



AUDIOLOGY PRACTICE COMMITTEE MEETING MINUTES

November 4, 2009

Long Beach Memorial Medical Center
2801 Atlantic Avenue
"Conference Room E"
Long Beach, CA
(562) 933-2000

Committee Members Present

Alison Grimes, Au.D.
Naomi Smith, Au.D. Cynthia
Robert Hanyak, Au.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Alameda, Staff Analyst
George Ritter, Legal Counsel

Board Members Present

Jennifer Hancock, M.A. Paul
Carol Murphy, M.A.
Monty Martin, M.A.
Lisa O'Connor, M.A.

Board Members Absent

Donald, M.D.

Guests Present

Tim Shannon, Hearing Health Care Providers California
Steven Paulson, California State University Los Angeles
Dennis Van Vliet, California Academy of Audiology
Sherry Foldvary, California State University Northridge
Kathleen Venne, California Speech-Language-Hearing Association
Monica Porter, Santa Ana Community College
Jane Moir, Los Angeles County Office of Education
Deena Sharp, Los Angeles County Office of Education
Susan Kidwell, San Joaquin Delta Community College
Robert Powell, California Speech-Language-Hearing Association
Rosemary Scott, Pasadena City College
Donna Perrelet, California Speech-Language-Hearing Association
Tricia Hunter, Hearing Health Care Providers California
Cindy Peffers, Hearing Health Care Providers California
Linda Pippert, California Speech-Language-Hearing Association

I. Call to Order

Chairperson Grimes called the meeting to order at 1:50 p.m.

II. Introductions

Those in attendance introduced themselves.

III. Discussion Regarding Implementation of Legislation Passed in 2009

A. SB 821- Omnibus Legislation – Senator Negrete McLeod- Entry-Level Licensing Standards for Audiologists (Doctorate Education) & Amendments to Audiology Aide Supervision Standards- Discuss Regulatory Amendments for Audiology Aides

Ms. Del Mugnaio reported that the omnibus bill, Senate Bill 821, was passed and was signed by the Governor on October 11, 2009. She stated that SB 821 contained several clean-up and technical provisions for many healing arts boards and included provisions to raise the entry-level educational standard for audiology to the doctorate training level, in addition to making conforming changes to the required professional experience provisions regarding audiology doctoral students completing the requisite 4th year externship in another state. Ms. Del Mugnaio reported that SB 821 also includes language to delete the “direct” supervision requirement for audiology aides, providing the Board the flexibility to establish appropriate supervision parameters for audiology aides by regulation. Ms. Del Mugnaio explained that the Board must amend existing audiology licensing forms to include the new academic degree requirements and such changes will be posted on the Board’s website by January 1, 2010.

Ms. Del Mugnaio indicated that the Audiology Practice Committee must begin crafting audiology aide regulations defining appropriate supervision standards for aides working with specific clients or under certain conditions, as the overriding statutory authority for “general supervision” is now much broader as a result of SB 821. Ms. Del Mugnaio stated that Chairperson Grimes provided a sampling of regulatory provisions as adopted by other states defining both supervision standards and scopes of responsibility for audiology support personnel and referenced the documentation in the meeting packets.

Chairperson Grimes requested that each member of the Committee review the regulation language of the other states and email to her suggestions for amending California’s regulations regarding audiology aides. She explained that the American Academy of Audiology also has pertinent literature on regulating audiology support personnel and stated that the Committee should focus on supervision parameters for particular clients and settings. Chairperson Grimes stated that she would collect the suggested amendments of the Committee and present such information at the next scheduled Audiology Committee meeting to be held in February 2010.

