

**TITLE 16. Speech-Language Pathology and Audiology
And Hearing Aid Dispensers Board
DEPARTMENT OF CONSUMER AFFAIRS**

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations

Continuing Education (CE) Requirements for Hearing Aid Dispensers

Sections Affected

Sections 1399.140, 1399.140.1, and 1399.144 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations (CCR).

Updated Information

The Initial Statement of Reasons (ISOR) is included in the file. The information contained therein is updated as follows:

The 45-day public comment period began on July 28, 2023, and ended on September 12, 2023. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) did not hold a public hearing for this proposed regulatory action nor was one requested. The Board received six (6) written comments during the initial 45-day public comment period.

- Two (2) in support, and
- Four (4) expressed concerns with the proposed regulatory changes or recommended changes.

During Board meeting on December 1, 2023, the Board considered the written comments and determined to not make changes to the proposed regulatory text to accommodate the comments (discussed at the end).

Pursuant to Government Code sections 1346.9(a)(1) and 11347.1, the Board issued a 15-day notice to allow the public to review new documents relied on to update the information contained in the ISOR. The 15-day public comment period began on January 8, 2024, and end on January 23, 2024. The Board received thirteen (13) written comments during the 15-day public comment period.

- One (1) in support, and
- Twelve (12) were not related to the new documents relied on to update the information contained in the ISOR.

During Board meeting on March 1, 2024, the Board considered the written comments

and determined to not make changes to the proposed regulatory text to accommodate the comments (discussed at the end).

Local Mandate

This regulatory action does not impose a mandate on local agencies or school districts.

Small Business Impact

The Board has determined that the proposed regulations will not affect small businesses. This is because the proposed regulatory action is related to CE requirements for license renewal, and does not enhance or inhibit industry growth within the industries the Board regulates.

Fiscal Impact

The Board does not anticipate any increase in workload or costs to the state as a result of the proposed regulations.

Economic Impact

The Board has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. This is because the proposed regulatory action is related to CE requirements for license renewal, and does not enhance or inhibit industry growth within the industries the Board regulates.

Anticipated Benefits of this Proposal

The Board anticipates the public will benefit from enhanced services because their licensed hearing aid dispensers will have increased knowledge on the equipment, devices, or other products used by their patients/client to optimize their hearing while in different listening environments. Licensees will benefit from greater access to different CE opportunities such as different course content and CE hours for service to the Board or teaching a course.

It will not affect worker safety or the state's environment because the proposed regulatory action is related to CE requirements for license renewal, and does not concern or impact the state's environment.

Consideration of Alternatives

The Board determined that there are no reasonable alternatives to the regulation or that has otherwise been identified and brought to its attention (discussed below) that would be more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons, and equally effective in in

implementing the statutory policy or other provision of law.

Summary of Comments and Board Response (45-Day)

The Board received six (6) written comments during the initial 45-day public comment period.

- Two (2) in support, and
- Four (4) expressed concerns with the proposed regulatory changes or recommended changes.

Summary: The Board received three (3) comments expressing concerns with the limits to self-study and recommended greater flexibility to the CE requirements including more self-study hours, or aligning with the American Speech-Language-Hearing Association (ASHA) and allowing all CE hours to be earned via self-study.

1. Board Response: The Board decided not to change the proposed regulatory text to accommodate these comments because there does not appear to be consensus within the research on continuing professional development that self-study is the best method.^{1,2} The Board also found that CE is most effective when it is interactive such as opportunities found at “in-person” or “live” courses.^{2,3,4} Therefore, the Board will continue to limit the number of hours that can be completed through self-study. Furthermore, requiring “live” courses is necessary because licensees who practice alone or do not interact with other licensees and professionals run the risk of being less aware of current practice standards, a situation that can endanger the health, welfare, and safety of the public.^{1,5} Courses that are “live” provide opportunities for licensees to connect with other licensees and professionals on a regular basis. Though some individuals do learn better through self-study courses, connecting with other licensees and professionals promotes ongoing competency and reduces professional isolation.³ Therefore, requiring a specified number of hours in “live” coursework will ensure regular interactions with other licensees and professionals for the purpose of consumer protection.

Summary: The Board received one (1) comment recommending that the total number of CE hours required be reduced as an alternative to greater flexibility in accepting

¹ Association of State and Provincial Psychology Boards' *Guidelines for Continuing Professional Development*. Available from <https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/profdevelopment2023.pdf>

² *Evidence For Continuing Professional Development Standards For Regulated Health Practitioners In Australia: A Systematic Review*. Available from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10026429/pdf/12960_2023_Article_803.pdf

³ *Continuing professional development: best practices*. Available from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4005177/?report=printable>

⁴ *Interactive Learning in Continuing Professional Development: "at Least 25 Per Cent of Time."* Available from <https://www.royalcollege.ca/content/dam/documents/learning/continuing-professional-development/interactive-learning-cpd-e.html>

⁵ *Competence, ethical practice, and going it alone*. Available from <https://societyforpsychotherapy.org/competence-ethical-practice-and-going-it-alone/>

more pre-recorded courses, or greater access to different CE opportunities.

