



MEMORANDUM

DATE	October 26, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 17(f): Discussion and possible action to Modify regulations regarding Notice to Consumers as stated in Title 16, CCR sections 1399.129 and 1399.157.1

Background

This proposed change will require licensees to provide notice that they are licensed and regulated by this Board.

The Board approved regulatory language on February 25, 2022. The required regulatory documents completed the initial departmental review process on August 26, 2022 and were published on September 9, 2022 for the 45-day public comment period which ended on October 25, 2022.

The Board received 12 comments during the 45-day comment period. A copy of the public comments is included in the Board materials.

Board Staff is not proposing changes to the proposed regulatory text to accommodate the comments; however, the Board is proposing changes to reduce the font size to one of the methods of providing the notice. These proposed changes will require an additional 15-day public comment period.

Summary of Changes

The proposed changes to the regulatory text are highlighted in yellow on the Modified Text document attached and include the following:

- Amend sections 1399.129(b)(1) and 1399.157.1(c)(1) to change the font size from 48- to 36-point. The Board determined that the 48-point type in Arial font is too large to fit all the required information on a letter size paper (8.5 x 11 inches). Requiring 36-point type in Arial font allows licensees to use a paper size that is commonly used in the United States while maintaining a font size that is large enough for the consumer to read the notice with ease from locations such as a

wall or receptionist desk.

Action Requested

Staff recommends the Board review and discuss the provided materials, including the public comments. The Board may wish to determine whether or not to approve the modified regulatory text as currently drafted, or propose additional changes to the regulatory language based on the public comments, and direct Board Staff to proceed with a 15-day public comment period.

Suggested Motion Language

Move to approve the proposed modified regulatory text for 16 CCR sections 1399.129 and 1399.157.1, and direct staff to take all steps necessary to notice the modified regulatory text and make any non-substantive changes to the regulatory package. If no adverse comments are received during the 15-day comment period, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed.

- Attachment A: Notice to Consumer Public Comments
- Attachment B: Notice to Consumer Modified Text
- Attachment C: Potential Notice to Consumers Sign

Notice to Consumers Public Comments

Received September 9, 2022 – October 25, 2022

To request a copy of the public comments, please send an email to speechandhearing@dca.ca.gov.

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

**PROPOSED MODIFIED TEXT
Notice to Consumers**

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikethrough . Added modified text is indicated with <u>double underline</u> . Deleted modified text is indicated by double strikethrough . Modifications are also indicated by yellow highlighting
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Adopt section 1399.129 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.129. ~~Application and Certificate Fees.~~ Notice to Consumers.

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

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

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

(1) Prominently posting the notice in each of the practice locations the licensee provides services. The notice shall be in a conspicuous location and accessible to public view. It shall be in at least ~~48~~**36**-point type in Arial font.

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

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

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

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

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

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

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

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

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

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

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

(1) Prominently posting the notice in each of the practice locations the licensee provides services. The notice shall be in a conspicuous location and accessible to public view. It shall be in at least ~~48~~36-point type in Arial font.

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

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

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

NOTICE TO CONSUMERS

Speech-Language Pathologists,
Speech-Language Pathology Assistants,
Required Professional Experience
Licensees, and Speech-Language Pathology
Aides are licensed and regulated by the
**Speech-Language Pathology & Audiology
& Hearing Aid Dispensers Board**
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NOTICE TO CONSUMERS

Hearing Aid Dispensers, Hearing Aid Temporary Licensees, Hearing Aid Trainees, and Dispensing Audiologists are licensed and regulated by the

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& Hearing Aid Dispensers Board**

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NOTICE TO CONSUMERS

Audiologists, Required Professional Experience Licensees, and Audiology Aides, are licensed and regulated by the

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