts roll call vote.
- **Board Affairs:** Ensures that Board matters are handled properly, including preparation of pre-meeting materials, committee functioning and orientation of new Board Members.
- **Governance:** Ensures the prevalence of Board governance policies and practices, acting as a representative of the Board as a whole.
- **Board Meeting Agendas:** Develops agendas for meetings with the Executive Officer and Legal Counsel. Presides at Board Meetings.
- **Executive Officer:** Establishes search and selection committee for hiring an Executive Officer. The committee will work with the DCA on the search. Convenes Board discussions for evaluating Executive Officer each fiscal year.
- **Board Committees:** Seeks volunteers for committees and coordinates individual Board Member assignments. Makes sure each committee has a chairperson, and stays in touch with chairpersons to be sure that their work is carried out. Obtains debrief from each Board Committee chairperson and reports committee progress and actions to Board at the Board Meeting.
- **Yearly Elections:** Solicits nominees not less than 45 days prior to open elections at Board Meeting.
- **Community and Professional Representation:** Represents the Board in the community on behalf of the organization (as does the Executive Officer and Public Outreach Committee).

Vice Chair

- **Board Business:** Performs the duties and responsibilities of the Chair when the Chair is absent.
- **Board Budget:** Serves as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Review budget change orders with staff.
- **Strategic Plan:** Serves as the Board's strategic planning liaison with staff and shall assist staff in the monitoring and reporting of the strategic plan to the Board.

- **Board Member On-Boarding:** Welcomes new members to the Board. Is available to answer questions, and understand role and responsibilities. May participate in on-Boarding meeting with staff and new members.

Election of Officers

The Board elects the officers at the last meeting of the fiscal year. Officers serve a term of one-year, beginning July 1 of the next fiscal year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board Member is running per office. An officer may be re-elected and serve for more than one term.

Officer Vacancies

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair until the election for Chair is held. Elected officers shall then serve the remainder of the term.

Committees and Creation of Committees (BPC 2531.05 and Board Policy)

BPC 2531.05 creates and requires The Hearing Aid Dispensing Committee. The Committee shall consist of two licensed audiologists; two licensed hearing aid dispensers; one public member; and one public member who is a licensed physician and surgeon and who is board certified in otolaryngology. This Committee is tasked with reviewing, researching, and advising the full Board on the practice of fitting or selling hearing aids.

The Chair shall establish committees, whether standing or special, as necessary.

The following committees have been created by the Board, and consist of Board Members, that meet on a regular basis, for the purpose of discussing specific issues in depth, and providing feedback and any recommendations to the full Board:

- Audiology Practice Committee
- Speech-Language Pathology Practice Committee
- Sunset Review Committee

Committee Appointments

The composition of the committees and the appointment of the members shall be determined by the Board Chair in consultation with the Vice Chair and the Executive Officer. In determining the composition of each committee, the Chair shall solicit interest from the Board Members during a public meeting. The Chair shall strive to give each Board Member an opportunity to serve on at least one committee. Appointment of non-Board Members to a committee is subject to the approval of the Board.

5. Board Administration and Staff

Board Administration

Board Members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs, operations and staff shall be the responsibility of the Executive Officer. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

Board Staff

The Board's essential functions are comprised of ensuring speech-language pathologists, audiologist, and hearing aid dispensers licensed in the State of California meet professional examination requirements and follow legal, legislative and regulatory mandates. The Board is also responsible for enforcement of State of California requirements and regulations as they pertain to the profession.

Appointment of Executive Officer

The Board shall employ an Executive Officer and other necessary assistance in the carrying out of the provisions of the Board's Practice Act.

The Executive Officer serves at the pleasure of the Board Members who provide direction to the Executive Officer in the areas of program administration, budget, strategic planning, and coordination of meetings. The Executive Officer's salary is based on pay scales set by Cal HR. The Executive Officer shall be entitled to traveling and other necessary expenses in the performance of his/her duties as approved by the Board.

Executive Officer Evaluation

Board Members shall evaluate the performance of the Executive Officer on an annual basis.

Legal Counsel

The Board's legal counsel provides "in-house" counsel.

Strategic Planning

The Board should update the strategic plan periodically every three to five years, with the option to use a facilitator to conduct the plan update. At the end of the fiscal year, an annual review conducted by the Board will evaluate the progress toward goal achievement as stated in the strategic plan and identify any areas that may require amending.

Legislation

In the event time constraints preclude Board action, the Board delegates to the Executive Officer and the Board Chair and Vice Chair the authority to take action on legislation that would affect the Board. The Board shall be notified of such action as soon as possible.

6. Other Policies and Procedures

Board Member Orientation and Training ([BPC § 453](#))

Newly appointed and re-appointed members shall complete a training and orientation program provided by DCA within one year of assuming office. This one-day class will discuss Board Member obligations and responsibilities.

Newly appointed and re-appointed Board Members shall complete provided by the Department of Consumer Affairs (complete within one (1) year of assuming office).

([GC § 11121.9](#), [GC § 12950.1](#))

All Board Members shall complete all required training and submit compliance documentation, including but not limited to, the documents specified below:

- [Board Member Orientation Training](#) provided by the DCA (complete within one (1) year of assuming office).
- [Ethics Orientation Training](#) (complete within first six (6) months of assuming office) and every two (2) years thereafter.
- [Conflict of Interest, Form 700](#) (submit annually) and within 30 days of assuming office.
- [Sexual Harassment Prevention Training](#) (complete within first six (6) months of assuming office) and every two (2) years thereafter.

Upon assuming office, members will also receive a copy of the Bagley-Keene Open Meeting Act, which lists public meeting laws that provide the guidelines for Board Meetings. The current version of this Act can also be found at the following:

Additional Board Member resources can be found at www.dcaBoardmembers.ca.gov. Business cards will be provided to each Board Member with the Board's name, address, telephone and fax number, and website address. A Board Member's business address, telephone and fax number, and email address may be listed on the card at the member's request.

Board Member Disciplinary Actions

The Board may censure a member if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner. The Chair of the Board shall sit as chair of the hearing unless the censure involves the Chair's own actions, in which case the Vice Chair of the Board shall sit as chair. In accordance with the Public Meetings Act, the censure hearing shall be conducted in open session.

Removal of Board Members (BPC §§ [106](#) and [106.5](#))

The Governor has the power to remove from office at any time any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also

remove from office a Board Member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of Board Members ([GC § 1750](#))

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the director of DCA, the Board Chair, and the Executive Officer.

Conflict of Interest ([GC § 87100](#))

No Board Member may make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board Member who has a financial interest shall disqualify him or herself from making or attempting to use his or her official position to influence the decision. Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or the Board's legal counsel.

Contact with Candidates, Applicants and Licensees

Board Members should not intervene on behalf of a candidate or an applicant for licensure for any reason. Nor should they intervene on behalf of a licensee. All inquiries regarding licenses, applications and enforcement matters should be referred to the Executive Officer.

Communication with Other Organizations and Individuals

Any and all representations made on behalf of the Board or Board Policy must be made by the Executive Officer or Board Chair, unless approved otherwise. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Executive Officer's Office.

Gifts from Candidates

Gifts of any kind to Board Members or the staff from candidates for licensure with the Board is not permitted.

Request for Records Access

Board Member may not access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's Office.

Ex Parte Communications ([GC § 11430.10 et seq.](#))

The Government Code contains provisions prohibiting *ex parte* communications. An *ex parte* communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of § 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board Members are prohibited from an *ex parte* communication with Board enforcement staff while a proceeding is pending. Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board Members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board Member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, he or she should be told that the Board Member will be required to recuse him or herself from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board Member believes that he or she has received an unlawful *ex parte* communication, he or she should contact the Board’s legal counsel.

7. Complaint and Disciplinary Process

The Board conducts disciplinary proceedings in accordance with the Administrative Procedure Act, [GC § 11370](#), and those sections that follow. The Board conducts investigations and hearings pursuant to [Government Code §§ 11180 through 11191](#). The Board also uses its [Uniform Standards Related to Substance Abuse and Disciplinary Guidelines](#) as a guide when determining appropriate levels of discipline.

Disciplinary Options

The Board has two options available to impose discipline against a licensee. In cases in which the violations do not warrant the revocation of a license, a citation and fine is issued. In cases in which the violations are egregious and warrant revocation of the license, the Board forwards the matter to the Attorney Generals' (AG) office to pursue formal disciplinary action. Each decision is made in consultation with the Executive Officer.

Citation and Fine

A citation and fine issued to the licensee is considered a disciplinary action and is subject to public disclosure. The fines range from \$100 to a maximum of \$2,500 for each investigation. In specified circumstances, a fine up to a maximum of \$5,000 may be issued. All citation and fines issued include an order of abatement in which the licensee must provide information or documentation that the violation has been corrected. The licensee is afforded the opportunity to appeal the issuance of the citation and fine.

Formal Disciplinary Actions

If after the completion of an investigation, evidence substantiates gross negligence, incompetence, or unprofessional conduct, the enforcement analyst, in consultation with the Enforcement Manager and Executive Officer, determines whether the case should be forwarded to the AG's Office for disciplinary action.

Attorney General Role

The Attorney General's Office is responsible for prosecuting the administrative case against licensees and registrants (respondents). A respondent might be suspended from practice or have her or his license revoked, or an applicant may be denied licensure or licensed with probation. A Deputy Attorney General (DAG) in the AG's Licensing Unit is assigned to these cases. The DAGs work with the Board's enforcement staff to determine whether the necessary evidence exists for a successful prosecution. The burden of proof in these matters is clear and convincing evidence. Based on the evidence, the DAG makes recommendations regarding prosecution. Although the Board generally takes the advice of counsel, the Board has the discretion to take other action.

Filing Formal Charges

Formal charges are almost always filed in cases in which the health and safety of the consumer has been compromised, and in which supporting evidence can be

established. The Board's Executive Officer determines whether to file formal charges for any violation of the Board's licensing laws. These formal charges are referred to as pleadings. In each pleading, the Executive Officer of the Board is the complainant.

Pleadings

- A. **Accusation:** A written statement of charges against the holder of a license or privilege, to revoke, suspend or limit the license, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- B. **Statement of Issues:** A written statement of the reasons for denial of an application for a license or privilege, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- C. **Petition for reinstatement or reduction of penalty:** A person whose license was revoked, suspended or placed on probation can petition for that license to be reinstated, to have the penalty reduced, or for the probation to be terminated. Many boards have specific regulations relating to these petitions. Hearings on these petitions usually take place before the Board itself at a scheduled board meeting, with an Administrative Law Judge (ALJ) presiding. The Board usually goes into executive session after the hearing to deliberate and decide the outcome. The ALJ usually prepares the Decision, for signature of the Board Chair. Some boards prefer to have the ALJ, sitting alone, hear petitions and render a proposed decision to the board. This may also happen when the Board does not have a quorum at a board meeting.

Actions Preceding an Administrative Hearing

Once an Accusation or Statement of Issues has been filed and the respondent has been served, the respondent may file a notice of defense and request an administrative hearing. All hearings are held before an ALJ from the Office of Administrative Hearings (OAH).

During this process, several outcomes may occur. The respondent may fail to respond to the accusation and file a notice of defense. The respondent may wish to settle the manner prior to a formal hearing. The case may proceed to a formal hearing. At any stage of this process, the Board may withdraw the Accusation or Statement of Issues for any reason or enter into a stipulated settlement with the respondent. If the respondent fails to respond within 15 days of receiving the accusation or statement of issues, a Default Decision is issued. Defaults result in the revocation or denial of a license.

Stipulation (Negotiated Settlement)

The licensee/applicant and agency may decide to settle at any time during the administrative process. Usually, settlements are entered into before an administrative hearing is held to avoid the expense of the hearing. The settlement is reduced to a written stipulation and order which sets forth the settlement terms and proposed disciplinary order. The written stipulation and order is forwarded to the Board for its consideration.

During the settlement process the DAG has been advised by the Executive Officer or through enforcement staff regarding acceptable terms. The DAG may advocate before the Board for approval of the settlement. The Board may accept the settlement and issue its decision and order based on the settlement. If the Board rejects the settlement, the case will return to disciplinary process. A new settlement may be

submitted to the Board at a later time or the case may proceed to an administrative hearing before an ALJ.

Stipulations prior to an administrative hearing eliminate the six months to one-year delay that may result from attempting to schedule a mutually agreeable hearing date. The public is often better served because the resolution time is reduced and lengthy appeals are avoided, and the Board and respondent save time and money. Further, a licensee on probation is monitored closely by the Board.

Determining Settlement Terms

Stipulations are negotiated and drafted by the DAG, the respondent, and the respondent's legal counsel. Stipulation terms are given to the DAG representing the Board by the enforcement staff with approval of the Executive Officer, utilizing the Board's disciplinary guidelines. In negotiating a stipulation, the DAG works closely with the Board's Executive Officer to arrive at a stipulation that will be acceptable to the Board.

The following factors are considered when settlement terms are proposed.

- Nature and severity of the act(s), offense(s), or crime(s),
- Actual or potential harm to any consumer or client,
- Prior disciplinary record,
- Number and/or variety of current violations,
- Mitigation evidence,
- Rehabilitation evidence,
- In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation,
- Overall criminal record,
- Time elapsed since the act(s) or offense(s) occurred,
- Whether the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties, and
- Recognition by respondent of her or his wrongdoing and demonstration of corrective action to prevent recurrence.

The disciplinary guidelines were established in an effort to provide consistency in determining penalties. Enforcement staff considers the disciplinary guidelines when determining whether to seek revocation, suspension, and/or probation of a license. Board members use them when considering cases during hearings. The guidelines are updated when necessary and are distributed to DAGs and ALJs who work on cases with the Board.

Pre-hearing conferences are a more formal method for developing a stipulated agreement. These hearings involve the EO, the respondent, respondent's attorney, and an ALJ.

Office of Administrative Hearings (formal hearing)

The Office of Administrative Hearings (OAH) consists of two divisions located in six regional offices at major population centers throughout the State. The General Jurisdiction Division conducts hearings, mediations, and settlement conferences for more than 1,000 state, local, and county agencies. This is the division that conducts the hearings for the Board. The Special Education Division conducts special education due process hearings and mediations for school districts and parents of children with

special education needs throughout the State.

