



Board Meeting Minutes
October 4-5, 2012
Sheraton Los Angeles Downtown
California Room
711 South Hope Street
Los Angeles, CA 90017
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Board Members Present

Alison Grimes, Au.D., Vice Chairperson
Sandra Danz, Hearing Aid Dispenser
Deane Manning, Hearing Aid Dispenser
Monty Martin, M.A.
Carol Murphy, M.A.
Patti Solomon-Rice, Ph.D.
Jaime Lee, Esq.
Rodney Diaz, M.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Claire Yazigi, Legal Counsel
Breanne Humphreys, Staff

Guests Present

Bob Holmgren, OPES

I. Call to Order

Chairperson Grimes called the meeting to order at 1:37 p.m.

II. Introductions

Those present introduced themselves.

III. Appointment of Board Members to Committees

Chairperson Grimes appointed new Board Member, Patti Solomon-Rice to the Speech-Language Pathology Practice Committee.

IV. Review Amendments to the Hearing Aid Dispenser's Advertising Regulations and Related Guidelines (California Code of Regulations Section 1399.127)

Chairperson Grimes referenced the documents in the meeting packets, text of Business and Professions Code Section 651, and the amended (by Ms. Yazigi) hearing aid dispenser advertising regulations for the Hearing Aid Dispensers Committee's review and comment.

Ms. Del Mugnaio stated the purpose for bringing the draft before the Board was to provide the Board with the conceptual direction of the regulations and to have Ms. Yazigi explain the prevailing advertising statutes (B&P Section 651) prior to the Board making a final decision on the proposed amendments.

Ms. Yazigi explained that the amendments before the Board are based on the discussion and guiding principles articulated at the Hearing Aid Dispensers Committee meeting on July 26, 2012.

She stated that all the examples currently included in regulation text have been removed; however, the principle provisions were left in tact.

Chairperson Grimes stated that the provisions regarding the advertising of professional credentials or certifications are indeed necessary and provide greater consumer protection.

Ms. Del Mugnaio stated that the amendments to the hearing aid dispensers advertising regulations should assist in educating our hearing aid dispenser providers as well as reduce the complaint activity surrounding advertising violations.

The Board discussed the requirement for an advertisement to include the name and phone number of a licensed hearing aid dispenser responsible for the advertisement. Comments reflected that many large hearing aid companies or manufacturers publish advertisements for their licensed hearing aid providers and therefore, it is difficult to associate all advertisements with a single licensed provider.

Chairperson Grimes inquired whether the Board has any regulatory oversight of hearing aid companies.

Ms. Yazigi stated that the Board may not have direct authority over hearing aid dispensing corporations; however, under Business and Professions Code Section 17500, advertising restrictions extend to corporate entities that make false or misleading statements in trying to dispose of real or personal property. She stated corporate advertising violations may be pursued by the County District Attorney's Office and not the Board.

Ms. Danz stated that there are issues with hearing aid dispensing providers who do not have permanent locations, but instead set-up a temporary establishment at a hotel. She commented that this presents a consumer protection issue in that there is no permanent location for a consumer to return for follow-up services.

Ms. Del Mugnaio cited Business and Professions Code Section 2538.34 which authorizes a hearing aid dispenser to temporarily provide services at a location other than the primary or branch location provided the dispenser notifies the Board in advance in writing of the dates and addresses of those locations.

The Board requested that Ms. Del Mugnaio email the suggested regulation language as crafted by Ms. Yazigi to the Hearing Aid Dispensers Committee members so that the members may provide comments on the language. Ms. Del Mugnaio will bring before the Committee in January 2013.

**V. Closed Session (pursuant to Government Code Section 11126 Subsection (c)(3)-
Proposed Decisions/Stipulations/ Other APA Enforcement Actions-
Proposed Stipulation and Settlement of Probation In the Matter of the Accusation
Against Marshall Leigh Shoquist, AU 461 (Dispensing Audiologist)**

The Board convened in closed session to deliberate the proposed stipulation and settlement of probation for Marshall Leigh Shoquist, AU 461 at 2:27 p.m.

RETURN TO OPEN SESSION

The Board returned to open session at 3:45 p.m.

VI. Review Draft Sunset Review Report

Ms. Del Mugnaio reviewed the final Draft Sunset Review Report with the Board.

The Board reviewed the responses to questions raised by the Joint Legislative Sunset Review Committee in 1998, which was the last review of the Board.

The Board provided technical and grammatical edits to the report.

Chairperson Grimes adjourned the meeting at 5:14 p.m.

9:00 a.m. October 5, 2012

I. Call to Order

Chairperson Grimes reconvened the Board meeting at 9:17 a.m.

II. Introductions

Those present introduced themselves.

III. Consideration of the Adoption of the Validation Report for the Hearing Aid Dispensers

Ms. Del Mugnaio explained the examination validation process and provided an overview of the subject expert workshops and tasks.

