



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, April 27, 2023, beginning at 1:00 p.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, April 27, 2023, WebEx Link, beginning at 1:00 p.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mb384f0ebf8357c2dd85075b1b7f7ea79>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 249 858 10485, Passcode: 75724230

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

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

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, Monday, April 24, 2023, 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, April 27, 2023, beginning at 1:00 p.m.

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
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist
VACANT, Hearing Aid Dispenser
VACANT, Public Member

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 February 24, 2023, Board Meeting Minutes
4. DCA Update – DCA Board and Bureau Relations
5. Board Chair’s Report
 - a. 2023 Board and Committee Meeting Calendar
 - b. Board Committee Reports
 - i. Legislative Ad Hoc Committee
6. 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
7. Update on the Completion of the Board’s Business Modernization Project and Releases of Online Applications for Licensure
8. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
 - a. Legislative Calendar and Deadlines
 - b. 2023 Board-Sponsored Legislation
 - i. SB 887 (Committee on Business, Professions and Economic Development) Consumer affairs

- c. 2023 Bills for Active Position Recommendations
 - i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists
 - ii. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes
 - iii. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
 - iv. SB 612 (Ochoa Bogh) Speech-language pathologists
 - d. 2023 Bills with Recommended Watch Status
 - i. AB 477 (Waldron) Legislative review of state boards
 - ii. AB 567 (Ting) Criminal records: relief
 - iii. AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program
 - iv. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy
 - v. AB 1028 (McKinnor) Reporting of crimes: mandated reporters
 - vi. AB 1417 (Wood) Elder and dependent adult abuse: mandated reporting
 - vii. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law
 - viii. SB 259 (Seyarto) Reports submitted to legislative committees
 - ix. SB 345 (Skinner) Health care services: legally protected health care activities
 - x. SB 763 (Durazo) Criminal records
 - xi. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction
9. 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)
10. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages
- a. Discussion Regarding Uniform Standards Related to Substance-Abusing Licensees Regulations as stated in Title 16, CCR sections 1399.102, 1399.131, 1399.131.1, 1399.155, and 1399.155.1
 - b. Discussion Regarding Required Professional Experience Direct Supervision Requirements and Tele-Supervision Regulations as stated in Title 16, CCR sections 1399.153 and 1399.153.3
 - c. Discussion Regarding Notice to Consumers Regulations as stated in Title 16, CCR sections 1399.129 and 1399.157.1
 - d. 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
 - e. Discussion and Possible Action to Amend Regulations Regarding SLPA Program and Academic Requirements as stated in Title 16, CCR sections 1399.170.4, 1399.170.10, and 1399.170.11
 - f. Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127
 - g. 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
 - h. 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
 - i. 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

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

11. Future Agenda Items

CLOSED SESSION

12. 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

13. Adjournment

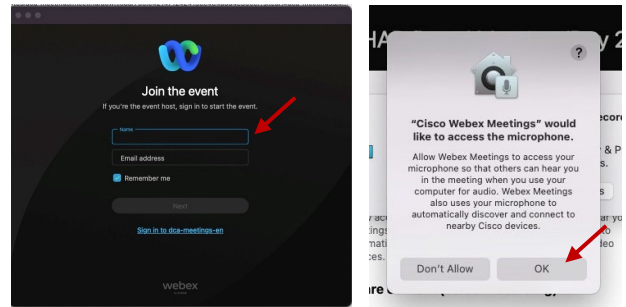
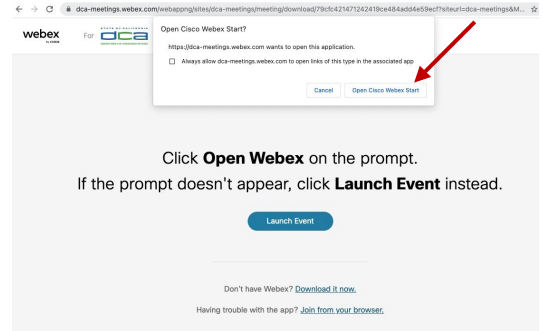
Agendas and materials can be found on the Board's website at www.speechandhearing.ca.gov.

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.

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.
- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

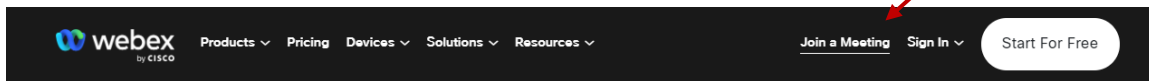


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

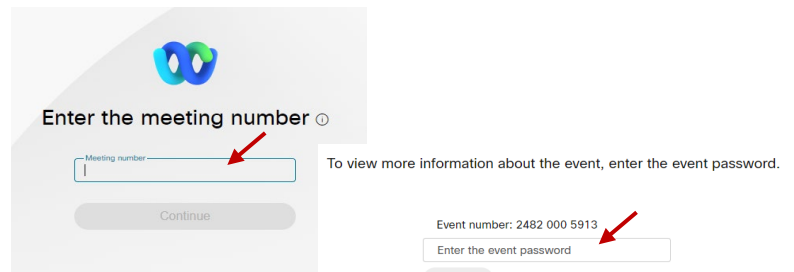
OR

If joining from Webex.com

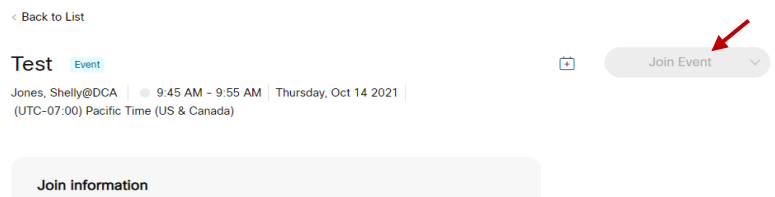
- 1 Click on "Join a Meeting" at the top of the Webex window.



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



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



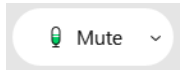
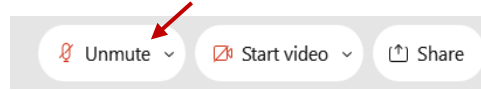
OR

Connect via telephone*:

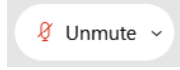
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

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

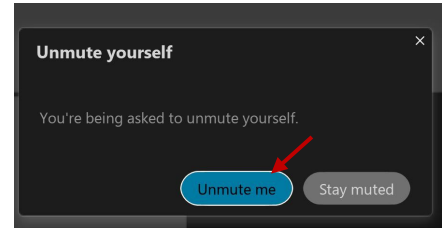


Green microphone = Unmuted: People in the meeting can hear you.



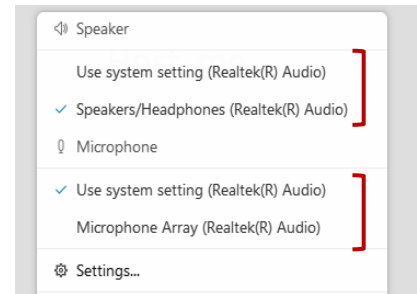
Red microphone = Muted: No one in the meeting can hear you.

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



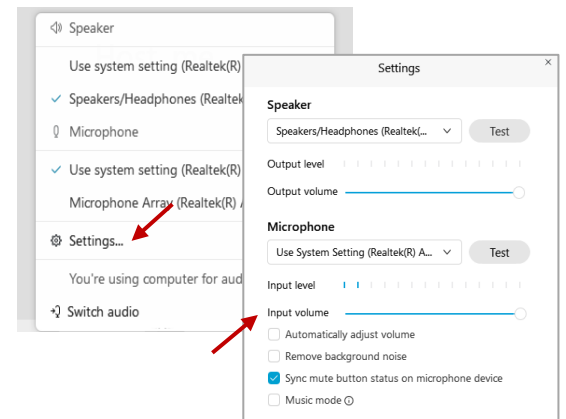
If you cannot hear or be heard

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



If your microphone volume is too low or too high

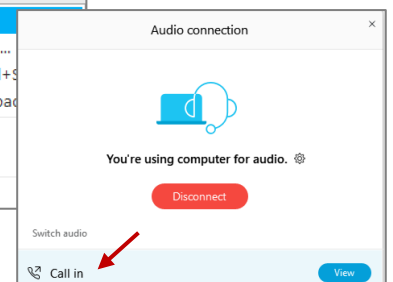
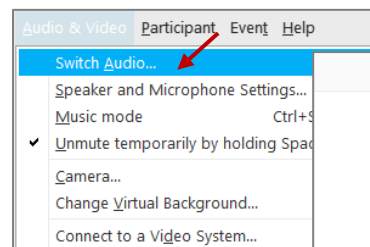
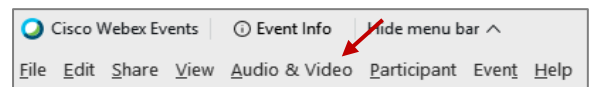
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

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

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



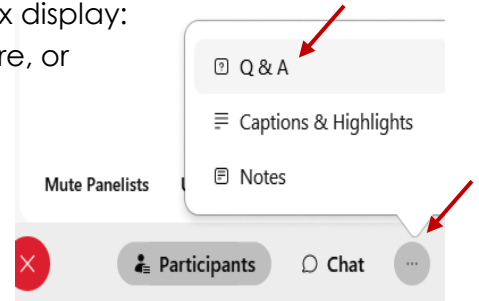
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

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

Q&A Feature

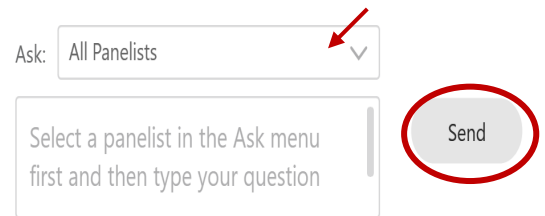
1 Access the Q&A panel at the bottom right of the Webex display:

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



2 In the text box:

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



OR

Hand Raise Feature

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

If connected via telephone:

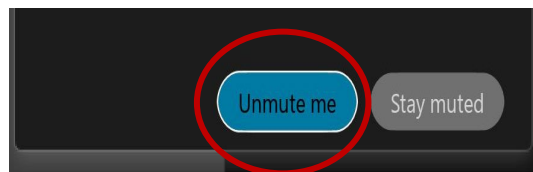
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



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

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

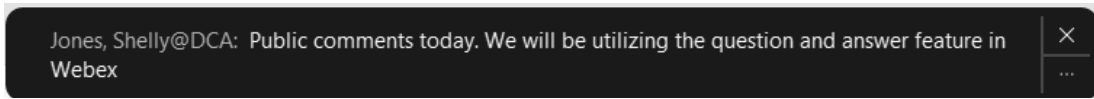


OR

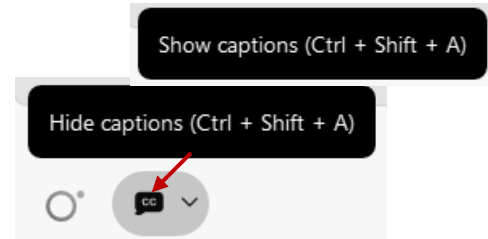
If connected via telephone:

- Press *3 to unmute your microphone.

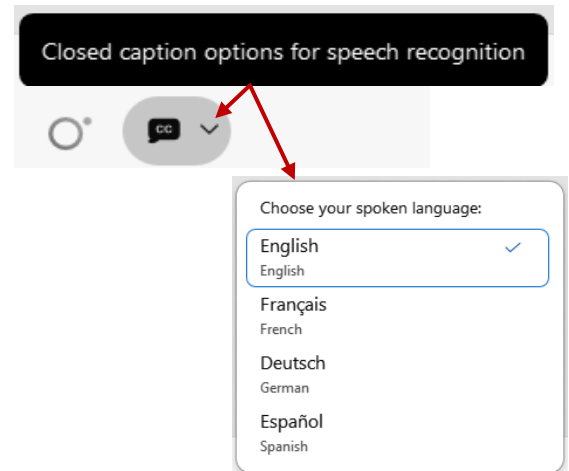
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



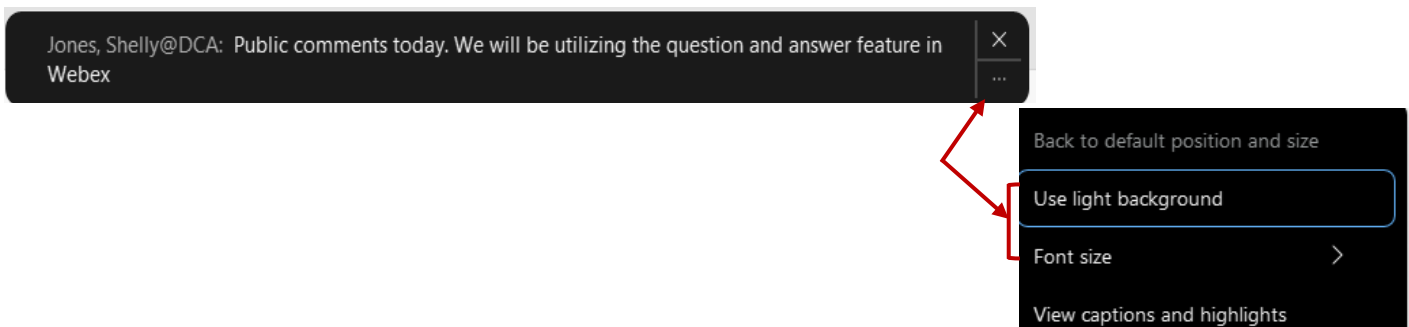
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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



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





MEMORANDUM

| | |
|---------|---|
| DATE | March 20, 2023 |
| 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 February 24, 2023 Board Teleconference Meeting Minutes |

Background

Attached is a draft of the meeting minutes from the February 24, 2023 Board Teleconference Meeting.

Action Requested

Please review and discuss whether there are necessary corrections or additional information needed. If not, make a motion to approve the February 24, 2023 Board Meeting minutes.

Attachment: February 24, 2023 Board Meeting Minutes



BOARD MEETING MINUTES - DRAFT
Teleconference
Friday, February 24, 2023

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 9:00 a.m. Dr. Raggio called roll; four members of the Committee were present and thus a quorum was established.