The ALJ presides over the hearing; an attorney (DAG) represents the Board and presents the case; and the respondent or the respondent's representative/attorney presents its case. Testimony and evidence is presented and there is a transcript of the proceedings. Upon the conclusion of the administrative hearing, the ALJ will consider all of the testimony and evidence and will prepare a Proposed Decision. Once the hearing is finished, the ALJ has 30 days to prepare the proposed decision and send it to the Board. The Proposed Decision is submitted to the Board for consideration. Board Review of Stipulations, Proposed Decisions, and Default Decisions.

The Board Members review and vote on each case where the matter is either settled prior to hearing or the ALJ issues a proposed decision. In all cases, the Board Member has the option to adopt, non-adopt, or hold for discussion (reject or modify the decision).

Board Review of Stipulations, Proposed Decisions, and Default Decisions

The Board Members review and vote on each case where the matter is either settled prior to hearing or the ALJ issues a proposed decision. In all cases, the Board Member has the option to adopt, non-adopt, or hold for discussion (reject or modify the decision).

Stipulations – Negotiated Settlements

- Adopt – If the decision of the Board is to adopt the terms proposed in the stipulation, the decision becomes effective within 30 days and the respondent is notified.
- Non-Adopt – If the Board decides to not adopt the stipulation, the respondent is notified and the matter resumes the process for a formal administrative hearing before an ALJ. A new settlement may be submitted to the Board at a later date.
- Hold for Discussion – A Board Member may be unable to decide due to concerns of the desire further clarification. (Note: A Board Member may seek procedural clarification from the Board's legal counsel.) In this situation, the Board Member may choose to hold the case for discussion. If one Board Member votes to hold the case for discussion, the case is discussed in the next available meeting during a closed session.

Proposed Decisions – Decision from the ALJ following a formal hearing:

- Adopt – If the decision of the Board is to adopt the proposed decision, the decision becomes effective within 30 days and the respondent is notified.
- Reduce – The Board may reduce or mitigate the proposed penalty and adopt the rest of the proposed decision.
- Non-Adopt/Reject – If the Board decides to not adopt the proposed decision, the respondent is notified. Transcripts from the administrative hearing are requested. Board Members review the transcripts and evidence, and meet during a closed session to write their decision.

- Make technical or other minor changes – If the Board decides that there are technical changes or minor changes that do not affect the factual or legal base of the decision, they may make those changes and adopt the rest of the proposed decision.

The Board then has 100 days to take action to either adopt or non-adopt. If no action is taken within 100 days the proposed decision becomes effective by law.

Mail Ballot Procedure

Proposed Decisions, Proposed Stipulations, and Default Decisions are usually presented to the Board for its consideration by mail ballot. Mail ballot is done by electronic mail. Mail ballot packet materials are confidential and include the following:

- Memo from enforcement staff listing the cases for review and decision
- Ballot
- Legal documents (Proposed Decision, Proposed Stipulation or Default Decision, and Accusation or Statement of Issues)
- Memo from the assigned Deputy Attorney General (Proposed Stipulated Settlement cases only)

Deliberation and decision-making should be done independently and confidentially by each Board Member. Where the vote is done by mail, voting members may not communicate with each other, and may not contact the Deputy Attorney General, the respondent, anyone representing the respondent, any witnesses, the “complainant”, the ALJ, or anyone else associated with the case.

Additionally, Board Members should not discuss pending cases with agency staff, except as to questions of procedure or to ask whether additional information is available, and whether the agency may properly consider such information. If a Board Member has any procedural questions not specific to evidence, or any question specifically related to the cases, the questions should be directed to the Board’s DCA Legal Counsel.

Completed mail ballots are due at the Board office no later than the due date indicated in the mail ballot package. The due dates are established in accordance with the timelines indicated in Administrative Procedure Act. It may be your vote that is deciding vote in the outcome of a case. Therefore, it is critical that Board Members return their votes timely.

Mail ballot materials should be retained until notification by enforcement staff that the cases have been adopted. Once a decision is final, the mail ballot packet materials must be confidentially destroyed.

Mail Ballot Vote Definitions

- A. Adopt/Accept: A vote to adopt the proposed action means that you agree with the action as written.
- B. Non-Adopt/Reject: A vote to not adopt the proposed action means that you disagree with one or more portions of the proposed action and do not want it adopted as the Board’s decision. However, a majority vote to adopt will prevail over a minority vote to not adopt.

C. Hold for Discussion: A vote to hold for discussion may be made if you wish to have some part of the action changed in some way (increase penalty, reduce penalty, etc.) For example, you may believe an additional or a different term or condition of probation should be added, or that a period of suspension should be longer. At least TWO votes in this category must be received to stop the process until the Board can consider the case in closed session at the board meeting.

Disqualification

With some limited exception, a Board Member cannot decide a case if that Board Member investigated, prosecuted or advocated in the case or is subject to the authority of someone who investigated, prosecuted or advocated in the case. A Board Member may be disqualified for bias, prejudice, financial interest or other interest in the case.



MEMORANDUM

DATE	August 3, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Agenda Item 9: Update and Discussion Regarding the Board's 2022 Sunset Review and the Board's Sunset Bill, Assembly Bill (AB) 2686

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.

On March 2, 2022 the Board received a draft of the Joint Sunset Review Oversight Committee's (Committee's) Background Paper, which is the Committee staff's summary of the Board's Sunset Review Report that identifies issues and questions that the Committee would like the Board to provide a written response to within a month of the Board's hearing.

On March 10, 2022 the Board Chair, Vice Chair, and Executive Officer represented the Board at the Joint Sunset Review Oversight Committee hearing. The Board was asked a number of questions by legislators on the committees relating to the Board's operations and also received supportive comments and accolades for the Board's accomplishments.

Following the Sunset Review oversight hearing the Executive Officer and Assistant Executive Officer began meeting with Committee staff to address any issues raised by the Background Paper, issues raised by legislators during the hearing, and discuss potential amendments to the Board's Practice Act that may get included in the Board's Sunset Bills (AB 2686). During this time, Board staff also worked with the Board Chair and Vice Chair to respond to the Committees questions. The Board's written response was provided to Committee staff on April 11, 2022 and to the Board at its May meeting.

At the May Board meeting, we reported that not all requested Practice Act changes had been obtained. Since that time, the Executive Officer and Assistant Executive Officer continued to work with Committee staff to obtain as much of the Board's requested Practice Act changes as possible. We are pleased to report to the Board that currently, AB 2686 includes most all of the Board's requested changes to its Practice Act. A summary of each of the changes is provided below.

- Extends the Board's authority to regulate the professions of Speech-Language Pathology, Audiology, and Hearing Aid Dispensing through January 1, 2027.
- Requires Speech-Language Pathology and Audiology Aide registrations to expire every two years and requires the supervisor of the Aide to update the Board on the duties the aide performs while assisting the supervisor in the practice of speech-language pathology or audiology, and the training program and assessment methods the supervisor is utilizing to ensure the aide's continued competency.
- Updates the definition of an Audiology Aide to conform to the definition of a Speech-Language Pathology Aide so it is clear that the aide works directly under the supervision of an audiologist.
- Requires all applicants, licensees, and registrants to provide the Board with their email address no later than July 1, 2023 and to update the Board within 30 calendar days of a change to the email address. The Board is required to keep email addresses confidential and not disclose this information publicly.
- Removes the statutory requirement for the Board to have a Hearing Aid Dispensing Committee with specified members and mandated purpose. This simply gives back the authority to the Board to determine the name, composition, and purpose of all its committees.
- Authorizes appointing authorities to remove a Board Member at any time.
- Removes the restriction that the required supervised professional experience for licensure as an Audiologist follow completion of the didactic and clinical rotations of the audiology doctoral program. This will allow audiology students to apply for their Required Professional Experience Temporary license sooner than is currently allowed.

- Reauthorizes the American Speech-Language-Hearing Association’s Certificate of Clinical Competence in Audiology to deem an individual to have met the educational and experience requirements for licensure and authorizes the American Board of Audiology certificate issued by the American Academy of Audiology to deem the same. This will streamline the licensure process for audiologists licensed in another state or territory.
- Adds the following unprofessional conduct activities to the statute that allows the Board to deny a license to an applicant, or suspend, revoke, or impose terms and conditions upon a licensee:
 - Engaging in any act in violation of Business and Professions Code (BPC) Section 650, which prohibits licensees from offering or receiving consideration in exchange for patient referrals.
 - Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of speech-language pathology, audiology, or hearing aid dispensing.
 - Aiding or abetting any person to engage in the unlicensed practice of speech-language pathology, audiology, or hearing aid dispensing.
 - Violating or attempting to violate, directly or indirectly, any of the Practice Act.
- Requires a specified period of time to elapse before a person whose license has been revoked or suspended or placed on probation may petition the Board for reinstatement or modification of penalties. It also specifies under what circumstances a petition will not be considered and when the Board may deny a petition without hearing or argument.
- Provides technical cleanup to the Board’s Practice Act by updating various sections to include references to BPC Section 2532.25, removing nonoperative statutory provisions and gendered language, and makes other technical changes.

After AB 2686 has 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. At the Board’s October meeting, the Board will discuss implementation activities needed for AB 2686 in preparation for the January 1, 2023 effective date.

Action Requested

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

Attachment: Current Text of AB 2686



AB-2686 Speech-language pathologists, audiologists, and hearing aid dispensers. (2021-2022)

As Amends the Law Today

SECTION 1. *The heading of Chapter 5.3 (commencing with Section 2530) of Division 2 of the Business and Professions Code is amended to read:*

CHAPTER 5.3. Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers

SEC. 2. *Section 2530.2 of the Business and Professions Code is amended to read:*

2530.2. As used in this chapter, unless the context otherwise requires:

- (a) "Board" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (b) "Person" means any individual, partnership, corporation, limited liability company, or other organization or combination thereof, except that only individuals can be licensed under this chapter.
- (c) A "speech-language pathologist" is a person who practices speech-language pathology.
- (d) The practice of speech-language pathology means all of the following:
 - (1) The application of principles, methods, instrumental procedures, and noninstrumental procedures for measurement, testing, screening, evaluation, identification, prediction, and counseling related to the development and disorders of speech, voice, language, or swallowing.
 - (2) The application of principles and methods for preventing, planning, directing, conducting, and supervising programs for habilitating, rehabilitating, ameliorating, managing, or modifying disorders of speech, voice, language, or swallowing in individuals or groups of individuals.
 - (3) Conducting hearing screenings.
 - (4) Performing suctioning in connection with the scope of practice described in paragraphs (1) and (2), after compliance with a medical facility's training protocols on suctioning procedures.
- (e) (1) Instrumental procedures referred to in subdivision (d) are the use of rigid and flexible endoscopes to observe the pharyngeal and laryngeal areas of the throat in order to observe, collect data, and measure the parameters of communication and swallowing as well as to guide communication and swallowing assessment and therapy.
 - (2) Nothing in this subdivision shall be construed as a diagnosis. Any observation of an abnormality shall be referred to a physician and surgeon.
- (f) A licensed speech-language pathologist shall not perform a flexible fiber optic nasendoscopic procedure unless ~~he or she has~~ *they have* received written verification from an otolaryngologist certified by the American Board of Otolaryngology that the speech-language pathologist has performed a minimum of 25 flexible fiber optic nasendoscopic procedures and ~~is~~ *they are* competent to perform these procedures. The speech-language pathologist shall have this written verification on file and readily available for inspection upon request by the board. A speech-language pathologist shall pass a flexible fiber optic nasendoscopic instrument only under the direct authorization of an otolaryngologist certified by the American Board of Otolaryngology and the supervision of a physician and surgeon.
- (g) A licensed speech-language pathologist shall only perform flexible endoscopic procedures described in subdivision (e) in a setting that requires the facility to have protocols for emergency medical backup procedures,

including a physician and surgeon or other appropriate medical professionals being readily available.

(h) "Speech-language pathology aide" means any person meeting the minimum requirements established by the board, who works directly under the supervision of a speech-language pathologist.

(i) (1) "Speech-language pathology assistant" means a person who meets the academic and supervised training requirements set forth by the board and who is approved by the board to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be responsible for the extent, kind, and quality of the services provided by the speech-language pathology assistant.

(2) The supervising speech-language pathologist employed or contracted for by a public school may hold a valid and current license issued by the board, a valid, current, and professional clear clinical or rehabilitative services credential in language, speech, and hearing issued by the Commission on Teacher Credentialing, or other credential authorizing service in language, speech, and hearing issued by the Commission on Teacher Credentialing that is not issued on the basis of an emergency permit or waiver of requirements. For purposes of this paragraph, a "clear" credential is a credential that is not issued pursuant to a waiver or emergency permit and is as otherwise defined by the Commission on Teacher Credentialing. Nothing in this section referring to credentialed supervising speech-language pathologists expands existing exemptions from licensing pursuant to Section 2530.5.

(j) An "audiologist" is one who practices audiology.

(k) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to auditory, vestibular, and related functions and the modification of communicative disorders involving speech, language, auditory behavior, or other aberrant behavior resulting from auditory dysfunction; and the planning, directing, conducting, supervising, or participating in programs of identification of auditory disorders, hearing conservation, cerumen removal, aural habilitation, and rehabilitation, including hearing aid recommendation and evaluation procedures, including, but not limited to, specifying amplification requirements and evaluation of the results thereof, auditory training, and speech reading, and the selling of hearing aids.

(l) A "dispensing audiologist" is a person who is authorized to sell hearing aids pursuant to ~~his or her~~ *their* audiology license.

(m) "Audiology aide" means any person meeting the minimum requirements established by the ~~board. An audiology aide may not perform any function that constitutes the practice of audiology unless he or she is~~ *board who works directly* under the supervision of an audiologist. The board may by regulation exempt certain functions performed by an industrial audiology aide from supervision provided that ~~his or her~~ *their* employer has established a set of procedures or protocols that the aide shall follow in performing these functions.

(n) "Medical board" means the Medical Board of California.

(o) A "hearing screening" performed by a speech-language pathologist means a binary puretone screening at a preset intensity level for the purpose of determining if the screened individuals are in need of further medical or audiological evaluation.

(p) "Cerumen removal" means the nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures that shall occur under physician and surgeon supervision. Cerumen removal, as provided by this section, shall only be performed by a licensed audiologist. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but shall include all of the following:

(1) Collaboration on the development of written standardized protocols. The protocols shall include a requirement that the supervised audiologist immediately refer to an appropriate physician any trauma, including skin tears, bleeding, or other pathology of the ear discovered in the process of cerumen removal as defined in this subdivision.

(2) Approval by the supervising physician of the written standardized protocol.

