



## NOTICE OF TELECONFERENCE PUBLIC HEARING

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

**Friday, March 1, 2024, at 11:00 a.m. – 11:30 a.m.**

***in accordance with Government Code section 11123 with the following teleconference public hearing locations:***

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

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

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

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

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

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) will hold a public hearing on the proposed regulatory action to amend Section 1399.127 of Article 5, Division 13.3, Title 16 of the California Code of Regulations, related to Hearing Aid Dispensing Advertising. Any interested person may present statements or arguments orally during the public hearing to be held on March 1, 2024, from 11:00 a.m. to 11:30 a.m. Additionally, any interested person may present statements or arguments relevant to the action proposed, in writing on March 1, 2024, 9 a.m. to 11 a.m. to [SpeechandHearingRegulations@dca.ca.gov](mailto:SpeechandHearingRegulations@dca.ca.gov).

### **IMPORTANT NOTICE TO THE PUBLIC:**

The Board will hold this public hearing via WebEx, to observe and participate from a remote location, please log on to WebEx. To participate in the WebEx Events hearing, please log on to the following website the day of the meeting:

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

If accessing by computer or online:

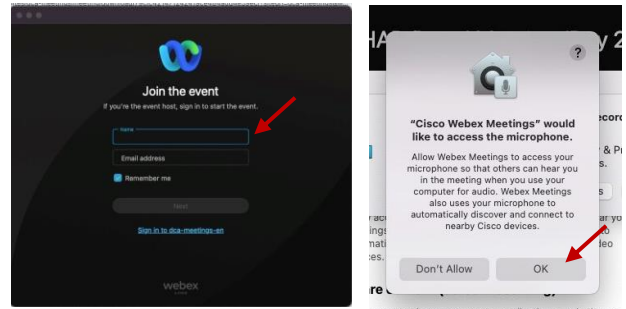
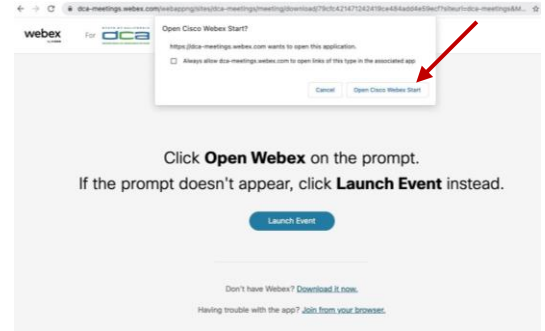
<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m758bd5bdc696ceab0b4138b369017aa0>

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

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

## If joining using the meeting link

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

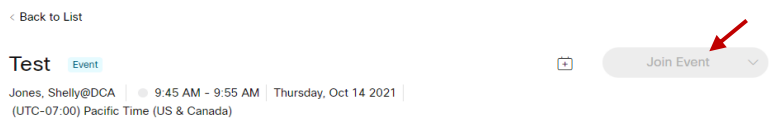
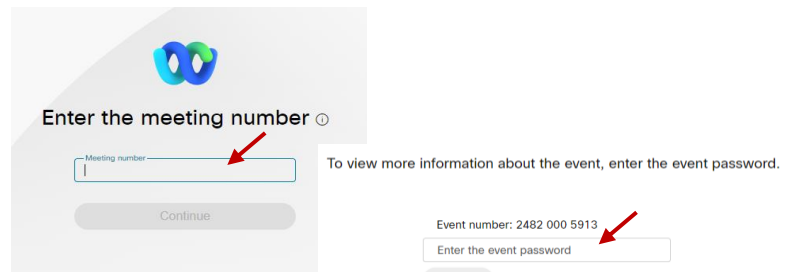
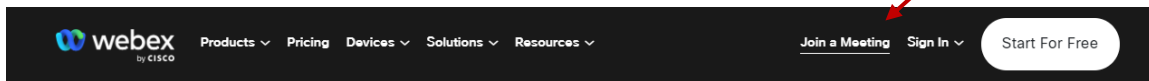


\* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

OR

## If joining from Webex.com

- 1 Click on "Join a Meeting" at the top of the Webex window.
- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.
- 3 The meeting information will be displayed. Click "Join Event".



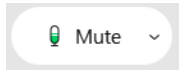
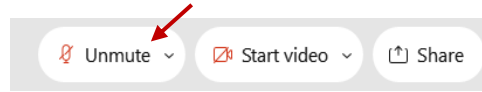
OR

## Connect via telephone\*:

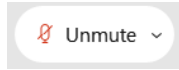
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

### Microphone

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

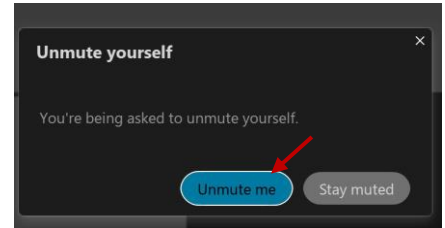


Green microphone = Unmuted: People in the meeting can hear you.