Audiology Practice Committee Members

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

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Heather Olivares, Legislation/Regulation Analyst
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Kenneth Swenson, DCA Legal Counsel
Alex Millington, DCA Regulation Counsel
Sarah Irani, DCA SOLID
Cesar Victoria, DCA Office of Public Affairs

Guests Present

Jody Winzelberg, Au.D.
Melanie Rosenblatt, Au.D.
Christy Kirsch, Au.D.
Peter Ivory, Ph.D. in Audiology

2. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments. 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 Business and Professions Code (BPC) section 2530.2 and Title 16, California Code of Regulations (CCR) sections 1399.154 through 1399.154.7

Dr. Raggio opened the discussion with a background on the issue related to audiology aide scope of practice and supervision. Paul Sanchez commented on the prior statutory requirements and the statutory changes as part of the Sunset Review.

Dr. Raggio asked if there is a definition for immediate supervision in Attachment B. Cherise Burns replied that it is in section 1399.154.1.1(c).

Dr. Raggio asked for Committee discussion on supervision requirements and tasks outside the scope of an audiology aide.

Karen Chang asked what the difference is between direct supervision and immediate supervision. Dr. Raggio replied that her understanding of immediate supervisor is over-the-shoulder and direct supervision as on-site whereas indirect could be done remotely. Dr. Amy White expressed her agreement of Dr. Raggio's interpretation. Ms. Chang suggested rearranging the order of the supervision so that its clearer. Dr. Raggio suggested the order to be immediate, direct, and in-direct. Ms. Chang expressed her agreement with Dr. Raggio's suggestion.

Dr. Raggio asked Board staff if they can explain what an industrial audiology aide is, why it appears in regulations, and if there is a need to keep the language there. Mr. Sanchez suggested that they are aides working in manufacturing. Dr. White commented that they are involved within the Occupational Safety and Health Administration (OSHA) hearing screenings in factories or industries that require them. Ms. Chang commented on the definition of an industrial aide found in 1399.154(d). Dr. Raggio commented on not being familiar with the availability of jobs or occupations in California for industrial audiology aide. Mr. Sanchez noted that Board staff would need to do further research to determine if industrial audiology aide language is still relevant in California. Ms. Burns noted that the Board's automated systems do not distinguish an audiology aide from an industrial audiology aid and it would require a manual review of applications to read the duty statements for each aide. Dr. Raggio inquired if industrial audiology aides are required to registered with the Board. Ms. Burns replied that her understanding is that they would be registered with the Board and permitted to do certain tasks without supervision. Mr. Sanchez commented that the Board may have them but there isn't a way to distinguish them and noted that he hasn't had staff ask questions on industrial audiology aides since his time with the Board.

Dr. White commented on Attachment B including a comprehensive list of tasks that should be outside the scope of an audiology aide but that it lacks defining tasks for different levels of supervision and asked if it will be the supervisor who makes that determination. Dr. Raggio expressed agreement concerning the lack for defining task for different supervision level and asked Board staff. Ms. Burns replied that the Committee can allow supervisors to make the determination or the Committee can define tasks for different supervision levels similar to what the Board has for speech-language pathology assistants. Dr. White suggested some form of definition under the training of aides in section 1399.154.4. Dr. Raggio commented on the benefit of ninety (90) days immediate supervision for tasks such as ear impressions and asked if tympanometry should be included as a diagnostic evaluation outside the scope of an aide. Dr. White expressed agreement with the suggested language and commented on the different types of non-diagnostic evaluations such as air conduction screening. Dr. Raggio noted that cerumen management is not on the list of tasks outside the scope of an aide and suggested that it should.

Ms. Burns commented on supervision being on-site, in-person and not remote. Dr. White, Dr. Raggio, and Dr. Tulio Valdez expressed agreement with Ms. Burns comments. Dr. Valdez

commented on distinguishing between procedures being performed and interpreted. Dr. Raggio suggested specifying tympanometry as diagnostic evaluation outside the scope of an aide. Dr. White expressed agreement with Dr. Raggio's suggestion.

Dr. Raggio inquired if the Committee would like to direct Board staff to draft regulatory language that incorporates all the suggestions discussed. Dr. White expressed agreement with the recommended action. Ms. Burns noted that the Board can consider other provisions required of speech-language pathology assistant such as trigger language to require a higher level of supervision for any new task the aide hasn't performed before.

Dr. White asked if supervisors would not need to repeat training due to prior education or if training would still apply. Ms. Burns replied this is current regulations.

Dr. Raggio asked Ms. Burns for other provisions the Committee may consider that is required of speech-language pathology assistant. Ms. Burns replied that the provision previously mentioned is the one she remembers and noted that Board staff can be directed to find others such as requirements when a client is medically fragile.

Dr. Raggio inquired if indirect supervision should be removed. Dr. White replied that she understood it to mean the aide can perform functions of an office aide when the audiologist is not present. Dr. Raggio expressed concerns regarding aides performing any task without a supervisor present. Dr. White noted that indirect supervision is tied to industrial audiology aide and could be discussed once Board staff conducted their research.

Dr. White asked if Board staff can provide a sample supervision and training plan or a worksheet that can be used. Ms. Burns replied that requirements could be included on the form that will be used and noted that forms would need to be a part of regulations. Dr. Raggio asked if the Board provides samples for other license type, which Ms. Burns replied that it is not something the Board provide.

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

Dr. Raggio noted that the Committee will work with Board staff in drafting regulatory language to clarify the scope of practice and supervision for an audiology aide.

4. 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 section 1399.152.2

Dr. Raggio opened the discussion with a background on audiology licensing requirements related to supervised clinical and professional experience, and highlighted some of the responses from the document included for discussion.

Dr. White asked if the Board still needs to establish by regulation clock hours. Mr. Sanchez replied that the Board has clock hours established for when the requirement was a master's degree and commented that the Board can maintain the requirement as noted in the survey responses. Ms. Burns noted that section 1399.152.2 would need to be amended as it currently doesn't include BPC section 2532.25. Dr. White commented on the benefit of defining full-time for

clinical experience.

Dr. Raggio asked Committee members about including hours from the start of the program as part of the required professional experience (RPE) hours and the benefit it may have for students. Dr. White replied that it may not reduce the semester or tuition due to capstone or didactic project and it may cause issue with rotation schedule at work sites.

Ms. Burns commented that the board defines full-time as 30 or more hours and noted that a question was raised during the sunset review regarding students being ready for professional experience but unable to start due to application processing times and asked if the Committee should consider changes to allow for earlier application submission to reduce processing time during peak season. Dr. Raggio replied that this is something the Committee can consider. Dr. White suggested allowing applications the semester prior to the professional experience. Dr. Raggio asked of the implications if the site hasn't been established or determined. Ms. Burns replied that it could be a problem because the Board has to know the site and supervisor and noted it is a common issue that the Board has a process to change site and supervisor. Dr. White asked if this would help students enter the workforce sooner if the process was changed to allow for early application submission. Ms. Burns replied that it may help.

Dr. Raggio asked Committee members if the 300 hours should remain. Ms. Chang and Dr. Valdez expressed agreement to keep current standards the same.

Dr. Raggio asked Committee members for discussion on allowing hours from the start of the program as part of professional experience like accrediting bodies and noted that the Legislature expressed early year experience should not be included as professional experience. Dr. White replied that experience from the first couple of rotations are not similar to professional experience and noted that the final year before the professional experience may be similar based on the survey responses.

Dr. Raggio inquired for public comments.

Dr. Jody Winzelberg commented on the survey and noted that audiology programs sent the Board a letter summarizing their survey responses. Dr. Winzelberg commented on the Committee's discussion such as requiring 300 hours for clinical experience and clinical experience from three different sites, and not including clinical hours as part of professional experience.

Dr. Winzelberg stated that site and supervisor are established or determined by November the year before the professional experience. Dr. Raggio asked if this is true for all programs. Dr. Winzelberg replied that programs are organizing the same way as medical students. Dr. White noted that the Veterans Affairs follows the same model.

Dr. Raggio asked if any of the earlier experience can be included in the professional experience. Dr. Winzelberg replied that programs prefer those to not be included.

Dr. Raggio asked for clarification in the letter regarding the 11-12 months professional experience. Dr. Winzelberg replied that there may have been visa issues with international students when the 11-month experience was suggested in prior discussion.

Dr. Raggio commented on regulations not needing changes. Dr. Winzelberg expressed agreement

and commented on reducing processing time to help students enter the workforce soon after their professional experience, permitting 11-month professional experience for international students, and permitting applications submission as early as March.

Dr. Melanie Rosenblatt from University of the Pacific commented on the discussion and noted that the professional experience timeline for one for their students was different because of the branch of the military they were pursuing.

Dr. Raggio asked the public if they can comment on accreditation calculating experience by hours. Dr. Winzelberg replied that accreditation is different from American Speech-Language-Hearing Association (ASHA) certification, and noted that programs help students become licensed not certified.

Dr. Christy Kirsch commented on programs requirements aligning with accrediting bodies and not ASHA certification and noted San Diego counts hours and equate to time. Dr. Raggio asked Dr. Kirsch if their program tracks time from the start of the program. Dr. Kirsch replied that everything is tracked for all the years the student is in the program and noted that professional experience is counted by time not hours.

Dr. Peter Ivory, Doctor of Audiology Program Director at California State University, Los Angeles, commented to clarify that clinical experience is an enrollment at the university with a required number of units for graduation therefore the last few semesters of enrollment can't be reduced.

Dr. Raggio noted that the Committee will work with Board staff to determine what changes, if any, need to be made to regulations. Mr. Sanchez commented on legislative requirements and changes that will need to be made in regulations to align requirements established for a master's degree licensed under BPC section 2532.2 to a doctorate degree licensed under BPC section 2532.25.

5. Adjournment

The meeting adjourned at 11:01 a.m.

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 11:13 a.m. Mr. Borges called roll; four members of the Committee were present and thus a quorum was established.

Hearing Aid Dispensing Committee Members

Tod Borges, Hearing Aid Dispenser, Committee Chair
Marcia Raggio, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer

Heather Olivares, Legislation/Regulation Analyst
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Kenneth Swenson, DCA Legal Counsel
Alex Millington, DCA Regulation Counsel
Sarah Irani, DCA SOLID
Cesar Victoria, DCA Office of Public Affairs

Guests Present

Joe Bartlett

2. Public Comment for Items Not on the Agenda

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

3. Review, Discussion, and Possible Action on Regulations Regarding Hearing Aid Dispensers Trainee and Temporary License Supervision as stated in Title 16, California Code of Regulations (CCR) sections 1399.115 through 1399.119

Mr. Borges opened the discussion on trainee and temporary license supervision. Maria Liranzo provided a background and summary of changes made since the last Committee's discussion held on October 27, 2022.

Dr. Raggio asked if this the final draft of the proposed language. Ms. Liranzo replied that it is and noted the Committee requested it because of a number of changes were made during the last discussion.

Mr. Borges asked how many years a licensee is required to maintain records of CE course completion. Ms. Liranzo replied that it is two years. Ms. Burns commented on why the requirement is different for record of course completion in supervision and noted it aligns with the frequency a supervisor is required to complete a course in supervision.

Mr. Borges expressed objection to including electroacoustic analysis equipment and real ear measurements as required training. Dr. Raggio expressed disagreement to the objection and commented on it being essential and fundamental to dispensing. Dr. Amy White expressed disagreement to the objection and commented on establishing training standards where no formal education is required for licensure.

Mr. Borges asked for public comments.

Joe Bartlett commented on his experience with electroacoustic analysis equipment and real ear measurements and recommended the Committee reconsider making this part of required training.

Mr. Borges asked for Board discussion and public comments on the motion. There was no Board discussion nor comments from the public, outside agencies, or associations on the motion.

Marcia Raggio recommended to the full board that: (1) the proposed, amended regulatory text, relating to Hearing Aid Dispensers Trainee and Temporary License Supervision as stated in Title 16, California Code of Regulations (CCR) sections 1399.114 through 1399.119, be approved and adopted; (2) staff be directed to take all steps necessary to notice the amended regulatory text and to make any non-substantive changes to the regulatory package; and (3) if no adverse comments are received during the 15-day comment period, the Executive Officer be authorized and directed to take all steps necessary to complete the rulemaking and to adopt the proposed amended regulations as noticed.

Tulio Valdez seconded the motion.

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

4. Adjournment

The meeting adjourned at 11:35 a.m.

Full Board Meeting Agenda

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 11:37 a.m. Dr. Raggio called roll; seven members of the Board were present and thus a quorum was established.

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
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Heather Olivares, Legislation/Regulation Analyst
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Kenneth Swenson, DCA Legal Counsel
Alex Millington, DCA Regulation Counsel
Sarah Irani, DCA SOLID
Cesar Victoria, DCA Office of Public Affairs
Yvonne Dorantes, DCA Executive Office
Michael Kanotz, DCA Legal Counsel

Guests Present

Joe Bartlett
Laura Wasco
Marissa Mcray
Susanna Rodriguez
Brandon Westby
Andrea Ball
Chrystal Lujan

2. Public Comment for Items Not on the Agenda

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

3. Review and Possible Approval of the October 27 - 28, 2022, Board Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of the October 2022 Board Meeting Minutes. Maria Liranzo provided a summary of the minutes.

Dr. Raggio asked for Board discussion. There was no Board discussion.

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

Tod Borges moved to approve the October 27 - 28, 2022 Board meeting minutes.

Karen Chang seconded the motion.

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

4. Review and Possible Approval of the December 13, 2022, Board Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of the December 2022 Board Meeting Minutes. Ms. Liranzo provided a summary of the minutes.

Dr. Raggio asked for Board discussion. Holly Kaiser noted that there was public members with no last name, and suggested that it should be included. Ms. Liranzo noted the suggested change.

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

Karen Chang moved to approve the December 13, 2022, Board meeting minutes, as amended.

Holly Kaiser seconded the motion.

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

5. DCA Update – DCA Board and Bureau Relations

Dr. Raggio invited staff from DCA Board and Bureau Relations to provide an update. Yvonne Dorantes provided an update on the position filled in DCA's Division of Investigation; DCA's Diversity, Equity, and Inclusion Committee; DCA's strategic plan and new logo; required training for Board members; end of the COVID-19 emergency waivers; and Form 700 annual submission.

Dr. Raggio asked why trainings have to be retaken every other year. Ms. Dorantes replied that it ensures everyone is on the same page.

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

6. Board Chair's Report

Dr. Raggio opened the discussion with the 2023 Board Meeting Calendar and noted Board members will be notified as soon as possible if the next meeting will be in-person in Sacramento or teleconference.

Dr. Raggio reported updates to committee membership. Dr. Raggio asked Paul Sanchez for the difference in the two committees related to the practice of hearing aid dispensing. Mr. Sanchez replied that Hearing Aid Dispensers Practice Committee is for hearing aid dispensers and Hearing Aid Dispensing Committee is for both hearing aid dispensers and dispensing audiologist. Dr. Raggio noted a vacancy filled in Enforcement Ad Hoc Committee and Legislative Ad Hoc Committee.