(3) The supervising physician shall be within the general vicinity, as provided by the physician-audiologist protocol, of the supervised audiologist and available by telephone contact at the time of cerumen removal.

(4) A licensed physician and surgeon may not simultaneously supervise more than two audiologists for purposes of cerumen removal.

SEC. 2. **SEC. 3.** Section 2530.5 of the Business and Professions Code is amended to read:

2530.5. (a) Nothing in this chapter shall be construed as restricting hearing testing conducted by licensed physicians and surgeons or by persons conducting hearing tests under the direct supervision of a physician and surgeon.

(b) Nothing in this chapter shall be construed to prevent a licensed hearing aid dispenser from engaging in testing of hearing and other practices and procedures used solely for the fitting and selling of hearing aids nor does this chapter restrict persons practicing their licensed profession and operating within the scope of their licensed profession or employed by someone operating within the scope of their licensed professions, including persons fitting and selling hearing aids who are properly licensed or registered under the laws of the State of California.

(c) Nothing in this chapter shall be construed as restricting or preventing the practice of speech-language pathology or audiology by personnel holding the appropriate credential from the Commission on Teacher Credentialing as long as the practice is conducted within the confines of or under the jurisdiction of a public preschool, elementary, or secondary school by which they are employed and those persons do not either offer to render or render speech-language pathology or audiology services to the public for compensation over and above the salary they receive from the public preschool, elementary, or secondary school by which they are employed for the performance of their official duties.

(d) Nothing in this chapter shall be construed as restricting the activities and services of a student or speech-language pathology intern in speech-language pathology pursuing a course of study leading to a degree in speech-language pathology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and services constitute a part of ~~his or her~~ *their* supervised course of study and that those persons are designated by the title as "speech-language pathology intern," "speech-language pathology trainee," or other title clearly indicating the training status appropriate to ~~his or her~~ *their* level of training.

(e) Nothing in this chapter shall be construed as restricting the activities and services of a student or audiology intern in audiology pursuing a course of study leading to a degree in audiology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and services constitute a part of ~~his or her~~ *their* supervised course of study and that those persons are designated by the title as "audiology intern," "audiology trainee," or other title clearly indicating the training status appropriate to ~~his or her~~ *their* level of training.

(f) Nothing in this chapter shall be construed as restricting the practice of an applicant who is obtaining the required professional experience specified in subdivision (c) of Section 2532.2 *or subdivision (b) of Section 2532.25* and who has been issued a temporary license pursuant to Section 2532.7. The number of applicants who may be supervised by a licensed speech-language pathologist or a speech-language pathologist having qualifications deemed equivalent by the board shall be determined by the board. The supervising speech-language pathologist shall register with the board the name of each applicant working under ~~his or her~~ *their* supervision, and shall submit to the board a description of the proposed professional responsibilities of the applicant working under ~~his or her~~ *their* supervision. The number of applicants who may be supervised by a licensed audiologist or an audiologist having qualifications deemed equivalent by the board shall be determined by the board. The supervising audiologist shall register with the board the name of each applicant working under ~~his or her~~ *their* supervision, and shall submit to the board a description of the proposed professional responsibilities of the applicant working under ~~his or her~~ *their* supervision.

(g) Nothing in this chapter shall be construed as restricting hearing screening services in public or private elementary or secondary schools so long as these screening services are provided by persons registered as qualified school audiometrists pursuant to Sections 1685 and 1686 of the Health and Safety Code or hearing screening services supported by the State Department of Health Care Services so long as these screening services are provided by appropriately trained or qualified personnel.

(h) Persons employed as speech-language pathologists or audiologists by a federal agency shall be exempt from this chapter.

(i) Nothing in this chapter shall be construed as restricting consultation or the instructional or supervisory activities of a faculty member of an approved or accredited college or university for the first 60 days following appointment after the effective date of this subdivision.

SEC. 4. *Section 2530.6 of the Business and Professions Code is amended to read:*

2530.6. (a) *Speech-language pathologists and audiologists supervising speech-language pathology or audiology aides shall register with the board the name of each aide working under their supervision.*

(b) *The number of aides who may be supervised by a licensee shall be determined by the board.*

~~Speech-language (c) pathologists and audiologists supervising speech-language pathology or audiology aides shall register with the board the name of each aide working under their supervision. The number of aides who may be supervised by a licensee shall be determined by the board. The~~ *The supervising audiologist or speech-language pathologist shall be responsible for the extent, kind, and quality of services performed by the aide, consistent with the board's designated standards and requirements.*

(d) *A speech-language pathology and audiology aide registration shall expire every two years and is subject to the renewal requirements in Article 6 (commencing with Section 2535).*

(e) *At the time of registration renewal, the speech-language pathologist or audiologist supervising the speech-language pathology or audiology aide shall update the board on the duties the aide performs while assisting the supervisor in the practice of speech-language pathology or audiology, and the training program and assessment methods the supervisor is utilizing to ensure the aide's continued competency.*

SEC. 5. *Section 2530.7 is added to the Business and Professions Code, to read:*

2530.7. (a) *An applicant, registrant, or licensee who has an email address shall provide the board with that email address no later than July 1, 2023. The email address shall be considered confidential and not subject to public disclosure.*

(b) *An applicant, registrant, or licensee shall provide to the board any changes to their email address no later than 30 calendar days after the changes have occurred.*

(c) *The board shall remind registrants and licensees of their obligation to report and keep current their email address with the board.*

(d) *For purposes of this section, "applicant, registrant, or licensee" means any person who applies for or holds a license, registration, or approval under this chapter, including, but not limited to, a speech-language pathologist, speech language pathology aide, speech-language pathology assistant, audiologist, dispensing audiologist, audiology aide, or hearing aid dispenser.*

~~SEC. 3.~~ **SEC. 6.** *Section 2531 of the Business and Professions Code is amended to read:*

2531. (a) *There is in the Department of Consumer Affairs the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in which the ~~enforcement and administration~~ enforcement, administration, and other regulatory duties of this chapter are vested. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board shall consist of nine members, three of whom shall be public members.*

(b) *This section shall remain in effect only until January 1, ~~2023~~, 2027, and as of that date is repealed.*

(c) *Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.*

SEC. 7. *Section 2531.05 of the Business and Professions Code is amended to read:*

2531.05. (a) *The Hearing Aid Dispensing Committee is hereby created within the jurisdiction of the board.*

(b) *The committee shall be comprised of the following board members:*

(1) *The two licensed audiologists.*

(2) *The two licensed hearing aid dispensers.*

(3) *One public member of the board.*

(4) The public member of the board who is a licensed physician and surgeon and who is board certified in otolaryngology.

(c) The committee shall review and research the practice of fitting or selling hearing aids and shall advise the board about this practice based on that review and research.

(d) Three members of the committee shall constitute a quorum.

SEC. 4. SEC. 8. Section 2531.1 of the Business and Professions Code is amended to read:

2531.1. (a) Each member of the board shall hold office for a term of four years, and shall serve until the appointment and qualification of ~~his or her~~ *that member's* successor or until one year has elapsed since the expiration of the term for which ~~he or she~~ *the member* was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

(b) Notwithstanding the four-year terms set by subdivision (a), commencing on November 30, 2004, members appointed to the board shall serve the terms set forth below. Each of these terms shall count as a full term for purposes of subdivision (a).

(1) The two public members appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively, shall each serve a term of one year.

(2) One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing ~~power~~ *authority*, shall each serve a term of two years.

(3) One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing ~~power~~ *authority*, and the public member who is a licensed physician and surgeon, board certified in ~~otaryngology~~ *otolaryngology*, shall each serve a term of three years.

(4) One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing ~~power~~ *authority*, shall each serve a term of four years.

(c) Upon completion of each of the terms described in subdivision (b), a succeeding member shall be appointed to the board for a term of four years.

(d) Each appointing authority shall have the power to remove from office at any time any member of the board appointed by that appointing authority.

SEC. 5. SEC. 9. Section 2531.75 of the Business and Professions Code is amended to read:

2531.75. (a) The board may appoint a person exempt from civil service who shall be designated as an executive ~~officer and who~~ *officer. The executive officer* shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(b) This section shall remain in effect only until January 1, ~~2023~~ *2027*, and as of that date is repealed.

SEC. 10. *Section 2532.25 of the Business and Professions Code is amended to read:*

2532.25. (a) An applicant seeking licensure as an audiologist shall possess a doctorate in audiology earned from an educational institution approved by the board. The board may, in its discretion, accept qualifications it deems to be equivalent to a doctoral degree in audiology. The board shall not, however, accept as equivalent qualifications graduation from a master's program that the applicant was enrolled in on or after January 1, 2008.

(b) In addition to meeting the qualifications specified in subdivision (a), an applicant seeking licensure as an audiologist shall do all of the following:

(1) Submit evidence of the satisfactory completion of supervised clinical practice with individuals representative of a wide spectrum of ages and audiological disorders. The board shall establish by regulation the required number of clock hours of supervised clinical practice necessary for the applicant. The clinical practice shall be under the direction of an *audiology doctoral program at an* educational institution approved by the board.

(2) Submit evidence of no less than 12 months of satisfactorily completed supervised professional full-time experience or its part-time equivalent obtained under the supervision of a licensed audiologist or an audiologist having qualifications deemed equivalent by the board. This experience shall be completed under the direction of ~~a board approved audiology doctoral program. The required professional experience shall follow completion of~~

~~the didactic and clinical rotation requirements of the audiology doctoral program: an audiology doctoral program at an educational institution approved by the board.~~

(3) Pass an examination or examinations approved by the board. The board shall determine the subject matter and scope of the examination or examinations and may waive an examination upon evidence that the applicant has successfully completed an examination approved by the board. Written examinations may be supplemented by oral examinations as the board shall determine. An applicant who fails an examination may be reexamined at a subsequent examination upon payment of the reexamination fee required by this chapter.

(c) This section shall apply to applicants who graduate from an approved educational institution on and after January 1, 2008.

SEC. 11. *Section 2532.8 of the Business and Professions Code is amended to read:*

2532.8. (a) The board ~~shall~~ *shall, until January 1, 2027,* deem a person who holds a valid ~~certificate~~ *Certificate* of ~~clinical competence in speech-language pathology or audiology~~ *Clinical Competence in Speech-Language Pathology* issued by the American Speech-Language-Hearing Association's Council for Clinical Certification to have met the educational and experience requirements set forth for speech-language pathologists ~~or audiologists~~ in Section 2532.2.

(b) The board shall, until January 1, 2027, deem a person who holds either a valid Certificate of Clinical Competence in Audiology issued by the American Speech-Language-Hearing Association's Council for Clinical Certification or a valid American Board of Audiology certificate issued by the American Academy of Audiology to have met the educational and experience requirements set forth for audiologists in Section 2532.2 and 2532.25.

~~(b)~~ (c) If an applicant qualifying for licensure under this section has obtained any equivalent qualifications in violation of the laws and regulations governing the practices of speech-language pathology or audiology or has not met the requirements for licensure, ~~he or she~~ *the applicant* shall correct the deficiency to qualify for licensure. If the deficiency is not cured within one year from the date of the deficiency notice, the application for licensure is deemed abandoned.

SEC. 12. *The heading of Article 4 (commencing with Section 2533) of Chapter 5.3 of Division 2 of the Business and Professions Code is amended to read:*

Article 4. Denial, Suspension, Revocation, and Probation

~~SEC. 8.~~ **SEC. 13.** Section 2533 of the Business and Professions Code is amended to read:

2533. The board may refuse to issue, or issue subject to terms and conditions, a license on the grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon the license of any licensee for any of the following:

(a) Conviction of a crime substantially related to the qualifications, functions, and duties of a speech-language pathologist or audiologist or hearing aid dispenser, as the case may be. The record of the conviction shall be conclusive evidence thereof.

(b) Securing a license by fraud or deceit.

(c) (1) The use or administering to ~~himself or herself~~ *themselves* of any controlled substance.

(2) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent or in a manner as to be dangerous or injurious to the licensee, to any other person, or to the public, or to the extent that the use impairs the ability of the licensee to practice speech-language pathology or audiology safely.

(3) More than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section.

(4) Any combination of paragraph (1), (2), or (3).

The record of the conviction shall be conclusive evidence of unprofessional conduct.

(d) Engaging in any act in violation of Section 650.

~~(d)~~ (e) Advertising in violation of Section 17500. Advertising an academic degree that was not validly awarded or earned under the laws of this state or the applicable jurisdiction in which it was issued is deemed to constitute a violation of Section 17500.

~~(e)~~ (f) Committing a dishonest or fraudulent act that is substantially related to the qualifications, functions, or duties of a licensee.

~~(f)~~ (g) Incompetence, gross negligence, or repeated negligent acts.

~~(g)~~ (h) Other acts that have endangered or are likely to endanger the health, welfare, and safety of the public.

~~(h)~~ (i) Use by a hearing aid dispenser of the term "doctor" or "physician" or "clinic" or "audiologist," or any derivation thereof, except as authorized by law.

~~(i)~~ (j) The use, or causing the use, of any advertising or promotional literature in a manner that has the capacity or tendency to mislead or deceive purchasers or prospective purchasers.

~~(j)~~ (k) Any cause that would be grounds for denial of an application for a license.

~~(k)~~ (l) Violation of Section 1689.6 or 1793.02 of the Civil Code.

~~(l)~~ (m) Violation of a term or condition of a probationary order of a license issued by the board pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

~~(m)~~ (n) Violation of a term or condition of a conditional license issued by the board pursuant to this section.

(o) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of speech-language pathology, audiology, or hearing aid dispensing.

(p) Aiding or abetting any person to engage in the unlicensed practice of speech-language pathology, audiology, or hearing aid dispensing.

(q) Violating or attempting to violate, directly or indirectly, any of the provisions of this chapter.

SEC. 9.~~SEC. 14.~~ Section 2533.1 of the Business and Professions Code is amended to read:

2533.1. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a speech-language ~~pathologist or audiologist~~ *pathologist, audiologist, or hearing aid dispenser* is deemed to be a conviction within the meaning of this article. The board may order a licensee be disciplined or denied a license as provided in Section 2533 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under Section 1203.4, 1203.4a, or 1203.41 of the Penal Code allowing the person to withdraw ~~his or her~~ *their* plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 10.~~SEC. 15.~~ Section 2533.4 of the Business and Professions Code is amended to read:

2533.4. Whenever a person other than a licensed speech-language pathologist, *audiologist, or* hearing aid ~~dispenser, or audiologist-~~ *dispenser* has engaged in an act or practice which constitutes an offense under this chapter, a superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The board may commence action in the superior court under this section on its own motion.