B. AB 1535 – Assembly Member Jones- Authorization for Audiologists to Dispense Hearing Aids/ Merger of the Speech-Language Pathology & Audiology Board and the Hearing Aid Dispensers Bureau- Discuss Necessary Regulation Changes for Dispensing Audiologists Pertaining to License Renewal Requirements and Continuing Professional Development

Ms. Del Mugnaio reported that Assembly Bill 1535 passed and was signed by the Governor. She indicated that the bill merged the Speech-Language Pathology and Audiology Board with the Hearing Aid Dispensers Bureau and created the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. Ms. Del Mugnaio reported that the bill also created an avenue for audiologists to dispense hearing aids under the authority of the audiology license provided the appropriate examination has been satisfied and maintenance of continuing education for both audiology and hearing aid dispensing is documented. She reviewed the provisions of the bill as follows:

- The authorization for audiologists to dispense hearing aids under the audiology license provided the audiologist has taken and passed both the written and practical examinations in hearing aid dispensing.

- Dispensing audiologists will be issued a “Certificate of Authorization to Dispense,” either upon expiration of the Hearing Aid Dispensers license or after passing the requisite practical and written examination for new applicants.
- Subjects dispensing audiologists to specific hearing aid dispensing provisions, such as catalog/direct mail sales, specific product receipt requirements, record retention requirements, and referrals to physicians for specified medical conditions.
- The composition of the newly merged board shall be comprised of two speech-language pathologists; two audiologists, one of whom must be a dispensing audiologist, and two hearing aid dispensers, all to be appointed by the Governor. The Governor also has the appointing authority for a public member seat that shall be occupied by a licensed physician and surgeon, board-certified in otolaryngology. Two other public member seats are to be appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively.
- Creates a Hearing Aid Dispensers Committee under the full Board which shall be comprised of the two audiology and two hearing aid dispenser board members, one public member of the Board, and the otolaryngologist.
- The bill changes the fee for a dispensing audiologist to a \$280 renewal fee.

The Committee inquired about the legal interpretation of the provisions of AB 1535 related to the requirement for audiologists to take and pass both the written and the practical hearing aid dispensers’ examination.

Ms. Del Mugnaio explained that, after the Executive leadership of the Hearing Health Care Providers sought clarification from the Chief Consultant of the Business, Professions, and Economic Development Committee, Bill Gage, regarding the hearing aid dispensers’ examination prerequisite as applied to dispensing audiologists, it was clear that AB 1535 did not exempt or eliminate audiologists from having to take both the written and practical portions of the examination.

Chairperson Grimes inquired about the timing and findings of the most recent validation study or occupational analysis for both the written and practical hearing aid dispensers’ examination program.

Ms. Del Mugnaio indicated that the most recent validation study conducted for the hearing aid dispensers’ written and practical examination was in 2007 and that the report findings supported the validity of the examinations.

Chairperson Grimes requested that Nancy Linn from the Office of Professional Examination Services, Department of Consumer Affairs, be invited to attend the next scheduled Board meeting to answer procedural questions regarding examination development and validation.

Ms. Del Mugnaio explained that the funds collected from all dispensing licensees (i.e., both hearing aid dispensers and dispensing audiologists) would be deposited into a separate subaccount of the merged Board fund in order to track the revenue generated by dispensing licenses. She stated that the provisions of AB 1535 mandate a review of the revenue and expenditures after one year to assess whether the current application and renewal fees are appropriate to support the regulation of hearing aid dispensers and dispensing audiologists.

Ms. Del Mugnaio referenced a legal opinion included in the meeting packets, as prepared by George Ritter, regarding employment limitation on audiologists employing hearing aid dispensers or vice versa and whether the new provisions alter the existing limitations. She informed the Committee that Mr. Ritter concluded that the new provisions do not alter the existing limitations and that in order for there to be an

employment arrangement between an audiologist and a hearing aid dispenser the audiologist must have the legal authority to dispense hearing aids to avoid a quid pro quo situation.

The Committee inquired about implementation issues in terms of the elimination of the actual hearing aid dispensers' license and whether maintaining the continuing education would be tied to the renewal of the audiology license.

Ms. Del Mugnaio explained that continuing education for audiologists would be tied to the audiology renewal cycle, but that until new regulatory language is adopted, audiologists must complete both the hearing aid dispenser continuing education (CE) requirements annually and the audiology continuing professional development (CPD) requirements for the biennial renewal of the license. She stated that in the meeting packets she prepared a proposed regulatory amendment that would change the renewal requirements for dispensing audiologists to require twelve (12) hours of CPD in audiology annually, with at least six (6) hours being in hearing aid dispenser-related coursework.