Dr. Raggio reported on the discussion from the Audiology Practice Committee meeting.

Mr. Borges reported on the discussion from the Hearing Aid Dispensing Committee meeting.

Ms. Kaiser commented on the discussion from the Audiology Practice Committee meeting and how audiology programs worked together to summarize their survey responses.

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

7. Executive Officer's Report

Dr. Raggio invited Mr. Sanchez to provide the Executive Officer's report.

Mr. Sanchez reported an administration update on filling a position created by the Business Modernization project.

Mr. Sanchez reported outreach efforts including an opportunity to present the importance of licensing to the San Francisco State Student Audiology Association. Dr. Raggio noted that this was recorded for students who were unable to attend the presentation.

Mr. Sanchez reported on the budget and fund condition and noted that the Expenditure Projection Report wasn't available for this meeting. Karen Chang asked about the Board's savings.

Mr. Sanchez replied that augmentation could occur if the Board exceeds its budget. Ms. Chang,

Mr. Sanchez, and Ms. Burns commented on the Board's funding structure being different from other state funding structure.

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

Mr. Sanchez reported on licensing and enforcement including an increase in applications and licensing population, the launch of online applications, licensing processing times, practical examination results, enforcement statistics, and disciplinary actions.

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

8. Update on the Board's Business Modernization Project and Releases of Online Applications for Licensure

Dr. Raggio invited Mr. Sanchez and Ms. Burns to provide an update on the Board's Business Modernization project. Mr. Sanchez provided a background and update on the project. Ms. Burns commented on staff involvement in the project and troubleshooting efforts.

Dr. Raggio asked how and to whom is Board staff demonstrating the online application. Ms. Burns replied that they have been upon request by faculty or student associations, and noted that demonstrations are virtual and can be requested by contacting the Board. Ms. Burns commented that the Board may consider working with DCA to create recordings if necessary and noted it would be part of the Board's pro rata expenditures.

Dr. Raggio asked for public comments.

Joe Bartlett expressed his appreciation for the online application and commented on his recent experience with the new system.

9. Discussion and Possible Action to Revise the Board's Administrative Procedure Manual

Dr. Raggio opened the discussion for possible action to revise the Board's Administrative Procedure Manual. Ms. Burns provided a background and a summary of changes.

Dr. White suggested to add the new hearing aid dispenser committee to the list of committees on page 14. Dr. Raggio expressed agreement with Dr. White's suggestion. Ms. Burns noted the change and commented that it will have a description similar to the other practice committees.

Ms. Kaiser suggested aligning description of the professions in the overview on page 3 to what was used in the Sunset Report and asked if this document is highlighted at the new board member orientation/training with Board staff. Mr. Sanchez replied that this document is provided to new board members and Board staff covers specific information during the presentation. Gilda Dominguez expressed agreement with Ms. Kaiser's suggestion. Ms. Burns noted the change.

Dr. Raggio suggested adding a statement under out-of-state travel on page 10 regarding state funding or sponsored travel to certain states. Ms. Burns noted the change.

Dr. Raggio noted that the Practice Act Book is not listed as an item Board member receive on page

17. Ms. Burns noted the change.

Dr. Raggio asked if business cards were ever requested. Ms. Burns replied they were but it hasn't been requested in a long time. Mr. Sanchez commented that the Board has moved away of them.

Dr. Raggio asked for clarification on proposed decisions and stipulations found on page 25. Kenneth Swenson provided definitions of both a stipulation and a proposed decision. Mr. Sanchez clarified that the Board may not always seek a settlement and at times will go to hearing.

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

Tod Borges moved to approve revisions to the Board's Administrative Procedure Manual as amended.

Gilda Dominguez seconded the motion.

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

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

Dr. Raggio invited Heather Olivares to provide the legislative report.

Ms. Olivares reported the legislative calendar and deadlines and legislation implementation updates. Dr. Raggio asked if those holding a valid American Board of Audiology certificate is for out-of-state applicants. Ms. Olivares replied that Dr. Raggio's statement is correct.

Dr. Raggio asked if there were other physicians who do endoscopy. Ms. Olivares replied that Dr. Raggio's statement is correct and commented on concerns raised prior to Senate Bill (SB) 1453 regarding the lack of otolaryngologists. Dr. Raggio asked if the concern was more about available personnel for supervision and not SLPs performing the task. Ms. Olivares replied that otolaryngologists have concern with other physicians and SLPs supervising, and noted they are proposing changes to this law.

Dr. Raggio inquired for public comments.

Laura Wasco on behalf of California Speech-Language Hearing Association (CSHA) commented on SB 1453 and noted that they are working with the senator on clarifying statutory changes.

Marissa Mcray commented on SB 1453 and noted current fiberoptic endoscopic evaluation of swallowing (FEES) program are suspended because of the recent changes and asked if they are suspended until changes are made. Ms. Burns replied that it is a statutory provision that the Board can't change and asked if they had the 25 supervised procedure. Ms. Mcray replied that they have the 25 supervised procedure but not with an otolaryngologist. Dr. Tulio Valdez asked how an otolaryngologist verified without supervising. Ms. Mcray replied that the law prior to the change didn't specify that the 25 supervised procedure had to be supervised by an otolaryngologist. Dr. Valdez commented on quality control in how people are trained and certified and asked if a test or certification exist for this procedure. Ms. Mcray replied that there are none for the same reason as there are none for modified barium swallow and commented on quality control on current FEES

program. Dr. Valdez commented on incorporating a grandfather clause or timeline to transition the changes. Mr. Sanchez commented to refer individuals with concerns to the author and sponsor of the bill who are looking into making clarifying changes.

Susanna Rodriguez commented on SB 1453 and noted other profession such as nurses do not have training or certification to perform nasogastric (NG) tube insertion. Dr. Valdez commented on the differences of an NG and fiberoptic scope.

Gilda Dominguez commented on the previous statutory language which required SLP to perform under the authorization of an otolaryngologist and the supervision of a physician and surgeon and noted that this should be considered prior to the discontinuance of programs.

Ms. Olivares commented on statutory changes taking into consideration other standards such as American Speech-Language-Hearing Association. Ms. Burns noted that the author and sponsor of the bill are working to make clarifying changes.

Ms. Olivares reported updates on Board-sponsored legislation, and bills with recommended watch status.

Ms. Kaiser asked if Assembly Bill (AB) 381 would allow occupational therapists to have the option to be licensed or credentialed. Ms. Olivares replied that this would be similar to the options speech therapists have.

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

11. Legislative Items for Future Meeting

Dr. Raggio asked if Board members had legislative items for future meeting.

Ms. Olivares reported the following legislative items for the next meeting: SB 612 regarding FEES, AB 996 regarding conflict-of-interest policy for continuing education, SB 802 regarding timely written notification for application denied based on a criminal conviction, and a number of spot bills that were introduced.

Ms. Chang asked how the Legislative Ad Hoc Committee could meet. Kenneth Swenson replied that a meeting would need to be noticed if there are more than two members and it would not need to be noticed if it is two or less.

Dr. Raggio asked how Board staff identify bills. Ms. Olivares replied that there are keywords searches for this in our legislative tracking system and noted that there are many more whose impact is DCA-wide that are not picked up by the search and require that all bills introduced be reviewed.

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

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

Dr. Raggio invited Ms. Liranzo to provide the regulatory report. Ms. Liranzo provided an update on board regulation packages.

Dr. Raggio asked for public comments.

Brandon Westby commented on proposed changes to speech-language pathology assistant (SLPA) supervision and risk to consumers if supervisors are supervising up six support personnel and reporting SLPA employment status that are false.

Andrea Ball on behalf of CSHA commented on informing the public on the proposed changes to with required professional experience (RPE) supervision and noted that they will continue to monitor the progress of proposed changes to SLPA supervision.

Ms. Liranzo provided a background and summary of changes to modify proposed regulations regarding SLPA supervision. Ms. Liranzo noted the recommendations for discussion are regarding supervisor first contact with their client or patient and frequency or amount of supervision beyond the initial supervision for newly licensed SLPA.

Ms. Kaiser commented on the maximum number of support personnel and asked where full-time equivalent is defined. Ms. Liranzo replied that it is defined in section 1399.170 and asked if the language should cross-reference this section and if the maximum and minimum number of hours be removed from the application. Ms. Burns replied it was not necessary as this aligns with RPE supervision form.

Ms. Dominguez asked if the application can be amended to correct a spacing issue with “pursuant to” in Part C question 6. Ms. Liranzo replied that it may be a formatting to printing issue but will take a look at it and correct it if necessary.

Ms. Dominguez suggested adding an asterisk to Part C question 7 to remind supervisors of the maximum number of support personnel. Ms. Burns replied that this information is included in the Duties and Responsibilities of Supervisor as item 12. Ms. Dominguez noted that this is sufficient.

Ms. Kaiser commented on ASHA’s SLPA supervision guidelines regarding “first contact” and suggested modifying the text to accommodate the comment. Ms. Burns noted that the language recommended was vague and would need to be revised in order to pass the Office of Administrative standards of review.

Ms. Dominguez asked if twenty (20) percent supervision is a challenge for the first ninety (90) days of work for newly licensed SLPA. Ms. Liranzo replied that the recommendations for discussion are on supervision after the first ninety (90) days.

Ms. Kaiser commented on the importance of supervisors having first contact with their patient and suggested modifying the text to accommodate the recommendation. Ms. Dominguez expressed agreement to the suggestion and commented on the lack of clarity to the second recommendation and asked who determines if it’s thirty (30) or sixty (60) days. Ms. Liranzo replied that ASHA’s guidelines stated that it would depend on how often the client’s visits/sessions are and it would be or sixty (60) days if it is more frequent or thirty (30) if it is less frequent. Ms. Liranzo noted the Board

cannot have language this vague and would need to specify one or the other, or something different. Ms. Burns commented that the Board could define criteria that determines the thirty (30) or sixty (60) days. Ms. Liranzo noted that minimum ongoing supervision would need to be clarify with a specify number of hours. Ms. Kaiser commented that this would need to be percentage based as there is a wide variety of employment statuses for SLPAs.

Dr. Raggio asked if this item should be tabled. Ms. Liranzo replied that it is on a scheduled timeline and recommended the Board to hold those items for future discussion by rejecting the recommendation with a response that it will be considered in a different regulatory package. Alex Millington informed the Board that, if they cannot make a change that is specific enough to adequately describe the changes, the Board can come back another time to consider the matter or consider it for a different regulatory package. Ms. Burns suggested the Board to delegate Board members to work with Board staff in drafting language for the next meeting. Mr. Sanchez commented on the risk associated with modifying the text at the next meeting. Ms. Kaiser expressed moving forward with the text presented. Ms. Burns noted that the Board response in the Final Statement of Reasons can be that it will be addressed in a different regulatory package.

Ms. Dominguez asked if the first contact can be added. Ms. Burns expressed concerns with unintended consequences it may have in different settings such as schools where supervisors might change often. Ms. Dominguez expressed agreement to the concern.

Ms. Dominguez asked if the Board can discuss duties outside the SLPA's scope. Ms. Burns replied that section 1399.170.3 is not part of the rulemaking package and therefore it would need to be part of a separate regulatory package.

Ms. Kaiser expressed agreement to concerns regarding the unintended consequences first contact may create in different work settings and commented that best practices doesn't always need to be written as regulations.

Dr. Raggio asked for public comments.

Brandon Westby commented on the quality of supervision with a maximum number of support personnel that is six and asked if the language means that it can be six SLPA or three SLPA and three SLP aides. Ms. Burns replied that it would mean they are all working part-time.

Chrystal Lujan commented to express support for changes that would allow tele supervision and ask if support personnel would include RPE.

Holly Kaiser moved to approve the proposed modified regulatory text for 16 CCR sections 1399.170, 1399.170.2, and 1399.170.15, and direct staff to take all steps necessary to notice the modified regulatory text and make any non-substantive changes to the regulatory package.

Karen Chang seconded the motion.

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

Ms. Liranzo provided a background to proposed regulations regarding SLPA program and academic requirements. Ms. Liranzo noted the last commented recommended changes to the proposed text

that Board staff recommend the Board to reject the recommendation for the reason as stated in the drafted board response.

Dr. Raggio asked for Board discussion. There was no Board discussion.

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

Tod Borges moved to approve the proposed Board responses to Comments, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR Sections 1399.170.4, 1399.170.10, and 1399.170.11, as noticed.

Holly Kaiser seconded the motion.

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

13. Future Agenda Items

Dr. Raggio asked Board members for future agenda items.

Ms. Dominguez requested a review of task outside SLPA scope of practice and suggested removing limitation to the swallow therapy with bolus material and revising the opening statement. Ms. Liranzo noted the this is section 1399.170.3. Dr. Raggio delegated this item to the SLP Practice Committee.

Dr. Raggio commented on avoiding professional organization requirements from the Board's statutes and regulations. Dr. Valdez expressed agreement to the comment. Ms. Liranzo asked Dr. Raggio if she meant guidelines incorporated in regulations. Dr. Raggio replied that she meant overall discussion. Mr. Sanchez noted it as an item for consideration and not an item for future agenda.

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

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.

The Board did not meet in closed session.

15. Adjournment

The meeting adjourned at 3:39 p.m.



MEMORANDUM

| | |
|---------|--|
| DATE | April 14, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Marcia Raggio, Board Chair |
| SUBJECT | Agenda Item #5: Board Chair's Report |

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

a. 2023 Board Meeting Calendar

| MEETING CALENDAR/ AGENDAS/ MINUTES | | | | | |
|--|----------------|------------------------|--|---------|--|
| Meeting Date | Location | Agenda | Meeting Materials | Minutes | Webcast |
| 2023 | | | | | |
| November 30 – December 1, 2023 Board Meeting | TBD, In-person | | | | |
| August 24-25, 2023 Board Meeting | Teleconference | | | | |
| April 27-28, 2023 Board Meeting | Teleconference | Agenda | | | |
| February 24, 2023 Board Meeting | Teleconference | Agenda | Materials Hand Carry - Agenda Item AU 3 Hand Carry - Agenda Item AU 4 Hand Carry - Agenda Item 7 | | Webcast - Feb 24 Part 1 of 2 Webcast - Feb 24 Part 2 of 2 |

b. Board Committee Updates and Reports

The Ad Hoc Legislative Committee will provide a verbal report regarding their committee meeting.

