



## **BOARD MEETING MINUTES**

### **Long Beach, California**

### **October 10-11, 2019**

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.

#### **Full Board Meeting**

Dee Parker, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 2:41 p.m. Ms. Parker called roll; six members of the Board were present and thus a quorum was established.

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

##### Board Members Present

Dee Parker, SLP, Board Chair  
Christy Cooper, AuD, Board Member  
Amnon Shalev, HAD, Board Member  
Rodney Diaz, Otolaryngologist, Public Board Member  
Debbie Snow, Public Board Member  
Karen Chang, Public Board Member

##### Staff Present

Paul Sanchez, Executive Officer  
Michael Santiago, Legal Counsel  
Tenisha Graves, Enforcement Coordinator

##### Guests Present

Lisa Chattler, CSHA  
Bryce Docherty, HHP-CA  
Cydney Fox, IGAPS/Pathways  
Dennis VanVliet, Audiology Management Group  
Linda Pippert, CSHA  
Alison Grimes, UCLA  
Carrie Bower, CAA  
Jacque Georgeson, University of the Pacific  
Christy Kirsch, San Diego State University  
Dr. Elaine Fogel Schneider, Cal State ULA/CSHA

## 2. Public Comment for Items not on the Agenda

Written public comment was received from Tracey McDonnell requesting the Board to review the regulations regarding the supervision of speech-language pathology assistants (SLPA). Specifically, regarding the supervision of part-time SLPAs.

## 3. Approval of the July 18-19, 2019 Board Meeting Minutes

### **M/S/C Snow/Chang**

**Motion to approve the July 18-19, 2019 Board meeting minutes. The motion carried 5-0 with Mr. Diaz abstaining.**

4. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty.

### 5. Executive Officer's Report a. Administration Update

Mr. Sanchez reported the Board has experienced an increase in licensing applications. Mr. Sanchez stated the Board is also seeing an increase in the number of SLPA licensees.

Mr. Sanchez stated the Board will begin preparing the sunset report in the Spring. Mr. Sanchez also stated the Board is going through the Business Modernization Project for a new database system. Mr. Sanchez reported the Board office will be relocated to accommodate the growing staff.

Mr. Sanchez also reported the Board is recruiting for one licensing analyst position and one regulation analyst position.

### b. Budget Report

Mr. Sanchez reported the Board is budgeted for \$2.2 million dollars and has spent approximately \$430,000 to date.

### c. Licensing Report

Mr. Sanchez stated the Board is still in its peak licensing season and staff are processing about 4,000 applications per year. Mr. Sanchez reported the current processing time is 4 weeks for complete applications and 9 weeks for incomplete applications.

### d. Practical Examination Report

Mr. Sanchez provided data for the practical exam held on July 27<sup>th</sup>. Mr. Sanchez stated the Board is planning to offer a practical exam in Southern California during 2020.

e. Enforcement Report

Mr. Sanchez reported the Board has received about 53 complaints during the first quarter and 14 cases are pending with the Attorney General's office.

6. Legislation Update, Review, and Possible Action

a. Legislative Report

Mr. Sanchez referred to the legislative report provided by Heather Olivares, Legislation/Regulation Analyst. Mr. Sanchez reported the last day for the Governor to sign or veto bills is October 13<sup>th</sup>.

b. Board-Specific Legislation

- AB 598 (Bloom) Hearing aids: minors

Mr. Sanchez stated this bill made it further in the process than similar bills in the past. Mr. Sanchez reported the Governor has concerns about the bill, but rather than vetoing it, the bill will be held to address the Governor's concerns.

- AB 1075 (Holden) California State University: speech-language pathologist programs

Mr. Sanchez reported the bill is waiting for a signature or veto from the Governor.

c. Healing Arts Legislation

- SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct

Mr. Sanchez provided an overview of the bill and reported the bill is waiting for a signature or veto from the Governor.

- SB 639 (Mitchell) Medical services: credit or loan

Mr. Sanchez provided an overview of the bill and reported the bill is waiting for a signature or veto from the Governor.

d. DCA-Wide Legislation

- AB 5 (Gonzalez) Worker status: employees and independent contractors

Mr. Sanchez provided an overview of the bill, including the ABC test for independent contractors. Mr. Sanchez reported the bill has been signed by the Governor.

- AB 476 (Blanca Rubio) Department of Consumer Affairs: task force: foreign-trained professionals

Mr. Sanchez provided an overview of the bill and reported the bill is waiting for a signature or veto from the Governor. Mr. Sanchez stated the review of foreign applications has been a challenge for the Board.

- AB 1076 (Ting) Criminal records: automatic relief

Mr. Sanchez provided an overview of the bill and reported the bill has been signed by the Governor.

- SB 53 (Wilk) Open meetings

Mr. Sanchez provided an overview of the bill and reported the bill was held under submission in the Assembly Appropriations Committee.

- SB 225 (Durazo) Citizens of the state

Mr. Sanchez provided an overview of the bill and reported the bill is waiting for a signature or veto from the Governor.

Mr. Shalev inquired whether a resident of California can obtain a professional license in order to be appointed to the Board.

- SB 601 (Morrell) State agencies: licenses: fee waiver

Mr. Sanchez provided an overview of the bill and reported the bill is waiting for a signature or veto from the Governor.

### **Hearing Aid Dispensers Committee Meeting**

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

Amnon Shalev, Committee Chair, called the Hearing Aid Dispensers Committee Meeting to order. Mr. Shalev called roll; five members of the Committee were present and thus a quorum was established.

#### Committee Members Present

Amnon Shalev, Committee Chair  
Marcia Raggio, Committee Member  
Christy Cooper, Committee Member  
Rodney Diaz, Committee Member  
Karen Chang, Committee Member

#### 2. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

#### 3. Discussion and Possible Action on the Use of a National Hearing Aid Dispensers Written Exam to Replace California's Written Exam

Mr. Shalev stated the current written exam applies to hearing aid dispensers and dispensing audiologists. Mr. Sanchez stated a number of states use the International Hearing Society (IHS) International Licensing Examination. Mr. Sanchez reported that he spoke with individuals from IHS and the DCA Office of Professional Examination Services (OPES) and stated an occupational analysis would be required to determine whether the IHS exam would meet the needs of California. Mr. Sanchez stated a

supplemental exam may be required to cover the California laws and regulations including the Song-Beverly Consumer Warranty Act.

Mr. Shalev stated the written exam is necessary for dispensing audiologists due to the laws and regulations section. Mr. Shalev recommended the Board keep the written exam as it is rather than splitting it into two separate exams. Ms. Raggio stated dispensing audiologists are well trained on the contents of the current written exam and an exam focused on laws and regulations should be considered. Ms. Cooper inquired whether IHS can incorporate California laws and regulations into their exam. Mr. Sanchez stated he has not asked IHS whether that would be an option but stated an occupational analysis would still be required. Ms. Chang inquired how often the written exam is changed. Mr. Sanchez responded the written exam is revisited every year through development workshops. Mr. Sanchez stated an occupational analysis will be completed for the hearing aid dispensing profession soon.

Bryce Docherty stated HHP supports migrating toward the IHS written exam but agrees that the state laws and regulations would also need to be included as part of the examination. Mr. Docherty stated many boards within DCA utilize a national exam. Mr. Docherty added that IHS offers distance learning programs and standardized study guides to help prepare for the exam.

### **M/S/C Raggio/Cooper**

**Motion to the Board that no changes are made to the current written hearing aid dispensing examination. The motion carried 5-0.**

#### **4. Discussion and Possible Action on Requiring an Apprenticeship or Training Program for Hearing Aid Dispenser Applicant's Prior to Taking the Practical Exam**

Mr. Shalev stated this issue is the result of AB 780 (Brough), which did not move forward this year. Mr. Shalev expressed concern regarding creating another voluntary training program. Mr. Sanchez stated if the Board would like to establish a new course of instruction or training program it should be mandatory.

Bryce Docherty with HHP stated there is some confusion regarding the bill and the goal was to supplant the current training program with a standardized apprenticeship program. Mr. Docherty stated HHP would support a standardized apprenticeship training program; however, making it mandatory would create a barrier to licensure. Mr. Sanchez stated the Board already has authority to require a course of instruction for the fitting and selection of hearing aids.

Mr. Shalev recommends the Board not address this issue since AB 780 is not moving forward this year.

#### **5. Adjournment**

Mr. Shalev adjourned the Hearing Aid Dispensers Committee Meeting.

## Audiology Practice Committee Meeting

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

Marcia Raggio, Committee Chair, called the Audiology Practice Committee Meeting to order. Ms. Raggio called roll; four members of the Committee were present and thus a quorum was established.

