



BOARD MEETING MINUTES

August 10-11, 2017
Sacramento, CA 95815

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

August 10, 2017

1. Call to Order / Roll Call / Establishment of Quorum

Dee Parker, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) meeting to order at 1:09 p.m. Ms. Parker called roll; five members of the Board were present and thus a quorum was established.

Board Members Present

Dee Parker, Speech-Language Pathologist, Board Chair
Marcia Raggio, Dispensing Audiologist, Vice Chair
Alison Grimes, Dispensing Audiologist
Amnon Shalev, Hearing Aid Dispenser
Debbie Snow, Public Board Member
Patti Solomon-Rice, Speech-Language Pathologist

Board Members Absent

Rodney Diaz, MD, Otolaryngologist, Public Board Member
Jaime Lee, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Cesar Victoria, Department of Consumer Affairs (DCA) Web Cast Team
Breanne Humphreys, Program Manager
Marti Shaffer, Enforcement Coordinator
Sabina Knight, Legal Counsel
Karen Robison, Analyst

Guests Present

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers of California (HHP)
Gloria Castro, Senior Assistant Deputy Attorney General (SDAG)
Nicole Dragoo, DCA Budget Office
Fernando Galli, DCA Legal
Sean Green, California Speech-Language-Hearing Association (CSHA)
Marina O'Conner, DCA Budget Office
Megan O'Carroll, Deputy Attorney General (DAG)
Isaac White

2. Public Comment for Items not on the Agenda

There were no comments from Public/Outside Agencies/Associations.

3. Review and Approval of the May 11-12, 2017 Board Meeting Minutes

The Board reviewed the May 11-12, 2017, meeting minutes and recommended amendments to sections of the text. The amended May 2017 Board meeting minutes will be brought back to the Board for approval at the October 2017 Board meeting.

4. Disciplinary Process Overview - Megan O'Carroll, Deputy Attorney General Liaison and Gloria Castro, Senior Assistant Attorney General, Department of Justice

Mr. Sanchez stated that the Board is a consumer protection agency and our partnership with the Attorney General's Office (AGO) is a large part of our success. He introduced SDAG Gloria Castro, with the Office of the Attorney General (OAG) and DAG Megan O'Carroll, the Board's OAG liaison.

Ms. O'Carroll spoke to the Board about consumer protection, its primary objective; about the difference between criminal, civil, and administrative proceedings; and she informed the Board that fifth amendment rights do not apply during administrative proceedings. Ms. O'Carroll spoke about the role the AGO plays in helping the Board carry out its disciplinary mandate and that the AGO does not get involved in the day to day businesses of the Board.

Ms. Castro provided an overview of the AGO including representation of Board members or Subject Matter Experts (SME) in court, and assist with Public Records Act (PRA) Requests. She spoke about SB 467 which requires the AGO to gather and submit information regarding accusations referred to the AGO. The performance measure statistics tracks, in part, the number of accusations referred to the AGO, how many are adjudicated.

5. Update from Speech-Language Pathology Practice Committee

Patti Solomon-Rice updated the Board about the SLP Practice Committee meetings that were held on August 1, 2017 and will be held on August 28, 2017. The Committee discussed developing a process for new programs to apply for approval and developed an action plan at the August 1, 2017 meeting. Ms. Solomon-Rice informed the Board that for the August 28, 2017 meeting staff will compile a list of the statutes and regulations pertaining to Speech-Language Pathology Assistants (SLPA) and will provide a summary of them. Susan Kidwell with Delta College will present a SLPA program application from the early 2000's to the Committee for review. Kristina Zajic with America River College will gather required curriculum from currently approved SLPA programs and will create a rubric that the Committee will evaluate for similarity of content.

6. Discussion and Possible Action on Board's Development of Hearing Aid Consumer Fact Sheet

Marcia Raggio presented the most recent draft of the Hearing Aid Consumer Fact Sheet (Fact Sheet) after incorporating comments from Board members and Toni Barrient from the Hearing Loss Association of America (HLAA). HLAA requested the addition of types of hearing loss, degrees of hearing loss, a glossary of terms associated with hearing, and links to support groups and associations to Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board Meeting Minutes August 10-11, 2017

the Fact Sheet. Alison Grimes stated that this is beyond the scope of the Board's responsibility. Ms. Grimes remarked to the Board that this project began with t-coils and that the information listed on the Fact Sheet is already available to consumers. Amnon Shalev requested changing the degrees of hearing loss from numbers to descriptions so consumers are better able to understand the levels of hearing loss. Ms. Grimes suggested that the Fact Sheet be put on the website. Mr. Shalev agreed and noted that the Fact Sheet could be amended as needed once it is on the website. Ms. Raggio requested Committee members review the Fact Sheet and let her know if there is information that should be included.