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.

| SLP PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i> | | |
|---|----------|------------|
| Name | Position | Profession |
| Holly Kaiser | Chair | SLP |
| Gilda Dominguez | Member | SLP |
| Vacant | Member | Public |
| AUDIOLOGY PRACTICE COMMITTEE <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 |
| HEARING AID DISPENSERS PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i> | | |
| Name | Position | Profession |
| Tod Borges | Chair | HAD |
| VACANT | Member | HAD |
| Karen Chang | Member | Public |
| HEARING AID DISPENSING COMMITTEE <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 |
|--------------|--------|------------|

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 |
| Gilda Dominguez | Chair | SLP |
| Tod Borges | Member | HAD |
| 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 |
| Gilda Dominguez | Member | SLP |

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

Hand Carry Item

Agenda Item 6:
Executive Officer's Report



MEMORANDUM

| | |
|---------|--|
| DATE | April 19, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer Cherise Burns, Assistant Executive Officer |
| SUBJECT | Agenda Item #7: Update on the Completion of the Board's Business Modernization Project and Releases of Online Applications for Licensure |

Background

Since the last Board meeting, Board staff and management have worked on the internal system functionality and stabilization of the online applications for licensure. The Department of Consumer Affairs Office of Information Services and Board staff also worked to finalize the application status look-up webpage on the Board's website, called Phase 4 of the Business Modernization Project. The new application status look-up will launch in May 2023 shortly after the Board meets. Applicants will be able to supply their personal information and view items that are still pending or are deficient with their application.

In coordination with DCA's Communications Division, Board staff created an [Apply Simply!](#) page on the Board's website and provided updates on released applications to this page, as well as to the normal application pages for each license type, throughout the process. To make the information easily visible to applicants, Board staff have also added a button to the Board's website homepage to link applicants to all of the new online applications.



Throughout the development of the Apply Simply! online application system and launch of all the applications for licensure, Board staff and management have been able to make many process improvements that will have numerous benefits to both Board stakeholders and staff. These improvements took a little additional time and staff resources to create, test, and launch, but they will have an exponential impact on the Board's ability to achieve its strategic objectives of increased responsiveness to applicants and shorter processing times for applications now that we have launched all of the applications. Board staff and our vendors continue to work to troubleshoot any issues with the launched online applications as well as implement enhancements that increase the functionality of these applications and ease of use for applicants.

The Board completed the launch of all of its applications on February 10, 2023 and will finish the final phase of its Business Modernization Project in May 2023.

The Apply Simply! online application system and specific applications were launched in three releases as follows:

- **Release 1 – Went live starting September 21, 2022**

The Board launched its first two online applications in Release 1, starting on September 21, 2022, with the Required Professional Experience (RPE) Temporary license and followed on September 29, 2022 with the Speech-Language Pathologist license (Option #1 – RPE qualification method, Option #2 – Equivalent ASHA CCC qualification method, and Option #3 Previously Licensed in California qualification method).

- **Release 2 – Went live starting December 5, 2022**

The Board started launching Release 2 applications on December 5, 2022 with the Speech-Language Pathology Assistant registration. The Board then launched the Speech-Language Pathology and Audiology Aide registration on December 7, 2022, the Audiologist license (Option #3 – Previously Licensed in California qualification method) on December 12, 2022, and the Speech-Language Pathologist license (Option #3 – Licensed in Another State qualification method). Finally, the Board launched the Audiologist license (Option #2 – Licensed in another State qualification method) on January 3, 2023.

- **Release 3 – Went live starting February 1, 2023**

The Board launched the 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 on February 1, 2023. The Board completed the launching of last of its applications on February 10, 2023 with the launch of the Speech-Language Pathology (Option #5 – Foreign Educated qualification method) and Audiology (Option #2 – Equivalent Qualifications (ASHA CCC-A or AAA ABA Certification and Option #5 – Foreign Educated qualification methods).

The final phase of the project to create an application status look-up page on the Board's website (Phase 4) of the Business Modernization Project will be launched in May 2023. This will complete the Board's current Business Modernization Project. The below screenshots are a sample of what applicants would be able to see on the application status look-up.



Application Status & Details

To check the status of your application for licensure with the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board), you can enter your personal information below, including the last six (6) numbers of your Social Security Number or Individual Taxpayer Identification Number and your Date of Birth (in mm/dd/yyyy format).

Once your personal information is entered, the screen will display your applicant ID (ATS ID), the license type that you have applied for (see legend for display codes below), and the requirements for licensure and your status in fulfilling each of those requirements. The screen will also notify you of any deficiencies identified in your application.

For more information on the stages of the application process and the [Board's application processing timeframes](#), click here.

For more information on application requirements, see the [Frequently Asked Questions page](#) here.

License Type Legend:

| LICENSE TYPE | DISPLAY CODE | LICENSE TYPE | DISPLAY CODE |
|--|--------------|---|--------------|
| Speech-Language Pathologist | SP | Hearing Aid Dispenser/ Dispensing Audiologist | HA |
| Audiologist | AU | Hearing Aid Dispenser Temporary | HTL |
| Required Professional Experience | RPE | Hearing Aid Dispenser Trainee | HT |
| Speech-Language Pathology Assistant | SPA | Hearing Aid Dispenser Branch | BR |
| Speech-Language Pathology/Audiology Aide | AID | Continuing Education Provider | PDP |

DEV
Applicant: SLP RPE API TEST
ATS ID: 39907

1
License Type
RPE
Status
OPEN

| Description | Fee | Status |
|--------------------------------|--------------|------------|
| RPE Temp Lic Fee | FEE NOT PAID | Deficiency |
| RPE Application Form | | Deficiency |
| LiveScan DOJ | | Pending |
| LiveScan FBI | | Pending |
| RPE Acknowledgement Statement | | Fulfilled |
| Approved SP Supervisor | | Fulfilled |
| Part Time Status | | Fulfilled |
| RPE Supervisor Acknowledgement | | Fulfilled |
| ASYLEE/REF | | Fulfilled |
| MILITARY SERVICE | | Fulfilled |
| School Setting | | Fulfilled |
| Report of Clinical Practicum | | Fulfilled |

Action Requested

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



MEMORANDUM

| | |
|---------|---|
| DATE | April 17, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Cherise Burns, Assistant Executive Officer |
| SUBJECT | Agenda Item #8: Legislative Report: Update, Review, and Possible Action on Proposed Legislation |

a. Legislative Calendar and Deadlines

- May 5, 2023 – Last day for policy committees to hear bills introduced in the house of origin
- May 19, 2023 – Last day for fiscal committees to hear bills introduced in the house of origin
- May 30-June 2 – Floor Session Only. No committees, other than conference or Rules committees, may meet for any purpose
- June 2 – Last day for each house to pass bills introduced in the house of origin
- June 5 – Committee meetings may resume
- June 15 – Budget must be passed by midnight
- July 14 – Last day for policy committees to meet and report bills
- July 15 - August 14 – Legislature in Summer Recess

b. 2023 Board-Sponsored Legislation

- **SB 887 (Committee on Business, Professions and Economic Development) Consumer Affairs**

Status:

This bill will be heard on April 24 in Senate Business, Professions and Economic Development Committee.

Summary:

This makes changes to various boards practice acts. This bill would remove the gendered pronouns “he” or “she” from provisions of state law within the Board’s Practice Act. Instead, this bill would revise the Practice Act with inclusive language by using gender-neutral pronouns or using nouns to avoid the use of gendered pronouns.

Board Position: Support

c. 2023 Bills for Active Position Recommendations

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

Status:

This bill was amended in the Assembly Education Committee and is not scheduled for another hearing yet.

Summary:

This bill would amend the Education Code to allow occupational therapists and physical therapists to qualify for a health services credential issued by the Commission on Teacher Credentialing. Currently, services provided in a school setting by an audiometrist, occupational therapist, or physical therapist are not considered health services. This bill would still deem that services provided by an audiometrist are not health services.

Recommended Position: The Chair of the Ad Hoc Legislative Committee will provide their recommended position

Issues for consideration: Board staff have no concerns with whether or not occupational therapists and physical therapists can receive a health services credential, but with their removal from this particular education code, the audiometrist is the only provider left in this Education Code being not considered a health service. Should the Board request of the author amendments to clarify that audiometrists are registered with the Department of Health Care Services to help reduce confusion between the titles audiometrists and audiologist?

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

Status:

This bill was heard on April 18 in the Senate Judiciary Committee.

Summary:

This bill would require the Board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed.

Recommended Position: The Chair of the Ad Hoc Legislative Committee will provide their recommended position

Issues for consideration: This bill would require the Board to update prior disciplinary records and hide previous names for anyone that gets a legal name change, e.g. marriage or divorce, rather than solely requiring this when there is a gender change that includes a name change and thus leads to deadnaming as the author states.

The Board may want to consider the following:

1. Are the provisions of the bill too broad by allowing any legal name change to trigger the provisions of the bill removing access to all prior names the licensee has had?
 2. Should the Board request that the author amend the bill to narrow it to only apply to when there is a legal name change that is accompanied by a change in gender?
 3. What processes will need to be modified in relation to statements of issues, accusations, citations and fines, and disciplinary documents to ensure compliance with the bill while also upholding consumer protection?
- **SB 544 (Laird) Department of Consumer Affairs: licensee and registrant records: name and gender changes**

Status:

This bill will be heard on April 25 in the Senate Judiciary Committee.

Summary:

Current law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements. This bill would, after July 1, 2023, remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely.

Recommended Position: The Chair of the Ad Hoc Legislative Committee will provide their recommended position

Issues for consideration: This bill allows the Board to indefinitely have the remote meeting options that are currently in place due to temporary statutory provisions. The temporary statutory provisions have allowed greater participation in Board meetings due to the use of WebEx and have allowed the Board to meet with increased cost efficiency, administrative efficiency, and enhanced flexibility for Board members and staff to be at unnoticed locations. This law would require these teleconferences to have at least one publicly accessible space noticed and available to the public, which would likely be the Board's office or a Department of Consumer Affairs conference room open for WebEx meetings.

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

Status:

This bill is on the Senate Floor (Third Reading).

Summary:

Current law prohibits a licensed speech-language pathologist from performing a flexible fiber optic transnasal endoscopic procedure unless they have received specified written verification that they have performed a minimum of 25 supervised flexible fiber optic transnasal endoscopic procedures and they are competent to perform those procedures. This includes that the first 10 procedures are supervised by a licensed physician and surgeon who performs nasal endoscopy as part of their practice and the subsequent 15 procedures are supervised by either a licensed physician and surgeon who performs nasal endoscopy as part of their practice or by another licensed speech-language pathologist who is verified as competent in performing flexible fiber optic transnasal endoscopic procedures.

Current law authorizes a speech-language pathologist to pass a flexible fiber optic transnasal endoscopic instrument only upon the orders of a licensed physician and surgeon and to perform that procedure at prescribed locations based on the patient's medical needs. Current law requires a speech-language pathologist performing flexible fiber optic transnasal endoscopic procedures on patients who have contraindications to the procedure, as specified, to consult and document clearance with the physician and surgeon that the licensed speech-language pathologist can safely perform the procedure.

By operation of law, all of these provisions became operative on January 1, 2023.

This bill would provide that a licensed speech-language pathologist, who obtained a license before January 1, 2023, is authorized to perform a flexible fiber optic transnasal endoscopic procedure, if the licensee has performed a minimum of 25 supervised flexible fiber optic transnasal endoscopic procedures and is competent to perform these procedures.

Recommended Position: The Chair of the Ad Hoc Legislative Committee will provide their recommended position

Issues for consideration: The current language in this bill creates a grandfather clause for any speech-language pathologists who obtained their license before January 1, 2023 to perform FEES under the older requirement that required 25 supervised flexible fiber optic transnasal endoscopic procedures (regardless of what licensed professional supervised the performance of the 25 procedures), even if the written verification from a board certified Otolaryngologist was not obtained by the speech-language pathologist prior to January 1, 2023. Due to the wording of the grandfather clause in the bill as amended on April 12, 2023, this leaves a loophole for those who did not obtain a board-certified Otolaryngologists written verification prior to January 1, 2023 to obtain verification under the vaguer supervision requirements in the old statutory language.

The Board may want to consider the following:

1. Is any grandfather clause acceptable to the Board? Specifically, does the Board have consumer protection concerns with a grandfather clause that allows speech-language pathologists that received no physician and surgeon supervision during their training, neither from a board-certified Otolaryngologist or licensed physician and surgeon who performs nasal endoscopy as part of their practice, to continue to perform the FEES procedure? Alternatively, would a grandfather clause that allows speech-language

pathologists that had 10 physician and surgeon supervised procedures, regardless of whether they were the first 10 or last 10, alleviate consumer protection concerns?

2. Is the grandfather clause in the April 12 amended version of the bill too broad? Would a narrower grandfather clause that is based on the date the written verification was obtained from a board-certified Otolaryngologist be more acceptable? Is it acceptable that there may be concerns with prior supervision and training for these licensees, but their many years of experience performing the procedure adequately addresses consumer protection concerns?
3. The American Academy of Otolaryngology and the California Medical Association have raised concerns that there are not specified training and experience requirements for non-Otolaryngologists allowed to supervise the 25 supervised FEES procedures required prior to written verification, which may diminish consumer protections. With those concerns in mind, would the Board consider it appropriate to set minimum standards for a speech-language pathologist or licensed physician and surgeon who performs nasal endoscopy as part of their practice before they can train and supervise these procedures?

d. 2023 Bills with Recommended Watch Status

- **AB 477 (Waldron) Legislative review of state boards.**

Status:

This bill is referred to the Assembly Business and Professions Committee.

Summary:

Current law requires the Joint Sunset Review Committee to review eligible agencies and prepare a report that is made available to the public and the Legislature on whether the agency should be terminated, or continued, or whether its functions should be revised or consolidated with those of another agency, as specified. This bill would require the report prepared by the committee to be made available to the public online.

- **AB 567 (Ting) Criminal records: relief.**

Status:

This bill will be heard on April 26 in the Assembly Appropriations Committee.

Summary:

Current law, subject to an appropriation, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief. Under current law, a person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified. Current law, commencing July 1, 2023, and subject to an appropriation, generally makes this arrest record relief available to a person who has been arrested for a felony, including a felony punishable by imprisonment in

the state prison, as specified. This bill would require the department to provide confirmation that relief was granted upon request from the subject of the record.

- **AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.**

Status:

This bill will be heard on April 19 in the Assembly Appropriations Committee.