Bob Holmgren addressed the Board and provided more specific information and data regarding the results of the validation study. He stated there were changes in the 2012 validation report from the 2007 study related to task and knowledge statements. Mr. Holmgren provided an explanation regarding the validation process including: in-person and telephone interviews of providers, focus-group workshops where subject matter experts develop task and knowledge statements, development of a survey instrument for all licensees to complete, compilation of survey results, linkage of tasks to the associated knowledge statement, development of the examination plan (blueprint), and finally development of the Validation Report for the Hearing Aid Dispensers. Mr. Holmgren stated that the weighting of the examination tasks are dependent on the number of questions for each examination (written or practical). He stated that the Department's recommendation is that validation studies be performed every five years, however, if the industry undergoes any major changes, a validation study should be conducted to analyze such changes.

Mr. Holmgren explained that examination development and review is an on-going process where subject matter experts are continually analyzing test questions, writing new test questions, and eliminating those which are no longer relevant, and setting passing scores for the examination based on the weighting of the new test questions.

Chairperson Grimes inquired whether each test question must be linked to a resource document.

Mr. Holmgren stated that every question is linked to a resource document or a law and/or regulation and referred to application type questions where the knowledge is tested but so is the application of that knowledge for the specific practice.

Ms. Danz stated that she has been involved in the hearing aid dispensers examination development as an expert and that it was critical for each question to be linked to a resource document.

The Board inquired how subject matter experts are selected.

Ms. Del Mugnaio explained the application process as included on the website and stated that workshops are comprised of experts who are from various geographic locations, practice settings, and have varying levels of professional experience.

Ms. Del Mugnaio stated that notification of the on-line survey was sent to all licensed hearing aid dispensers and dispensing audiologists and the Board received over a 20% response rate from the licensee population. She stated that typically OPES expects somewhere around a 13% response rate. Ms. Del Mugnaio commented that the Board awarded two (2) hours of continuing education to licensees who completed the survey which was a motivating factor and likely contributed to the higher than expected response rate.

Chairperson Grimes commented on the use of the term verification versus validation in the report and stated that the terms are not interchangeable and mean very different things in terms of hearing aid dispenser practice. She stated that verification is when a provider confirms that a particular hearing aid is meeting the needs of the client in terms of fitting whereas validation happens much later and determines whether the client is satisfied with the hearing aids in terms of wear, amplification, and functionality after using the aids.

Mr. Holmgren referenced context within the report where verification and validation are defined independently, specific to Chairperson Grimes comments.

The Board discussed examination weighting and passage rates.

Mr. Holmgren explained the specific changes made to the examination based on the validation study and reminded the Board that the examination must be designed to test for minimum competency.

Chairperson Grimes inquired whether a consumer information piece could be constructed and posted on the website to explain what consumers should expect from hearing aid dispenser and the selected hearing aids.

Ms. Del Mugnaio stated the Board discussed using the information from the examination study to prepare a hearing aid dispenser supervisory manual to assist with training their trainees.

Ms. Danz stated that there is an examination outline provided on the PSI website to assist candidates with what to expect from the examination in terms of content areas covered.

M/S/C: Manning/Lee

The Board voted to adopt the 2012 Validation Report for the Hearing Aid Dispensers.

IV. Continue Review of the Draft Sunset Report

The Board continued its review of the Draft Sunset Review Report.

M/S/C: Murphy/Danz

The Board voted to adopt the 2012 Sunset Review Report as amended and delegated to Ms. Del Mugnaio the authority to make technical edits and non-substantive changes as necessary.

Ms. Del Mugnaio stated that the final version of the report will be sent to each board member, fifteen (15) copies will be sent to the Business Professions and Economic Development (BP&ED) Committee, a copy to the Department of Consumer Affairs, and a copy to State and Consumer Services Agency. She stated the final report will also be posted to the Board's website. Ms. Del Mugnaio stated that the BP&ED Committee will devise a series of questions based on the review of the report and the Board will be charged with responding to the questions in writing within 10-14 days. A hearing will be held before the BP&ED Committee sometime in March/April 2013, where the executive officer, the Board Chair, and possibly other members of the Board will be present to testify.

V. Public Comment on Items Not on the Agenda/Future Agenda Items

There were no further public comments.

The Board discussed future agenda items as follows:

- Continuing competency versus continuing education
- Formal education for hearing aid dispensers
- How to align the Commission on Teacher Credentialing requirements with licensure requirement
- Speech-Language Pathology Assistants & Speech-Language Pathology Aides and the difference in their scope of responsibility.

VI. Schedule Future 2013 Board Meetings – January/April/July/Oct

An announcement was made that the Board meeting schedule for 2013 will be: January 10-11, 2013 to be held in San Francisco, April 25-26, 2013 to be held in Sacramento, July 25-26, 2013 to be held in Los Angeles, and October 10-11, 2013 to be held in San Diego.

VII. Adjournment

Chairperson Grimes adjourned the Board meeting at 12:42 p.m.