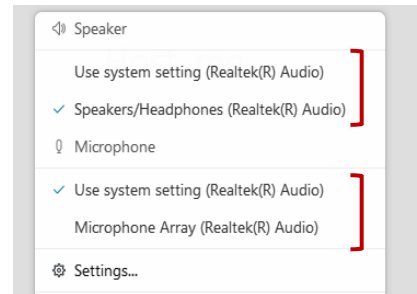
Red microphone = Muted: No one in the meeting can hear you.

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



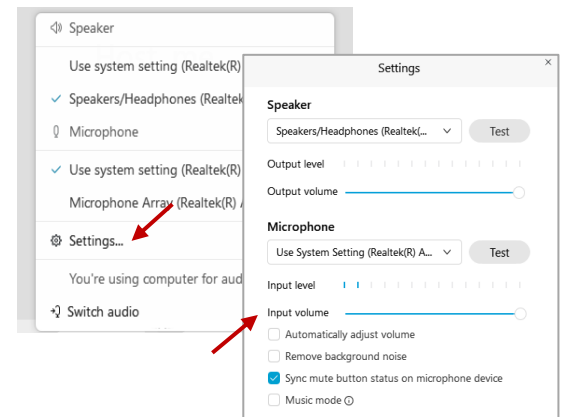
### If you cannot hear or be heard

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



### If your microphone volume is too low or too high

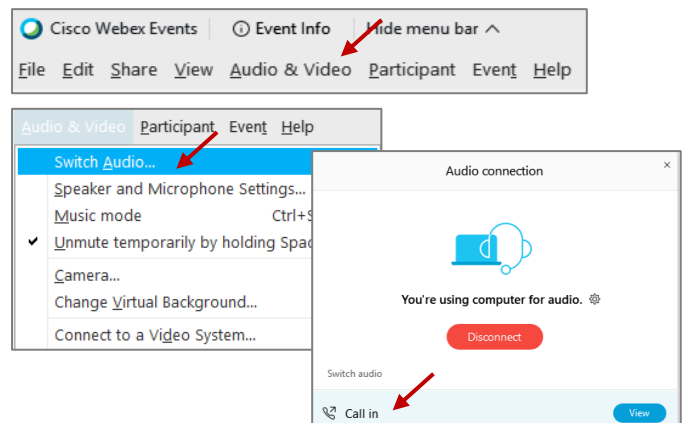
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
  - Click on "Settings...":
  - Drag the "Input Volume" located under microphone settings to adjust your volume.



### Audio Connectivity Issues

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

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



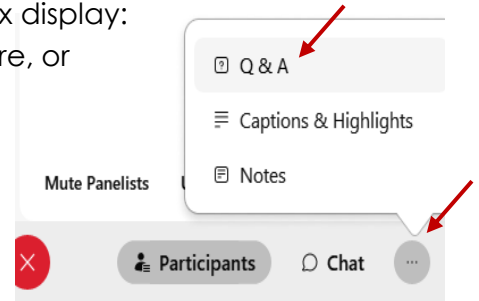
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

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

### Q&A Feature

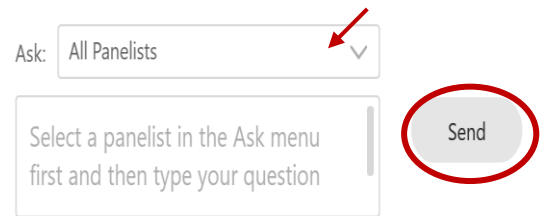
1 Access the Q&A panel at the bottom right of the Webex display:

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



2 In the text box:

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



OR

### Hand Raise Feature

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

If connected via telephone:

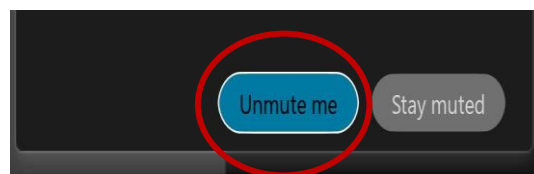
- Utilize the raise hand feature by pressing \*3 to raise your hand.
- Repeat this process to lower your hand.

### Unmuting Your Microphone



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

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

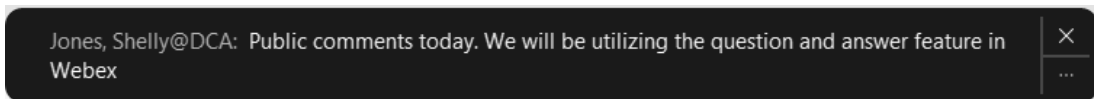


OR

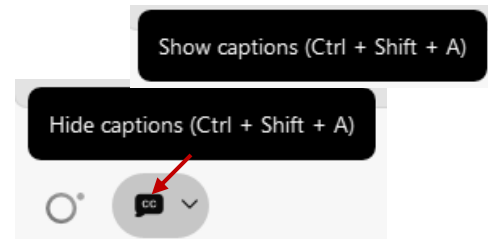
If connected via telephone:

- Press \*3 to unmute your microphone.