Summary:

Current law requires a board in Department of Consumer Affairs to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense Skill Bridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

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

Status:

This bill will be heard on April 25 in the Assembly Business and Professions Committee.

Summary:

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

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

Status:

This bill will be heard on April 19 in the Assembly Appropriations Committee.

Summary:

Current law requires a health practitioner, as defined, to make a report to law enforcement when they suspect a patient has suffered physical injury that is either self-inflicted, caused by a firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture. A violation of these provisions is punishable as a misdemeanor. This bill would, on and after January 1, 2025, remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct.

- **AB 1417 (Wood) Elder and dependent adult abuse: mandated reporting.**

Status:

This bill will be heard on April 25 in the Assembly Aging and Long-Term Care Committee.

Summary:

The Elder Abuse and Dependent Adult Civil Protection Act sets forth various provisions for the reporting, investigation, and prosecution of elder and dependent adult abuse. Current law establishes certain procedures for mandated reporters to report known or suspected instances of abuse by telephone followed by a written report, or through a confidential internet reporting tool, as specified. If the abuse is physical abuse, and the abuse occurred in a long-term care facility, with exceptions, current law sets forth the reporting conditions, including those relating to the format, timelines, and recipients of the reporting. Under existing law, the reporting conditions are based on whether or not the suspected abuse results in serious bodily injury, or whether the suspected abuse is allegedly caused by a resident with a physician's diagnosis of dementia and there is no serious bodily injury, as specified. If the abuse is not physical abuse, and the abuse occurred in a long-term care facility, with exceptions, current law requires a telephone report and a written report to be made to the local ombudsman or the local law enforcement agency.

This bill would delete and reorganize some of those reporting provisions. Under the bill, if the abuse that occurred in a long-term facility was allegedly caused by another resident of the facility with dementia diagnosed by a licensed physician and there was no serious bodily injury, the reporter would be required to submit a written report within 24 hours to the long-term care ombudsman, the local law enforcement agency, and the corresponding state agency.

- **AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law.**

Status:

This bill will be heard on May 3 in the Assembly Appropriations Committee.

Summary:

This bill would prohibit a healing arts board under the Department of Consumer Affairs from denying an application for a license or imposing discipline upon a licensee on the basis of a civil judgment, criminal conviction, or disciplinary action in another state that is based on the application of another state's law that interferes with a person's right to receive sensitive services, as defined, that would be lawful in this state. The bill would similarly prohibit a health facility from denying staff privileges to, removing from medical staff, or restricting the staff privileges of a licensed health professional on the basis of such a civil judgment, criminal conviction, or disciplinary action imposed by another state. The bill also would also prohibit the denial, suspension, revocation, or limitation of a clinic or health facility license on the basis of those types of civil judgments, criminal convictions, or disciplinary actions imposed by another state. The bill would exempt from the above-specified provisions a civil judgment, criminal conviction, or disciplinary action imposed by another state for which a similar claim, charge, or action would exist against the applicant or licensee under the laws of this state. By

imposing new prohibitions under the provisions related to clinics and health facilities, the violation of which is a crime, this bill would impose a state-mandated local program.

- **SB 259 (Seyarto) Reports submitted to legislative committees.**

Status:

This bill went to the Assembly on April 17 and is currently awaiting referral to committees.

Summary:

Current law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature generally to submit the report in a specified manner and to post the report on the state agency's internet website. This bill would additionally require a state agency to post on its internet website any report, as defined, that the state agency submits to a committee of the Legislature.

- **SB 345 (Skinner) Health care services: legally protected health care activities.**

Status:

This bill will be heard on April 25 in the Senate Judiciary Committee

Summary:

This bill would prohibit a board within the Department of Consumer Affairs from suspending or revoking the license of a person regulated under the above healing arts provisions solely because the person provided a legally protected health care activity. The bill would define a "legally protected health care activity" to mean specified acts, including exercising rights related to reproductive health care services or gender-affirming health care services secured by the Constitution or the provision of insurance coverage for those services.

- **SB 763 (Durazo) Criminal records.**

Status:

This bill will be heard on April 24 in the Senate Appropriations Committee.

Summary:

Current law requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief. Current law makes this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post-release community supervision, and parole, and a period of 4 years has elapsed during which the defendant was not convicted of a new felony offense, except as specified. This bill would extend that relief to apply to convictions on or after January 1, 1973.

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

Status:

This bill went to the Assembly on April 17 and is currently awaiting referral to committees.

Summary:

Current law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Current law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Current law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history. This bill would require the Board to provide the current legally required notifications in writing within 30 days after a decision is made to deny an applicant licensure based solely or in part on the applicant's conviction history.

Attachments: Attachments List – All Bills

Agenda Item 8 – Attachments 1 - 23

Attachment 1 is the March 14, 2023 text version of Senate Bill 887, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB887.

Attachment 2 is the April 17, 2023 text version of Assembly Bill 381, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB381.

Attachment 3 is the Author Fact Sheet for Assembly Bill 381, which is available upon request.

Attachment 4 is the March 20, 2023 text version of Senate Bill 372, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB372.

Attachment 5 is the Author Fact Sheet for Senate Bill 372, which is available upon request.

Attachment 6 is the March 20, 2023 text version of Senate Bill 544, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB544.

Attachment 7 is the Author Fact Sheet for Senate Bill 544, which is available upon request.

Attachment 8 is the April 12, 2023 text version of Senate Bill 612, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB612.

Attachment 9 is the Author Fact Sheet for Senate Bill 612, which is available upon request.

Attachment 10 is the February 7, 2023 text version of Assembly Bill 477, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB477.

Attachment 11 is the March 29, 2023 text version of Assembly Bill 567, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB567.

Attachment 12 is the March 23, 2023 text version of Assembly Bill 883, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB883.

Attachment 13 is the March 27, 2023 text version of Assembly Bill 996, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB996.

Attachment 14 is the February 15, 2023 text version of Assembly Bill 1028, which is available online at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1028.

Attachment 15 is the Author Fact Sheet for Assembly Bill 1028, which is available upon request.

Attachment 16 is the April 12, 2023 text version of Assembly Bill 1417, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1417.

Attachment 17 is the April 12, 2023 text version of Assembly Bill 1707, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1707.

Attachment 18 is the January 30, 2023 text version of Senate Bill 259, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB259.

Attachment 19 is the Author Fact Sheet for Senate Bill 259, which is available upon request.

Attachment 20 is the April 10, 2023 text version of Senate Bill 345, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB345.

Attachment 21 is the February 17, 2023 text version of Senate Bill 763, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB763.

Attachment 22 is the February 17, 2023 text version of Senate Bill 802, which is available online at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB802.

Attachment 23 is the Author Fact Sheet for Senate Bill 802, which is available upon request.

All documents can be requested by sending an email to speechandhearing@dca.ca.gov.



MEMORANDUM

| | |
|---------|---|
| DATE | April 14, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Maria Liranzo, Legislation/Regulation/Budget Analyst |
| SUBJECT | Agenda Item 10: 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 Regarding Uniform Standards Related to Substance-Abusing Licensees Regulations 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 revisions to regulatory language on August 13, 2021. It was approved by OAL on February 13, 2023, and filed with Secretary of State. These regulations became effective on April 1, 2023.

This regulation will require the Board to use the uniform standards when disciplining substance-abusing licensees and incorporate by reference DCA’s uniform standards document.

b) Discussion Regarding Required Professional Experience Direct Supervision Requirements and Tele-Supervision Regulations 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 regulatory language on October 8, 2021. It was approved by OAL on February 13, 2023, and filed with Secretary of State. These regulations became effective on April 1, 2023.

This regulation will permit RPE tele-supervision and establish requirements for the use of tele-supervision.

c) Discussion Regarding Notice to Consumers Regulations 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 revisions to regulatory language on February 25, 2022. It was approved by OAL on February 6, 2023, and filed with Secretary of State. These regulations became effective on April 1, 2023.

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

d) 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

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

e) Discussion and Possible Action to Amend Regulations Regarding SLPA Program and Academic Requirements as stated in Title 16, CCR sections 1399.170.4, 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

The Board approved the regulatory language on August 12, 2022. Board staff are working with DCA Regulation Counsel to finalize all required regulatory documents for DCA Regulations Final Review.

This proposed change will specify qualifications for SLPA training program directors, increase the number of the required field work experience, and modify the full-time work experience for out-of-state SLPA applicants.

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

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| Regulation Development | Preparing Regulatory Package | 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 Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

g) 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 Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

h) 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 revisions to regulatory language on May 13, 2022. Board staff are working on preparing the required regulatory documents for DCA pre-review and working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

This proposed change will update the practical examination process, describe the written examination process, update the practical examination appeal process, and specify the required hearing aid examination for dispensing audiologists to only the written examination.

i) 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 revisions to regulatory language on May 13, 2022. Board staff submitted the required regulatory documents for DCA pre-review on August 31, 2022, and are working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

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.

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

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| Regulation Development | Preparing Regulatory Package | 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 Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

Attachment: Stages of the Regulatory Process

Stages of the Regulatory Process

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

Regulation Development: The first stage of the regulatory process is to develop the regulatory proposal. Regulations may be required to implement a new law or regulatory changes may be necessary to address an issue raised by Board members, Board staff, the Legislature, licensees, or other stakeholders. In this phase, the Board and/or Board Committees may work on drafting regulatory language, Board staff will work with DCA Legal staff to address any concerns with the draft regulatory text, and the Board will ultimately adopt the regulatory language.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

Preparing Regulatory Package: In this stage Board staff are working on preparing the required regulatory documents including Notice of Proposed Regulatory Action, Initial Statement of Reasons, and the Economic and Fiscal Impact Statement. Board staff review Board meeting materials, webcasts, and meeting minutes to assist in the development of these documents which must justify why the regulatory changes are necessary. Board staff may also work closely with the DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

DCA Regulations Pre-Review: In this stage Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel propose recommended changes to the regulatory documents. DCA Regulations Counsel may also identify potential issues of concern with the regulatory language. Board staff then incorporate recommended changes prior to submitting the regulatory package back to the Board's Regulations Counsel. Board staff may also meet with Regulations Counsel and/or Budget Staff to provide additional information about the Board's licensing or enforcement processes in relation to the proposed regulation.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

Initial Departmental Review: Upon approval by the Board's Regulations Counsel, Board staff prepare additional supporting regulatory documents. The entire regulatory package will then be submitted for the Initial Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA Executive Office, and the Business, Consumer Services and Housing Agency. Throughout this stage, additional changes to the regulatory language and/or regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

OAL Public Comment Period: Upon approval by the Business, Consumer Services and Housing Agency, the regulatory proposal will be submitted to the Office of Administrative Law (OAL) to be published in the California Regulatory Notice Register. OAL publishes the Notice Register every Friday and the publication date starts the formal 45-day public comment period as well as the one-year deadline to submit the completed rulemaking file to OAL. If the Board makes changes to the regulatory language in response to public comments, the regulatory proposal must be published in the Notice Register for an additional 15-day public comment period.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

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

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| Regulation Development | Preparing Regulatory Package | 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

DCA Regulations Final Review: Upon completion of the Final Statement of Reasons, Board staff submits the entire regulatory proposal to DCA Regulations Counsel for final review. In this stage Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel may propose recommended changes to the Final Statement of Reasons or request additional underlying documents. Board staff will work with Regulations Counsel to address any concerns prior to the final submission to DCA.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

Final Departmental Review: Upon approval by the Board’s Regulations Counsel, Board staff submits the entire regulatory package for the Final Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA Executive Office, and the Business, Consumer Services and Housing Agency. Throughout this stage, additional documents may be requested or changes to the regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| Regulation Development | Preparing Regulatory Package | 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

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

| | | | | | | | | | |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|
| Regulation Development | Preparing Regulatory Package | 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 |
|------------------------|------------------------------|----------------------------|-----------------------------|---------------------------|-------------------------------|------------------------------|---------------------------|------------------------------|--------------|

OAL Decision: Unless the Board requested an early effective date, upon approval by OAL regulations become effective on one of four quarterly dates based on when the final regulations are filed with the Secretary of State: January 1, if filed between September 1 and November 30; April 1, if filed between December 1 and February 29; July 1, if filed between March 1 and May 31; and October 1, if filed between June 1 and August 31. Following approval by OAL, Board staff will work internally to implement the new regulations.



MEMORANDUM

| | |
|---------|--|
| DATE | April 14, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Maria Liranzo, Legislation/Regulation/Budget Analyst |
| SUBJECT | Agenda Item 10(d): 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 |

Background

This proposed regulatory change to the speech-language pathology assistant (SLPA) supervision requirements will add tele-supervision to the “direct” supervision definition, require a higher level of supervision during the first 90 days of work following the SLPA’s initial licensure, require experience before supervising a SLPA, permit the supervision of three support personnel not to exceed six at any time, incorporate by reference a revised supervision form, and revise the notice of termination form.

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) approved modifications to the proposed regulatory text on February 24, 2023. On March 9, 2023, the Board issued a 15-day notice of availability of the modified text, and the comment period closed on March 24, 2023. The Board did not hold a public hearing for this proposed regulatory action nor was one requested from any interested person or their authorized representative.

The Board received fourteen (14) written comments concerning the modifications to the proposed text.

- Two (2) in support,
- Nine (9) expressed concerns with the proposed regulatory changes or recommended changes, and
- Three (3) inquired on the regulatory process.

Recommendations for Discussion

Staff recommends the following second modifications to the text:

- *Amend section 1399.170.2(d) to remove text that repeats or rephrases regulation.* Government Code (GC) section 11349.1 requires the Office of Administrative Law to use “nonduplication” as one of the standards of review for all regulations. According to GC

section 11349, this means that a regulation cannot “serve the same purpose as ... another regulation” which this section does this by repeating language found in section 1399.170.15(b)(4).

- *Amend section 1399.170.15(b)(1) to provide for a part-time equivalent for the required “full-time experience.”* A part-time equivalency for the required practice experience necessary to supervise a SLPA may be necessary for SLPs who only work part-time.
- *Amend the form to correct the information that collects the SLPA’s employment status and align with changes made by the modified text.* The California Department of Consumer Affairs (DCA) unveiled a new logo effective January 1, 2023. Additionally, regulations do not specify a maximum or minimum number of employment hours; therefore, the Board is unable to interpret any further on the form. Other changes were made to align with changes made in section 1399.170.15(b)(1).

Making a second modification to the Text will require an additional 15-day public comment period. Staff expects the Board will receive comments during the 15-day public comment period in response to the proposed Second Modified Text, but not necessarily to the second modifications themselves.

