

TITLE 16 - SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) is proposing to take the action described in the Informative Digest, below.

No public hearing has been scheduled on the proposed action. However, any interested person or such person's duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code section 11346.8. Written comments, including those sent by mail or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than **5:00 p.m. on September 22, 2020**.

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any proposal with changes sufficiently related to the original text will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code section 2531.95 and 2538.1(a), to implement, interpret or make specific sections 163.5, 2532.6(f), 2534.2, 2535, 2535.2, 2538.1, 2538.53, 2538.54, and 2538.57 of the Business and Professions Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as outlined below.

INFORMATIVE DIGEST

The Board is authorized by Business and Professions Code (BPC) section 2531.95 to adopt regulations necessary to implement the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Licensure Act. Additionally, pursuant to BPC sections 2531.95, 2534.2, and 2538.1, the Board has the statutory authority to collect fees to carry out its consumer protection mandate, support the functions of the Board as they relate to regulating speech-language pathologists, audiologists, dispensing audiologists, speech-language pathology assistants, speech-language pathology aides, audiology aides, required professional experience temporary licensees and temporary licensees, and maintain an adequate balance in its contingency fund.

The following substantive changes are being proposed:

Section 1399.157

The regulatory proposal sets forth the fees for speech-language pathologists, audiologists, dispensing audiologists, speech-language pathology assistants, and other Board fees. The proposed regulation would increase the application and biennial renewal fees for speech-

language pathologists and audiologists from \$60.00 to \$150.00. The proposed regulation would also establish an application fee of \$50.00 for speech-language pathology assistants and a biennial renewal fee of \$100.00. The proposal would increase the fee for registration of an aide from \$10.00 to \$30.00. Additionally, the proposed regulation would establish a delinquency fee of \$25.00, a fee of \$25.00 for a license status and history certification letter, and a fee of \$25.00 for a duplicate wall certificate.

Section 1399.170.13

The regulatory proposal sets forth the process for applying for registration as a speech-language pathology assistant. The proposed regulation will remove the application and registration fee from this section.

Section 1399.170.14

The regulatory proposal sets forth the process for renewing a speech-language pathology assistant registration. The proposed regulation will remove the renewal fee from this section.

POLICY STATEMENT OVERVIEW

The Board regulates approximately 30,000 licensees in the practices of speech-language pathology, audiology, and hearing aid dispensing. Through this rulemaking, the Board proposes to amend section 1399.157 of the California Code of Regulations to increase application and renewal fees. This proposal is necessary to ensure sufficient resources are available to maintain the Board's operations and meet its consumer protection mandate.

BPC section 2531.02 specifies protection of the public must be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions.

ANTICIPATED BENEFITS OF PROPOSAL

This regulatory proposal would allow the Board to maintain current operations and provide for a modest reserve for economic uncertainties. Without sufficient funding levels the Board will not be able to carry out its mandate to protect the health, safety, and welfare of California consumers.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

After conducting a review for any regulations that would relate to or affect this area, the Board evaluated this regulatory proposal and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: The Board indicates any workload and costs related to implementing the proposed regulations will be absorbed within existing resources. The Board

estimates the proposed regulations will increase revenues by approximately \$495,305 per year, eliminate any structural imbalance, and begin to build a prudent fund balance reserve.

The Board does not anticipate any impact on federal funding.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17500-17630 Requires Reimbursement: None.

Business Impact: The Board has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Persons or Business: There will be a cost impact on a representative private person or business associated with the increased application and renewal fees and other miscellaneous fees for speech-language pathologists, audiologists, and speech-language pathology assistants.

The Board anticipates the proposed fees will increase annual industry costs by approximately \$495,305 per year.

Effect on Housing Costs: None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because this regulatory proposal will increase fees for individual licensees, which only impacts individuals, not businesses.

Effect on Small Business: The Board has determined that this regulatory proposal will not impact small businesses in the State of California because this regulatory proposal will increase fees for individual licensees, which only impacts individuals, not businesses.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: As stated above, the benefits of the regulation to increase fees will be to maintain current Board operations and reserves in order to carry out the Board's mandate to protect the health, safety, and welfare of California consumers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been

identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained upon request from the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board at 2005 Evergreen Street, Suite 2100, Sacramento, CA 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Cherise Burns, Assistant Executive Officer
Address: 2005 Evergreen Street, Suite 2100
Sacramento, CA 95815
Telephone No.: (916) 561-8779
E-Mail Address: SpeechandHearingRegulations@dca.ca.gov

The backup contact person is:

Name: Paul Sanchez, Executive Officer
Address: 2005 Evergreen Street, Suite 2100
Sacramento, CA 95815
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Website Access: Materials regarding this proposal can be found at www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml