



BOARD MEETING NOTICE AND AGENDA

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) will hold a Board Meeting in person in accordance with Government Code section 11123, subdivision (a), and via WebEx Events on

Wednesday, June 12, 2024, beginning at 9:00 a.m.

LOCATION FOR OBSERVATION AND PUBLIC COMMENT:

*Department of Consumer Affairs (Headquarters Building)
1625 North Market Blvd., Hearing Room # 102 (1st Floor)
Sacramento, CA 95834*

IMPORTANT NOTICE TO THE PUBLIC:

The Board will hold this public meeting in-person and via WebEx, to observe and participate from a remote location, please log on to WebEx (Instructions to connect to this meeting can be found at the end of this agenda). To participate in the WebEx Events meeting, please log on to the following websites each day of the meeting:

Wednesday, June 12, 2024, WebEx Link, beginning at 9:00 a.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m8f07ce3ccbd07f7b11681aee068dc945>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 2484 573 2869, Passcode: 75724232

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com

To observe the meeting without the ability to provide public comment, a live stream of the Board Meeting will be available during each day of the meeting at <https://thedcapage.blog/webcasts/>

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, Monday, June 10, 2024, to speechandhearing@dca.ca.gov for consideration.

Action may be taken on any agenda item. Items may be taken out of order to facilitate the effective transaction of Board business.

Wednesday, June 12, 2024, beginning at 9:00 a.m.

Board Members

Gilda Dominguez, Speech-Language Pathologist, Board Chair
Amy White, Dispensing Audiologist, Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
VACANT, Otolaryngologist, Public Member
VACANT, Public Member
VACANT, Speech-Language Pathologist

Full Board Meeting Agenda

OPEN SESSION

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda (*The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))*)
3. Review and Possible Approval of the March 1, 2024, Board Meeting Minutes
4. Board Chair Report
5. Executive Officer's Report
 - a. Administration Update
 - b. Budget Report
 - c. Outreach Update
 - d. Licensing Report
 - e. Practical Examination Report
 - f. Enforcement Report
 - g. Regulations Report
6. Board Strategic Planning Moderated by Department of Consumer Affairs (DCA) SOLID Team
 - a. Strategic Planning Overview
 - i. Board 2021 - 2024 Strategic Plan Highlights
 - ii. Introductions
 - iii. Environmental Scan: Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis
 - b. Strategic Planning Action Items
 - i. Review and Possible Revision of the Board's Mission, Vision, and Values
 - ii. Review and Possible Revision of the Board's Strategic Goals
 - iii. Description of New Strategic Goal Objectives

BREAK 1:00 – 2:00 pm

7. Regulatory Report: Update, Review, Consideration and Possible Action on the Following Board Regulation Packages Regarding:
 - a. SLPA Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18
 - b. Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144
 - c. Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4
 - d. Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127
 - e. Approved Institutions as stated in Title 16, CCR section 1399.152
 - f. Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119
 - g. Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14
 - h. General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, CCR sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4
 - i. Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13
 - j. Audiology Licensing Requirements Related to Supervised Clinical Experience as stated in Title 16, CCR section 1399.152.2

8. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
 - a. Legislative Calendar and Deadlines
 - b. 2023 Legislation Implementation
 - i. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes.
 - ii. AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.
 - c. 2024 Board-Sponsored Legislation
 - i. SB 1526 (Committee on Business, Professions and Economic Development) Consumer affairs.
 - d. Bills with Recommended Watch Status
 - i. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.
 - ii. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.
 - iii. AB 1816 (Schiavo) Deceptive practices.
 - iv. AB 1900 (Weber) Consumer Legal Remedies Act: nondisclosure agreements.
 - v. AB 1928 (Sanchez) Worker classification: employees and independent contractors.
 - vi. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age.
 - vii. AB 1991 (Bonta, Mia) Licensee and registrant records.
 - viii. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program.
 - ix. AB 2269 (Flora) Board membership qualifications: public members.
 - x. AB 2339 (Aguiar-Curry) Medi-Cal: telehealth.
 - xi. AB 2862 (Gipson) Licenses: African American applicants.
 - xii. AB 2908 (Chen) Shareholders' meetings: remote communication.
 - xiii. AB 3127 (McKinnor) Reporting of crimes: mandated reporters.
 - xiv. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

9. Legislative Items for Future Meeting (The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4)
10. Future Agenda Items

CLOSED SESSION

11. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

OPEN SESSION

12. Adjournment

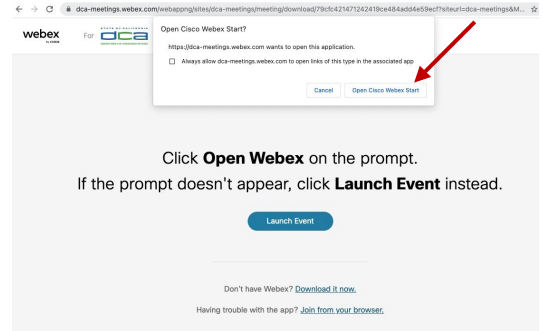
Agendas and materials can be found on the Board's website at www.speechandhearing.ca.gov.

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. In the event a quorum of the board is unable to attend the meeting, or the board is unable to maintain a quorum once the meeting is called to order, the members present may, at the Chair's discretion, continue to discuss items from the agenda and make recommendations to the full board at a future meeting. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

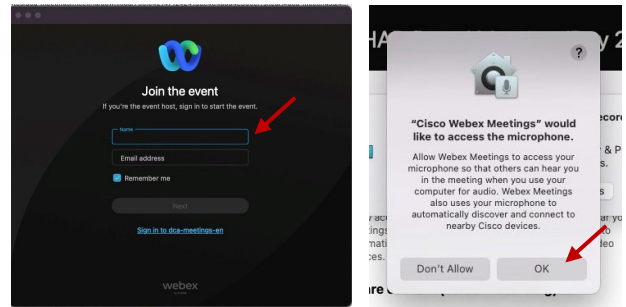
The meeting facility is accessible to persons with a disability. Any person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board office at (916) 287-7915 or making a written request to Cherise Burns, Assistant Executive Officer, 1601 Response Road, Suite 260, Sacramento, California 95815. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

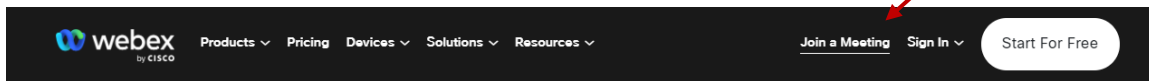


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

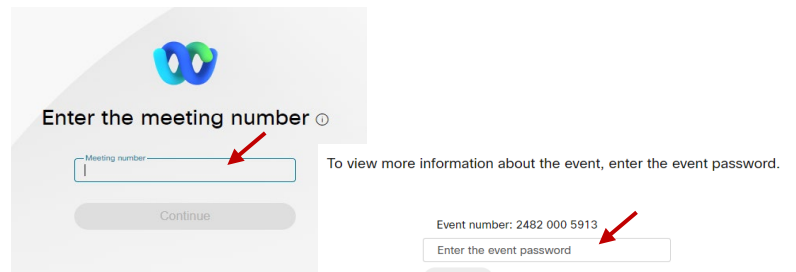
OR

If joining from Webex.com

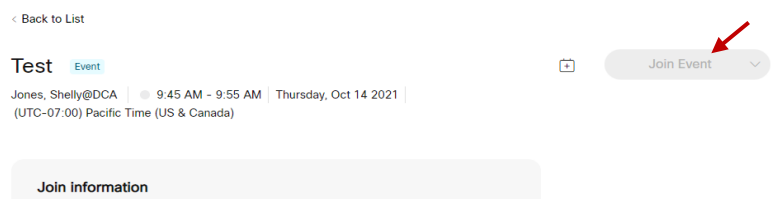
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



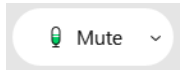
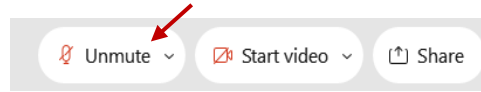
OR

Connect via telephone*:

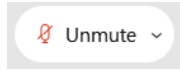
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

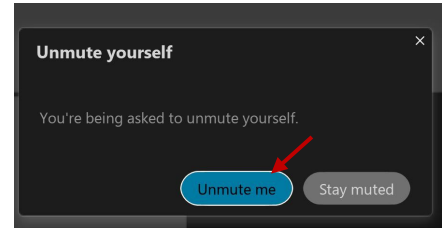


Green microphone = Unmuted: People in the meeting can hear you.



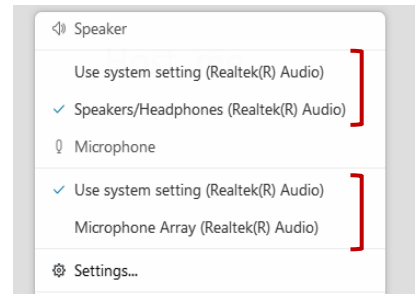
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



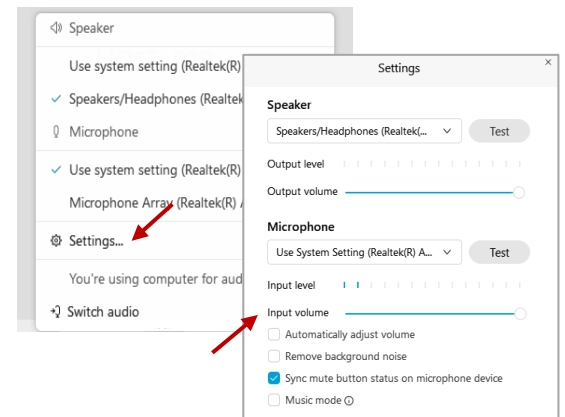
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

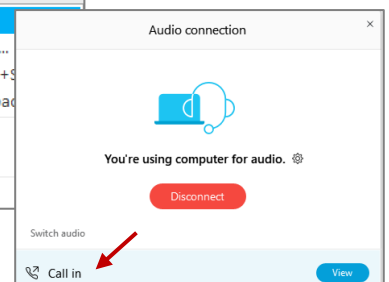
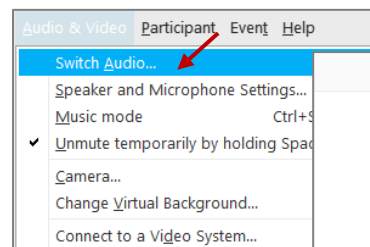
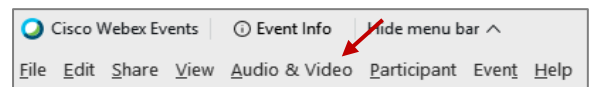
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