7. Update on California Children's Services Data Management System Changes

The electronic reporting system took the data from newborn hearing screenings and electronically uploaded the information to the Children's Services Data Management System. Ms. Grimes reminded the Board that the vendor contract for the electronic reporting system ended and that the data had to be manually reported which caused delays and errors. After five months, the vendor turned the electronic reporting system back on. Beginning January 1, 2018, the state is supposed to have written procedures and a new reporting system installed.

The Board recessed until August 11, 2017

August 11, 2017

8. Call to Order / Roll Call / Establishment of Quorum

Dee Parker, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:05 a.m. Ms. Parker called roll; five members of the Board were present and thus a quorum was established.

Board Members Present

Dee Parker, Speech-Language Pathologist, Board Chair
Marcia Raggio, Dispensing Audiologist, Vice Chair
Rodney Diaz, MD, Otolaryngologist, Public Board Member
Alison Grimes, Dispensing Audiologist
Amnon Shalev, Hearing Aid Dispenser
Debbie Snow, Public Board Member
Patti Solomon-Rice, Speech-Language Pathologist

Board Members Absent

Jaime Lee, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
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Breanne Humphreys, Program Manager
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Guests Present

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Nick Brokaw, Sacramento Advocates
Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers of California (HHP)
Gloria Castro, Supervising Deputy Attorney General (SDAG)
Nicole Dragoo, DCA Budget Office
Silvio Ferrari, Sacramento Advocates
Beryl Fogel, California Speech-Language-Hearing Association (CSHA)
Fernando Galli, DCA Legal
Melanie Gilbert
Dean Grafilo, DCA Director
Sean Green, CSHA
Christine Lally, DCA Deputy Director
Shawn Talbot, CSHA
Isaac White

9. Public Comment for Items not on the Agenda

There were no comments from Public/Outside Agencies/Associations.

10. Department of Consumer Affairs Update - Dean R. Grafilo, Director

Dean Grafilo, Director of DCA introduced himself to the Board and proceeded to talk about his background before being appointed Director. Ms. Raggio asked if he knew why there has been a delay in filling the vacancy on the Board. Mr. Grafilo replied he was not sure but he would look into the cause for delays and report back to the Board. Mr. Shalev suggested that there may be a prioritization for Boards that do not have enough members being unable to hold meetings due to lack of a quorum.

11. Discussion and Possible Action regarding Communications with California Children's Services (CCS)

Ms. Grimes spoke on the continuing problems audiologists face working with CCS and presented a document that addressed confusion about the provider application process, service delays, poor or delayed reimbursements with proposed resolutions to address each concern. Mr. Sanchez stated that this is a consumer protection issue for children in underserved areas and poor or disadvantaged children with hearing problems.

Silvio Ferrari and Nick Brokaw with Sacramento Advocates offered to assist the Board with solutions to engage the Department of Health Care Services in conversation and lobby for statutory revisions. Mr. Ferrari mentioned that there are three (3) to four (4) months to get facts and figures together bring before the legislature and finance for the next fiscal year.

M/S/C Grimes/Raggio

- **Motion to delegate the continued work on the CCS communication concerns to the Audiology Practice Committee. The motion carried 7-0**

12. Discussion and Possible Action on proposed Locked Hearing Aids Disclosure

The discussion on locked hearing aids disclosure has been tabled.

13. Discussion Regarding the Provision of Telehealth Services within the Parameters of the Licensure Act and Business and Professions Code 2290.5

Ms. Grimes spoke on the issues of telehealth services, how consumers access medical information electronically to screen or diagnose their own problems, and where we are now and where we are going as it relates to telehealth. Ms. Grimes opined that with technology being so far advanced she is not sure where to begin with legislation since what we work on today may be very different from what we work on in the next six to twelve months.

Ms. Solomon-Rice noted that schools are the largest providers of Telehealth SLP services partially due to the shortage of SLPs in rural areas. Telehealth concerns cover the types of services provided, privacy issues, and security issues. Ms. Solomon-Rice mentioned that Medicare does not reimburse for telehealth services and Medicaid will reimburse for some telehealth services.

