



MEETING MINUTES
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID
DISPENSERS BOARD

November 7, 2014 – 9:00 a.m.
Sheraton San Diego Hotel and Marina
1380 Harbor Island Drive
San Diego, CA 92101

I. Call to Order

Chairperson Alison Grimes called the meeting to order and took roll at 9:10 a.m. Eight members of the Board were present and thus a quorum was established.

Board Members Present

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

Board Members Absent

Rodney Diaz, M.D.

Staff Present

Paul Sanchez, Executive Officer
Gary Duke, Acting Legal Counsel
Anita Joseph, Enforcement Coordinator
Karen Robison, Enforcement Analyst
Tim Yang, Licensing Analyst

II. Introductions

Guests and members of the public introduced themselves.

Guests Present

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Bob McKinney, California Speech Language and Hearing Association
Cynthia Peffers, HHP

III. Disciplinary Process Overview

Megan O'Carroll, DAG Liaison was unable to attend the meeting. Mr. Sanchez provided a brief overview of the disciplinary guidelines. Mr. Duke discussed the disciplinary process in detail and went over the process flow chart provided to board members.

IV. Review and Discuss for Possible Action on Mail Ballot Policy: Number of Votes Required to Hold a Proposed Action for Discussion

Mr. Sanchez discussed that there is no written mail ballot vote policy on holding a proposed action for discussion. He added that boards typically will require two votes to hold an action for discussion. Mr. Duke gave a background on mail ballot policy based on his experience working with other boards. Discussion ensued among the Board to drop the hold vote from two (2) to one (1).

- **M/S/C Manning/Shalev**
Reduce the amount of votes needed to hold a proposed action over for discussion from two (2) to one (1).

CLOSED SESSION

V. The Board met in closed session pursuant to Government Code Section 11126 (c) (3) to discuss and vote on this matter and other disciplinary matters including stipulations, proposed decisions, and petitions.

RETURN TO OPEN SESSION

The Board returned to open session at 11:23 a.m.

VI. Approval of the August 21, 2014 Board Meeting Minutes

- **M/S/C Shalev/Lee**
Approve the meeting minutes as written.

VII. Executive Officer and Board Staff Reports

A. Budget - Mr. Sanchez gave an overview of the budget stating the Board is projected to see a slight increase in revenue this year. He stated SLP and HAD are currently two separate budgets, however; they will be consolidated into one. The Board discussed growth of the programs and the need for additional staff. Mr. Sanchez stated that the Board is reviewing its processes and may need to seek additional resources through the budget process; however, based on the current fund condition it would be difficult to afford an increase in staff. He recommended that the Board be proactive and consider future fee increases and added that all increases would have to be justified to cover the Board's cost of doing business.

- B. Administration/Personnel/Staffing -The Board will be recruiting to fill an enforcement analyst position in December 2014 and a licensing analyst position in April. Mr. Sanchez took the opportunity to introduce new staff attending the meeting and informed the Board of the work they will handle: Anita Joseph, Enforcement Coordinator, Karen Robison, Enforcement Analyst; and Tim Yang, who is replacing Debbie Newcomer as Hearing Aid Dispensers Licensing and Examinations Analyst upon her retirement.
- C. Enforcement/Licensing/Examinations - Mr. Sanchez gave an overview of the enforcement, licensing and examination statistics. There was a remark that holding the practical exam in Northern and Southern California within a few weeks of each other is a good idea.
- D. Update on Proposed Regulation Packages - Mr. Sanchez reported that the Board does not have an analyst dedicated to regulations and legislation. The Board has asked for assistance from the Legislation and Regulations Unit and will assign a staff member to work on completing the proposed regulations adopted by the Board. It is estimated it could take four to six months to complete and submit them to the Office of Administrative Law (OAL). The Board has one year from the date of publication to complete and submit the final rulemaking package to OAL.
- E. Update on Implementation of SB 1326 – Roth – Hearing Aid Warranty - SB 1326 was discussed and the use of warranty in place of right to return was debated. It was noted there could be confusion in SB 1326 with the use of the word “warranty” and the meaning “right to return.” Mr. Shalev asked if the Board has authority to fine a licensee for violation of the new law. Mr. Duke responded that the Board’s authority is in CCR 1399.135 and 1399.136. Mr. Shalev expressed concern that Song Beverly amendments found in Civil Code 1795.6 (a)(2) and 1795.6(b)(2) were placed in the wrong section of the law and should instead have been placed under Civil Code 1793.02. Mr. Duke added that if the Board felt a change was necessary, it could be pursued through an omnibus bill but it would have to be non-controversial. Vanessa Cajina commented that HHP is not of the opinion that this change is necessary. Chairperson Grimes asked Mr. Sanchez to research this further and work with Mr. Shalev and Ms. Raggio, if necessary.
- F. Update on Hearing Aid Dispensers Practical Examination - HAD Practical Exam will be held in Sacramento, November 8, 2014 and San Diego, November 22, 2014.
- G. Update on BreEZe - The Board was updated on the status of BreEZe and it was noted that working on BreEZe will take up quite a bit of staff time. Hiring additional staff to help handle the workload while staff is working on BreEZe is being considered.