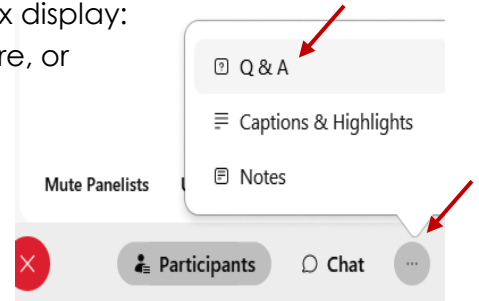
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

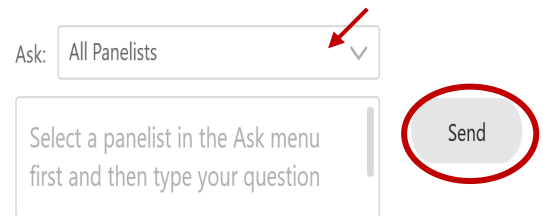
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

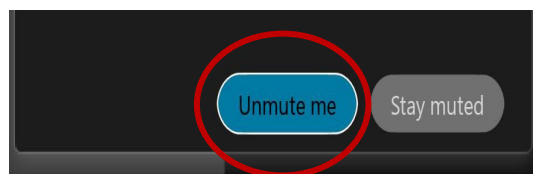
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

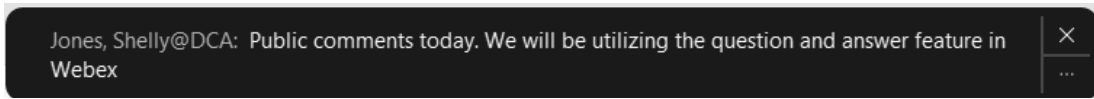


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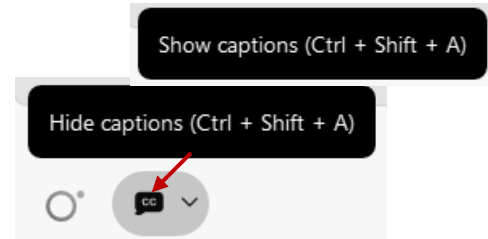
If connected via telephone:

- Press *3 to unmute your microphone.

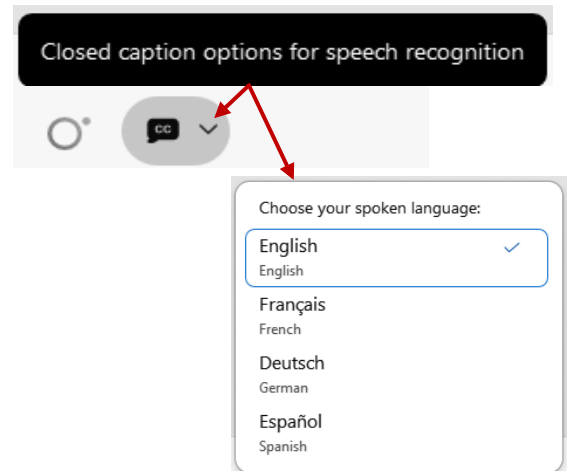
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



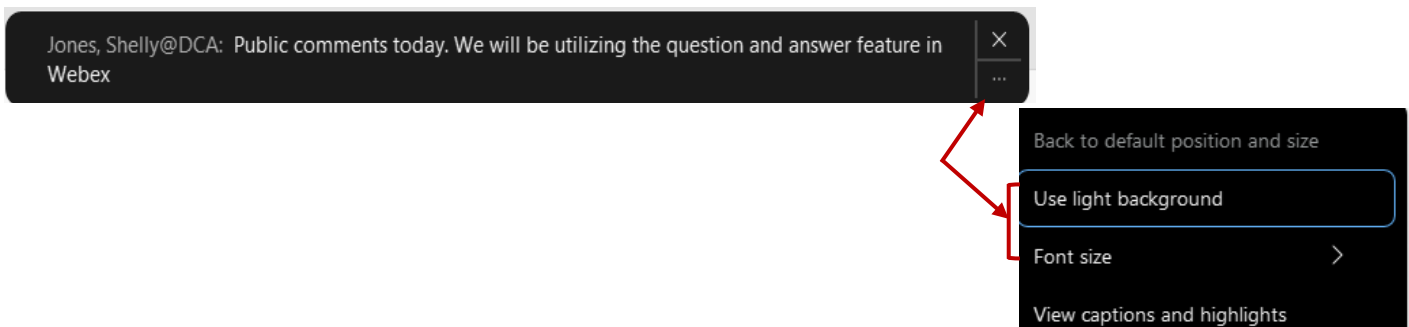
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





MEMORANDUM

DATE	March 11, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Review and Possible Approval of the March 1, 2024 Board Meeting Minutes

Background

Attached is a draft of the meeting minutes from the March 1, 2024 Board Meeting.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the March 1, 2024 Board Meeting minutes.

Attachment: March 1, 2024 Board Meeting Minutes



BOARD MEETING MINUTES - DRAFT
Teleconference – Sacramento, Glendora, Lodi, Moorpark, and Stanford
March 1, 2024

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

Gilda Dominguez, Board Vice Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 11:31 a.m. Ms. Dominguez verified all meeting locations were open and called roll; six members of the Board were present and thus a quorum was established.

Board Members Present

Gilda Dominguez, Speech-Language Pathologist, Board Chair
Amy White, Dispensing Audiologist, Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member (arrived at 12:49 p.m.)

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Lisa Snelling, Licensing Coordinator
Tim Yang, Enforcement Analyst
Yuping Lin, DCA Legal Counsel
Grace Arupo Rodriguez, DCA Regulation Counsel
Ann Fisher, DCA SOLID
Christi Van Eyken, DCA Legislative Affairs

2. Public Comment for Items Not on the Agenda

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Review and Possible Approval of the November 30 – December 1, 2023, Board Meeting Minutes

Ms. Dominguez opened the discussion on the review and possible approval of the minutes. Maria Liranzo provided a summary of the minutes.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the November 30 – December 1, 2023, Board meeting minutes.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders)

4. Review and Possible Approval of the February 2, 2024, Board Meeting Minutes

Ms. Dominguez opened the discussion on the review and possible approval of the minutes.
Ms. Liranzo provided a summary of the minutes.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

Charles Sanders moved to approve the February 2, 2024, Board meeting minutes.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders)

5. DCA Update – DCA Board and Bureau Relations

Ms. Dominguez invited staff from DCA Board and Bureau Relations to provide an update. Christi Van Eyken provided an update on the appointment of the Secretary for the California Business, Consumer Services and Housing Agency; Department of Finance budget letter regarding general fund deficit; DCA's Diversity, Equity, and Inclusion Committee; threat assessment training; changes to the Bagley-Keene Open Meeting Act; DCA's Federal Professional License Portability and State Registration portal; and Name and Gender Change Notification and Request for Confidentiality (SB 372, 2023).

Ms. Dominguez expressed her gratitude for the information provided. Ms. Van Eyken stated that she will inform DCA's Board and Bureau Relations of her gratitude.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

6. Board Chair's Report

Ms. Dominguez opened the discussion with the Board's Meeting Calendar and noted the next meeting in May will be in Sacramento and Teleconference, September at a location to be determined in Southern California, and November in Sacramento and Teleconference

Ms. Dominguez reported on the discussion from the Enforcement Ad Hoc Committee meeting.

Karen Chang asked if the Board is going to meet in person in southern California in September. Cherise Burns replied that Board staff will meet with the Board chair to determine if an in-person meeting is merited depending on the items on the agenda and noted that an exemption may be

requested if travel for in-person meeting is necessary. Paul Sanchez noted that the plan is to have an in-person meeting for items like a petition hearing.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

7. Executive Officer's Report

Ms. Dominguez invited Paul Sanchez to provide the Executive Officer's report. Mr. Sanchez reported an administration update on hiring two licensing staff and the recruitment of one enforcement position.

Mr. Sanchez reported on outreach efforts including Department of Finance budget letter regarding the reduction of expenditures in non-essential travel and noted that the Board may not attend as many in-person conferences but will continue to conduct outreach through video conferencing.

Mr. Sanchez reported on the budget including the fund condition and budget report.

Mr. Sanchez provided a brief report on the Board's regulations and deferred to the regulatory report. Mr. Sanchez noted that the Board will be assigned a new regulatory counsel.

Mr. Sanchez reported on licensing including processing times and practical examination results. Mr. Sanchez noted that the Board has cleared the licensing backlog.

Mr. Sanchez reported on enforcement including enforcement statistics and discipline for the last twelve months.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

8. SOLID Presentation on 2024 Strategic Planning Process for the Board

Ms. Dominguez invited Ann Fisher from the Department of Consumer Affairs SOLID unit to provide a presentation on the 2024 strategic planning process for the Board. Ms. Fisher presented information on the strategic planning process.

Ms. Dominguez asked how frequent the strategic plan is reviewed, updated, and made available to the public. Ms. Fisher replied that each board is different and noted some board have two-year plan where others do not. Ms. Fisher further noted that the Board's last plan ran from 2021 to 2024 and commented on the next plan will begin in 2024 and the end will depend on the number of objectives identified. Ms. Fisher stated that almost every board publishes their strategic plan and noted that the Board has its current plan on its website.

Ms. Dominguez stated that she only sees the 2016-2020 plan and asked where the current plan is located. Ms. Burns replied that it is under the forms/publications tab on the Board's website. Ms. Dominguez stated that she found the 2016-2020 plan under Board Activity. Ms. Burns noted to update the Board Activity webpage.

John Dandurand asked if times will be allotted at the Board meeting for discussion on the strategic plan. Ms. Burns replied that it will be part of the Board meeting and will be scheduled during either the May or September meeting. Ms. Burns commented on the process and noted that the Board will review inputs from external stakeholders, Board members, and staff. Mr. Sanchez commented to encourage Board members to review the current plan and identify goals that can turn in to objectives or projects. Mr. Sanchez stated that this is used to make budget changes and changes in the office.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

9. Legislative Report: Update, Review, and Possible Action on Proposed Legislation

Ms. Dominguez invited Ms. Liranzo to provide the legislative report. Ms. Liranzo reported on the legislative calendar and deadlines, legislation implementation, Board-sponsored legislation and noted the omnibus proposal does not have a bill number but Board staff will continue to monitor all bills for the Board's proposal.

Ms. Liranzo reported on bills with active positions taken by the Board and noted Assembly Bill (AB) 381 died in the Assembly and the vetoed was sustained for Senate Bill (SB) 635.

Ms. Liranzo reported on bills with recommended watch status and noted AB 477 died in the Assembly and SB 763 died in the Senate. Ms. Liranzo furthered noted that AB 1816, AB 1900, AB 1928, AB 1949, AB 2011, AB 2269, SB 908, and SB 935 were added to the watch status.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

10. Legislative Items for Future Meeting

Ms. Dominguez asked for legislative items for future meeting. Ms. Burns stated that Board staff do not have any items.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

11. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

Ms. Dominguez invited Ms. Liranzo to provide the regulatory report. Ms. Liranzo provided an update on the Board's regulatory packages and noted items that require Board review and approval.