Melanie Gilbert informed the Board that services can be provided remotely when a device is hooked up to a computer. Current remote services include troubleshooting and mapping, however in the future sound booth simulation may be replicated.

Ms. Parker noted that in addition to rural locations telehealth services would benefit the population segment that has difficulty getting to and from a physical location due to age or mobility.

The Board discussed ways to address telehealth issues including looking into what is currently being provided, what can be provided, and finding a balance between accessibility to services and providing no services.

14. Proposed Regulations – Discussion and Possible Action

- a. Title 16, CCR, Section 1399.127 - Hearing Aid Dispenser Advertising

M/S/C Shalev/Raggio

- **Move to approve the proposed text as amended for a 45-day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

- b. Title 16, CCR, Section 1399.170 - Speech-Language Pathology Assistant
 - i. 15-day Comment Recommended Responses

M/S/C Solomon-Rice/Grimes

- **Move to approve the recommended responses to comments submitted during the 15-day comment period for resubmission to the Office of Administrative Law (OAL) and delegate to the EO the authority to make any technical and**

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**non-substantive changes that may be required to complete the rule making file.
The motion carried 7-0**

- c. Title 16, CCR, Sections 1399.112 and 1399.151.2 - Fingerprints Requirement

M/S/C Grimes/Snow

- **Move to approve the proposed text as amended for a 45-day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

- d. Title 16, CCR, Section 1399.120 - Hearing Aid Dispenser Examinations Proposed Language

The Board discussed the hearing aid dispenser examination proposed language. The Board recommended changes to the proposed text and will bring the revised text to the October 2017 Board Meeting.

- e. Title 16, CCR, Sections 1399.129 and 1399.157.1 - Notice to Consumers Proposed Language

M/S/C Grimes/Raggio

- **Move to approve the proposed text as amended for a 45-day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

15. Executive Officer's Report

a. Administration Update

Mr. Sanchez reported that two new staff members, Katrina Martinez and Brian Erwin, will be starting work on Monday, August 14, 2017.

b. Budget Report

Marina O'Conner and Nicole Dragoo from the DCA Budget Office gave a presentation on the budget process. The presentation included an explanation of appropriations, expenditure projections, the fund condition, and months in reserve. The Board inquired into what a healthy reserve consists of and was informed that a healthy reserve consists of between three (3) months and 24 months of expenses. Mr. Sanchez remarked that the current fund condition is where it needs to be presently; however, to prevent a fiscal structural imbalance in the future licensing fees need to be increased. He noted that the Board is working on a fee increase regulation. Mr. Sanchez extended his appreciation to the Budget Office as they have been a great help to him with Budget Change Proposals (BCP) over the past few years.

c. Licensing Report

d. Practical Examination Report

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The Board made changes to the practical examination which streamlined the examination. Proposed regulation language is under review because the practical examination currently limits the number of candidates to fifty for each exam. Also, current filing requirements are outdated and restrictive.

e. Enforcement Report

The Board requested that the report separate the SLP and AU disciplinary actions so each profession can find enforcement information specific to their profession.

16. Legislation Update, Review, and Possible Action

- a. AB 387 (Thurmond) Minimum wage: health professionals: interns
- b. AB 612 (Rubio) Newborns and infants: hearing screening
- c. AB 827 (Rubio) Department of Consumer Affairs: high-skill immigrants: license information
- d. AB 1601 (Bloom) Hearing aids: Minors
- e. AB 1706 (Low) Sunset of Board

M/S/C Shalev/Snow

- **Motion to write letter of support. The motion carried 7-0**

- f. SB 198 (Galgiani) Hearing aid dispensers: cerumen management
- g. SB 715 (Newman) Department of Consumer Affairs: regulatory boards: removal of board members
- h. SB 762 (Hernandez) Healing arts licensee: license activation fee: waiver

17. Future Agenda Items and Future Board Meeting Dates

Future agenda items that were mentioned were telehealth, price of device and price of service, pending legislation, Executive officer review, and proposed regulations. Mr. Sanchez informed the Board that when submitting agenda items background information must be included.

- a. October 26-27, 2017 – Los Angeles
- b. February 8-9, 2018 – Sacramento
- c. May 10-11, 2018 – Bay Area
- d. August 9-10, 2018 – TBD
- e. November 8-9, 2018 – TBD

18. Adjournment

The Board adjourned at 2:16 p.m.