The following are the most frequent public comments regarding the proposed changes which the Board may consider whether or not to accommodate in the Text:

- Supervising SLP must have two-years’ experience:
 - Would Required Professional Experience (RPE) count for the two-year experience or would it be two years after permanent licensure?
 - This negatively impacts the progression of the field and quality of services that students receive by creating huge workload for SLPs and unnecessary costs to school districts.
 - This negatively impacts private practices. Two self-described “medium sized” practices commented they would lose SLPAs immediately because their SLPs don’t meet this requirement. The loss of SLPAs, combined with both a national SLP shortage and turnover due to school districts paying more due to better funding increases the negative financial impact this requirement imposes on private practices.
 - Request a grandfather clause for those SLPs currently supervising a SLPA but who do not presently meet the two-year experience requirement as proposed.
 - A minimum of nine (9) months of experience after being awarded their certification.
 - Will there be accommodations for part-time SLPs to obtain the required two years full-time experience?
 - Newly licensed SLPs are appropriately trained as supervisors to keep SLPAs supervised appropriately and requiring this would mean less SLPAs which is a disservice to children in the community.
 - Allow SLPs to be able to supervise after having a permanent license for 24 months **or** 3,120 hours, whichever comes first. This is more equitable, given the difference in yearly hours at a school (two years adds up to 3,120 hours), and yearly hours of work in a private practice or hospital (two years adds up to 4,160 hours).

- Maximum number of support personnel allowed:
 - Can a SLP supervise three (3) full-time or six (6) part-time SLPAs?
 - This is a risk to public safety.
 - Supervision of more than two SLPAs is challenging if the goal is to provide effective and efficient services.
 - Would support personnel include RPEs?
 - No other state allows the supervision of up to six support personnel.

- Supervision following the first ninety (90) days of work
 - Align with the American Speech-Language-Hearing Association (ASHA) supervision guidelines:
 - Before the SLPA begins to provide support independently, the supervising SLP must have first contact with all individuals on the caseload. “First contact” includes establishing rapport, gathering baseline data, and securing other necessary documentation to begin (or continue) the plan of care for the student, patient, or client.
 - As the SLP/SLPA team dynamic continues to develop beyond the initial onboarding, minimum ongoing supervision must always include documentation of direct supervision provided by the SLP for each student, patient, or client at least every 30–60 days (depending on frequency of visits/sessions and setting).
 - “Direct” and not “immediate” supervision.
 - Unable to travel the required 20% due to out-of-state residence.
 - Clarification to “onsite” supervision and if it is required only for SLPAs in the first 90-days of their SLPA licensure.
 - 72 hours of direct observation and guidance within the first 90 days of employment rather than 20% of workweek to allow for greater flexibility in training new SLPA’s.

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 proposed second modified regulatory text or the Board’s responses to comments as currently drafted, or propose additional changes, and direct staff to prepare the necessary documents to continue the rulemaking process.

Suggested Motion if No Additional Amendments Taken

Move to approve the proposed second modified regulatory text for 16 CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18, and direct staff to take all steps necessary to notice the second modified regulatory text. If no adverse comments are received during the 15-day comment period, authorize the Executive Officer to make any non-substantive changes to the regulatory package and take all steps necessary to complete the rulemaking and adopt the proposed regulations, as noticed/amended.

Attachment A: SLPA Supervision Requirements Public Comments
 Attachment B: SLPA Supervision Requirements Second Modified Text

Speech-Language Pathology Assistant (SLPA)
Supervision Requirements
Public Comments

Initial Public Comments
Received November 11, 2022 – December 27, 2022

Modified Text Public Comments
Received March 9, 2023 – March 24, 2023

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 SECOND MODIFIED TEXT
Speech-Language Pathology Assistant Supervision Requirements

| | |
|----------------|---|
| Legend: | Added text indicated with an <u>underline</u> . |
| | Omitted text indicated by (* * * *) |
| | Deleted text indicated by strikeout . |
| | Added modified text shown in <u>double underline</u> |
| | Deleted modified text shown in double strikeout |
| | Added 2nd modified text shown in <i><u>double underline</u></i> |
| | Deleted 2nd modified text shown in <i>double underline</i> |
| | Modified text in yellow highlight |

Amend section 1399.170 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170. Definitions

As used in this article:

(a) “Accountability” means being legally responsible and answerable for actions and inactions of self or others during the performance of a task by the speech-language pathology assistant.

(b) “Client” shall have the same meaning and effect as the term “patient” and “student,” when referring to services provided in a school or other setting, for purposes of interpreting the provisions in this Article.

(c) “Immediate supervision” means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.

~~(e)~~(d) “Direct supervision” means on-site observation and guidance or synchronous audiovisual observation and guidance by the supervising speech-language pathologist while a clinical activity is performed by the speech-language pathology assistant. Direct supervision performed by the supervising speech-language pathologist may include, but is not limited to, the following: observation of a portion of the screening or treatment procedures performed by the speech-language pathology assistant, coaching the speech-language pathology assistant, and modeling for the assistant.

(d) ~~“Immediate supervision” means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.~~

(e) “Indirect supervision” means the supervising speech-language pathologist is not at the same facility or in close proximity to the speech-language pathology assistant, but is available to provide supervision by asynchronous electronic means. Indirect supervision activities performed by the supervising speech-language pathologist may include, but are not limited to, demonstration, record review, review and evaluation of audio or ~~videotaped~~ video-taped sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail.

(f) “Medically fragile” is the term used to describe a client that is acutely ill and in an unstable condition and if treated by a speech-language pathology assistant, immediate supervision by a speech-language pathologist is required.

(g) “Screening” is a pass-fail procedure to identify, without interpretation, clients who may require further assessment following specified screening protocols developed by the supervising speech-language pathologist.

(h) “Supervision” for the purposes of this article, means the provision of direction and evaluation of the tasks assigned to a speech-language pathology assistant. Methods for providing supervision include ~~direct supervision~~, immediate supervision, direct supervision, and indirect supervision.

(i) “Support personnel” means individuals who, following academic and/or on-the-job training, perform tasks as prescribed, directed and supervised by a speech-language pathologist. There are different levels of support personnel based on training and scope of responsibilities.

(j) “Full-time equivalent” means at least thirty (30) hours per week.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Section 2538.1(b), Business and Professions Code.

Amend section 1399.170.2 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.2. Types of Supervision Required for Duties Performed by a Speech-Language Pathology Assistant.

(a) Duties performed by the speech-language pathology assistant that require immediate supervision may include, but are not limited to, any direct client activity involving medically fragile patients. In such instances, the speech-language pathology assistant shall act only under the direction of the supervisor.

(b) Duties performed by the speech-language pathology assistant that require direct supervision may include, but are not limited to, any new screening or treatment activity that the assistant has been trained to perform by the supervisor, but has not yet been performed by the speech-language pathology assistant in direct client care.

(c) Duties performed by the speech-language pathology assistant that require indirect supervision may include, but are not limited to, the following:

(1) Screening or treatment activities where the supervisor has previously given instructions as to how to perform the task, has observed the assistant in the conduct of these activities, and is satisfied that the activities can be competently performed by the speech-language pathology assistant, i.e., repetitive drill exercises, generalization or carryover activities;

(2) Clerical tasks such as record keeping, materials preparation, scheduling, equipment maintenance; and,

(3) Other non-client care activities.

(d) Notwithstanding subdivisions (a), (b), and (c), the supervisor shall provide supervision to speech-language pathology assistant following their initial licensure in accordance with 1399.170.15(b)(4). ~~immediate direct supervision that consists of on-site observation and guidance of all duties performed by a speech language pathology assistant at least twenty (20) percent per week of the speech language pathology assistant's work schedule during the first ninety (90) days of work following initial licensure.~~ The supervisor shall maintain a record in the speech-language pathology assistant's personnel file that verifies that the speech-language pathology assistant meets the requirements in this subdivision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1(b)(7), Business and Professions Code.

Amend section 1399.170.15 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.15. Requirements for the Supervision of the Speech-Language Pathology Assistant.

(a) The supervising speech-language pathologist (hereinafter called "supervisor") is responsible for designing and implementing a supervisory plan that protects client care and maintains the highest possible standards of quality. ~~The amount and type of supervision required should be consistent with the skills and experience of the speech-language pathology assistant, the needs of the clients, the service setting, the tasks assigned, and the laws and regulations that govern speech-language pathology assistants.~~ Treatment of the client remains the responsibility of the supervisor.

(b) Any person ~~supervising~~ registering a speech-language pathology assistant registered with the Board on or after April 10, 2001, (hereinafter called "supervisor") shall submit, within thirty (30) days of the commencement of such supervision, the "Responsibility Statement for Supervision of a Speech-Language Pathology Assistant" (77S-60, New 12/99), which requires that: meet all of the following requirements:

(1) ~~The supervisor shall p~~Possess and maintain a current, active, and unrestricted valid California license as a speech-language pathologist as required in Section 2532 of the Code and Section 1399.160.3 of California Code of Regulations or may hold a valid and current, active, and unrestricted professional clear, clear, or life clinical or rehabilitative services credential in language, speech and hearing, or speech-language pathology services credential issued by the California Commission on Teacher Credentialing, and have at least two years of full-time experience providing services as a licensed or credentialed speech-language pathologist. "Full-time experience" as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year or the individual works XX.

(2) ~~The supervisor shall i~~Immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.

(3) ~~The supervisor shall e~~Ensure that the extent, kind, and quality of the clinical work performed is consistent with the training and experience of the person being supervised, and be accountable for the assigned tasks performed by the speech-language pathology assistant. The supervisor shall review client/patient records, monitor and evaluate assessment and treatment decisions of the speech-language pathology assistant, and monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she they will be practicing assigned service setting(s) and the particular clientele being treated, and to ensure compliance with all laws and regulations governing the practice of speech-language pathology.

(4) Provide immediate direct supervision that consists of on-site observation and guidance at least twenty (20) percent per week of the speech-language pathology assistant's work schedule for the first ninety (90) days following initial licensure. The supervisor shall maintain a record in the speech-language pathology assistant's personnel file that verifies that the speech-language pathology assistant meets the requirements in this subdivision.

(45) ~~The supervisor shall e~~Complete not less than six (6) hours of continuing professional development in supervision training in the initial two-year period from prior to assuming responsibility as a supervisorthe commencement of supervision, and three (3) hours in supervision training of continuing professional development every twofour (4) years thereafter. Continuing professional

development training obtained by a Board-approved provider that meets the course content listed below, may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations. The content of such training shall include, but is not limited to:

(A) Familiarity with supervision literature through reading assignments specified by course instructors; and

(B) Improving knowledge and understanding of the relationship between the speech-language pathologist and the assistant, and the relationship between the speech-language pathologist and the client;

(C) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(D) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(E) The practice of clinical speech-language pathology including the mandated reporting laws and knowledge of ethical and legal issues.

~~(56) The supervisor shall m~~Maintain records of course completion in supervision training for a period of two years from the speech-language pathology assistant's renewal date.

~~(67) The supervisor knows and understands~~Review with the speech-language pathology assistant the laws and regulations pertaining to supervision and practice of speech-language pathology assistants.

~~(78) As the professional development advisor, the supervisor shall assist in the d~~Development of a plan for the speech-language pathology assistant to complete twelve (12) hours of continuing professional development every two years through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these concerning communication disorders.

~~(89) The supervisor shall communicate to the speech-language pathology assistant the manner in which emergencies will be handled.~~Provide the speech-language pathology assistant with a plan for how to handle emergencies.

(10) Assume responsibility for all services provided to clients by the speech-language pathology assistant that is being supervised.

(9c) ~~Upon written request of the Board, the supervisor shall provide to the Board within thirty (30) business days from the start date of supervision any documentation~~ the “Responsibility Statement for Supervisors of a Speech-Language Pathology Assistant” (DCA-SLPAHADB-SPA-110 77S-60, Rev. 425/223), which is hereby incorporated by reference as if set forth in full herein. This form verifies the supervisor's compliance with the requirements set forth in this article. The supervisor shall provide a copy of the completed form to the assistant within forty-five (45) business days from the commencement date of supervision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2530.2(f), 2538.1(b)(5), (6), (7) and (9), Business and Professions Code.

Amend section 1399.170.16 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.16. Maximum Number of Support Personnel.

A supervisor shall not supervise more than three (3) full-time equivalent support personnel, and shall not exceed more than (6) support personnel at any time. more than two of which hold the title of speech-language pathology assistant. Support personnel includes speech-language pathology assistants and speech-language pathology aides.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1(b)(8), Business and Professions Code.

Amend section 1399.170.17 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.17. Multiple Supervision.

If a speech-language pathology assistant has more than one supervisor, each supervisor shall submit a ~~Supervisor-Responsibility Statement for Supervisors of a Speech-Language Pathology Assistant~~ (DCA-SLPAHADB-SPA-110 77S-60, Rev. 425/223). Of the multiple supervisors, one shall be designated as the lead supervisor for purposes of assisting the speech-language pathology assistant in ~~his or her~~ their compliance with the continuing professional development requirement.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2530.2(f) and 2538.1(b)(5)-(9), Business and Professions Code.

Amend section 1399.170.18 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.18. Notice of Termination.

At the time of termination of supervision, the supervisor shall notify the Board in writing complete the "Termination of Supervision" form (77S-61 New 12/99) . This original signed form notification shall be submitted to the Board by the supervisor within fourteen (14) days of termination of supervision. The supervisor shall provide a copy of the form completed notification to the speech-language pathology assistant within forty-five (45) business days of termination of supervision.

(a) Written notification for the purposes of this section shall include the full legal name and license number of the speech-language pathology assistant; the effective date of the termination; and the supervisor's full legal name, license or credential number, business address, telephone number, and signature.

(b) The notification shall contain a certification under penalty of perjury that all statements made in the Termination of Supervision document are true in every respect and that misstatements or omissions of material facts may be cause for denial of the application to terminate supervision, or for suspension or revocation of a license.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference: Sections 2530.2(f) and 2538.1(b)(5)-(9), Business and Professions Code.