Mr. Dandurand asked why proposed changes to regulations regarding fingerprinting requirements had no action since 2022 and what will happen to it. Ms. Burns replied that, during the fiscal review, it was determined that the Board may need to ask for an additional position through a budget change proposal and noted that Board staff will review it again to see if it can be absorbed within current positions as the Board received a new licensing position this past year. Mr. Sanchez

commented on the regulatory packages and how they are prioritized. Mr. Sanchez stated that any fiscal impact will affect the time it takes. Mr. Sanchez further noted that the Board hasn't had a regulatory analyst until recently and that many of the packages were backlogged and may be delayed as the Board catches up.

Ms. Dominguez asked for public comments on the regulatory report.

Megan McCann asked when the proposed changes to regulations regarding SLPA supervision would go into effect. Ms. Liranzo replied that the Board anticipates a July 1st effective date if the Office of Administrative Law approves and files it with the Secretary of State.

Ms. Liranzo provided a background on proposed changes to regulations regarding hearing aid dispensing continuing education and noted that Board staff do not recommend additional changes to the text. Ms. Liranzo further noted public comments are included in the meeting materials and that Board staff drafted responses to public comments for Board review and approval.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

Charles Sanders moved to approve the proposed Board responses to comments on proposed regulatory text for Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, as noticed.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders, Valdez)

Ms. Liranzo provided a background on proposed changes to regulations regarding continuing professional development for speech-language pathology (SLP) and audiology and noted that Board staff do not recommend changes in response to public comment for the reasons stated in the meeting material. Ms. Liranzo further noted that Board staff recommend the Board to modify the text in section 1399.160.4(f) to say, "outside the acceptable course content" instead of "outside the scope of continuing professional development," which is much clearer to the information contained in the subsection. Ms. Liranzo mentioned that an Addendum to the Initial Statement of Reasons would be a part of the notice.

Ms. Dominguez and Dr. Amy White expressed support to amend to the text to make changes to section 1399.160.4(f).

Grace Arupo Rodriguez noted that the text noticed in the meeting materials include the changes to section 1399.160.4(f).

Ms. Dominguez asked for public comments. There were no comments from the public, outside

agencies, or associations.

Amy White moved to modify the proposed regulatory text for 16 CCR sections 1399.160 through 1399.160.4, and direct staff to take all steps necessary to notice the modified regulatory text and addendum to the ISOR.

Tod Borges seconded the motion.

The motion carried 7-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders, Valdez)

Ms. Liranzo provided a background on proposed changes to regulations regarding hearing aid dispensing advertising, and noted a public comment requested a hearing which was held earlier today. Ms. Liranzo commented on the recommendations the Board may consider.

Ms. Burns commented on the recommendation to include all persons licensed to dispense hearing aids in the advertising and research Board staff conducted. Ms. Burns stated that Board staff found a website that didn't have: a supervisor listed when a trainee was listed, the correct license title and instead used the title hearing instrument specialist, or a license number.

Dr. White asked if the letters for hearing aid dispenser should be "HAD." Ms. Burns replied that the letters on the license of a hearing aid dispenser is "HA."

Dr. White and Mr. Dandurand expressed support to amend the text to accommodate the public comment of advertising a website address that includes the information required in section 1399.127(c).

Mr. Dandurand commented on the recommendation to consider the use of QR code instead of a website address and ask if this should be considered. Mr. Dandurand also asked if the letters for a dispensing audiologist should be "DAU." Ms. Burns replied that "HAD" and "DAU" are often used to reference those license type but the letters used on the license are "HA" for hearing aid dispenser and "AU" for dispensing audiologist. Ms. Burns noted that speech-language pathology has a "SP" license and not SLP.

Dr. White commented on the recommendation to advertise a QR code instead of a website address and stated that it may be a barrier for older consumers. Dr. White further stated that the QR should be in addition to the website address. Dr. Charles Sanders expressed agreement with Dr. White's comment and noted that a QR would not maximize accessibility to information for older individuals. Ms. Dominguez and Tod Borges expressed agreement with Dr. White's and Dr. Sanders's comments.

Ms. Chang commented on websites not having the required information and asked Ms. Burns about Board staff research on websites without license numbers. Ms. Burns replied that is correct, Board staff found a website without a license number, and trainees were not being identified as a trainee that requires supervision.

Dr. White commented on licensees being responsible for making sure their website is up to date and asked if it would be acceptable if the required information is on both the website and advertisement, but the website is outdated and the advertisement is current. Ms. Burns replied that she believed it would be one or the other.

Mr. Borges asked if the text needs to specify that the website has to be updated. Mr. Sanchez replied that it's an understanding that having a website is an advertisement. Mr. Borges noted that a licensee may advertise their website but it could be outdated. Ms. Burns commented on the enforcement of laws and regulations.

Dr. White commented on the language and asked Mr. Borges if it is not clear. Mr. Borges replied that it is listed clearly. Mr. Sanchez commented on websites being advertising and needing to conform with the advertising regulations. Ms. Chang commented on the older population needing hearing aids not using computers. Mr. Borges and Ms. Dominguez expressed agreement with the comment. Mr. Borges noted that it is becoming less typical.

Ms. Dominguez asked those working in the field if they work with consumers who have challenge retrieving information online or are they relying on family members. Dr. Sanders replied that consumers will rely on family members who can use the internet. Dr. White stated that it is now more rare to come across someone who doesn't have a cellphone or smartphone and noted those that don't have family members that help the consumer with getting information. Mr. Borges commented on rural areas that may not have access to internet and stated that it should be available to the individual without having to jump through hoops to get that information.

Dr. White asked if a phone number would be an obstacle for consumers to obtain information. Mr. Borges replied that it may be for the person and expressed concern for consumers needing to look for the information.

Ms. Burns asked if a telephone number should be included in the advertisement. Mr. Dandurand asked if the assumption is that people are not advertising with a phone number. Ms. Burns replied that if it is not required, a licensee may choose to not include it to save advertising space. Mr. Sanchez commented on the purpose of the regulations and that it was intended to provide necessary information any consumer would like to know like the location and licensees that work there. Mr. Sanchez stated that there is a business incentive to include information that will help promote their business like a phone number. Ms. Chang expressed support to include a telephone number in the advertisement and expressed agreement with Mr. Sanchez's comment on the business incentive to include phone number and website address, or address.

Mr. Dandurand asked if promotional items like balloon, shirt, or hats are considered as advertising. Mr. Sanchez replied that promotional materials may not be sufficient to open an enforcement case. Ms. Liranzo noted that there are definitions for "public communication" and "advertising" in the law.

Mr. Borges stated that it would be reasonable if the consumer has the ability to get the information either by calling or checking the internet.

Ms. Arupo Rodriguez commented on the proposed regulatory language and asked if there is a suggestion to require a phone number. Ms. Arupo Rodriguez noted that, based on the discussion so far, it appears the address and license number is sufficient and that including a phone number is a business judgment of the licensee. Mr. Dandurand stated that the required information address and license number protects consumer from not being misled.

Dr. White asked if Board members were okay with the proposed language as amended or if they would like to include a telephone number. Ms. Chang replied that she is okay with the proposed

language and noted that the licensee will lose business from those who prefer to call. Mr. Dandurand and Ms. Dominguez expressed agreement with Ms. Chang's comment.

Mr. Borges expressed concern that most of his patients do not have a computer and the information should be readily available without the need of a website. Ms. Arupo Rodriguez asked if a phone number should be required. Mr. Borges replied that he is not he is speaking of the address instead of allowing the website. Ms. Liranzo clarified that it can be amended to include the telephone number and website.

Ms. Arupo Rodriguez asked if a name should be required. Ms. Burns asked if the name was not already included in the advertisement. Mr. Borges stated that the information should be clearly visible on the advertisement, and they could call to get the additional information.

Ms. Liranzo stated that any changes can be considered as the discussion is to modify the text but that it has to be done today. Ms. Liranzo recommended language that would require a phone number and website to be advertised if they include the required information. Mr. Borges stated that he wanted to consider another alternative. Mr. Dandurand asked whether the proposed text would include at minimum the telephone number. Dr. White clarified how the language would read to include the telephone number.

Ms. Burns stated that the proposed text does not require a name. Mr. Borges stated that he is okay with requiring a name with the license number and he wanted the information on the advertisement instead of having the information on the website and having the website on the advertisement. Ms. Liranzo commented on the rationale of the public comment that provided the recommended language. Mr. Dandurand commented on the issue of time when advertising on television or radio and asked if we could require a phone number and a website. Ms. Burns recommended language that would require a phone number to be advertised. Dr. White stated that the recommended language could require a phone number to be advertised with website address and that telephone is a required information on the advertisement.

Ms. Dominguez asked if it can be added as the third required information. Ms. Liranzo and Ms. Burns replied that it would not have the same effect. Mr. Sanchez commented on requiring this information for consumer protection. Mr. Borges commented on consumer protection and people not having access to a computer or internet.

Ms. Arupo Rodriguez asked the Board what it would like the language to do so that staff can draft language and stated that it would be poor advertising if someone doesn't include their name or phone number. Dr. White replied that the question is whether there should be a website exemption and not the information required. Mr. Borges expressed agreement with Dr. White's response.

Mr. Dandurand stated that he doesn't think the website exemption would negatively impact consumers it will just impact what consumers access their services. Ms. Chang expressed agreement with Mr. Dandurand's comment and noted the concerns of senior populations in rural areas. Dr. Sanders stated that the consumer will need to have the internet if they have a complaint or concern unless they are going to call the Board. Mr. Dandurand commented on the current population using hearing aids and how they access information, and noted the internet is here to stay and the regulations should reflect that.

Mr. Dandurand and Ms. Chang expressed support for the language as it is amended in the meeting

materials.

Ms. Dominguez asked if the required information would include the name and license number or just the license number. Ms. Liranzo replied that it is similar with the telephone number and the name will not be required. Ms. Burns noted that most websites have the person's name and phone.

Mr. Dandurand asked for clarification that the name won't be required. Ms. Burns replied that it is presumed that it will be included. Dr. Sanders noted that the language requires a license number for all persons and as such you will want to identify the person with the license number. Mr. Sanchez stated that the Board may wish to add the name if it wants to require that information. Ms. Liranzo stated that it can be added on to section 1399.127.(c)(2) which will read as "the name and license number of all persons licensed to dispense hearing aids at the locations advertised." Dr. Sanders and Dr. White expressed support with the suggested language.

Ms. Dominguez asked for public comments.

Joe Bartlett expressed his gratitude for the Board's discussion and commented on the discussion around the telephone number and name. Mr. Bartlett expressed support to require a name with the license number.