VIII. Legislation

- A. AB 2396 (Bonta) Convictions: Expungement: Licenses - Mr. Duke explained that expunged convictions used solely as evidence toward denying a license will be prohibited effective January 1, 2015. He added that expunged convictions can still be used but the Board would have to prove facts of the case which can result in costly investigations.

- B. AB 2720 (Ting) State Agencies Meetings: Record of Action Taken - Teleconference meetings will report all votes by rollcall effective January 1, 2015.
- C. SB 1326 (Roth) Hearing Aids: Warranty: Work Order or Receipt - Mr. Shalev, Ms. Raggio, and Mr. Sanchez will work with staff to see what if any changes are necessary.
- D. SB 1466 (SBP & EDC) Health Care Professionals - Ms. Solomon-Rice noted concerns she had with the language and said she would work with staff towards clarifying the language.

IX. Practice Committee Reports

Speech-Language Pathology Practice Committee Report - Ms. Solomon-Rice, SLP committee chair, provided an update from the SLP committee meeting. The Board was informed of the revisions to the Variable Term Waiver criteria that were discussed at the Commission on Teacher Credentialing Committee meeting in October, the development of an audit process for supervision of SLPA's, and looking into requiring English competency of foreign applicants. She noted the Board is looking to improve the application process in order to reduce processing time frames. Increasing fees to provide additional staff to handle the audits of supervising SPLA's was suggested.

Ms. Solomon-Rice went on to report that the SLP committee voted to recommend an increase in the number of self-study CE hours allowed per renewal cycle.

Audiology Practice Committee Report - Ms. Grimes, AU committee chair, provided an update from the AU committee meeting. The Board was informed that the committee is waiting on a response about Medical/CCS from CCS; discussed services provided to deaf and hard of hearing children by regional centers; and increasing the amount of self-study hours allowed during each renewal cycle.

In relation to the proposed Audiology Aide regulatory language, Ms. Grimes reported that the committee voted to request Legal Counsel to provide legal clarification on the practice of audiology in relation to the fitting and selling of hearing aids and the taking of ear mold impressions. Mr. Duke discussed the definitions listed in Article 8 of the Practice Act. He pointed out that there may be issues with the proposed Audiology Aide regulations language conflicting with Business and Professions Code 2538.22. Ms. Grimes asked Ms. Raggio to work with staff and legal counsel for clarification.

X. Discussion and Possible Action on Increasing the Number of Self-Study Hours for Speech-Language Pathology and Audiology

The Board discussed increasing the amount of self-study hours allowed per renewal cycle from six (6) to twelve (12) hours for SLP's and Audiologists. The discussion included implementing a

clearer definition of what self-study means, reasons to increase self-study hours, and inclusion of a post course test to measure learning.

- **M/S Parker/Shalev**
Increase Speech-Language Pathology self-study continuing education hours from six (6) to twelve (12) hours per renewal cycle. The motion was withdrawn

- **M/S/C Manning/Parker**
Better define the definition of self-study.

XI. Public Comment on Items Not on the Agenda

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

XII. Agenda Items and Future Board Meetings Dates

- A. Agenda Items for Next Meeting
- B. Board Meeting – March 11-12, 2015, Sacramento
- C. Board Meeting – June 24-25, 2015 (location to be determined)

XIII. Adjournment

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting adjourned at 2:15 p.m.