Mr. Hanyak inquired whether the hearing aid dispenser coursework must be preapproved by the Board, as is currently required under the hearing aid dispensers' regulation provisions.

Ms. Del Mugnaio affirmed that, at this point, the hearing aid courses must be preapproved, but stated that the Board may move to eliminate the course approval process for hearing aid dispensers' continuing education (CE) and move toward a CE provider approval process as is currently employed for speech-language pathology and audiology CPD. She indicated that some hearing aid dispenser professionals had expressed an interest in eliminating the individual course approval process.

Tricia Hunter inquired whether the CE mandate for hearing aid dispensers was a statutory or regulatory provision.

Ms. Del Mugnaio responded and explained that the general mandate for completion of CE for both hearing aid dispensers and audiologists is in statute, but that the specific number of hours required for license renewal and the CE program components are adopted by regulation.

Cindy Peffers inquired about the new proposed CE language and whether the requisite hearing aid dispenser hours would be tied to the certificate of authorization to dispense.

Ms. Del Mugnaio indicated that the certificate is not renewable; however, there is a mandate in AB 1535 that dispensing audiologists meet the regulatory provisions in the hearing aid dispensers Practice Act and, as such, the CE required for dispensing audiologists would be required upon renewal of the audiology license.

A general discussion regarding the practice authority of the certificate of authorization to dispense ensued.

Mr. Ritter stated that the distinction of whether the certificate is consistent with "a license" or is an authorization is really a theoretical distinction when determining the requirements for CE, as it is clear that audiologists must complete hearing aid dispensing CE in order to hold the dispensing audiology license.

Chairperson Grimes requested that Ms. Del Mugnaio draft "Frequently Asked Questions" to post on the Board's website explaining the licensing and renewal changes for dispensing audiologists as a result of AB 1535.

Ms. Del Mugnaio reviewed the proposed continuing professional development language with the Committee.

M/S/C: Smith/Hanyak

The Committee voted to recommend to the full Board to adopt the regulatory amendments to California Code of Regulations Section 1399.160.3(e) regarding continuing professional development requirements for dispensing audiologists to read, “A licensed audiologist authorized to dispense hearing aids as provided in Section 2539.1 of the code shall accrue at least twelve (12) hours of continuing professional development as defined in Section 1399.160.4 annually....and at least, but not greater than, fifty percent (50%) of the continuing professional development required shall be obtained from courses related to hearing aid dispensing.”

IV. Consider Regulatory Proposal Regarding Audiologists’ Role in Cochlear Implant Fitting and Mapping (California Code of Regulations Section 1399.150.2- Definitions)

Chairperson Grimes referenced the proposed regulation amendment included in the meeting packets regarding the audiologist’s role in cochlear implant fitting and mapping and stated that the Committee and full Board discussed the need for the regulation amendment at length at the August 20, 2009 meetings.

The Committee reviewed the language.

M/S/C: Hanyak/Smith

The Committee voted to recommend to the full Board to adopt the regulatory amendments to California Code of Regulations Section 1399.150.2 regarding the definition of the practice of audiology to include services for cochlear implantation, fitting and mapping.

V. Discussion of Correspondence with Department of Developmental Services Regarding the Need for Further Services Provided by Regional Centers for Deaf/Hard of Hearing Children

Chairperson Grimes referenced a letter dated September 5, 2009, included in the meeting packets, directed to the Department of Developmental Services from the Board regarding the Board’s concerns for the provision of services offered by the Regional Centers to infants and toddlers who are deaf or hard of hearing. She stated that the letter addresses the lack of appropriate providers and services afforded by the Regional Centers to infants and toddlers with profound hearing loss.

Ms. Del Mugnaio stated that she had not to date received a response from the Department of Developmental Services.

Chairperson Grimes stated that she recalls some email contact by the Department of Developmental Services regarding the letter, but would follow-up on the matter and report back to the Committee.

Chairperson Grimes adjourned the meeting at 3:15 p.m.