Charles Sanders moved to modify the proposed regulatory text for 16 CCR section 1399.127, and direct staff to take all steps necessary to notice the modified regulatory text, as amended.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders, Valdez)

12. Future Agenda Item

Ms. Dominguez asked for future agenda items. Ms. Liranzo stated that Board staff do not have any items.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

13. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

Ms. Dominguez noted that the Board will not meet to discuss disciplinary matters.

14. Adjournment

The meeting adjourned at 2:31 p.m.



MEMORANDUM

DATE	June 6, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Gilda Dominguez, Board Chair
SUBJECT	Agenda Item #4: Board Chair's Report

The Board Chair will provide a verbal update on Board and Committee activities.

Meeting Date	Location	Agenda	Meeting Materials	Minutes	Webcast
2024					
February 2, 2024 Board Meeting	Teleconference	Agenda	Materials	Minutes	Webcast
March 1, 2024 Board Meeting	Sacramento, California and Teleconference	Public Hearing Agenda	Public Hearing Materials Board Meeting Materials Hand Carry - Agenda Item 6 Hand Carry - Agenda Item 7		Board Meeting Webcast Public Hearing Webcast
June 12, 2024	Sacramento, California and Teleconference	Agenda			
September 5 – 6, 2024	TBD Southern California				
November 6 – 7, 2024	Sacramento, California and Teleconference				

STANDING COMMITTEES

Standing Committee composition and leadership are determined by the Board President and are fully within the scope of the Open Meetings Act. Standing Committee meetings are often held in conjunction with regularly scheduled Board Meetings.

SLP PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Gilda Dominguez	Chair	SLP
VACANT	Member	SLP
VACANT	Member	Public
AUDIOLOGY PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Amy White	Chair	DAU
Charles Sanders	Member	DAU
VACANT	Member	ORL/Public
Karen Chang	Member	Public
HEARING AID DISPENSERS PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD
John Dandurand	Member	HAD
Karen Chang	Member	Public
HEARING AID DISPENSING COMMITTEE <i>Provides policy and regulatory guidance with respect to hearing aid dispensing practices and recommends scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD
John Dandurand	Member	HAD
Charles Sanders	Member	DAU
Amy White	Member	DAU

HEARING AID DISPENSING COMMITTEE
Provides policy and regulatory guidance with respect to hearing aid dispensing practices and recommends scope of practice amendments for consideration.

VACANT	Member	ORL/Public
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AD HOC COMMITTEES

Ad Hoc Committees may be established by the Board President as needed. Composition and leadership will be appointed by the Board President. Ad Hoc Committees may include the appointment of non-Board members at the Board President's discretion. Ad Hoc Committees are not fully within the scope of the Open Meetings act, however all recommendations made by Ad Hoc Committees must be reviewed and voted on by the Board in a public Board Meeting.

SUNSET REVIEW AD HOC COMMITTEE
Develop for the Board's review the Board's Sunset Review Report to the California Legislature

Name	Position	Profession
Gilda Dominguez	Chair	SLP
Amy White	Member	DAU

ENFORCEMENT AD HOC COMMITTEE
Review and recommend to the Board proposed revisions to the laws, regulations, and policies related to the Board's enforcement of the Boards Practice Act.

Name	Position	Profession
Gilda Dominguez	Chair	SLP
Tod Borges	Member	HAD

LEGISLATIVE AD HOC COMMITTEE
Review and recommend to the Board proposed positions on legislation impacting the Board, its licensees, and the Board's Practice Act

Name	Position	Profession
Karen Chang	Chair	Public
Gilda Dominguez	Member	SLP

Legend:

DAU - Dispensing Audiologist
 ORL/ENT - Otolaryngologist/Ear, Nose & Throat

HAD - Hearing Aid Dispenser
 SLP - Speech-Language Pathologist

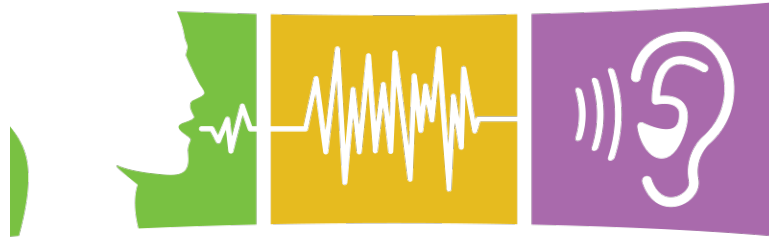
Hand Carry Item

Agenda Item 5:
Executive Officer's Report

Hand Carry Item

Agenda Item 6(a)(i):

Board 2021-2024 Strategic Plan Highlights



**SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY AND HEARING
AID DISPENSERS BOARD**

Environmental Scan

2024

*Prepared by
SOLID Planning Solutions
for the Speech-Language Pathology and Audiology and
Hearing Aid Dispensers Board*



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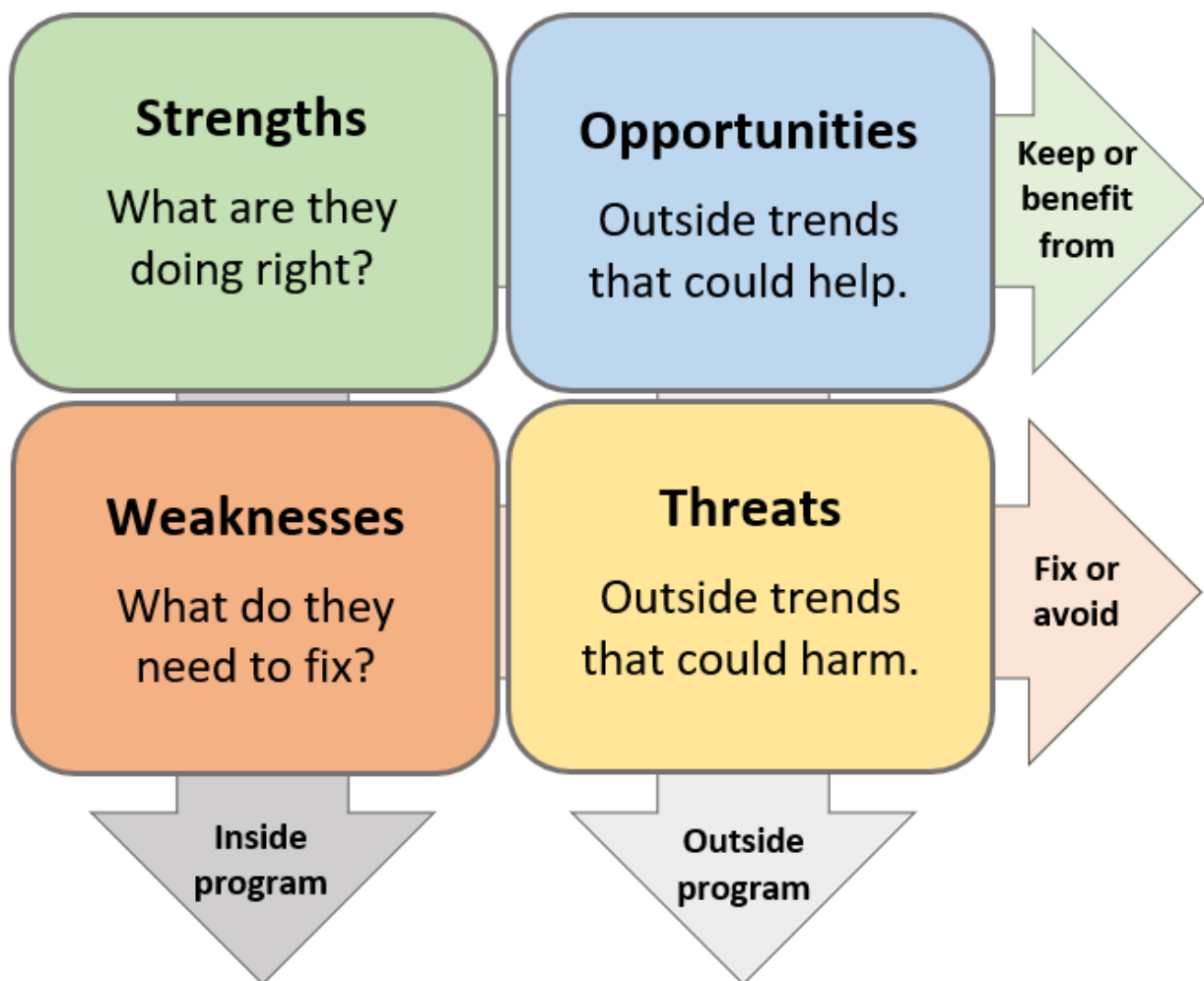
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Introduction

One of the first steps in developing a strategic plan is to conduct a scan and analysis of the internal and external environment in which an organization operates. This analysis allows the organization to look at the factors that can impact its success. This report is a summary of the environmental scan recently conducted by SOLID Planning (SOLID) for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board or SLPAHADB) in the months of April and May 2024.

The purpose of this environmental scan is to provide a better understanding of external and internal stakeholder thoughts about the Board's performance and environment. SOLID followed the SWOT Analysis (strengths, weaknesses, opportunities, and threats) method to solicit feedback from stakeholders, where strengths and weaknesses refer to the Board's internal environment and opportunities and threats refer to the Board's external environment.



Diversity, Equity, and Inclusion in the Strategic Planning Process

Governor Gavin Newsom, through [Executive Order \(N-16-22\)](#), strengthened the State's commitment to a "California For All" by directing state agencies and departments to take additional actions to embed equity analysis and considerations into their policies and practices, including but not limited to, the strategic planning process.

At the Department of Consumer Affairs (DCA), we are driven by our consumer protection mission and common goal to support our employees and the people and communities across California. As part of advancing the Governor's Executive Order, DCA's strategic planning process reflects our commitment to diversity, equity, and inclusion (DEI), incorporating inclusive public engagement and enhanced data collection and analysis.

DCA DEI Mission Statement: *To Advance a Diverse, Equitable, and Inclusive California Department of Consumer Affairs for All.*

Diversity: *The inherent and acquired qualities, characteristics, and experiences that make us unique as individuals and the groups to which we belong.*

Equity: *Creating pathways to equal outcomes.*

Inclusion: *A practice to maintain a positive environment where all individuals feel recognized, understood, and valued.*

Consider DEI impacts of policy decisions when reviewing the feedback from the environmental scan and when developing strategic objectives.

Feedback

Feedback was solicited from external stakeholders, board members, and board executives, management, and staff regarding SLPAHADB's internal strengths and weaknesses as they relate to its goal areas (listed below) and external opportunities and threats as they relate to the profession and environment in which the Board operates.