SEC. 16. *Section 2533.6 is added to the Business and Professions Code, to read:*

2533.6. *(a) A person whose license has been revoked or suspended, or who has been placed on probation, may petition the Speech-Language Pathology, Audiology, and Hearing Aid Dispensers Board for reinstatement or modification of penalty, including modification or termination of probation, after a period of not less than the following minimum period of time has elapsed from the effective date of the decision ordering that disciplinary action:*

(1) At least three years for reinstatement of a license revoked for unprofessional conduct, except that the board may, for good cause shown, specify in a revocation order that a petition for reinstatement may be filed after two

years.

(2) *At least two years for early termination or one year for modification of a condition of probation of three years or more.*

(3) *At least one year for reinstatement of a license revoked for mental or physical illness, or for modification of a condition, or termination of probation of less than three years.*

(b) *The petition shall be on a form provided by the board and shall state any facts and information as may be required by the board including, but not limited to, proof of compliance with the terms and conditions of the underlying disciplinary order. The petition shall be verified by the petitioner who shall file an original and sufficient copies of the petition, together with any supporting documents, for the members of the board, the administrative law judge, and the Attorney General.*

(c) *The petition may be heard by the board, with the matter presided over by an administrative law judge. After a hearing on the petition, the administrative law judge shall provide a decision as determined by the board which shall be acted upon in accordance with the Administrative Procedures Act.*

(d) *The board or the administrative law judge hearing the petition may consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the license was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability. The hearing may be continued, as the board or the administrative law judge finds necessary.*

(e) *The administrative law judge when hearing a petition for reinstating a license, or modifying a penalty, may recommend the imposition of any terms and conditions deemed necessary.*

(f) *No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner. The board may deny, without a hearing or argument, any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.*

(g) *The board may deny, without a hearing or argument, any petition for termination or modification of probation filed pursuant to this section for any of the following:*

(1) *The petitioner has failed to comply with the terms and conditions of the disciplinary order.*

(2) *The board is conducting an investigation of the petitioner while they are on probation.*

(3) *The petitioner has a subsequent arrest that is substantially related to the qualifications, functions, or duties of the licensee or registrant and this arrest occurred while on probation.*

(4) *The petitioner's probation with the board is currently tolled.*

(h) *Nothing in this section shall be deemed to alter Sections 822 and 823.*

SEC. 17. *Section 2534.2 of the Business and Professions Code is amended to read:*

2534.2. The amount of the fees prescribed by this chapter is that established by the following schedule:

(a) (1) The application fee and renewal fee for speech-language pathologists and nondispensing audiologists shall be established by the board in an amount that does not exceed one hundred fifty dollars (\$150) but is sufficient to support the functions of the board that relate to the functions authorized by this chapter, excluding Article 9 (commencing with Section 2539.1).

(2) The application fee and renewal fee for dispensing audiologists shall be established by the board in an amount that does not exceed two hundred eighty dollars (\$280) but is sufficient to support the functions of the board that relate to the functions authorized by this chapter.

(b) The delinquency fee shall be twenty-five dollars (\$25).

(c) The reexamination fee shall be established by the board in an amount that does not exceed seventy-five dollars (\$75).

(d) The ~~fee for registration~~ *registration fee and renewal fee* of an aide shall be established by the board in an amount that does not exceed thirty dollars (\$30).

(e) A fee to be set by the board of not more than one hundred dollars (\$100) shall be charged for each application for approval as a speech-language pathology assistant.

(f) A fee of one hundred fifty dollars (\$150) shall be charged for the issuance of and for the renewal of each approval as a speech-language pathology assistant, unless a lower fee is established by the board.

(g) The duplicate wall certificate fee is twenty-five dollars (\$25).

(h) The duplicate renewal receipt fee is twenty-five dollars (\$25).

(i) The application fee and renewal fee for a temporary license is thirty dollars (\$30).

(j) The fee for issuance of a license status and history certification letter shall be established by the board in an amount not to exceed twenty-five dollars (\$25).

SEC. 11. SEC. 18. Section 2538.3 of the Business and Professions Code is amended to read:

2538.3. ~~(a)~~ -A person applying for approval as a speech-language pathology assistant shall have graduated from a speech-language pathology assistant associate of arts degree program, or equivalent course of study, approved by the board. A person who has successfully graduated from a board-approved bachelor's degree program in speech-language pathology or communication disorders shall be deemed to have satisfied an equivalent course of study.

~~(b) On or before June 1, 2003, a person who has in the last five years performed the functions of a speech-language pathology aide on a full-time basis for a minimum of one year, or on a part-time basis equivalent to a minimum of one year of full-time work, may make application for registration as a speech-language pathology assistant based upon the board's recognition of that aide's job training and experience and the performance of functions and tasks similar to the speech-language pathology assistant category. For purposes of this subdivision, "full time" means a minimum of 30 hours per week.~~

SEC. 12. SEC. 19. Section 2539.1 of the Business and Professions Code is amended to read:

2539.1. (a) (1) On and after January 1, 2010, in addition to satisfying the licensure and examination requirements described in Sections ~~2532~~ *2532, 2532.2,* and ~~2532.2, 2532.25,~~ no licensed audiologist shall sell hearing aids unless ~~he or she completes~~ *they complete* an application for a dispensing audiology license, pays all applicable fees, and passes an examination, approved by the board, relating to selling hearing aids.

(2) The board shall issue a dispensing audiology license to a licensed audiologist who meets the requirements of paragraph (1).

(b) (1) On and after January 1, 2010, a licensed audiologist with an unexpired license to sell hearing aids pursuant to Article 8 (commencing with Section 2538.10) may continue to sell hearing aids pursuant to that license until that license expires pursuant to Section 2538.53, and upon that expiration the licensee shall be deemed to have satisfied the requirements described in subdivision (a) and may continue to sell hearing aids pursuant to ~~his or her~~ *their* audiology license subject to the provisions of this chapter. Upon the expiration of the audiologist's license to sell hearing aids, the board shall issue ~~him or her~~ *them* a dispensing audiology license pursuant to paragraph (2) of subdivision (a). This paragraph shall not prevent an audiologist who also has a hearing aid dispenser's license from maintaining dual or separate licenses if ~~he or she chooses~~ *they choose* to do so.

(2) A licensed audiologist whose license to sell hearing aids, issued pursuant to Article 8 (commencing with Section 2538.10), is suspended, surrendered, or revoked shall not be authorized to sell hearing aids pursuant to this subdivision and ~~he or she~~ *they* shall be subject to the requirements described in subdivision (a) as well as the other provisions of this chapter.

(c) A licensed hearing aid dispenser who meets the qualifications for licensure as an audiologist shall be deemed to have satisfied the requirements of paragraph (1) of subdivision (a) for the purposes of obtaining a dispensing audiology license.

(d) For purposes of subdivision (a), the board shall provide the hearing aid dispenser's examination provided by the former Hearing Aid Dispensers Bureau until such time as the next examination validation and occupational

analysis is completed by the Department of Consumer Affairs pursuant to Section 139 and a determination is made that a different examination is to be administered.

SEC. 20. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

SEC. 21. *The Legislature finds and declares that Section 5 of this act, which adds Section 2530.7 of the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

The act balances the public's right of access to records of the Speech-Language Pathology and Audiology and Hearing Aid Dispenser's Board with the need to protect the privacy of applicants, registrants, and licensees.



MEMORANDUM

DATE	August 2, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Heather Olivares, Legislation/Regulation Analyst
SUBJECT	Agenda Item 10: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

a. Legislative Calendar and Deadlines

- August 12, 2022 – Last day for fiscal committees to hear bills
- August 25, 2022 – Last day to amend bills
- August 31, 2022 – Last day for each house to pass bills
- September 30, 2022 – Last day for Governor to sign or veto bills

b. Bills with Active Positions Taken by the Board

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

Status:

This bill is dead. The bill was not scheduled in the Senate Business, Professions, and Economic Development Committee.

Current 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 within 60 months of separation and active duty members with official separation orders 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 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction**

Status:

The bill has been scheduled for August 8th in the Senate Appropriations Committee.

Current Board Position: Oppose

Summary:

This bill would require boards to establish a process for prospective applicants to request a preapplication determination whether they may be disqualified from licensure based on their criminal history. The Board may require prospective applicants to furnish fingerprints to conduct a criminal history record check. The Board must notify the prospective applicant in writing if their criminal history could be a cause for denial and include information regarding the criteria for substantially related crimes, the process to request a copy of the complete conviction history, notification of the right to appeal the Board's decision, and the rehabilitation criteria established by the Board. This bill would authorize the Board to charge a fee up to \$50 for the preapplication determination.

- **AB 1733 (Quirk) State bodies: open meetings**

Status:

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

Current Board Position: Support

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. The Board would be required to end or adjourn the meeting if the means of remote participation fails during the meeting and cannot be restored.

- **AB 2686 (Committee on Business and Professions) Speech-language pathologists, audiologists, and hearing aid dispensers**

Status:

The bill was scheduled for August 1st in the Senate Appropriations Committee.

Current Board Position: Support

Summary:

This bill would extend the Board's sunset date until January 1, 2027 and address a number of issues raised by the Board in the Sunset Review Report including requiring licensees to provide the Board with their email address, expanding the reasons for which the Board is authorized to take disciplinary action, and requiring the aide registration to be renewed every two years. This bill would clarify that the required clinical practice must be under the direction of an audiology doctoral program and remove the requirement that the required professional experience must follow the completion of the didactic and clinical rotation requirements. This bill would also revise the process for licensees seeking to petition the Board for reinstatement or modification of penalty, including specifying a minimum period of time before the licensee can petition the Board again. This bill would also remove the statutory requirement for the Hearing Aid Dispensing Committee with the specified membership and leave the committee's name, structure, and membership to the discretion of the Board.

- **AB 2806 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates**

Status:

The bill was scheduled for August 1st in the Senate Appropriations Committee.

Current Board Position: Oppose Unless Amended

Summary:

This bill would require specific actions to be taken, including engaging an early childhood mental health consultation service, prior to expelling or unenrolling a child from a state preschool program or family childcare education network program due to a behavior issue.

Recommended Position: No Position

The provision that would have authorized a person with at least a master's degree in speech and language pathology to receive reimbursement for early childhood mental health consultation services has been removed from the bill.

- **SB 1031 (Ochoa Bogh) Healing arts boards: inactive license fees**

Status:

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

Current Board Position: Oppose

Summary:

This bill would require the renewal fee for an inactive license to be half of the amount of the fee for the renewal of an active license unless the Board establishes a lower fee.

- **SB 1453 (Ochoa Bogh) Speech language pathologists**

Status:

The bill is scheduled for August 3rd in the Assembly Appropriations Committee.

Current Board Position: Support If Amended

Summary:

This bill would allow a speech-language pathologist to perform the FEES procedure in primary care and specialty clinics, county medical facilities, hospitals and skilled nursing facilities, hospice facilities, and medical group practices, without the presence of a physician, as long as the facility has protocols for emergency medical backup procedures, including a physician or other appropriate medical professional being readily available.

This bill would also remove the requirement that an ENT authorize the FEES procedure and instead allow a speech-language pathologist to perform the FEES procedure upon the orders of a licensed physician. This bill would prohibit the FEES procedure to be performed on patients who have contraindications that would prevent the procedure from being performed safely.

Additionally, this bill would clarify that a speech-language pathologist must perform 25 supervised FEES procedures, including 10 supervised by a physician who performs nasal endoscopy and 15 supervised by an experienced physician or speech-language pathologist competent in the FEES procedure. The speech-language pathologist must obtain written verification from one ENT that they performed the minimum of 25 procedures and are competent to perform the FEES procedure.

Recommended Position: Support

Board Staff have been working with the Author's office and Sponsor (California Speech Language Hearing Association) to address the Board's concerns. Although emergency medical backup procedures, other medical professional, and readily available are not defined in the Board's laws and regulations, the bill was amended to limit the settings the FEES procedure can be performed to include primary care and specialty clinics, county medical facilities, hospitals and skilled nursing facilities, hospice facilities, and medical group practices. The laws and regulations governing medical backup procedures for these facility types would need to be followed.

Additionally, Board Staff reached an agreement with the Author and Sponsor to address concerns regarding contraindications to the FEES procedure. The bill will be amended soon to include a history of vasovagal episodes and cardiac disorder with acute risk of vasovagal episode and bradycardia to the list of contraindications and would allow the FEES procedure to be performed when contraindications exist if documented clearance from the physician that the FEES procedure can be performed safely has been obtained.

With the amendments agreed to by the Author and Sponsor, as well as the much-needed clarification to the requirements for the FEES procedure, Board Staff recommend the Board adopt a Support position on this bill.

Note: The language of the bill in the attachment does not reflect recently agreed upon amendments.

c. Bills with Recommended Watch Status

- **AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions**

Status:

The bill was scheduled for August 1st in the Senate Appropriations 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 has been relicensed or remove the information if the person does not reapply for licensure. The Board would be authorized to charge a fee of \$25 to cover the reasonable cost of administering this provision.

- **AB 1308 (Ting) Arrest and conviction record relief**

Status:

This bill is dead. The bill was not scheduled 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 1795 (Fong) Open meetings: remote participation**

Status:

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

Summary:

This bill would require open meetings to include both in-person and remote participation. This bill would define remote participation as participation at a location other than the physical location designated in the agenda of the meeting via electronic communication.

- **AB 2600 (Dahle) State agencies: letters and notices: requirements**

Status:

This bill is dead. The bill was not scheduled in the Assembly Accountability and Administrative Review Committee.

Summary:

This bill would require state agencies, when sending any communication to a recipient, to include in bold font at the beginning of the communication whether it requires action or serves as notice requiring no action.

- **AB 2790 (Wicks) Reporting of crimes: mandated reporters**

Status:

The bill was scheduled for August 1st in the Senate Appropriations Committee.

Summary:

Effective January 1, 2024 this bill would remove the requirement that health care providers report to law enforcement any assaultive or abusive conduct, unless the wound or injury is self-inflicted or caused by a firearm. Instead, this bill would require health care providers that know or suspect their patient is experiencing domestic or sexual violence to provide brief counseling, education, or other support and offer a referral to local and national domestic violence or sexual violence advocacy services.