RESPONSIBILITY STATEMENT FOR SUPERVISORS OF A SPEECH-LANGUAGE PATHOLOGY ASSISTANT

INSTRUCTIONS TO SUPERVISORS: Complete the following sections, read the statements, and sign on page 2 and 3. This form must be submitted to the Board within 30 business days from the start date of supervision. **Do not use white out or fax this form.**

This completed form must be submitted to the Board as required by Title 16, California Code of Regulations (CCR) section 1399.170.15. The information requested on this form is mandatory and must be submitted to remain in compliance with section 1399.170.15. The information provided will be used to determine compliance with section 1399.170.15. *Division 13.4 of Title 16, California Code of Regulations Section 1399.170.15 requires that any qualified speech-language pathologist who assumes responsibility for providing supervision to a registered speech-language pathology assistant to complete and sign under penalty of perjury, the following statement.*

PART A: SPEECH-LANGUAGE PATHOLOGY ASSISTANT INFORMATION

| | | | |
|---|------|-------|--------|
| 1. FULL LEGAL NAME: | LAST | FIRST | MIDDLE |
| | | | |
| 2. SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSE NUMBER | | | |
| | | | |
| 3. STREET ADDRESS: | | | |
| | | | |
| CITY, STATE, ZIP CODE: | | | |
| | | | |
| 4. EMAIL ADDRESS: | | | |
| | | | |

PART B: SUPERVISOR INFORMATION

| | | | |
|---|------|-------|--------|
| 1. FULL LEGAL NAME OF SUPERVISOR: | LAST | FIRST | MIDDLE |
| | | | |
| 2. SPEECH-LANGUAGE PATHOLOGY LICENSE NUMBER OR CLEAR CREDENTIAL DOCUMENT NUMBER | | | |
| | | | |
| 3. STREET ADDRESS: | | | |
| | | | |
| CITY, STATE, ZIP CODE: | | | |
| | | | |
| 4. EMAIL ADDRESS: | | | |
| | | | |

Refer to Title 16, California Code of Regulations (16 CCR), Section 1399.170.15 for a supervisor's responsibilities.

PART C: SUPERVISION

| |
|---------------------------------------|
| 5. DATE SUPERVISION BEGAN: (MM/DD/YY) |
| |

6. ARE YOU SUPERVISING AN ASSISTANT WHO HAS MORE THAN ONE SUPERVISOR? YES NO

If yes, please indicate whether you will be the supervisor designated as the lead supervisor for the purposes of assisting the speech-language pathology assistant in their compliance with the requirements pursuant to 16 CCR section 1399.170.17.

YES NO

7. ASSISTANT'S NUMBER OF EMPLOYMENT HOURS PER WEEK: ~~30-40 FULL-TIME (FULL-TIME over 30)~~ 45-20 PART-TIME (PART-TIME under 30)

16 CCR section 1399.170.15 requires any qualified speech-language pathologist who assumes responsibility for providing supervision to a registered speech-language pathology assistant to complete and sign the following statement.

✦ Duties and Responsibilities of Speech-Language Pathology Assistant ✦

I have reviewed with my supervisor the laws and regulations pertaining to the practice of speech-language pathology assistant.

ASSISTANT SIGNATURE _____

PRINTED NAME OF ASSISTANT _____

DATE _____

✦ Duties and Responsibilities of Supervisor ✦

- 1) I possess the following qualifications to supervise an assistant: a current, active, and unrestricted Speech-Language Pathology license issued by the Board, or (if employed by a public school) a valid, active, and unrestricted credential authorizing services in language, speech, and hearing issued by the Commission on Teacher Credentialing, and have at least two years of full-time experience providing services as a licensed or credentialed speech-language pathologist. "Full-time experience" means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year or the individual works XX.
- 2) I will immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure that affects my ability or right to supervise.
- 3) I will ensure that the extent, kind, and quality of the clinical work performed is consistent with the training and experience of the assistant and I shall be accountable for the assigned tasks performed by the assistant. I will review client/patient records, monitor and evaluate the ability of the assistant to provide services at the site(s) where they will be practicing assigned service setting(s) and to the particular clientele being treated and ensure compliance with all laws and regulations governing the practice of speech-language pathology.
- 4) I will provide immediate direct supervision that consists of on-site observation and guidance at least twenty (20) percent per week of the assistant's work schedule for the first ninety (90) days following initial licensure. The lead supervisor is responsible for ensuring the assistant meets the requirement in 16 CCR section 1399.170.2(d).
- 5) I will complete no less than six (6) hours of continuing professional development in supervision training prior to assuming responsibility as a supervisor ~~the commencement of supervision~~, and three (3) hours in supervision training every four (4) years thereafter.
- 6) I will maintain records of course completion in supervision training for a period of two (2) years from the assistant's registration renewal date.
- 7) I have reviewed with the assistant the laws and regulations pertaining to supervision and practice of assistants.
- 8) I will develop a plan for the assistant to complete twelve (12) hours of continuing professional development every two (2) years, through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these, concerning communication disorders.
- 9) I will provide the assistant with a plan for how to handle emergencies.
- 10) I assume responsibility for all services provided to clients by the assistant that is being supervised.
- 11) I will provide the Board with this original signed form within thirty (30) business days from the commencement date of supervision, which verifies my compliance with the requirements set forth in Article 12 of Division 13.4 of Title 16, California Code of Regulations. I will provide a copy of this completed form to the assistant within forty-five (45) business days from the commencement date of supervision.

- 10) I will provide this board with this original signed form within thirty (30) calendar days of commencement of any supervision. I will provide a copy of this form to the speech language pathology assistant.
- 11) At the time of termination of supervision, I will complete the "Termination of Supervision" form 77ST(new 12/99). I will submit the original signed form to the board within fourteen (14) calendar days of termination of supervision.
- 12) Upon written request of the board, I will provide to the board any documentation which verifies my compliance with the requirements set forth in this statement.
- 13) I will not supervise more than three (3) support personnel, not more than two of which hold the title of speech language pathology assistant.

Multiple Supervision Statement

Are you supervising an assistant who has more than one supervisor? Yes No

If yes, please indicate whether you will be the supervisor designated as the lead supervisor for the purposes of assisting the speech language pathology assistant in his or her compliance with the continuing professional development requirement pursuant to section 1399.170.17 of the California Code of Regulations.

Yes No

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and the information submitted on this form is true and correct.

 Printed Name of Qualified Supervisor Signature of Qualified Supervisor Date

 Date Supervision Commenced

 Mailing Address: Number and Street City State Zip Code

 Qualified Supervisor's Daytime Telephone Number: () _____

 Printed Name of Speech Language Pathology Assistant Signature of Speech Language Pathology Assistant Date

SOCIAL SECURITY DISCLOSURE NOTICE

Disclosure of your Social Security Number (SSN) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405 (c) (2) C)) authorize collection of your SSN. Your SSN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

77S-60(NEW 12/99)

NOTICE OF COLLECTION OF PERSONAL INFORMATION

The information collected on this form may be provided to other governmental agencies, or in response to a court order, subpoena, search warrant, or Public Records Act request. You have a right of access to records containing personal information unless the records are exempted from disclosure pursuant to the Information Practices Act (Civil Code section 1798 et seq.). Individuals may obtain information regarding the location of their records by contacting the Board's Executive Officer at the Board's address listed above.



MEMORANDUM

| | |
|---------|---|
| DATE | April 14, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Maria Liranzo, Legislation/Regulation/Budget Analyst |
| SUBJECT | Agenda Item 10(f): Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127 |

Background

The proposed revised regulatory text will revise the Hearing Aid Dispensing (HAD) advertising requirements.

Due to inquiries received expressing concern regarding the lack of clarity with HAD advertising regulations, the Board approved proposed regulatory changes at its June 2013 meeting and further amended the proposed regulatory text at its May 2016 meeting.

At its February 2017 meeting, the Board delegated two Board members to make further revisions to the proposed regulatory language. The Board adopted revisions at its August 2017 meeting; however, due to limited staff resources and the COVID-19 pandemic, the regulatory package was delayed and no further Board discussions have occurred, or actions have been taken, since 2017.

At its August 2022 meeting, the HAD Committee reviewed the previously adopted proposed regulatory language, and proposed revisions at its October 2022 meeting.

Summary of Changes

The proposed changes since the August 2017 Board-approved amendments include:

- Various amendments to subsections (a) and (c) to increase clarity and readability.
- Various amendments to subsection (d) to increase clarity and readability.
 - Amended paragraph (4) to clarify the first provision is related to hearing aid dispensers per the Committee discussion on October 27, 2022. Separated paragraph (4) for content continuity and the second provision was added as subsection (e).
 - Added paragraph (7), formerly subsection (e).

- Amended subsection (f) and (g) to increase clarity and readability.
 - In subsection (f) amended paragraph (1) to replace the word “actual” with “standard” per the Committee discussion on October 27, 2022.
- Amended subsection (h) to increase clarity and readability.

Discussion Questions

1. Should licensees be required to advertise their retail business address(es)?
 - a. If yes, Staff recommends aligning it with the written receipt requirements found in Business and Profession Code sections 2538.35 and 2539.4.
 - b. If no, Staff recommends removing it.

2. Should subsection (e) include prior and during a research or study?
 - a. If yes, Staff recommends replacing “following” with “in connection with” or “in relation to”.

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.

If accepting staff recommended changes as shown in the Board meeting materials, the suggested motion is provided below:

Suggested Motion Language

Move to approve the proposed regulatory text for Section 1399.127, 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 authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at Section 1399.127 as noticed.

- Attachment A: HAD Advertising Proposed Language
- Attachment B: 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
 Hearing Aid Dispensing 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 Code and this Section 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 in violation of Section 651 of the Code when if it violates any provision of Article 8, Chapter 5.3 of Division 2 of the Code, beginning with Section 2538.10.:

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

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

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

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

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

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

| | |
|---------------------|--|
| Correct: | 50% off Manufacturer's Suggested Retail Price |
|---------------------|--|

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

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

| | |
|------------|--------------------------|
| Correct: | Delta Hearing Aid Center |
| Incorrect: | Delta Hearing Center |

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

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

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

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

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

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

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

| | |
|---|--|
| Correct: | John Doe, Hearing Aid Dispenser Lic. No. HA-xxxx |
| 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 and/or other authorized services by a person licensed to dispense hearing aids shall include the following information:

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold. The name and established retail business address(es) 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 2539.4(b) 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 advertisement prohibited under Section 651 of the Code, an advertisement for fitting and selling hearing aids and/or other authorized services 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 "doctor" or any variation of this term without specifying the exact field in which the doctoral degree was earned.

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

(4) An offer to perform a hearing test by a hearing aid dispenser that does not clearly state that the test is being performed in order to fit and sell a hearing aid.

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

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

(7) The use of rebate coupons or rebate checks without informing the consumer of all the various material facts relating to the standard price of the device and discounts or sales that are currently available on that device.

(e) An offer for authorized services as part of a research and/or field study does not violate this section if no selling of hearing aids occurs following the research or study.

(f) Any advertisement shall fully disclose any and all additional charges. An advertisement for price that uses a price comparison shall be based on verifiable data and contains the following:

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

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

(3) Any other terms, conditions, or restrictions imposed for qualifying for the discount.

(g) The licensee shall retain the data required in subsection (f) for one year after the advertisement is published or disseminated.

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

(1) The advertising described in subsection (h) is exempt from the requirements of subsection (c) of this section.

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

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 651, 651.3 and ~~2533~~2538.10, Business and Professions Code.

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 <u>underline</u> . 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 | April 14, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Maria Liranzo, Legislation/Regulation/Budget Analyst |
| SUBJECT | Agenda Item 10(g): 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 regulatory changes will clarify definitions to reflect advancements made to online continuing professional development (CPD) courses by increasing the number of self-study hours allowed, clearly set out CPD requirements for each license type, and make CPD requirements consistent across all license types and with the Board's CPD audit process.

Potential issues with the regulatory language were identified in the preparation of the regulatory documents. The changes described below summarize the changes made to correct those issues.

Summary of Changes

The most recent proposed changes include:

- Amended section 1399.160 to specify a passing grade and make clarifying changes.
- Amended section 1399.160.1 to make corrections for first-time license renewals, cross reference section 1399.160.3 regarding CPD requirements, cross reference section 1399.160.7 regarding Board approval of providers, and remove incorrect information.
- Amended section 1399.160.2 to make clarifying changes and remove gendered language.
- Amended section 1399.160.3 to make changes to set out the increased allowance of self-study CPD hours for each license type as clearly as possible, remove duplicative information and make revisions that reflect the Board's CPD audit process.
- Amended section 1399.160.4 to make grammatical corrections reflecting new regulatory language standards now being enforced by the Office of Administrative Law.

Discussion Questions

1. Should there be a CPD requirement for expired licenses? Currently hearing aid dispensers are required to make-up the CE they would have been required to complete if they are

reactivating their expired license after two years, see 1399.140(f). If yes, suggested language should be added into either section 1399.160.1 or 1399.160.3.

Any person whose license has been expired for two renewal cycles or more shall complete the required hours of continuing professional development for the [most recent renewal cycle/prior two renewal cycles] before such license may be restored.

2. In the past, the Board awarded two (2) hours for participating in the Occupational Analysis (OA) for their related profession. Should this be codified in regulations? If yes, suggested language should be added into either section 1399.160.1 or 1399.160.3.

A licensee who claims continuing professional development for participating in a Board sponsored Occupational Analysis shall be credited no more than for two (2) hours.

Action Requested

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

If accepting staff recommended changes as shown in the Board meeting materials, the suggested motion is provided below:

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR 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, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.160 through 1399.160.4 as noticed.

Attachment A: CPD Requirements Proposed Text

Attachment B: SLP-AU CPD Requirements Proposed Text as Adopted August 12, 2022

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

PROPOSED REGULATORY LANGUAGE
Continuing Professional Development Requirements

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

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 obtaining a grade of 70% or more on an assessment or examination of the course content at the conclusion of the course instruction.

(~~eb~~) A continuing professional development “provider” means an accredited institution of higher learning, a nonprofit education association, a nonprofit professional association, an individual, or other organization that offers continuing professional development courses and meets the requirements contained in this article.

(~~dc~~) A “renewal period” means the ~~two-year~~ period that spans from a license’s expiration date to the 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) “Continuing pProfessional 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: Section 2532.6(b), (c)(1), (e) and (f), Business and Professions Code.

Adopt section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a speech-language pathology or an audiology licensee whose license expires in the year 2001, shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period from the date of issuance the licensee has completed twelve (12) hours of continuing professional development courses as defined in Section 1399.160.3(a) from a provider approved under Section 1399.160.7.

(b) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a licensee who holds both a speech-language pathology license and an audiology license that expire in the year 2001, shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period from the date of issuance the licensee has completed eight (8) hours of continuing professional development courses for each license for a total of sixteen (16) hours of continuing professional development as defined in Section 1399.160.3(b) from a provider approved under Section 1399.160.7.