1. Licensing
2. Enforcement
3. Outreach and Communications
4. Laws and Regulations
5. Program Administration

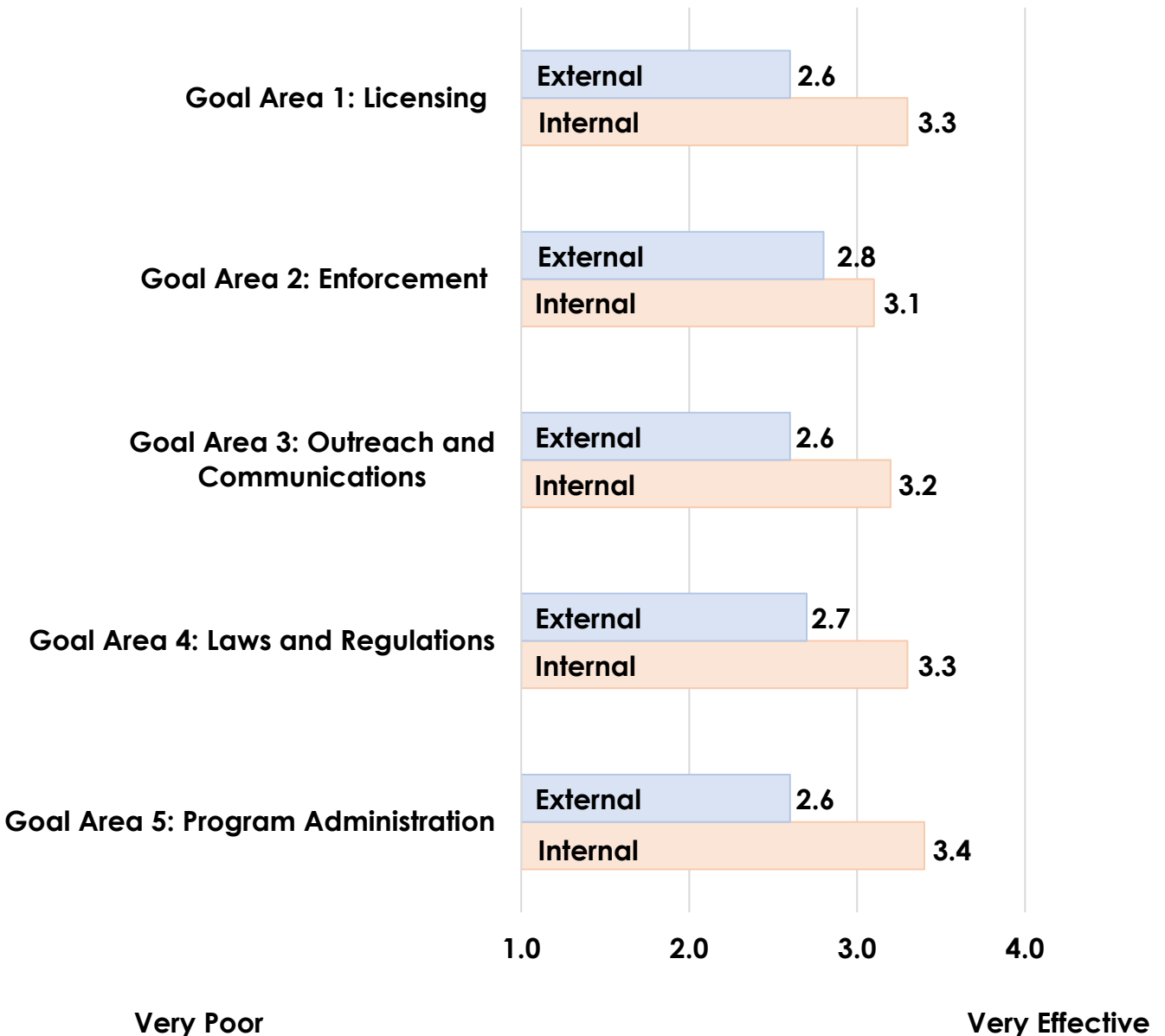
This document summarizes trends, including areas where stakeholder groups agree and disagree, while providing insight to assist the Board in developing objectives for the upcoming strategic plan.

At the strategic planning session, SLPAHADB's executive team and board members will discuss and evaluate this information as a group to help create the objectives that SLPAHADB will focus on during its next strategic plan period.

If you have any questions about this report, please contact Ann Fisher with SOLID Planning at Ann.Fisher@dca.ca.gov.

Overall Effectiveness

External and internal (board members, board leadership, and board staff) stakeholders rated SLPAHADB's strategic goal area effectiveness on a scale of 1 (very poor) to 4 (very effective). The chart below displays the average ratings, with full details contained in the report.

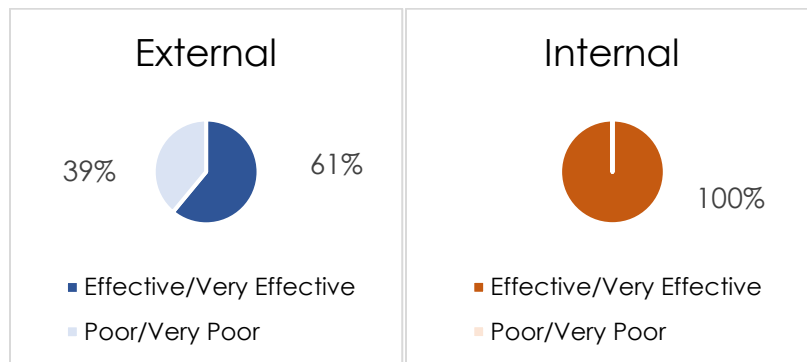


Goal Area #1: Licensing

The Board ensures licensing standards that protect consumers while permitting reasonable access into the professions.

Effectiveness Rating

Rating	External Stakeholders	Internal Stakeholders
Very Effective	10%	29%
Effective	51%	71%
Poor	28%	0%
Very Poor	11%	0%
Total %	100%	100%
Total Responses	418	14



Summary of Licensing Strengths

1. External and internal stakeholders feel that online services are a strength of the Board, particularly in regard to applications, renewals, and sending payments.
2. External stakeholders state that access to staff is a strength and that they get helpful information from staff members. Additionally, the approval of additional staff positions is a strength.
3. All stakeholders find staff quality to be a strength, noting that the staff's knowledge and hard work have resulted in improvement of the unit's processes.

4. Both external and internal stakeholders find the communication from the Board to be a strength, with external stakeholders appreciating renewal reminders and updates.
5. All stakeholders appreciate that the licensing unit maintains high standards for the licensed professionals in California.

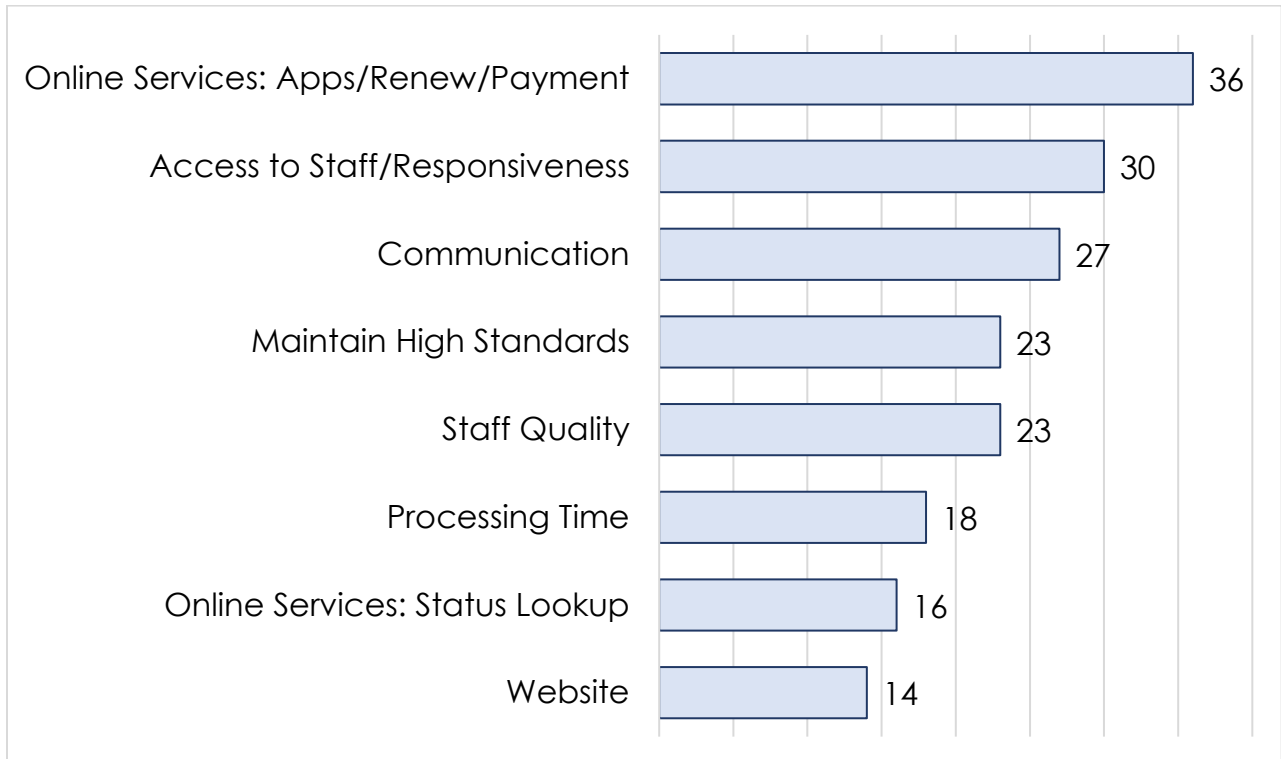
Summary of Licensing Weaknesses

1. External and internal stakeholders feel that the processing time is too long. Many external stakeholders feel pressured to become licensed promptly after graduation in order to secure school-based jobs which generally are filled by August. Time spent out of work after graduation is stated as being a financial hardship. Internal stakeholders find the lack of staff prevents process completion and questions being answered.
2. External stakeholders report having difficulty getting in touch with staff members when they have questions, and that phone calls and emails are not answered.
3. External stakeholders want more licensing processes available online, particularly online payments, supervisor updates and name changes.
4. Both external and internal stakeholders state that the clarity of the application form and process is not as clear as it could be, which causes delays including staff time spent explaining and clarifying.