- **SB 731 (Durazo) Criminal records: relief**

Status:

The bill is on the Senate Floor for Concurrence in Assembly amendments.

Summary:

This bill would expand current law regarding automatic arrest record relief to include a person who was arrested on or after January 1, 1973 if criminal proceedings are not initiated within specified timeframes. This bill would also

expand automatic conviction relief to include felonies committed after January 1, 2005 if at least four years have elapsed since the completion of all terms of incarceration and parole without being convicted of a new felony offense. This provision excludes serious and violent felonies and felonies requiring registration as a sex offender.

- **SB 1237 (Newman) Licenses: military service**

Status:

The bill has been scheduled for August 3rd in the Assembly Appropriations Committee.

Summary:

This bill would expand the requirement that boards waive renewal fees and continuing education requirements to include individuals in the California National Guard or United States Armed Forces serving in an active duty status, regardless of the duration of their active duty assignment.

- **SB 1365 (Jones) Licensing boards: procedures**

Status:

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

Summary:

This bill would require boards to post the criteria used to evaluate applicants with criminal convictions on their website to help inform potential applicants about their possibility of obtaining licensure prior to investing time and resources into education and training. This bill would also require the Department of Consumer Affairs to develop processes and procedures for boards to use to verify applicant information, perform background checks, and provide an informal appeal process.



SB-1453 Speech language pathologists. (2021-2022)

As Amends the Law Today

SECTION 1. Section 2530.2 of the Business and Professions Code is amended to read:

2530.2. As used in this chapter, unless the context otherwise requires:

- (a) "Board" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (b) "Person" means any individual, partnership, corporation, limited liability company, or other organization or combination thereof, except that only individuals can be licensed under this chapter.
- (c) A "speech-language pathologist" is a person who practices speech-language pathology.
- (d) The practice of speech-language pathology means all of the following:
 - (1) The application of principles, methods, instrumental procedures, and noninstrumental procedures for measurement, testing, screening, evaluation, identification, prediction, and counseling related to the development and disorders of speech, voice, language, or swallowing.
 - (2) The application of principles and methods for preventing, planning, directing, conducting, and supervising programs for habilitating, rehabilitating, ameliorating, managing, or modifying disorders of speech, voice, language, or swallowing in individuals or groups of individuals.
 - (3) Conducting hearing screenings.
 - (4) Performing suctioning in connection with the scope of practice described in paragraphs (1) and (2), after compliance with a medical facility's training protocols on suctioning procedures.
- (e) (1) Instrumental procedures referred to in subdivision (d) are the use of rigid and flexible endoscopes to observe the pharyngeal and laryngeal areas of the throat in order to observe, collect data, and measure the parameters of communication and swallowing as well as to guide communication and swallowing assessment and therapy. *Passage of these instruments without the presence of a physician and surgeon is subject to paragraph (2).*
- (2) Nothing in this subdivision shall be construed as a diagnosis. Any observation of an abnormality shall be referred to a physician and surgeon.
- (f) A licensed speech-language pathologist shall not perform a flexible fiber optic ~~nasendoscopic- transnasal endoscopic~~ procedure unless ~~he or she has- they have~~ received written verification from ~~an one~~ otolaryngologist certified by the American Board of Otolaryngology that the speech-language pathologist has performed a minimum of 25 *supervised* flexible fiber optic ~~nasendoscopic- transnasal endoscopic~~ procedures and is competent to perform these procedures. *Of these 25 procedures, the first 10 procedures shall be supervised by a licensed physician and surgeon who performs nasal endoscopy as part of their practice and the subsequent 15 procedures shall be supervised by either a licensed physician and surgeon who performs nasal endoscopy as part of their practice or by another licensed speech-language pathologist that is verified as competent in performing flexible fiber optic transnasal endoscopic procedures.* The speech-language pathologist shall have this written verification on file and readily available for inspection upon request by the board. A speech-language pathologist *with a verification on file* shall pass a flexible fiber optic ~~nasendoscopic- transnasal endoscopic~~ instrument only ~~under upon~~ the ~~direct authorization of an otolaryngologist certified by the American Board of Otolaryngology and the supervision of a physician and surgeon.~~ *orders of a licensed physician and*

surgeon. The order by physician and surgeon is deemed to allow a speech-language pathologist with verification, in accordance with this paragraph, to perform fiber optic transnasal endoscopic procedures at a location based on the patient's medical needs that complies with procedures specified in paragraph (1) of subdivision (g).

(g) (1) A licensed speech-language pathologist shall only perform flexible endoscopic procedures described in subdivision (e) in ~~a setting~~ *the following settings* that requires the facility to have protocols for emergency medical backup procedures, including a physician and surgeon or other appropriate medical professionals being readily available.

(A) *A clinic, as defined in Section 1200 of the Health and Safety Code.*

(B) *A facility described in Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code.*

(C) *A health facility, as defined in Section 1250 of the Health and Safety Code.*

(D) *A hospice facility licensed pursuant to Chapter 8.5 (commencing with Section 1745) of Division 2 of the Health and Safety Code.*

(E) *A medical group practice, including a professional medical corporation, as defined in Section 2406, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians and surgeons that provides health care services.*

(2) *A licensed speech-language pathologist shall not perform flexible fiber optic transnasal endoscopic procedures on patients who have contraindications to the procedure that would prevent the licensed speech-language pathologist from safely performing the procedure. For purposes of this paragraph, contraindications for these procedures may include, but are not limited to, cases of bilateral obstruction of nasal passages, refractory epistaxis, facial trauma, recent trauma to the nasal cavity, severe bleeding disorders, severe movement disorders, severe agitation, and inability to cooperate with the examination.*

(h) "Speech-language pathology aide" means any person meeting the minimum requirements established by the board, who works directly under the supervision of a speech-language pathologist.

(i) (1) "Speech-language pathology assistant" means a person who meets the academic and supervised training requirements set forth by the board and who is approved by the board to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be responsible for the extent, kind, and quality of the services provided by the speech-language pathology assistant.

(2) The supervising speech-language pathologist employed or contracted for by a public school may hold a valid and current license issued by the board, a valid, current, and professional clear clinical or rehabilitative services credential in language, speech, and hearing issued by the Commission on Teacher Credentialing, or other credential authorizing service in language, speech, and hearing issued by the Commission on Teacher Credentialing that is not issued on the basis of an emergency permit or waiver of requirements. For purposes of this paragraph, a "clear" credential is a credential that is not issued pursuant to a waiver or emergency permit and is as otherwise defined by the Commission on Teacher Credentialing. Nothing in this section referring to credentialed supervising speech-language pathologists expands existing exemptions from licensing pursuant to Section 2530.5.

(j) An "audiologist" is one who practices audiology.

(k) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to auditory, vestibular, and related functions and the modification of communicative disorders involving speech, language, auditory behavior, or other aberrant behavior resulting from auditory dysfunction; and the planning, directing, conducting, supervising, or participating in programs of identification of auditory disorders, hearing conservation, cerumen removal, aural habilitation, and rehabilitation, including hearing aid recommendation and evaluation procedures, including, but not limited to, specifying amplification requirements and evaluation of the results thereof, auditory training, and speech reading, and the selling of hearing aids.

(l) A "dispensing audiologist" is a person who is authorized to sell hearing aids pursuant to ~~his or her~~ *their* audiology license.

(m) "Audiology aide" means any person meeting the minimum requirements established by the board. An audiology aide may not perform any function that constitutes the practice of audiology unless ~~he or she is~~ *they are* under the supervision of an audiologist. The board may by regulation exempt certain functions performed by an industrial audiology aide from supervision provided that ~~his or her~~ *their* employer has established a set of procedures or protocols that the aide shall follow in performing these functions.

(n) "Medical board" means the Medical Board of California.

(o) A "hearing screening" performed by a speech-language pathologist means a binary puretone screening at a preset intensity level for the purpose of determining if the screened individuals are in need of further medical or audiological evaluation.

(p) "Cerumen removal" means the nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures that shall occur under physician and surgeon supervision. Cerumen removal, as provided by this section, shall only be performed by a licensed audiologist. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but shall include all of the following:

(1) Collaboration on the development of written standardized protocols. The protocols shall include a requirement that the supervised audiologist immediately refer to an appropriate physician any trauma, including skin tears, bleeding, or other pathology of the ear discovered in the process of cerumen removal as defined in this subdivision.

(2) Approval by the supervising physician of the written standardized protocol.

(3) The supervising physician shall be within the general vicinity, as provided by the physician-audiologist protocol, of the supervised audiologist and available by telephone contact at the time of cerumen removal.

(4) A licensed physician and surgeon may not simultaneously supervise more than two audiologists for purposes of cerumen removal.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



MEMORANDUM

DATE	August 1, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 12: Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

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

- a) **Discussion and possible action to Amend regulations regarding Speech-Language Pathology Assistants Supervision Requirements as stated in Title 16, California Code of Regulations (CCR) sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18**

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 revisions to the regulatory language on May 13, 2022. Board staff are working on preparing the required regulatory documents for DCA pre-review.

This proposed change will permit SLPA tele supervision, require 20% immediate supervision of all duties for the first 90 days of initial licensure, require two years of full-time experience before supervising a SLPA, permit the supervision of three support personnel not to exceed six at any time, and incorporate by reference a revised supervision form.

b) Discussion and possible action to Amend and 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

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. The required regulatory documents are with DCA for pre-review.

This proposed change will require the Board to use the uniform standards when disciplining substance-abusing licensees and incorporate by reference DCA's uniform standards document.

c) Discussion and possible action to Amend regulations regarding Required Professional Experience Direct Supervision Requirements and Tele Supervision as stated in Title 16, CCR sections 1399.153 and 1399.153.3

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 revisions to the regulatory language on October 8, 2021. The required regulatory documents completed the initial departmental review process on July 22, 2022. The Board filed the regulatory package with the Office of Administrative Law on July 25, 2022, and the regulatory package will be officially noticed on Friday, August 5, 2022, which starts the 45-day public comment period.

This proposed change will permit RPE tele supervision and establish requirements for the use of tele supervision.

d) Discussion and possible action to Amend and Adopt regulations regarding Examination Requirements for Hearing Aid Dispensers and Dispensing Audiologists as stated in Title 16, CCR sections 1399.120, 1399.121, 1399.122, and 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
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved the regulatory language on May 13, 2022. Board staff are working on preparing the required regulatory documents for DCA pre-review.

This proposed change will update the practical examination process, described the written examination process, update the practical examination appeal process, and specify the required hearing aid examination for dispensing audiologists.

e) **Discussion and possible action to Amend regulations regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4**

Regulation Development	Preparing Regulatory Package	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. This regulatory text requires review and approval by the Board. See the separate memo for this regulatory proposal.

f) **Discussion and possible action to Adopt regulations regarding Notice to Consumers as stated in Title 16, CCR sections 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
------------------------	------------------------------	----------------------------	-----------------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved regulatory language on February 25, 2022. The required regulatory documents are with DCA for pre-review.

This proposed change will require licensees to provide notice that they are licensed and regulated by this Board.

g) **Discussion and possible action to Amend and Adopt regulations regarding Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14**

Regulation Development	Preparing Regulatory Package	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 the regulatory language on May 13, 2022. Board staff are working on preparing the required regulatory documents for DCA pre-review.

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

h) Discussion and possible action to Amend regulations regarding Continuing Education Requirements for Hearing Aid Dispensers and Dispensing Audiologists as stated in Title 16, CCR sections 1399.140, 1399.140.1 and 1399.144

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. This regulatory text requires review and approval by the Board. See the separate memo for this regulatory proposal.

i) Discussion and possible action to Amend regulations regarding Speech-Language Pathology Assistant Application and Board Processing Times as stated in Title 16, CCR sections 1399.113, 1399.151.1, 1399.160.6, and 1399.170.13

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. Regulatory text was submitted to DCA Legal on June 2, 2022 for review prior to approval by the Board. This regulatory proposal should be available for approval at the October Board meeting.

j) Discussion and possible action to Amend regulations regarding Speech-Language Pathology Assistants Program and Academic Requirements as stated in Title 16, CCR sections 1399.170.4, 1399.170.5, 1399.170.10, and 1399.170.11

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. This regulatory text requires review and approval by the Board. See the separate memo for this regulatory proposal.



MEMORANDUM

DATE	July 25 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 12(e): Discussion and possible action to Amend regulations regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4

Background

The proposed changes will permit online interactive (live) CPD opportunities, increase the number of self-study hours to half of the required hours, and align hearing aid course content with proposed changes to the Hearing Aid Dispenser Regulations.

In light of the discussion and possible action to amend hearing aid continuing education course content, sections 1399.160.3(c)(3) and 1399.160.3(e)(3) were amended when the Board adopted proposed regulatory language at its May 2022 Board Meeting. However, DCA Legal opined that language adopted by the Board violates BPC section 17500.1 and must be removed. BPC section 17500.1 reads:

17500.1. Notwithstanding any other provision of law, no trade or professional association, or state agency, state board, or state commission within the Department of Consumer Affairs shall enact any rule, regulation, or code of professional ethics which shall restrict or prohibit advertising by any commercial or professional person, firm, partnership or corporation which does not violate the provisions of Section 17500¹ of the Business and Professions Code, or which is not prohibited by other provisions of law.

The provisions of this section shall not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076.²

Because the advertising being restricted is neither false advertising nor does it concern the State Bar’s rules of Professional Conduct, the language must be removed.

¹ BPC Section 17500 concerns false advertising.

² BPC Section 6076 concerns the rules of professional conduct promulgated by the Trustees of the State Bar.

Summary of Changes

The most recent proposed changes include the following:

- Removed the definitions for “Asynchronous” and “Synchronous” CPD and amended section 1399.160(a) and (b) to redefine self-study.
- Made minor changes to 1399.160.1 for consistency and clarity.
- Amended sections 1399.160.3(c)(3) and 1399.160.3(e)(3) to remove the language related to the distribution of marketing materials, and made minor changes for consistency and clarity.
- 1399.160.4 is in this rulemaking to correct a mistaken plural in 1399.160.4(b)

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for Sections 1399.160 through 1399.160.4 direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1399.160 through 1399.160.4 as noticed.

Attachment A: SLP-AU CPD Requirements Proposed Text

Attachment B: SLP-AU CPD Requirements Proposed Text as Adopted May 13, 2022

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Speech-Language Pathologists and Audiologists
Continuing Professional Development Requirements

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Adopt section 1399.160 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160. Definitions.