#### Committee Members Present

Marcia Raggio, Committee Chair  
Christy Cooper, Committee Member  
Rodney Diaz, Committee Member  
Karen Chang, Committee Member

### 2. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

### 3. Discussion and Possible Action on Updating the Board's Website on Auditory Processing Disorder Information

Ms. Raggio reported the Board received public comment from a practicing audiologist, Dr. Maria Abramson, regarding the consumer information statement on auditory processing disorder on the Board's website. Ms. Raggio stated she researched the current state of the science and how it can be presented in a way that is consumer friendly. Ms. Raggio presented a revised statement on central auditory processing disorder for the Board's website.

Cydney Fox with IGAPS/Pathways stated auditory processing is what the brain does with what it hears. Ms. Fox also shared information regarding what happens when an individual has an auditory processing disorder. Ms. Raggio recommends the Board solicit feedback on the current statement. Ms. Fox will provide Ms. Raggio with e-mail addresses for people in the field who can weigh in on this statement.

#### **M/S/C Chang/Cooper**

**Motion to make changes to the statement regarding auditory processing disorder that is consumer friendly and seek feedback from the audiology field. The motion carried 4-0.**

### 4. Discussion and Possible Action on Clarifying the Regulation on the Required Number of Clock Hours for Audiologists

Ms. Raggio stated the current language for clinical clock hours for audiologists is based on the number of clinical clock hours for a master's degree program and requires the completion of a 12-month externship. Ms. Cooper stated the RPE requirements should also be updated to reflect the current audiology licensure requirements.

Jacque Georgeson with the University of the Pacific expressed concern about new CSU programs being able to maintain sufficient liability for students completing a 12-month

externship. Ms. Cooper suggested requiring a minimum number of hours as well as a minimum timeframe. Ms. Raggio stated that would require a statutory change.

Ms. Raggio suggested requiring a minimum of 1800 hours of clinical clock hours to be completed during the externship. The Committee will continue working on this issue to develop legislative and regulatory language.

## 5. Adjournment

Mr. Raggio adjourned the Audiology Practice Committee Meeting.

## **Full Board Meeting**

Dee Parker, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 9:11 a.m. Ms. Parker called roll; seven members of the Board were present and thus a quorum was established.

Call to Order / Roll Call / Establishment of Quorum

### Board Members Present

Dee Parker, SLP, Board Chair

Marcia Raggio, AuD, Vice Chair

Christy Cooper, AuD, Board Member

Amnon Shalev, HAD, Board Member

Rodney Diaz, Otolaryngologist, Public Board Member

Debbie Snow, Public Board Member

Karen Chang, Public Board Member

## 8. Update from the Hearing Aid Dispensers Committee Meeting

Mr. Shalev reported the Committee recommends that the Board maintain the current written exam. Mr. Shalev stated the Committee unanimously supported this motion.

### **M/S/C Raggio/Cooper**

**Motion to the Board that no changes are made to the current written hearing aid dispensing examination. The motion carried 7-0.**

Mr. Shalev also reported the Committee did not take any action on requiring an apprenticeship program for hearing aid dispensing applicants.

## 9. Update from the Audiology Practice Committee Meeting

Ms. Raggio reported the information on the Board's website regarding auditory processing disorder is outdated. Ms. Raggio stated the Committee will be soliciting more stakeholder and parent feedback to update the information on the website.

Ms. Raggio also reported the Committee will continue discussing the required number of clock hours for audiologists and will be developing legislative and regulatory language to address this issue.

## 10. Discussion and Possible Action of Statutes Regarding Tasks Performed by Audiology Aides

Ms. Raggio reported some audiology licensees think the language regarding audiology aides is unclear. Ms. Raggio stated the language is clear but is not promoted in a way that is easy to find and understand. Ms. Raggio recommended the regulations should be presented in a clear manner on the Board's website. Ms. Raggio also recommended changes to the audiology aide application to make the regulations clear.

Mr. Diaz inquired if the regulations can be sent to the aide with the license. Mr. Sanchez responded this information can be included in the letter that is sent to the aide and the supervisor.

The Board discussed developing a list of tasks that can be performed by audiology aides. Bryce Docherty with HHP expressed concern with developing a list of tasks and recommended being clear about what tasks an aide cannot do such as fitting and selling hearing aids. Mr. Docherty inquired who would be responsible for determining the competency level of the aide pursuant to California Code of Regulations section 1399.154.2(f). Mr. Sanchez responded the supervisor would be responsible for determining the competency level.