Trends in Licensing Strengths

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

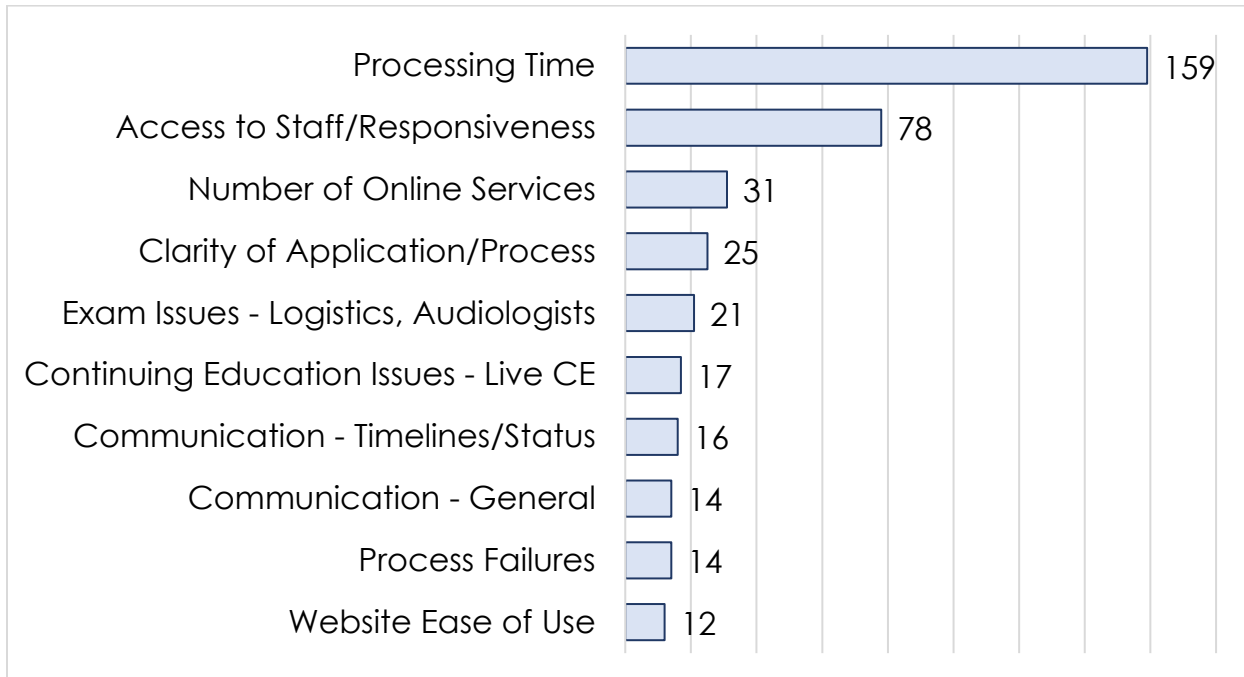
The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Staff Quality (6)
- Additional Staff Gained (3)
- Online Services – Applications (3)
- Processes Improving (3)
- Communication (2)
- Proactive (2)
- Processing Time Improving (2)
- Maintain Standards (1)
- Pandemic Response (1)

Trends in Licensing Weaknesses

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments based upon feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

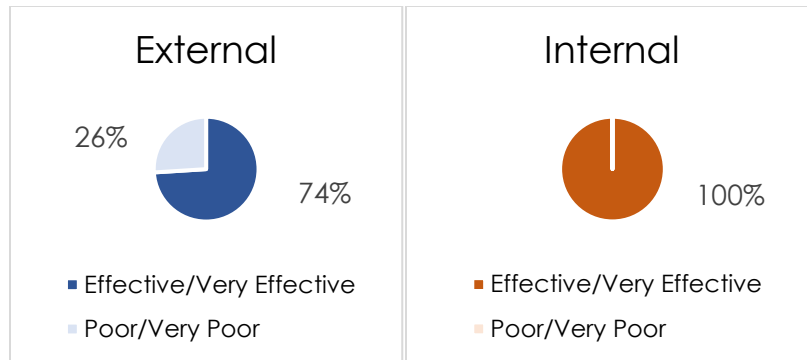
- Understaffed (6)
- Clarity of Application/Process (3)
- Exam Issues - Frequency (3)
- Number of Online Services (2)
- Processing Time (2)
- Language Access (1)
- License Type - Retired (1)
- Processes for Document Management (1)
- Lack of Foreign Reciprocity (1)
- Staff Training - Online System (1)
- Website Needs Review (1)

Goal Area #2: Enforcement

The health and safety of California’s consumers is protected through the active enforcement of the laws and regulations governing the practices of speech-language pathology, audiology, and hearing aid dispensing.

Effectiveness Rating

Rating	External Stakeholders	Internal Stakeholders
Very Effective	15%	9%
Effective	59%	91%
Poor	16%	0%
Very Poor	10%	0%
Total %	100%	100%
Total Responses	146	11



Summary of Enforcement Strengths

1. Both external and internal stakeholders praise staff effort, intent, and quality as being a strength of the Board’s enforcement program.
2. Both stakeholder groups find that information is readily available, and communication is a strength.
3. External stakeholders find the disciplinary actions taken to be a good sign of enforcement strength.
4. Internal stakeholders note that having processes in place is a strength of the unit.

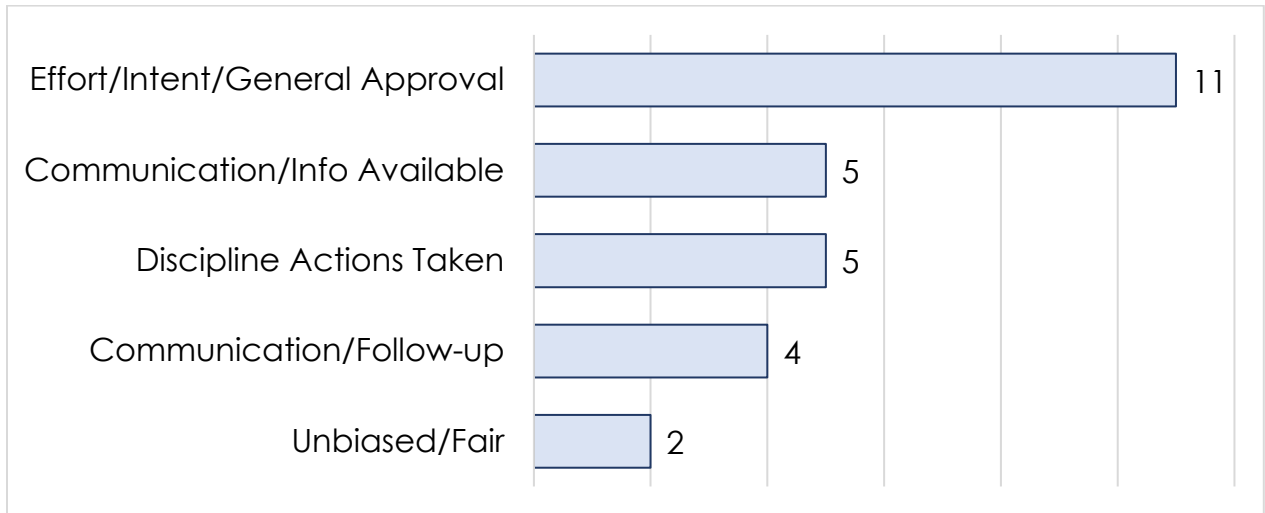
Summary of Enforcement Weaknesses

1. External stakeholders cite access to staff and responsiveness as a weakness of the Board. Both external and internal stakeholders specifically state that the Board is understaffed, and this drives many of the weaknesses noted.
2. Internal stakeholders find that their reliance on third parties, both within and outside of the Department, is a weakness in operations that impacts the Board's performance of enforcement.
3. External stakeholders express a general desire for more and stronger enforcement.
4. External stakeholders find the Board to be of little help regarding employer issues, often around schools and caseloads and scope issues; licensees feel unsupported when objecting to employers pressing licensees to work outside their ability or scope.

Trends in Enforcement Strengths

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

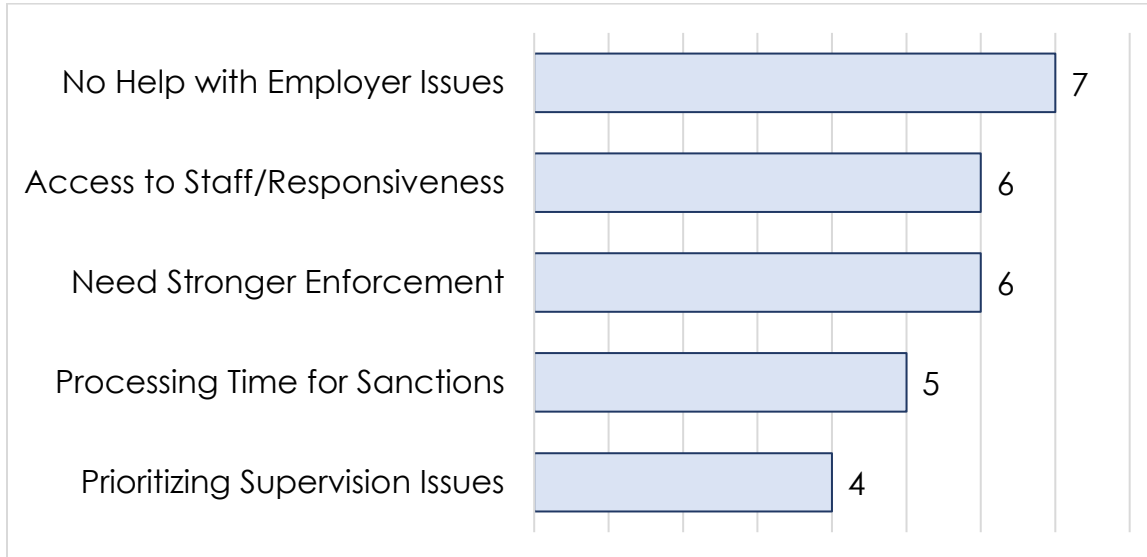
The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Staff Quality (7)
- Processes (2)
- Board Member Tone (1)
- Case Evaluation (1)
- Communication (1)
- Consistent Application of Rules (1)
- Few Hearings Needed (1)
- Processing/Response Time (1)
- Supportive of Licensees (1)

Trends in Enforcement Weaknesses

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

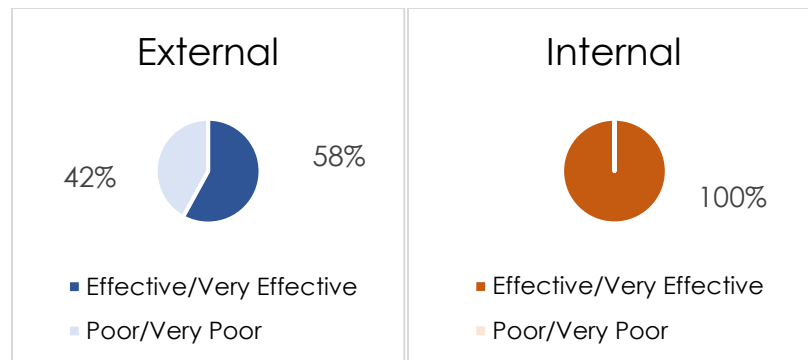
- Reliance on Third Parties (3)
- Understaffed (2)
- Fines/Payment Issues (2)
- Number of Online Services (1)
- Process/Timing Issues (1)
- Processing Time (1)
- Staff Training (1)

Goal Area #3: Outreach and Communications

Consumers and other stakeholders are educated and informed about the practices, and laws and regulations governing the professions of speech-language pathology, audiology, and hearing aid dispensing.