As used in this article:

(a) A continuing professional development “course” means a form of systematic learning at least one hour (60 minutes) in length including, ~~but not limited to,~~ academic studies, extension studies, lectures, conferences, seminars, and workshops, ~~and self-study courses.~~

~~(b1) A “self-study course” means a form of systematic learning performed at a licensee’s residence, office, or other private location including, but not limited to, viewing or listening to recorded courses, or participating in “self-assessment testing” (open-book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the provider was the correct answer). A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course offering affords participants the opportunity to interact with an instructor and/or other course participants~~course where the course instruction and licensee participation do not occur simultaneously, and requires completing and passing an assessment or examination of the course content at the conclusion of the course instruction.

(~~eb~~) A continuing professional development “provider” means an accredited institution of higher learning, a nonprofit education association, a nonprofit professional association, an individual, or other organization that offers continuing professional development courses and meets the requirements contained in this article.

(~~dc~~) A “renewal period” means the ~~two-year~~ period that spans from a license’s expiration date to the licensee’s next expiration date.

(ed) An “operational plan” means a detailed, written description which contains information that explains how the provider intends to conduct business, advertise its courses, provide educational services, and meet the minimum standards established in this article.

(fe) “Professional development” shall have the same meaning and effect as the term “continuing education” when interpreting the provisions in this Aarticle.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (c)(1), (e) and (f), Business and Professions Code.

Adopt section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a speech-language pathology or an audiology licensee whose license expires in the year 2001 shall certify in writing, ~~when applying for license renewal~~ by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has completed~~ twelve (12) hours of continuing professional development courses.

(b) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2001~~, when applying to renew both licenses for the first time, shall certify in writing, ~~when applying for license renewal~~, by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has completed~~ eight (8) hours of continuing professional development ~~courses~~ for each license for a total of sixteen (16) hours of continuing professional development.

(c) Except as provided in Section 1399.160.2 and subsection (a), a licensee who holds a speech-language pathology or an audiology license shall, when applying for license renewal, certify in writing, by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has completed~~ twenty-four (24) hours of continuing professional development ~~courses~~.

(d) Except as provided in Section 1399.160.2 and subsection (b), a licensee who holds both a speech-language pathology license and an audiology license, when applying to renew both licenses, shall ~~certify in writing, when applying for license renewal, by signing a statement~~ under penalty of perjury that during the preceding renewal period the licensee ~~has completed~~ sixteen (16) hours of continuing professional development ~~courses~~ for each license for a total of thirty-two (32) hours of continuing professional development.

(e) Except as provided in Section 1399.160.2, a licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code, when applying for license renewal, shall certify under penalty of perjury that during the preceding renewal period the licensee completed twelve (12) hours of continuing professional development.

(f) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and a dispensing audiology license, when applying for license renewal, shall certify under penalty of perjury that during the preceding renewal period the licensee completed sixteen (16) hours of continuing professional development in speech-language pathology biennially and eight (8) hours of continuing professional development in dispensing audiology annually for a total of thirty-two (32) hours of continuing professional development.

(g) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify the completion of the continuing professional development requirement by producing a record of course completion, upon request by the Board, is subject ~~to~~ to disciplinary action under Section 2533(e) of the Code.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 2532.6(b), ~~2532.6(c), 2532.6(d)~~ and 2533(e), Business and Professions Code.

Adopt section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.2. Exemptions from Continuing Professional Development.

~~(a) An initial licensee shall complete at least twelve (12) hours of continuing professional development, of which no more than four (4) hours may be earned through the following activities prior to his or her first license renewal:~~

~~(1) No more than (2) hours of self-study activities,~~

~~(2) No more than (2) hours from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4), or in indirect client care courses as defined in Section 1399.160.4(c)(3).~~

~~(b)~~ (ba) A licensee is exempt from the continuing professional development requirement if ~~his or her~~ their license is inactive pursuant to Sections 703 and 704 of the Code.

~~(c)~~ (cb) A licensee may submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The Board

will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing professional development required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing professional development requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(d), Business and Professions Code.

Adopt section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee who holds a speech-language pathology or an audiology license, whose license expires in the year 2001 when applying to renew their license for the first time, shall accrue at least twelve (12) hours of continuing professional development ~~courses~~ as defined in Section 1399.160.4. A licensee may accrue no more than ~~four (4)~~six (6) of the required hours of continuing professional development ~~courses through by way of~~

self-study courses during this renewal period. In addition, a licensee may accrue no more than two (2) hours of the required hours of continuing professional development from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) during this renewal period.

(b) A licensee who holds both a speech-language pathology license and an audiology license that expire in the year 2004, when applying to renew both licenses for the first time, shall accrue at least eight (8) hours of continuing professional development courses as defined in Section 1399.160.4 for each license for a total of sixteen (16) hours. A licensee may accrue no more than two (2) eight (8) of the required hours of continuing professional development courses through by way of self-study courses for each license. In addition, a licensee may accrue no more than two and one-half (2.5) hours of the required hours of continuing professional development from courses related to the discipline of speech-language pathology and audiology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) for each license during this renewal period.

(c) Except as provided in subsection (a), a licensee who holds a speech-language pathology or an audiology license shall accrue at least twenty-four (24) hours during a single renewal period of continuing professional development courses as defined in Section 1399.160.4 per renewal period. A licensee may accrue no more than eight (8) hours of continuing professional development courses through the following activities during a single each renewal period, subject to the following limitations:

(1) No more than six (6) twelve (12) of the required hours shall be earned by way of self-study activities.

(2) No more than four (4) hours shall be earned from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Not more than 50% of the continuing professional development hours required of a licensed non-dispensing audiologist, shall be earned in hearing aid courses, but and shall not be obtained from courses where the content focuses on equipment, devices, or other products of a particular publisher, manufacturer or company or corporation marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices or products.

(d) Except as provided in subsection (b), a licensee who holds both a speech-language pathology license and an audiology license, shall accrue at least sixteen (16) hours of continuing professional development courses as defined in Section 1399.160.4

and 1399.160.3(c)(3) for each license for a total of thirty-two (32) hours per renewal period. A licensee may accrue no more than five (5) hours of continuing professional development through the following activities during each renewal period for each license, subject to the following limitations:

(1) No more than two and one-half (2.5) eight (8) of the required hours shall be earned by way of self-study activities for each license.

(2) No more than two and one-half (2.5) hours for each license shall be earned from courses related to the discipline of speech-language pathology ~~or~~ and audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(e) A licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall accrue at least twelve (12) hours of continuing professional development per annual renewal period as defined in Section 1399.160.4 annually. A licensed audiologist authorized to dispense hearing aids may accrue no more than (3) hours of continuing professional development courses through the following activities during a single each renewal period, subject to the following limitations:

(1) No more than one and a half (1.5) six (6) of the required hours shall be earned by way of self-study activities.

(2) No more than one and a half (1.5) two (2) hours shall be earned from courses related to the discipline of audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing ~~but~~ and shall not be obtained from courses where the content focuses on the equipment, devices, or other products of a particular manufacturer or company marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether or not it focuses on a particular manufacturer's or company's equipment, devices, or products. The remaining 50% of the continuing professional development required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) of the Code and shall not be obtained from hearing aid dispensing courses as provided for in this section.

(f) A licensee who holds both a speech-language pathology license and a dispensing audiology license shall accrue:

(1) At least sixteen (16) hours of continuing professional development courses in speech-language pathology as defined in Section 1399.160.4 biennially, ~~of~~ and which no more than four (4) hours of the continuing professional development

may be accrued through the following activities during a ~~single~~each renewal period, subject to the following limitations:

(A) No more than ~~two and one-half (2.5)~~eight (8) of the required hours shall be earned by way of self-study activities.

(B) No more than two and one-half (2.5) hours shall be earned from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(2) At least eight (8) hours of continuing professional development ~~courses in~~ dispensing audiology as defined in Section ~~1399.160.4 and~~ 1399.160.3(e)(3) annually, ~~of and which no more than two (2) hours of continuing professional development courses~~ may be accrued through the following activities during a ~~single~~each renewal period, subject to the following limitations:

(A) No more than ~~one (1) hour~~four (4) of the required hours shall be earned by way of self-study activities.

(B) No more than ~~one (1) hour~~one and one-half (1.5) of the required hours shall be earned from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(g) If a licensee teaches a course offered by a provider registered with the Board or an entity listed in Section 2532.6 of the Code, the licensee may claim credit for the same course ~~only once per renewal period~~, receiving the same amount of hours of continuing professional development credit as a licensee who attended the course.

(h) A licensee may not claim credit for the same course more than once per renewal period for hours of continuing professional development.

(i) A licensee who takes a continuing professional development course as a condition of probation resulting from disciplinary action by the Board may not apply the course as credit towards the continuing professional development requirement.

(j) A licensee who supervises a Required Professional Experience temporary license holder must complete the required supervision training as described in Section 1399.153.3.

(k) A licensee who supervises a Speech-Language Pathology Assistant must complete the required supervision training as described in Section 1399.170.15.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.

Reference: Section 2532.6(b), (c) and (e), Business and Professions Code.

Adopt section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.4. Continuing Professional Development Course Content.

(a) A licensed speech-language pathologist shall determine that the content and learning outcomes of a course are relevant to the practice of speech-language pathology as defined in Section 2530.2(d).

(b) A licensed audiologists shall determine that the content and learning outcomes of a course are relevant to the practice of audiology as defined in Section 2530.2(k).

(c) The content of a course shall pertain to direct, related, or indirect patient/client care.

(1) Examples of direct patient/client care courses for the practice of speech-language pathology include fluency disorders, voice disorders, motor disorders of speech, dysphagia, speech science, oral and written language disorders, aphasia and neurogenic disorders of language and cognition, augmentative and alternative communication, phonological/articulatory disorders language science, and patient/client counseling to facilitate recovery from, or adjustment to, a communication disorder.

(2) Examples of direct patient/client care courses for the practice of audiology include, auditory and vestibular assessment, auditory habilitation/rehabilitation, hearing assistive technology, industrial audiology/hearing conservation and hearing science.

(3) Indirect patient/client care courses cover pragmatic aspects of speech-language pathology or audiology practice (e.g., legal or ethical issues, consultation, record-keeping, office management, managed care issues, research obligations, technological applications related to assessment/diagnosis or intervention).

(4) Courses that are related to the discipline of speech-language pathology or audiology may cover general medical or educational offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, professional service delivery models, interdisciplinary case management issues, or medical pathologies related to neurological disorders that also result in communication difficulties.

(d) A provider shall ensure that a course has specific objectives that are measurable.

(e) Upon completion of a course, a licensee shall evaluate the course through some

type of evaluation mechanism.

(f) Courses considered outside the scope of continuing professional development include, but are not limited to, those in the following areas:

(1) money management, the licensee's personal finances or personal business matters;

(2) general physical fitness or the licensee's personal health;

(3) presentations by political or public figures or other persons that do not deal primarily with the practice of either speech-language pathology or audiology;

(4) tort liability;

(5) courses that address increased office production or computerization, financial planning, employee benefits, marketing or motivational topics to increase productivity or profitability; and

(6) courses in which the primary beneficiary is the licensee, not the consumer.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Section 2532.6(b), (c) and (e), Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Speech-Language Pathologists and Audiologists
Continuing Professional Development Requirements

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Adopt section 1399.160 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160. Definitions.

As used in this article:

(a) A continuing professional development “course” means a form of systematic learning at least one hour (60 minutes) in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, and self-study courses.

(b) A “self-study course” Asynchronous Continuing Professional Development” means a form of systematic learning performed at a licensee's residence, office, or other private location including where course instruction and licensee participation in the course do not occur simultaneously. These include, but are not limited to, viewing or listening to recorded courses, or participating in “self-assessment testing” (open book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the provider was the correct answer). A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course offering affords participants the opportunity to interact with an instructor and/or other course participants. courses where material is delivered via the Internet, or CD-ROM/DVD, correspondence, or self-study and which require completing and passing an assessment or examination of the course content.

(c) “Synchronous Continuing Professional Development” means any form of systematic learning where the course instruction and licensee participation in the course are occurring simultaneously.

(ed) A continuing professional development “provider” means an accredited institution of higher learning, a nonprofit education association, a nonprofit professional association, an individual, or other organization that offers continuing professional development

courses and meets the requirements contained in this article.

(de) A “renewal period” means the ~~two-year~~ period that spans from a license's expiration date to the licensee's next expiration date.

(ef) An “operational plan” means a detailed, written description which contains information that explains how the provider intends to conduct business, advertise its courses, provide educational services, and meet the minimum standards established in this article.

(fg) “Professional development” shall have the same meaning and effect as the term “continuing education” when interpreting the provisions in this Article.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 2532.6(b), 2532.6(c)(1), 2532.6(e) and 2532.6(f), Business and Professions Code.

Adopt section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, a speech-language pathology or an audiology licensee whose license expires in the year 2001, when applying to renew their license for the first time, shall certify in writing, when applying for license renewal by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has~~ completed twelve (12) hours of continuing professional development ~~courses~~.

(b) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2001,~~ shall certify in writing, when applying to renew both licenses for ~~license renewal the first time,~~ by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has~~ completed eight (8) hours of continuing professional development ~~courses~~ for each license for a total of sixteen (16) hours.

(c) Except as provided in Section 1399.160.2 and subsection (a), a licensee who holds a speech-language pathology or an audiology license shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has~~ completed twenty-four (24) hours of continuing professional development ~~courses~~.

(d) Except as provided in Section 1399.160.2 and subsection (b), a licensee who holds both a speech-language pathology license and an audiology license, ~~shall certify in writing,~~ when applying for license renewal to renew both licenses, by signing a

~~statement shall certify~~ under penalty of perjury that during the preceding renewal period the licensee ~~has completed sixteen (16) hours of continuing professional development courses for each license for a total of thirty-two (32) hours.~~

(e) Except as provided in Section 1399.160.2, a licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code, when applying for license renewal, shall certify under penalty of perjury that during the preceding renewal period the licensee completed twelve (12) hours of continuing professional development.

(f) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and a dispensing audiology license, when applying for license renewal, shall certify under penalty of perjury that during the preceding renewal period the licensee completed sixteen (16) hours of continuing professional development in speech-language pathology biennially and eight (8) hours of continuing professional development in dispensing audiology annually for a total of thirty-two (32) hours.