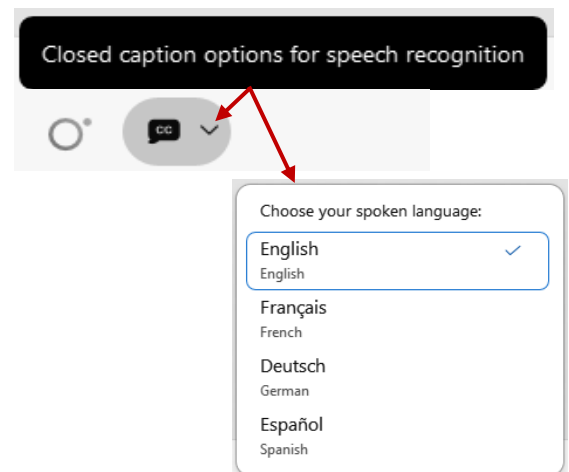
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



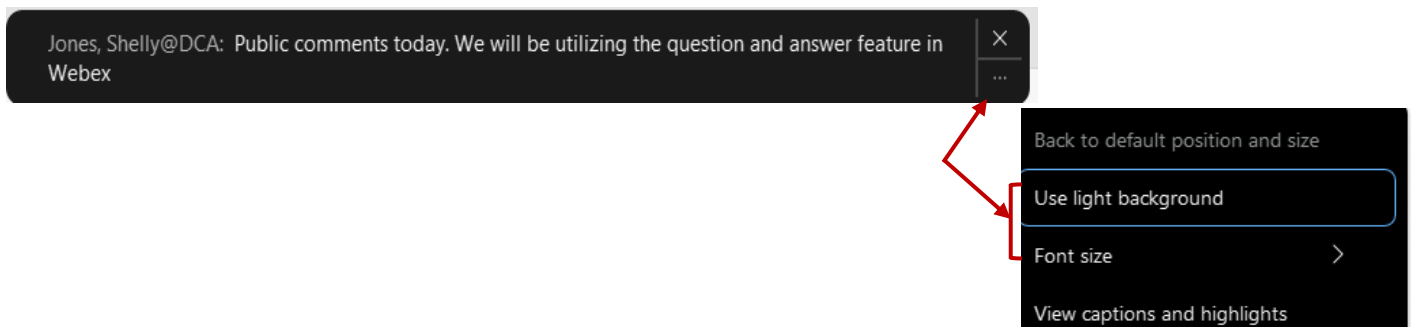
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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	February 16, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Public Hearing on Proposed Amendments to Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

### **Background**

This proposed regulatory change will clarify that anyone licensed to dispense hearing aids can advertise the fitting and selling of hearing aids in accordance with Business and Professions Code section 651 and CCR section 1399.127, information required in advertisements, prohibited advertisements, and national advertisements disseminated in California.

The 45-day public comment period began on November 17, 2023, and ended on January 3, 2024. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) received two (2) written comments during the initial 45-day public comment period.

On December 6, 2023, the Board received a comment requesting a public hearing. According to Government Code section 11346.8, if a public hearing is not scheduled, any interested person or their duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing. The Board must provide notice of the time, date, and place of the hearing to every person who has filed a request for notice. This notice was provided on February 20, 2024 for a Public Hearing Scheduled for March 1, 2024 at 11:00 a.m.

At this hearing, the public is permitted to provide both oral and written statements, arguments, or contentions. The Board is permitted to impose reasonable limitations on oral presentations. At that time, the Board will listen to public comment(s) and may ask clarifying questions to better understand the comment. The Board will not respond to any public comment. This will happen at the regular Board meeting scheduled for March 1, 2024 from 11:30 a.m. to 4:00 p.m.

To view the original Notice, Proposed Language, and Initial Statement of Reasons, please visit: [www.speechandhearing.ca.gov/board\\_activity/lawsregs/proposed\\_regulations.shtml](http://www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml)

### **Action Requested**

The Board will listen to public comment(s) and may ask clarifying questions to better understand the comment.

Attachment: Proposed Text

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 or services.

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

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

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

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

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

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

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

Correct:	<del>50% off Manufacturer's Suggested Retail Price</del>
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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:	<del>Jane Doe, Hearing Aid Dispenser Lic. No. HA-xxxx</del>
Jack Doe, Licensed Hearing Aid Dispenser	
John Doe, Hearing Instrument Specialist	
Hearing Aid Dispenser Lic. No. HA-xxxx	
Incorrect:	<del>Jane Doe, Hearing Aid Specialist Lic. No. HA-xxxx</del>
Jack Doe, Licensed Hearing Aid Specialist	

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

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

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

(d) In addition to advertisement prohibited under Section 651 of the Code, an advertisement for fitting and selling hearing aids or other authorized services shall not include:

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

(2) Other than for a physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board in this state, the title "doctor" or any variation of this term without specifying the exact field in which the doctoral degree was earned.

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

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

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

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

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

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

(f) Any advertisement shall fully disclose any and all additional charges associated with the purchase of hearing aids, such as additional programming of hearing aid features. An advertisement for price that uses a price comparison shall be based on verifiable data and contains the following:

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

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

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

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

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

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

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

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Sections 651, 651.3 and ~~2533~~2538.10, Business and Professions Code.