Effectiveness Rating

Rating	External Stakeholders	Internal Stakeholders
Very Effective	12%	17%
Effective	46%	83%
Poor	34%	0%
Very Poor	8%	0%
Total %	100%	100%
Total Responses	257	12



Summary of Outreach and Communications Strengths

1. External stakeholders praise the convenience of signing up for regular email communications from the Board.
2. External and internal stakeholders mention the information provided about upcoming and recently changed legislation and regulation as a strength, including the clarity of the announcements.
3. Both internal and external stakeholders find that the collaboration with stakeholder groups is a strength of the Board's outreach and communication, including ongoing relationships with professional associations, educational institutions, and consumers.

4. Both stakeholder groups mention the value of information distributed about board meetings, both announcements before meetings and information available after meetings.
5. External and internal stakeholders cite the information readily available on the board website as a strength.

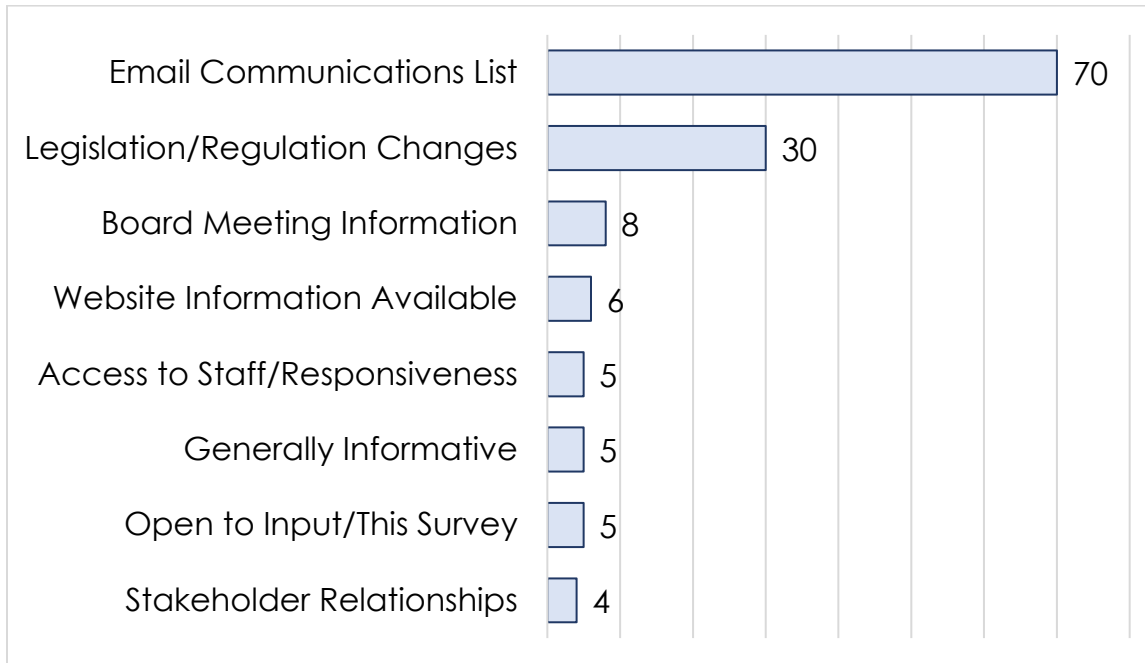
Summary of Outreach and Communications Weaknesses

1. External stakeholders find that the lack of access to staff and board members, as well as a lack of response to voicemails and emails as a weakness of the board.
2. Internal stakeholders mention the Board's limited staff and resources as a weakness of the Board's outreach and communication efforts.
3. Both stakeholder groups offer that the website is not as current or useful as it could be.
4. External stakeholders report that the lack of clarity of information presented, including in emails, is confusing and frustrating.

Trends in Outreach and Communications Strengths

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

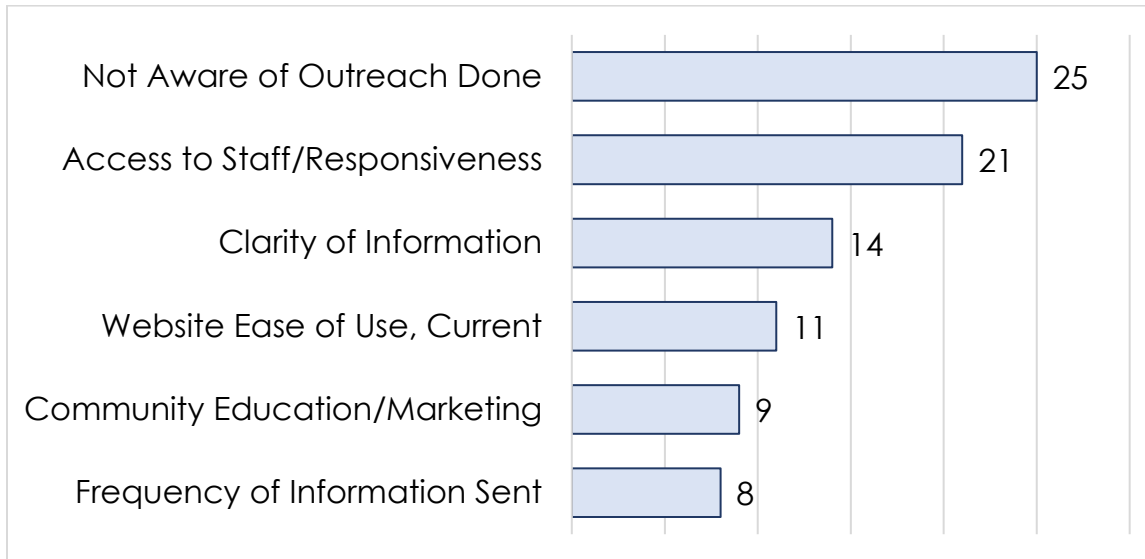
The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Stakeholder Relationships (5)
- Access to Staff and Board Members (3)
- Website Information Available (3)
- Communication During Pandemic (2)
- Board Member Balance Among Professions (1)
- Board Meeting Information (1)
- Clarity of Legislation and Regulation Information (1)
- Communication is Sufficient (1)
- Staff Quality and Skills (1)

Trends in Outreach and Communications Weaknesses

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

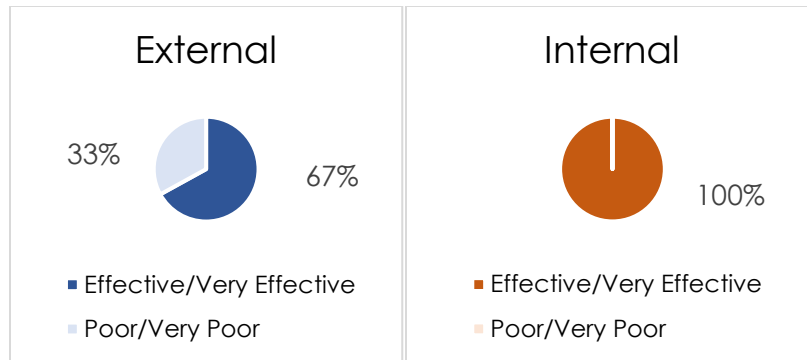
- Limited Resources/Staffing (4)
- Not Aware of Outreach Done (2)
- Website Updates (2)
- Applicant Education (1)
- Ethnicity Group Engagement (1)
- Hearing Aid Dispenser Engagement (1)
- Licensee Education (1)
- Rulemaking Engagement (1)

Goal Area #4: Laws and Regulations

The health and safety of California consumers is protected by the laws and regulations governing the speech-language pathology, audiology, and hearing aid dispensing professions.

Effectiveness Rating

Rating	External Stakeholders	Internal Stakeholders
Very Effective	9%	31%
Effective	58%	69%
Poor	25%	0%
Very Poor	8%	0%
Total %	100%	100%
Total Responses	195	13



Summary of Laws and Regulations Strengths

1. Both external and internal stakeholders hold the communication as a strength of the Board, particularly when it concerns changes to laws and regulations.
2. Both stakeholder groups find the Board to be proactive in updating its regulations, which is a strength of the Board.
3. External stakeholders praise the board website and the availability of information.

4. Internal stakeholders state that staff quality and effort is a strength of the Board.

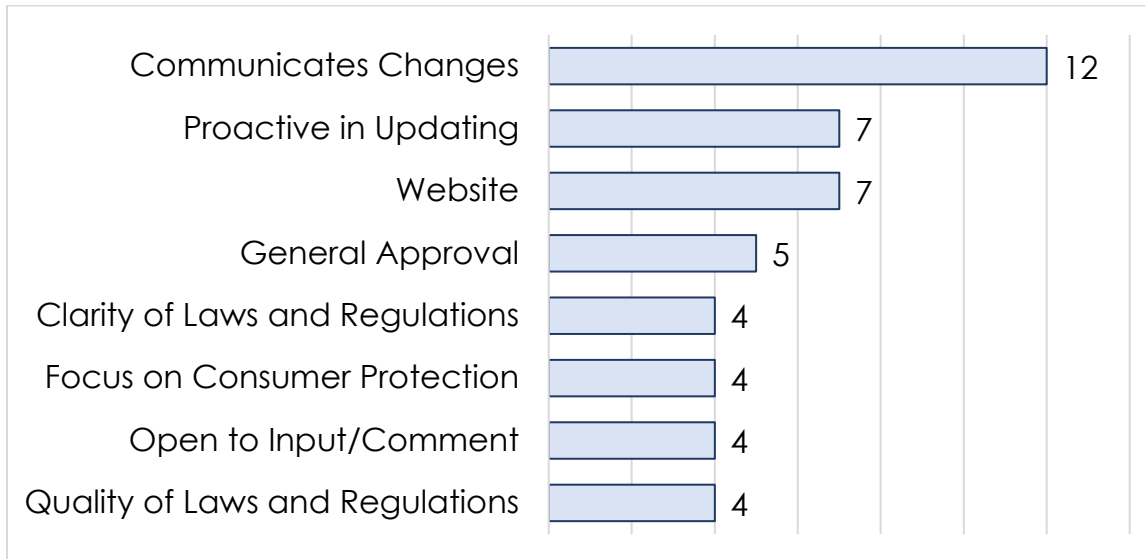
Summary of Laws and Regulations Weaknesses

1. External stakeholders express that the lack of strong protections for school therapists, particularly concerning caseloads, is an area where they would like assistance from the Board.
2. Both external and internal stakeholders offer that the quality of the laws and regulations is a weakness of the Board, both in keeping regulations current and in terms of balancing clarity of language with including detailed information.
3. Both stakeholder groups recognize that the lengthy process for getting any new laws or regulations through the system is a weakness of the Board.
4. External stakeholders state a wish for further regulation around supervision issues, including telesupervision.
5. External stakeholders state that regulations mandating live continuing education courses are a weakness.