(c) Except as provided in Section 1399.160.2 and subsection (a), a speech-language pathology or an audiology licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twenty-four (24) hours of continuing professional development courses as defined in Section 1399.160.3(c) from a provider approved under Section 1399.160.7.

(d) Except as provided in Section 1399.160.2 and subsection (b), a licensee who holds both a speech-language pathology license and an audiology license, shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed sixteen (16) hours of continuing professional development courses for each license for a total of

thirty-two (32) hours of continuing professional development as defined in Section 1399.160.3(d) from a provider approved under Section 1399.160.7.

(e) Except as provided in Section 1399.160.2, a licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twelve (12) hours of continuing professional development as defined in Section 1399.160.3(e) from a provider approved under Section 1399.160.7.

(f) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and an audiology license authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed sixteen (16) hours of continuing professional development as defined in Section 1399.160.3(f)(1) from a provider approved under Section 1399.160.7 biennially and eight (8) hours of continuing professional development as defined in Section 1399.160.3(f)(2) from a provider approved under Section 1399.160.7 annually.

~~(eg)~~ A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify the completion of the continuing professional development requirement by producing a record of course completion, upon request by the Board, is subject ~~to~~ the 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).~~

(ba) A licensee is exempt from the continuing professional development requirement if ~~his or her~~ their license is inactive pursuant to Sections 703 and 704 of the Code.

(eb) To obtain an exemption, a A-licensee may shall submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing professional development required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) ~~For at least one year~~ any amount of time during the licensee's previous license renewal period the licensee was ~~absent from California due to military service~~ called to active duty as defined in Section 114.3 of the Code;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing professional development requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 114.3 and 2532.6(d), Business and Professions Code.

Adopt section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee who renews under Section 1399.160.1(a), whose license expires in the year 2001, shall accrue at least twelve (12) hours of continuing professional development hours in courses as defined in Section 1399.160.4. A licensee under this subsection who claims may accrue no more than four (4) hours of continuing professional development hours for courses through self-study courses shall be allowed to claim no more than six (6) hours of continuing professional development earned through self-study during this renewal period. A licensee under this subsection who claims continuing professional development credit from courses as defined in Section 1399.160.4(c)(4) or Section 1399.160.4(c)(3) shall be allowed to claim no more than two (2) hours of continuing professional development from such courses.

(b) A licensee who renews under Section 1399.160.1(b) holds both a speech-language pathology license and an audiology license that expire in the year 2001, shall accrue at least eight (8) hours of continuing professional development hours from courses as defined in Section 1399.160.4 for each license. A licensee under this subsection who claims may accrue no more than two (2) hours of continuing professional development hours for courses through self-study courses shall be allowed to claim no more than four (4) hours of continuing professional development earned through self-study for each license. A licensee under this subsection who claims continuing professional development hours from courses as defined in Section 1399.160.4(c)(4) or Section 1399.160.4(c)(3) shall be allowed to claim no more than one and one half (1.5) hours of continuing professional development from such courses for each license.

(c) A licensee who renews under Section 1399.160.1(c) shall accrue at least twenty-four (24) hours during a single renewal period of continuing professional development hours from courses as defined in Section 1399.160.4. A licensee under this subsection who claims may accrue no more than eight (8) hours of continuing professional development hours for courses earned through the following activities during a single renewal period:

(1) No more than six (6) hours of self-study shall be allowed to claim no more than twelve (12) hours of continuing professional development earned through self-study activities, (2) No more than four (4) hours A licensee under this subsection who claims continuing professional development hours from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) shall be allowed to claim no more than four (4) hours of continuing professional development from such courses.

(3) A licensee who renews an audiology license and claims continuing professional development hours from courses related to hearing aid dispensing shall be allowed to claim no more than 50% of the continuing professional development hours required from such courses of a licensed non-dispensing audiologist, may be in hearing aid courses, but and the continuing professional development hours shall not be obtained

from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether the course focuses on a particular manufacturer's or company's equipment, devices, or product equipment, devices, or other products of a particular publisher, company or corporation.

~~(d) A licensee who renews under Section 1366.160.1(d) holds both a speech-language pathology license and an audiology license, shall accrue at least sixteen (16) hours of continuing professional development hours from courses as defined in Section 1399.160.4 for each license. A licensee under this subsection who claims may accrue no more than five (5) hours of continuing professional development hours for courses earned through the following activities for each license:~~

~~(1) No more than two and one half (2.5) hours of self-study shall be allowed to claim no more than eight (8) hours of continuing professional development for self-study courses for each license activities,~~

~~(2) No more than two and one half (2.5) hours A licensee under this subsection who claims continuing professional development credit from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) shall be allowed to claim no more than two and one half (2.5) hours of continuing professional development from such courses for each license.~~

~~(1) A licensee who renews an audiology license and claims continuing professional development hours from courses related to hearing aid dispensing shall be allowed to claim credit for those hours in accordance with Section 1399.160.3(c)(1).~~

~~(e) A licensee who renews under Section 1366.160.1(e) licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall accrue at least twelve (12) hours of continuing professional development hours from courses as defined in Section 1399.160.4 annually. A licensee under this subsection who claims licensed audiologist authorized to dispense hearing aids may accrue no more than (3) hours of continuing professional development hours for courses earned through the following activities during a single renewal period:~~

~~(1) No more than one and a half (1.5) hours of self-study shall be allowed to claim no more than six (6) hours of continuing professional development for self-study courses activities,~~

~~(2) No more than one and a half (1.5) hours A licensee under this subsection who claims continuing professional development hours from courses related to the discipline of audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3), shall be allowed to claim no more than two (2) hours of continuing professional development from such courses.~~

~~(31) A licensee shall complete Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing but and these hours shall not be obtained from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether the course focuses on a particular manufacturer's or company's equipment, devices, or products. the equipment, devices, or other products of a particular manufacturer or company. The remaining 50% of the continuing professional development hours required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) and shall not be obtained from hearing aid dispensing courses as provided for in this section.~~

~~(f) A licensee who renews under Section 1366.160.1(f) holds both a speech-language pathology license and a dispensing audiology license shall accrue:~~

~~(1) At least sixteen (16) hours of eContinuing professional development hours courses in from speech-language pathology courses as defined in Section 1399.160.4. A licensee under this paragraph who claims biennially, of which no more than four (4) hours of the continuing professional development hours earned for courses may be accrued through the following activities during a single renewal period:~~

~~(A) No more than two and one half (2.5) hours of self-study shall be allowed to claim no more than eight (8) hours of continuing professional development for self-study courses. activities,~~

~~(B) No more than two and one half (2.5) hours A licensee under this paragraph who claims continuing professional development hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) shall be allowed to claim no more than two and one half (2.5) hours of continuing professional development from such courses.~~

~~(2) At least eight (8) hours of eContinuing professional development hours from courses in dispensing audiology courses as defined in Section 1399.160.4 and 1399.160.3(e)(31). annually, of which no more than two (2) hours of A licensee under this paragraph who claims continuing professional development credit for courses earned may be accrued through the following activities during a single renewal period:~~

~~(A) No more than one (1) hour of self-study shall be allowed to claim no more than four (4) hours of continuing professional development for self-study courses. activities,~~

~~(B) No more than one (1) hour A licensee under this paragraph who claims continuing professional development hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care~~

courses as defined in Section 1399.160.4(c)(3) shall be allowed to claim no more than one and one half (1.5) hours of continuing professional development from such courses.

(g) If a licensee teaches a course offered by a provider registered with the Board or an entity listed in Section 2532.6 of the Code, ~~the licensee may claim credit and claims continuing professional development credit for the same course, the licensee shall be credited only once per renewal,~~ receiving the same amount of hours of continuing professional development credit as a licensee who attended the course.

(h) A licensee ~~may shall~~ not claim credit for the same course more than once ~~for hours of continuing professional development per renewal.~~

(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board ~~may shall~~ not apply the course as credit towards the continuing professional development requirement.

(j) A licensee who supervises a Required Professional Experience temporary license holder must complete the required supervision training in Section 1399.153.3.

(k) A licensee who supervises a Speech-Language Pathology Assistant must complete the required supervision training in Section 1399.170.15.

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~~ shall 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, 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 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 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.



MEMORANDUM

| | |
|---------|--|
| DATE | April 14, 2023 |
| TO | Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Maria Liranzo, Legislation/Regulation/Budget Analyst |
| SUBJECT | Agenda Item 10(j): Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144 |

Background

The proposed changes will increase the number of hours that may be obtained in related or indirect client care courses; permit other opportunities to fulfil continuing education (CE) requirements; and align these regulations with continual professional learning requirements this Board has for licensees in the practices of speech-language pathology and audiology under Article 11 of Division 13.4.

Potential issues with the regulatory language were identified in the preparation of the regulatory documents. The changes described in the summary of changes will correct those issues.

Summary of Changes

The most recent proposed changes include:

- Amended section 1399.140 to remove duplicative information, clarify requirements, and make revisions to reflect the Board's CE audit process.
- Amended section 1399.140.1 to make clarifying changes.
- Amended section 1399.144 to remove duplicative information and make clarifying changes.

Discussion Question

1. Does the required CE for an expired license need to be changed in section 1399.140(f)? Should the requirement be based on renewal cycles instead of years? Should the licensee have to make-up the CE for all expired renewal cycles or only the most recent to bring them up to current requirements for renewal of an active license?

Any person whose hearing aid dispenser's license has been expired for two renewal cycles years or more shall complete the required hours of approved continuing education for

the [most recent renewal cycle/prior two renewal cycles] years before such license may be restored.

2. In the past, the Board awarded two (2) hours for participating in the Occupational Analysis (OA) for their related profession. Should this be codified in regulations?

A licensee who claims continuing education credit for participating in a Board sponsored Occupational Analysis shall be credited no more than for two (2) hours.

Action Requested

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

If accepting staff recommended changes as shown in the Board meeting materials, the suggested motion is provided below:

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR sections 1399.140, 1399.140.1, and 1399.144 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, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.140, 1399.140.1, and 1399.144 as noticed.

Attachment A: CE Requirements Proposed Text

Attachment B: HAD CE Requirements Proposed Text as Adopted August 12, 2022

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 pursuant to Section 2538.26 of the Code is required to complete at least twelve (12) hours of continuing education from a provider approved under Section 1399.141 during each annual renewal period.

(1) ~~A licensee who claims No more than three (3) hours of continuing education credit may be credited in related or for indirect patient/client care courses and/or courses related to the discipline of hearing aid dispensing as provided defined in Section 1399.140.1 cannot claim more than four (4) continuing education hours per renewal period.~~

(2)(A) ~~A licensee who claims No more than six (6) hours of the required continuing education credit may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses cannot claim more than six (6) continuing education hours per renewal period.~~

(B) Self-study does not include live courses. A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course affords participants the opportunity to interact with an instructor and/or other course participants.

(3) ~~A licensee who claims continuing education credit for courses related to equipment, devices, or other products as defined in Section 1399.140.1 cannot claim more than six (6) continuing education hours per renewal period.~~

(b) Records showing completion of each continuing education course shall be maintained by the dispenser for two (2) years following the renewal period in which it was earned.

(c) Each dispenser renewing ~~his or her~~their license under the provisions of Section 2538.53 of the Code shall be required to submit proof satisfactory to the Board of compliance with the provisions of this article. Records shall be provided to the Board in response to a compliance audit.

(d) Verification of compliance shall be documented at the time of license renewal on a form provided by the Board.

~~(e) This article shall not apply to any dispenser who is renewing a license for the first time following the issuance of an initial permanent license.~~

~~(fe)~~ Any person whose hearing aid dispenser's license has been expired for ~~two years or more~~two (2) or three (3) years shall complete the required hours of ~~approved~~ continuing education for the prior two (2) 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 the required continuing education until their first renewal.

(g) If a licensee teaches a course approved under Section 1399.141 and claims continuing education for the same course, the licensee shall be credited once per renewal, receiving the same amount of hours as a licensee who attended the course.

(h) If a licensee serves the Board as a selected participant in Board-sponsored examination development or administration related functions and claims continuing education credit, the licensee shall receive up to two (2) hours of continuing education credit for each day of service for a maximum of four (4) hours per renewal period. The licensee shall maintain a record of hours served for submission to the Board for the purpose of subsection (c).

(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board shall not apply the course as credit towards the continuing education requirements.

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 or indirect patient/client care, or be related to the discipline of hearing aid dispensing, or indirect patient/client care. ~~Course content shall not focus on equipment, devices, or other products of a particular publisher, company, or corporation.~~

(1) Direct patient/client care courses cover current practices in the fitting of hearing aids. This may include content on the fitting, programming, and troubleshooting of equipment, devices, or other products of a particular manufacturer or company only as it relates to benefitting a client's hearing and functional use of the equipment, device, or product.

(2) Indirect patient/client care courses cover practical aspects of hearing aid dispensing (e.g., legal or ethical issues which shall include~~(including~~ the ethics of advertising and marketing), consultation, record-keeping, office management, and managed care issues).

(3) Courses that are related to the discipline of hearing aid dispensing may cover general health condition or educational course offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, service delivery models, interdisciplinary case management issues, or medical pathologies that also result in hearing difficulties.

(b) Examples of courses that are considered outside the scope of acceptable course content include:

~~(1) personal~~Personal finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer.; and

(2) Marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices or products.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Amend section 1399.144 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.144. Waiver of RequirementExemptions from Continuing Education.

~~(a) The Board may, in its discretion, exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to the Board for its consideration.~~A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 703 and 704 of the Code.

(b) To obtain an exemption, a licensee shall submit a written request for exemption from the continuing education requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption is granted. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For at least one year any amount of time during the licensee's previous license renewal period the licensee was absent from California due to military service called to active duty as defined in Section 114.3 of the Code;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing education requirement is granted, it shall be valid only for the current renewal period.

(d) Any dispenser who submits an application for a waiver a written request for exemption, which is denied by the Board, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority cited: ~~Section~~ Sections 2531.06 and 2538.18, Business and Professions Code. Reference: Sections 114.3 and 2538.18, 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 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.

(3) No more than six (6) hours of continuing education may be credited in 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.

(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.~~

~~(f) 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 or indirect patient/client care, or related to the discipline of hearing aid dispensing, or indirect patient/client care. Course content shall not focus on equipment, devices, or other products of a particular publisher, company, or corporation.

(1) Direct 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 a written request for exemption, which is denied by the Board, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2538.18, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.