- 2. Board Response:** The Board decided not to change the proposed regulatory text to accommodate this comment because the Board is not considering changes to the total number of CE hours required. The Board believes reducing the number of CE hours required would undermine public protection. With the proposed regulatory changes, the Board will continue to accept pre-recorded courses for half of the total required CE hours. In addition, the proposed regulatory changes will give licensees greater access to different CE opportunities such as CE hours for service to the Board or teaching a course, and allow for different course content (e.g., courses related to equipment, devices, or other products).

Summary of Comments and Board Response (15-Day)

The Board received thirteen (13) written comments during the 15-day public comment period.

- One (1) in support, and
- Twelve (12) were not related to the new documents relied on to update the information contained in the ISOR.

Summary: The Board received three (3) comments asking about the rulemaking process or the proposed text.

- 3. Board Response:** The Board decided not to accommodate these comments because no objection or recommendation was provided. *Note: Board staff responded to these comments and the responses are included in the Public Comments.*

Summary: The Board received a comment recommending a decrease in the requirement for live CEUs and noted that with a full-time position it is often difficult to attend all of the live CEUs. The comment also noted that the licensee enjoys taking live courses and the Q&A but that a better balance between live and self-study courses would be welcomed.

- 4. Board Response:** The Board decided not to accommodate these comments because they were not related to the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received a comment in support of the addendum and noted that current requirements are not fair because they cause the licensee to choose less ideal courses in order to meet the requirements. The comment also noted that the licensee would get more if there were less selections.

5. Board Response: The Board decided not to accommodate this comment because no objection or recommendation was provided.

Summary: The Board received a comment expressing agreement or support for the proposed text and noted that it could create more opportunities and benefits for the individual.

6. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received four (4) comments expressing agreement or support for the proposed text and noted that:

- The amount of self-study courses for speech-language pathologists has been increasing each year.
- There are widely available continuing education courses online, but often do not align with the West Coast work schedule.
- Increasing the number of hours allocated to self-study will assist SLPs in easily completing additional hours while accommodating a variety of work schedules.
- This will create less confusion regarding the requirements of a licensee and will assist new graduates and seasoned clinicians alike.
- This will hopefully decrease the number of emails and/or phone calls to the California board regarding this subject.
- This will provide an incredible benefit for working mothers/parents, those with high productivity standards at work and overall, every speech language pathologist in this state.
- The licensee is devoted to continuing education that keep them up to date with evidenced based practice.
- Many live courses are during working hours requires time off and make up sessions the days after.
- Occupational therapist may not have live course requirements or much lower number.
- Continuous learning is vital to this field but it may sometimes take multiple courses to fulfill these requirements and not all SLP's have the work schedule to fit multiple courses of CEU's during business hours.
- More SLP's will be able to get a diverse range of CEU's and be able to fit it in during their work week.
- Increasing the number of hours that may be obtained in related or indirect client care courses would be beneficial to professionals within the field of Speech-Language Pathology.
- The licensee had caseload with the following disorders and pathologies: intellectual disability, autism, selective mutism, Attention Deficit Hyperactivity Disorder, Down Syndrome, Cerebral Palsy, Hearing Loss, and hyperdontia, and

that it would have been helpful to conduct additional research on these pathologies to learn how best to support the whole child, and not just their communication needs

- related coursework and study are highly beneficial and increasing the number of hours allotted would allow professionals to better serve the whole client

7. Board Response: The Board decided not to accommodate these comments because the comments were not related to this proposed rulemaking. This rulemaking is for the practice of fitting or selling hearing aids. Changes to the continuing education requirements for the practice of speech-language pathology is in a different rulemaking.

Summary: The Board received a comment expressing concerns with the proposed regulatory text and recommended no changes to CE hours. The comment noted that the licensee goes through a training to improve their knowledge at their work/company. The commenter further noted that it is not necessary to add more hours because licensees live in a busy world and renewing annually and completing CE is already challenging and stressful.

8. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received a comment recommending self-study to be accepted for all CE hours and noted the addendum seems to be a step in the right direction though it is hard to read.

9. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.

Summary: The Board received a comment expressing that the proposed regulatory text aligns with changing preferences and needs of professionals in our field and recommended a greater percentage of self-study and prerecorded courses, establish clear criteria and quality standards for approving self-study and prerecorded courses to ensure that they meet the educational objectives, and provide resources and guidelines to assist licensees in identifying reputable and valuable self-study and prerecorded courses. The comment noted that the recommended changes will contribute to the overall enhancement of professional development within the state and aligns with the broader trend in education and training and supports the diverse needs of licensed professionals in our field. The comment further noted that:

- There is a significant shift in the way professionals seek and consume educational content and advances in technology have made self-study and prerecorded courses more accessible and effective which offer flexibility for individuals with varying schedules and learning styles, allowing them to acquire new knowledge and skills at their own pace.
- Self-study and prerecorded courses offer greater flexibility, allowing professionals to engage in learning activities that fit their schedules and personal commitments.
- Modern technology has significantly improved the quality and effectiveness of online educational content, making self-study and prerecorded courses viable alternatives to traditional in-person training.
- Individuals have diverse learning preferences, and offering a variety of CEU options, including self-study and prerecorded courses, accommodates these differences.
- Online courses often eliminate the need for travel and accommodation expenses, making professional development more cost-effective for practitioners.

10. Board Response: The Board decided not to accommodate this comment because the recommendation was on the proposed text and not the new documents relied on to update the information contained in the ISOR that was noticed to the public on January 8, 2024, pursuant to Government Code sections 11346.9(a)(1) and 11347.1.