~~(g)~~ A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify the completion of the continuing professional development requirement by producing a record of course completion, upon request by the Board, is subject ~~the~~ to disciplinary action under Section 2533(e) of the Code.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 2532.6(b), 2532.6(c), 2532.6(d) and 2533(e), Business and Professions Code.

Adopt section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.2. Exemptions from Continuing Professional Development.

~~(a) An initial licensee shall complete at least twelve (12) hours of continuing professional development, of which no more than four (4) hours may be earned through the following activities prior to his or her first license renewal:~~

~~(1) No more than (2) hours of self-study activities;~~

~~(2) No more than (2) hours from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4), or in indirect client care courses as defined in Section 1399.160.4(c)(3).~~

~~(b)~~ a A licensee is exempt from the continuing professional development requirement if ~~his or her~~ their license is inactive pursuant to Sections 703 and 704 of the Code.

(eb) A licensee may submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing professional development required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing professional development requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(d), Business and Professions Code.

Adopt section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee who holds a speech-language pathology or an audiology license, whose license expires in the year 2004 when applying to renew their license for the first time,

shall accrue at least twelve (12) hours of continuing professional development courses as defined in Section 1399.160.4. A licensee may accrue no more than ~~four (4)~~six (6) of the required hours of continuing professional development courses through by way of self-study courses during this renewal period. In addition, a licensee may accrue no more than two (2) hours of the required hours of continuing professional development from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) during this renewal period.

(b) A licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2001, when applying to renew both licenses for the first time,~~ shall accrue at least eight (8) hours of continuing professional development courses as defined in Section 1399.160.4 for each license for a total of sixteen (16) hours. A licensee may accrue no more than ~~two (2)~~ eight (8) of the required hours of continuing professional development courses through by way of self-study courses for each license. In addition, a licensee may accrue no more than two and one-half (2.5) hours of the required hours of continuing professional development from courses related to the discipline of speech-language pathology and audiology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) for each license during this renewal period.

(c) ~~A~~Except as provided in subsection (a), a licensee who holds a speech-language pathology or an audiology license shall accrue at least twenty-four (24) hours during a single renewal period of continuing professional development courses as defined in Section 1399.160.4 per renewal period. A licensee may accrue ~~no more than eight (8) hours of continuing professional development courses through the following activities during a single each~~ renewal period:

(1) No more than ~~six (6)~~twelve (12) of the required hours by way of self-study activities,

(2) No more than four (4) hours from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Not more than 50% of the continuing professional development hours required of a licensed ~~non-dispensing~~ audiologist, may be in hearing aid courses, ~~but~~and shall not be obtained from courses where the content focuses on equipment, devices, or other products of a particular publisher, manufacturer or company or corporation marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices or products. This shall include the distribution of any materials during or after the course.

(d) ~~A~~Except as provided in subsection (b), a licensee who holds both a speech-

language pathology license and an audiology license, shall accrue at least sixteen (16) hours of continuing professional development courses as defined in Section 1399.160.4 and 1399.160.3(c)(3) for each license for a total of thirty-two (32) hours per renewal period. A licensee may accrue ~~no more than five (5) hours~~ of continuing professional development through the following activities during each renewal period for each license, subject to the following limitations:

(1) No more than ~~two and one-half (2.5)~~ eight (8) of the required hours by way of self-study activities for each license,

(2) No more than two and one-half (2.5) hours for each license from courses related to the discipline of speech-language pathology ~~or~~ and audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(e) A licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall accrue at least twelve (12) hours of continuing professional development per annual renewal period as defined in Section 1399.160.4 annually. A licensed audiologist authorized to dispense hearing aids may accrue ~~no more than (3) hours~~ of continuing professional development courses through the following activities during ~~a single~~ each renewal period, subject to the following limitations:

(1) No more than ~~one and a half (1.5)~~ six (6) of the required hours by way of self-study activities,

(2) No more than ~~one and a half (1.5)~~ two (2) hours from courses related to the discipline of audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing ~~but~~ and shall not be obtained from courses where the content focuses on ~~the equipment, devices, or other products of a particular manufacturer or company~~ marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices or products. This shall include the distribution of any materials during or after the course. The remaining 50% of the continuing professional development required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) of the Code and shall not be obtained from hearing aid dispensing courses as provided for in this section.

(f) A licensee who holds both a speech-language pathology license and a dispensing audiology license shall accrue:

(1) At least sixteen (16) hours of continuing professional development ~~courses~~ in speech-language pathology as defined in Section 1399.160.4 biennially, ~~of and~~ which ~~no more than four (4) hours of the continuing professional development~~ may be accrued through the following activities during ~~a single~~ each renewal period:

(A) No more than ~~two and one-half (2.5)~~ eight (8) of the required hours by way of self-study activities,

(B) No more than two and one-half (2.5) hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(2) At least eight (8) hours of continuing professional development ~~courses~~ in dispensing audiology as defined in Section ~~1399.160.4 and~~ 1399.160.3(e)(3) annually, ~~of and~~ which ~~no more than two (2) hours of continuing professional development courses~~ may be accrued through the following activities during a ~~single~~ each renewal period:

(A) No more than ~~one (1) hour~~ four (4) of the required hours by way of self-study activities,

(B) No more than ~~one (1) hour~~ one and one-half (1.5) of the required hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(g) If a licensee teaches a course offered by a provider registered with the Board or an entity listed in Section 2532.6 of the Code, the licensee may claim credit for the same course ~~only once~~ per renewal period, receiving the same amount of hours of continuing professional development credit as a licensee who attended the course.

(h) A licensee may not claim credit for the same course more than once per renewal period for hours of continuing professional development.

(i) A licensee who takes a continuing professional development course as a condition of probation resulting from disciplinary action by the Board may not apply the course as credit towards the continuing professional development requirement.

(j) A licensee who supervises a Required Professional Experience temporary license holder must complete the required supervision training as described in Section 1399.153.3.

(k) A licensee who supervises a Speech-Language Pathology Assistant must complete

the required supervision training as described in Section 1399.170.15.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Sections 2532.6(b), 2532.6(c), and 2532.6(e), Business and Professions Code.

Adopt section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.4. Continuing Professional Development Course Content.

(a) A licensed speech-language pathologist shall determine that the content and learning outcomes of a course are relevant to the practice of speech-language pathology as defined in Section 2530.2(d).

(b) A licensed audiologists shall determine that the content and learning outcomes of a course are relevant to the practice of audiology as defined in Section 2530.2(k).

(c) The content of a course shall pertain to direct, related, or indirect patient/client care.

(1) Examples of direct patient/client care courses for the practice of speech-language pathology include fluency disorders, voice disorders, motor disorders of speech, dysphagia, speech science, oral and written language disorders, aphasia and neurogenic disorders of language and cognition, augmentative and alternative communication, phonological/articulatory disorders language science, and patient/client counseling to facilitate recovery from, or adjustment to, a communication disorder.

(2) Examples of direct patient/client care courses for the practice of audiology include, auditory and vestibular assessment, auditory habilitation/rehabilitation, hearing assistive technology, industrial audiology/hearing conservation and hearing science.

(3) Indirect patient/client care courses cover pragmatic aspects of speech-language pathology or audiology practice (e.g., legal or ethical issues, consultation, record-keeping, office management, managed care issues, research obligations, technological applications related to assessment/diagnosis or intervention).

(4) Courses that are related to the discipline of speech-language pathology or audiology may cover general medical or educational offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, professional service delivery models, interdisciplinary case management issues, or medical pathologies related to neurological disorders that also result in communication difficulties.

(d) A provider shall ensure that a course has specific objectives that are measurable.

(e) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

(f) Courses considered outside the scope of continuing professional development include, but are not limited to, those in the following areas:

(1) money management, the licensee's personal finances or personal business matters;

(2) general physical fitness or the licensee's personal health;

(3) presentations by political or public figures or other persons that do not deal primarily with the practice of either speech-language pathology or audiology;

(4) tort liability;

(5) courses that address increased office production or computerization, financial planning, employee benefits, marketing or motivational topics to increase productivity or profitability; and

(6) courses in which the primary beneficiary is the licensee, not the consumer.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 2532.6(b), 2532.6(c), and 2532.6(e), Business and Professions Code.



MEMORANDUM

DATE	July 12, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 12(h): Discussion and Possible Action to Amend or Adopt Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers (as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144)

Background

From a regulatory perspective, Continuing Education (CE) requirements are intended to protect California consumers by ensuring that licensees stay current with their skills, knowledge, abilities, and the new technologies required to dispense hearing aids safely and competently. Through CE, licensees also learn ways to enhance the services they provide to consumers while maintaining ethical practices.

The last time changes to the regulations on CE requirements were made was in 2016 when the Board increased the CE requirements for licensed hearing aid dispensers from nine (9) hours to twelve (12) hours per renewal cycle, established a maximum number of CE hours that may be obtained in related or indirect client care courses, and provided a specified number of CE hours that may be obtained through self-study.

In May of 2021, the Board reviewed current CE requirements for Hearing Aid Dispensers and determined that additional revisions to these requirements were merited and delegated the review of these requirements to the Hearing Aid Dispensing Committee (Committee). In October 2021, the Committee provided Board staff guidance on amendments to consider. In May 2022, the Committee proposed new regulatory amendments and recommended the Board approve the regulatory language and initiate the rulemaking process, which included changes to define a CE provider’s distribution of marketing materials during and after the course to be outside the scope of acceptable course content.

In June 2022, DCA Legal opined that language recommended by the Committee violates BPC section 17500.1 and must be removed. BPC section 17500.1 reads:

17500.1. Notwithstanding any other provision of law, no trade or professional association, or state agency, state board, or state commission within the Department of Consumer Affairs shall enact any rule, regulation, or code of professional ethics which shall restrict or prohibit advertising by any commercial or professional person, firm, partnership or corporation which does not violate the provisions of Section 17500¹ of the Business and Professions Code, or which is not prohibited by other provisions of law.

The provisions of this section shall not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076.²

Because the advertising being restricted is neither false advertising nor does it concern the State Bar's rules of Professional Conduct, the language related to excluding the sending of marketing materials from the scope of acceptable course content must be removed.

Summary of Changes

The proposed changes include the following:

- Section 1399.140 was amended to make it consistent with regulations this Board has for the practices of speech-language pathology and audiology.
 - Subsection (a) amended to include a cross-reference to the exemptions in 1399.144
 - Subsection (a)(1) was amended to increase the hours per the Committee's discussion in October 2021.
 - Subsection (c) was amended to replaced gendered terms
 - Subsection (e) was removed as the statutory authority provided in BPC section 2538.18 does not permit this exemption
 - Subsection (f) now (e) was amended to make it consistent with statutory authority in BPC sections 2538.54 and 2538.56.
 - New subsection added as (f) regarding CE requirements for out-of-state applicants
 - New subsection added as (g) regarding CE credit for courses taught by the licensee
 - New subsection added as (h) regarding CE credit for examination development or administration with limitations of two (2) hours for each day of service with a maximum of four (4) hours per renewal period
 - New subsection added as (i) regarding CE courses required as a condition of probation

¹ BPC Section 17500 concerns false advertising.

² BPC Section 6076 concerns the rules of professional conduct promulgated by the Trustees of the State Bar.

- Section 1399.140.1(a)(1 and (b)(1) and (2) regarding CE course content were amended per the Committee's discussion in October 2021 to allow specified course content related to hearing aid devices, and a non-substantive change was made to subsection (a) for clarity.
- Section 1399.144 regarding Waivers to CE requirements was amended in to make it consistent with regulations this Board has for the practices of Speech-Language Pathology and Audiology.

Discussion Questions

1. Should the allowable number of continuing education hours for courses related to hearing aid devices be specified?

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for Sections 1399.140, 1399.140.1, and 1399.144, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1399.140, 1399.140.1, and 1399.144 as noticed.

Attachment: HAD CE Requirement Proposed Language

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Hearing Aid Dispensers Continuing Education Requirements

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Amend section 1399.140 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140. Continuing Education Required.

(a) ~~Any hearing aid license that expires on or after July 1, 2017~~Except as provided in Section 1399.144, a licensee who holds a hearing aid dispenser license, when applying for license renewal, is required to complete at least twelve (12) hours of continuing education from a provider approved under Section 1399.141 during each annual renewal period.

(1) No more than ~~three (3)~~four (4) hours of continuing education may be credited in related or indirect client care courses as provided in Section 1399.140.1.

(2)(A) No more than six (6) hours of the required continuing education may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses.

(B) Self-study does not include live courses. A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course affords participants the opportunity to interact with an instructor and/or other course participants.

(b) Records showing completion of each continuing education course shall be maintained by the dispenser for two (2) years following the renewal period in which it was earned.

(c) Each dispenser renewing ~~his or her~~their license under the provisions of Section 2538.53 of the Code shall be required to submit proof satisfactory to the Board of compliance with the provisions of this article. Records shall be provided to the Board in response to a compliance audit.

(d) Verification of compliance shall be documented at the time of license renewal on a form provided by the Board.

~~(e) This article shall not apply to any dispenser who is renewing a license for the first time following the issuance of an initial permanent license.~~

~~(fe) Any person whose hearing aid dispenser's license has been expired for two years or more less than three years shall complete the required hours of approved continuing education for the prior two years before such license may be restored.~~

~~(f) Applicants for initial licensure who are licensed in another state and apply for licensure in this state are not required to complete any California continuing education hours until their first renewal.~~

~~(g) If a licensee teaches a course approved under Section 1399.141, the licensee may claim credit for the same course once per renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.~~

~~(h) If a licensee serves the Board as a selected participant in Board-sponsored examination development or examination administration related functions, the licensee may receive up to two (2) hours of continuing education credit for each day of service with a maximum of four (4) hours per renewal period. A licensee who receives approved continuing education credit as set forth in this subsection shall maintain a record of hours served for submission to the Board.~~

~~(i) A licensee who takes a continuing professional development course as a condition of probation resulting from disciplinary action by the Board may not apply the course as credit towards the continuing education requirement.~~

Note: Authority cited: ~~Section~~Sections 2531.06 and 2538.18, Business and Professions Code. Reference: ~~Section~~Sections 2538.18 and 2538.54, Business and Professions Code.

Amend section 1399.140.1 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140.1. Continuing Education Course Content.