Mr. Diaz stated the requirement in section 1399.154.2(b) regarding being physically present can be open to interpretation. DCA Legal Counsel, Michael Santiago responded the courts will give deference to the Board's interpretation of the regulation. Mr. Diaz suggested this interpretation should be clarified on the Board's website.

### **M/S/C Cooper/Snow**

**Motion to delegate defining specific tasks that an audiology aide can perform and considering legislative and regulatory changes to the Audiology Practice Committee. The motion carried 7-0.**

## 11. Discussion and Possible Action on the Issues Related to Remote Programming of Hearing Aids

Ms. Raggio stated the telehealth information on the Board's website is not clear as to whether an individual must have a California license to remotely program hearing aids for patients in California.

Dennis VanVliet with Audiology Management Group stated remote programming for hearing aids has been around for at least 12 years, although it may be somewhat rare since an audiologist would most likely want to examine the patient's ear first. Mr. VanVliet stated remote programming may become easier in the future and the rules should be clear.

Ms. Raggio suggested the telehealth information should be presented clearly on the Board's website outlining what can and cannot be done with and without a license.



**Motion to direct Board staff to bring suggested changes to the website regarding telehealth back to the Board. The motion carried 7-0.**

12. Update on Upcoming Federal Regulations regarding Over-the-Counter Hearing Aids

Mr. Sanchez reported the Board is anticipating proposed federal regulations regarding over-the-counter hearing aids will be available for public comment in November. Mr. Sanchez stated some Board members may be tasked with developing written public comment on behalf of the Board.

Ms. Raggio stated there are already over-the-counter hearing aids on the market. Alison Grimes with UCLA stated over-the-counter hearing aids are not being marketed as hearing aids, but rather as personal amplifiers. Mr. Sanchez stated the Board may have jurisdiction if the devices are classified as hearing aids.

13. Discussion and Possible Action on Allowing Audiologists to Perform Cognitive Screening Tests Along with the Hearing Aid Evaluation

Ms. Raggio stated at the CAA Conference, speakers were recommending that audiologists perform cognitive screening tests. Ms. Raggio inquired whether audiologists are qualified to perform cognitive screenings and what others in the field, such as psychologists, would feel about audiologist involvement in cognitive screening. Ms. Raggio discussed offering counseling, so the patient and their family are also aware of the cognitive decline in addition to the hearing loss. Ms. Raggio inquired if the Board could reach out to the Board of Psychology regarding this issue. Mr. Sanchez responded that he will reach out to the Board of Psychology's Executive Officer.

14. Discussion and Possible Action on Board Proposed Legislation Regarding Locked Hearing Aids Disclosure for Hearing Aid Dispensers and Dispensing Audiologists

Mr. Sanchez reported Board staff have been working with Ms. Raggio and stakeholders to develop legislative language regarding locked hearing aids. Ms. Raggio recommended the Board also seek feedback from manufacturers of proprietary hearing aid software.

Mr. Shalev stated the legislative language is not clear. Ms. Raggio also expressed concern that the consumer notification doesn't occur until the customer is ready to purchase the hearing aid. Mr. Sanchez responded that requiring consumer notification any earlier in the process would be difficult to implement and enforce.

Bryce Docherty with HHP expressed concerns with unclear language including "propriety hearing aid programming software," "corporate owned store", and "franchised hearing aid manufacturer." Mr. Sanchez recommended changing the language to apply to proprietary or locked hearing aid programming software. Mr. Diaz suggested the legislative language should specify the content for the consumer notice.

The Board discussed requiring licensees to provide a list of the locations of the affiliated facilities to the consumer. Ms. Cooper stated it would be difficult to maintain the list and this should not be a requirement.

Mr. Sanchez stated Board staff will make additional changes to the legislative language and bring it back to the Board for review and approval.

#### 15. Board Election of Officers

Mr. Sanchez stated the Board is required to elect a Chair and Vice Chair.

Ms. Snow nominated Dee Parker as Chair. The nomination was accepted by Ms. Parker. The nomination passed 7-0.

Ms. Cooper nominated Marcia Raggio as Vice Chair. The nomination was accepted by Ms. Raggio. The nomination passed 7-0.

#### 16. Future Agenda Items and Future Board Meeting Dates

Mr. Sanchez stated the next Board meeting is February 20-21 in Sacramento.

Ms. Raggio requested the written public comment received from Tracey McDonnell regarding the regulations for the supervision of SLPAs be added to a future agenda.

Ms. Chang requested adding probation monitoring costs to the disciplinary guidelines to a future agenda.

#### 17. Adjournment

Ms. Parker adjourned the meeting.