(a) The content of a continuing education course shall pertain to direct, indirect, or related to the discipline of hearing aid dispensing, patient/client care. ~~Course content shall not focus on equipment, devices, or other products of a particular publisher, company, or corporation.~~

(1) Direct client care courses cover current practices in the fitting of hearing aids. This may include content on the fitting, programming, and troubleshooting of equipment, devices, or other products of a particular manufacturer or company

only as it relates to benefitting a client's hearing and functional use of the equipment, device, or product.

(2) Indirect patient/client care courses cover practical aspects of hearing aid dispensing (e.g., legal or ethical issues (including the ethics of advertising and marketing), consultation, record-keeping, office management, and managed care issues).

(3) Courses that are related to the discipline of hearing aid dispensing may cover general health condition or educational course offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, service delivery models, interdisciplinary case management issues, or medical pathologies that also result in hearing difficulties.

(b) Examples of courses that are considered outside the scope of acceptable course content include:

(1) personal Personal finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer; and

(2) Course content focused on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices or products.

Note: Authority cited: ~~Section~~ Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Amend section 1399.144 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.144. Waiver of Requirement Exemptions from Continuing Education.

~~(a) The Board may, in its discretion, exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to the Board for its consideration. A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 703 and 704 of the Code.~~

(b) A licensee may submit a written request for exemption from the continuing education requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

(bd) Any dispenser who submits an application for a waiver written request for exemption, which is denied by the Board, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2538.18, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.



MEMORANDUM

DATE	July 21, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 12k: Discussion and possible action to Amend regulations regarding Speech-Language Pathology Assistants Program and Academic Requirements as stated in Title 16, CCR sections 1399.170.4, 1399.170.5, 1399.170.10, and 1399.170.11

Background

At its May 2022 Board meeting, the Board approved revisions to the speech-language pathology assistant (SLPA) regulatory package that omitted sections 1399.170.4, 1399.170.5, 1399.170.10, and 1399.170.11 regarding SLPA program and academic requirements. The Department of Consumer Affairs (DCA) Legal Counsel identified that the Board may lack authority to require an additional course for SLPAs applying for licensure with a bachelor’s degree. The Code reads:

2538.3(a) A person applying for approval as a speech-language pathology assistant shall have graduated from a speech-language pathology assistant associate of arts degree program, or equivalent course of study, approved by the board. *A person who has successfully graduated from a board-approved bachelor’s degree program in speech-language pathology or communication disorders shall be deemed to have satisfied an equivalent course of study.*

The Board does not have the authority to require additional coursework because the responsibility of coursework selection is implicitly deferred to the accrediting body the Board identifies in the regulations.

Summary of Changes

The proposed changes include the following:

- Amended 1399.170.4 to revise the section title, restructure subsection (b) and change the content in subsection (c)
- Removed 1399.170.5 from the regulatory package as the educational institution approval process from 1399.170.4 will not be relocated into 1399.170.5

- Removed the requirement for SLPAs applying for licensure with a bachelor's degree to complete a course on SLPA scope of practice and laws and regulations that govern them from 1399.170.11

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for Sections 1399.170.4, 1399.170.10, and 1399.170.11 direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1399.170.4, 1399.170.10, and 1399.170.11 as noticed.

Attachment A: Speech-Language Pathology Assistants Program and Academic Requirements Proposed Text

Attachment B: Speech-Language Pathology Requirements Proposed Language as adopted on August 13, 2021

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Speech-Language Pathology Assistant Program Requirements

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
----------------	---

Amend section 1399.170.4 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.4. Application Eligibility for Approval of Speech-Language Pathology Assistant Training Programs.

(a) To be eligible for approval by the Board as a speech-language pathology assistant training program (hereinafter referred to as “program”), the sponsoring institution shall be accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges.

(b) To be eligible for program approval by the Board, the program director must meet the following requirements:

- (1) hold a current, active, and unrestricted California license,
- (2) have practiced speech-language pathology for at least five (5) years, and
- (3) not be the subject of Board disciplinary action within the past five (5) years.

(c) For the purposes of this section, the terms “disciplinary action” and “restricted California license” shall both mean that the license was revoked, suspended, placed on probation, or publicly reprovved.

(bd) An educational institution seeking approval of a speech-language pathology assistant program shall:

- (1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, of its intent to offer a new program.
- (2) No later than six (6) months prior to the enrollment of students, submit a formal proposal to the Board demonstrating how the program will meet the

requirements of Sections 1399.170.5. through 1399.170.10. The Board, at its sole discretion, may retroactively approve programs that enrolled students prior to the effective date of the regulations.

(ee) The Board shall review the request and formal proposal and may thereafter grant or deny approval. The Board may request additional information to evaluate the request for approval and shall notify the program of its decision in writing within sixty (60) days from receipt of all requested documents.

(df) A material misrepresentation by the program of any information required to be submitted to the Board may be grounds for denial of approval or removal of the program from the approved list.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b)(2), Business and Professions Code.

Amend section 1399.170.10 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.10. Required Curriculum.

(a) A program's curriculum shall not be implemented or revised until it has been approved by the Board.

(b) The curriculum shall be designed so that a speech-language pathology assistant who completes the program will have the knowledge and skills necessary to function in accordance with the minimum standards set forth in Section 2538.1(b)(3) of the Business and Professions Code.

(c) The curriculum shall consist of not less than sixty (60) semester units or ninety (90) quarter units, which shall include the following:

(1) Twenty (20) to thirty (30) semester units or thirty (30) to forty-five (45) quarter units in general education requirements, including but not limited to, basic communication skills, knowledge of mathematics, liberal arts, and biological, behavioral, and ~~health~~ health sciences.

(2) Thirty (30) to forty (40) semester units or forty-five (45) to sixty (60) quarter units in course work that satisfies the competencies defined in the American Speech-Language-Hearing Association's Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants Appendix C - Speech-Language Pathology Assistant Suggested Competencies (1996, Spring) including the following observation and field work experiences:

(A) A minimum of fifteen (15) clock hours of directed observation; and

(B) A minimum of ~~seventy (70)~~ one hundred (100) clock hours of field work experience.

(d) The course of instruction shall be presented in semester or quarter units under the following formula:

(1) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(2) Three (3) hours of field work practice each week throughout a semester or quarter equals one (1) unit.

Note: Authority cited: Sections 2531.95 and 2538.1~~(a)~~, Business and Professions Code.
Reference: Section 2538.1~~(b)~~(2), Business and Professions Code.

Amend section 1399.170.11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.11. Qualifications for Registration as a Speech-Language Pathology Assistant.

To be eligible for registration by the Board as a speech-language pathology assistant, the applicant must possess at least one of the following qualifications:

(a) An associate of arts or sciences degree from a speech-language pathology assistant program accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, and approved by the Board; or

(b) Evidence of completion of a bachelor's degree program in speech-language pathology or communication disorders from an institution listed in the "Accredited Institutions of Postsecondary Education" handbook issued by the American Council on Education, and completion of the field work experience as required in Section 1399.170.10(c)(2)(B) from a Board-approved program, or completion of a minimum of ~~seventy (70)~~ one hundred (100) hours of field work experience or clinical experience equivalent to that required in Section 1399.170.10(c)(2)(B) in a bachelor's degree program as recognized in this subsection.

(1) The equivalent field work hours or clinical experience completed in a bachelor's degree program in speech-language pathology or communication disorders shall be evaluated for verification by the current training program director.

~~(2A)~~ In the event that the field work experience or clinical experience completed in the bachelor's degree program is deemed deficient by the

authorized representative of a board-approved speech-language pathology assistant training program, the applicant may petition the Board for reconsideration.

(3B) In lieu of completion of the ~~seventy (70)~~ one-hundred (100) hours of field work experience or clinical experience in a bachelor's degree program as defined in subsection (b) above, the Board may consider the completion of ~~nine months~~ thirty-six (36) weeks of full-time work experience performing the duties of a speech-language pathology assistant enumerated in paragraph (4) of subsection (b) of Section 2538.1 of the Business and Professions Code as equivalent to the required clinical training.

(c) Evidence of completion of an equivalent speech-language pathology assistant associate of arts or science degree program, which includes the competencies listed in the American Speech-Language-Hearing Association's Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants, Appendix C - Speech-Language Pathology Assistant Suggested Competencies (1996, Spring).

Note: Authority cited: Sections 2531.95 and 2538.1, Business and Professions Code.
Reference: Section 2538.1~~(b)(2)~~ and 2538.3~~(a)~~, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD

PROPOSED REGULATORY LANGUAGE
Speech-Language Pathology Assistants Requirements

Legend: Added text is indicated with an underline.
Omitted text is indicated by (* * * *)
Deleted text is indicated by ~~strikeout~~.

Amend section 1399.170.4 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.4. ~~Application~~ Eligibility for Approval of Speech-Language Pathology Assistant Training Programs.

(a) To be eligible for approval by the Board as a speech-language pathology assistant training program (hereinafter referred to as “program”), the sponsoring institution shall be accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges.

(b) To be eligible for approval by the Board, the program director must hold a current, active, and unrestricted California license, and:

(1) have practiced speech-language pathology for at least five (5) years, and

(2) not be the subject of Board disciplinary action within the past five (5) years.

(c) Failure to maintain eligibility of the requirements specified in this section may be grounds for removal of the program from the approved list.

(b) An educational institution seeking approval of a speech-language pathology assistant program shall:

(1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, of its intent to offer a new program.

(2) No later than six (6) months prior to the enrollment of students, submit a formal proposal to the Board demonstrating how the program will meet the requirements of Sections 1399.170.5 through 1399.170.10. The Board, at its sole discretion, may retroactively approve programs that enrolled students prior to the effective date of the regulations.

(c) The Board shall review the request and formal proposal and may thereafter grant or deny approval. The Board may request additional information to evaluate the request for approval and shall notify the program of its decision in writing within sixty (60) days from receipt of all requested documents.

(d) A material misrepresentation by the program of any information required to be submitted to the Board may be grounds for denial of approval or removal of the program from the approved list.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b)(2), Business and Professions Code.

Amend section 1399.170.5 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.5. Approval Requirements for Programs.

(a) In order for the program to be approved by the Board or to retain its approval, it shall comply with all requirements set forth in this article.

(b) An educational institution seeking approval of a speech-language pathology assistant program shall:

(1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, of its intent to offer a new program.

(2) No later than six (6) months prior to the enrollment of students, submit a formal proposal to the Board demonstrating how the program will meet the requirements of Sections 1399.170.4. through 1399.170.10. The Board, at its sole discretion, may retroactively approve programs that enrolled students prior to the effective date of this regulation.

(c) The Board shall review the request and formal proposal and may thereafter grant or deny approval. The Board may request additional information to evaluate the request for approval and shall notify the program of its decision in writing within sixty (60) days from receipt of all requested documents.

(d) A material misrepresentation by the program of any information required to be submitted to the Board may be grounds for denial of approval or removal of the program from the approved list.

(~~b~~e) The letter of approval shall be returned to the Board when the program's approval has been revoked.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b)(2), Business and Professions Code.

Amend section 1399.170.10 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.10. Required Curriculum.

(a) A program's curriculum shall not be implemented or revised until it has been approved by the Board.

(b) The curriculum shall be designed so that a speech-language pathology assistant who completes the program will have the knowledge and skills necessary to function in accordance with the minimum standards set forth in Section 2538.1(b)(3) of the Business and Professions Code.

(c) The curriculum shall consist of not less than sixty (60) semester units or ninety (90) quarter units, which shall include the following:

(1) Twenty (20) to thirty (30) semester units or thirty (30) to forty-five (45) quarter units in general education requirements, including but not limited to, basic communication skills, knowledge of mathematics, liberal arts, and biological, behavioral, and ~~health~~ health sciences.

(2) Thirty (30) to forty (40) semester units or forty-five (45) to sixty (60) quarter units in course work that satisfies the competencies defined in the American Speech-Language-Hearing Association's Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants Appendix C - Speech-Language Pathology Assistant Suggested Competencies (1996, Spring) including the following observation and field work experiences:

(A) A minimum of fifteen (15) clock hours of directed observation; and

(B) A minimum of ~~seventy (70)~~ one-hundred (100) clock hours of field work experience.

(d) The course of instruction shall be presented in semester or quarter units under the following formula:

(1) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(2) Three (3) hours of field work practice each week throughout a semester or quarter equals one (1) unit.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b)(2), Business and Professions Code.

Amend section 1399.170.11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.11. Qualifications for Registration as a Speech-Language Pathology Assistant.

To be eligible for registration by the Board as a speech-language pathology assistant, the applicant must possess at least one of the following qualifications:

(a) An associate of arts or sciences degree from a speech-language pathology assistant program accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, and approved by the Board; or

(b) Evidence of completion of a bachelor's degree program in speech-language pathology or communication disorders from an institution listed in the "Accredited Institutions of Postsecondary Education" handbook issued by the American Council on Education, and completion of the field work experience as required in Section 1399.170.10(c)(2)(B) from a Board-approved program, or completion of a minimum of ~~seventy (70)~~ one-hundred (100) hours of field work experience or clinical experience equivalent to that required in Section 1399.170.10(c)(2)(B) in a bachelor's degree program as recognized in this subsection.

(1) The equivalent field work hours or clinical experience completed in a bachelor's degree program in speech-language pathology or communication disorders shall be evaluated for verification by the current training program director.

(2A) In the event that the field work experience or clinical experience completed in the bachelor's degree program is deemed deficient by the authorized representative of a board-approved speech-language pathology assistant training program, the applicant may petition the Board for reconsideration.

(3B) In lieu of completion of the ~~seventy (70)~~ one-hundred (100) hours of field work experience or clinical experience in a bachelor's degree program as defined in subsection (b) above, the Board may consider the completion of ~~nine months~~ thirty-six (36) weeks of full-time work experience performing the duties of a speech-language pathology assistant enumerated in paragraph (4) of subsection (b) of Section 2538.1 of the Business and Professions Code as equivalent to the required clinical training.

(2) In addition to completion of the bachelor's degree program, completion of a three (3)-unit semester or four (4)-unit quarter course specific to speech-language pathology assistants, the scope of practice for speech-language pathology assistants, and the California laws and regulations that govern speech-language pathology assistants.

(c) Evidence of completion of an equivalent speech-language pathology assistant associate of arts or science degree program, which includes the competencies listed in the American Speech-Language-Hearing Association's Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants, Appendix C - Speech-Language Pathology Assistant Suggested Competencies (1996, Spring).

Note: Authority cited: Sections 2531.95 and 2538.1, Business and Professions Code.
Reference: Section 2538.1(b)(2) and 2538.3(a), Business and Professions Code.