Trends in Laws and Regulations Strengths

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

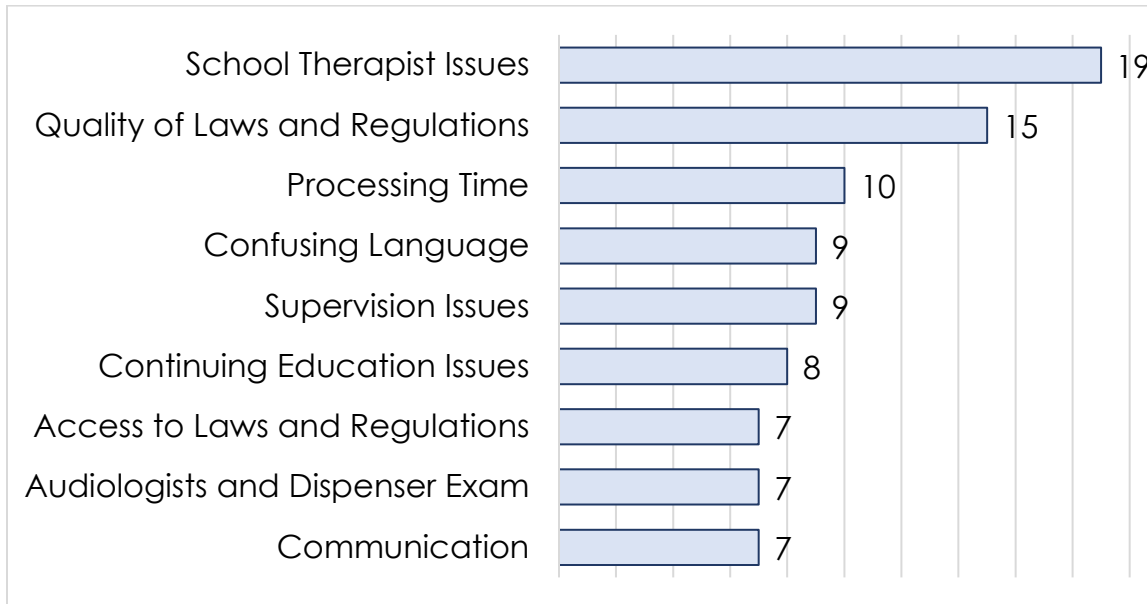
The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Staff Quality, Effort, Intent (5)
- Communication (3)
- Proactive in Updating (3)
- Additional Staff Gained (2)
- Backlog Eliminated (2)
- Prompt (1)
- Support from DCA Legal (1)
- Thorough Consideration (1)

Trends in Laws and Regulations Weaknesses

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

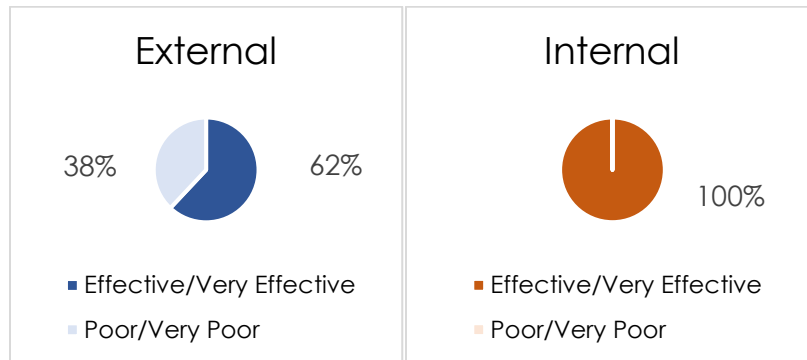
- Understaffed (4)
- Balancing Clarity and Details (2)
- Board Meeting Limitations (1)
- Processes (1)
- Processing Time (1)
- Quality of Laws and Regulations (1)
- Regulations Out of Touch (1)

Goal Area #5: Program Administration

The Board is committed to efficiently and effectively utilize resources and personnel to meet our goals and objectives.

Effectiveness Rating

Rating	External Stakeholders	Internal Stakeholders
Very Effective	8%	42%
Effective	54%	58%
Poor	24%	0%
Very Poor	14%	0%
Total %	100%	100%
Total Responses	128	12



Summary of Program Administration Strengths

1. Both external and internal stakeholders mention staff quality, effort, and intent, including that of the Executive Officer, to be a strength.
2. External stakeholders praise the Board's communication and provision of information which keeps licensees and others well informed.
3. Internal stakeholders praise the Board's prompt efforts to fill vacant positions as well as the gain of an additional position as a strength.
4. Both internal and external stakeholders express a general sense of approval for the Board's program administration, noting a trend of improvement over previous performance.

5. Internal stakeholders find the Board's responsible budget and resource management to be a strength.

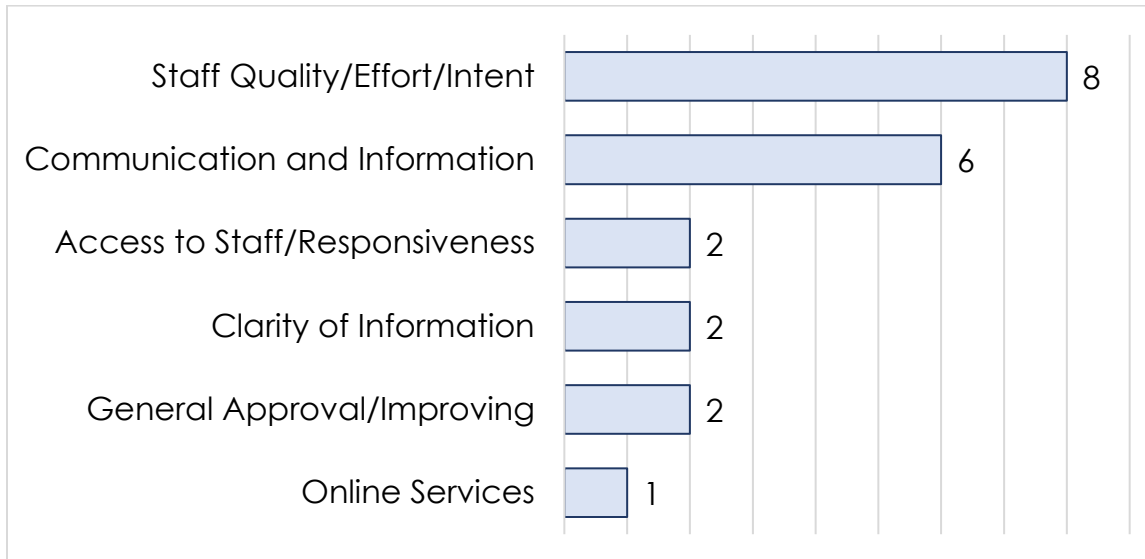
Summary of Program Administration Weaknesses

1. Both external and internal stakeholders respond that the Board is understaffed.
2. External stakeholders find a lack of access to staff and lack of responsiveness to be weaknesses.
3. External stakeholders express general disapproval of the Board's program administration.
4. Both stakeholder groups mention slow processing time as a weakness, with the impression that the Board is understaffed.
5. External stakeholders find the lack of additional online systems and services as a weakness of the Board.

Trends in Program Administration Strengths

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

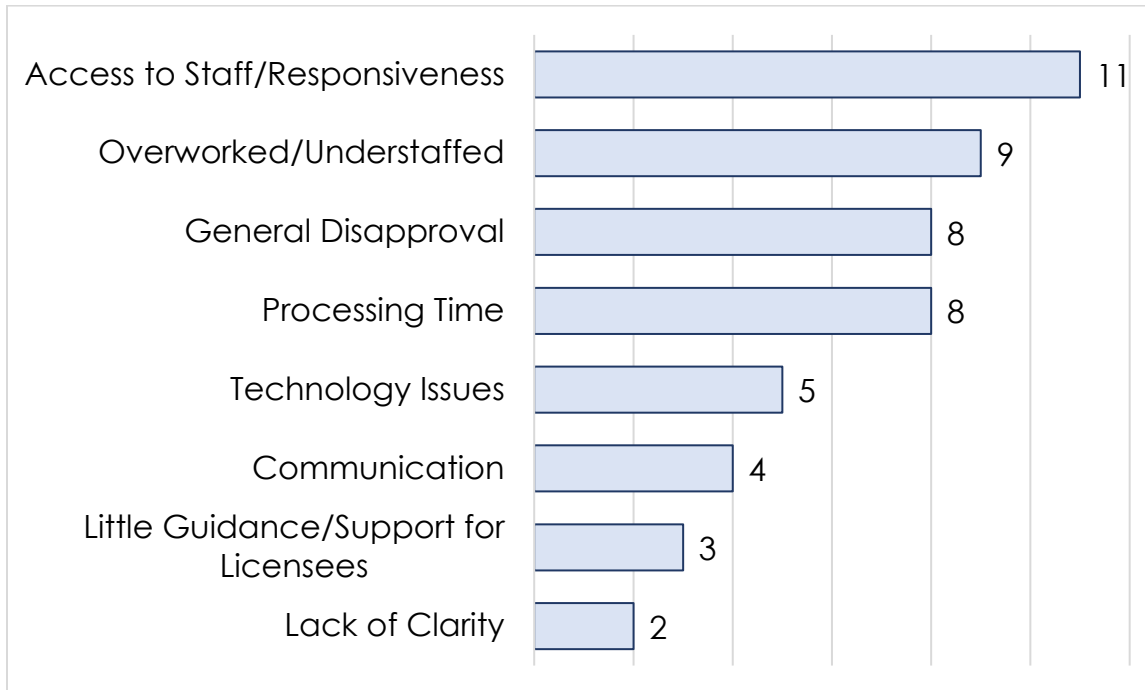
The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Staff and Executive Officer Quality, Effort, Intent (6)
- General Approval (3)
- Good Handling of Budget and Resources (3)
- Staffing Issues (3)
- Board Member Quality and Training (2)
- Online Services (1)
- Processing Times Improving (1)

Trends in Program Administration Weaknesses

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Understaffed (6)
- Board Vacancies (1)
- Licensing Processing Time (1)
- Organizational Structure Update Needed (1)
- Training Needed (both staff and board members) (1)

Opportunities and Threats Summary

There are many factors that may impact the future direction of the professions. These could be opportunities the Board may want to capitalize on or threats it needs to mitigate or prepare for.

Stakeholders were asked to list potential opportunities and threats in the Board's external environment that they felt could impact the professions and the Board's regulatory role. The following are common responses that the Board might reference when creating its strategic plan.

Summary of Opportunities

1. Both external and internal stakeholders see an opportunity for addition and promotion of mid-level license types to open the professions to entry level roles with a pathway to advancement.
2. Both stakeholder groups find that expanding access to education, particularly in expansion of program seats at the graduate level, as an opportunity to grow the professions.
3. Both stakeholder groups mention telehealth expansion as an opportunity.
4. External stakeholders find the idea of joining an interstate compact or otherwise improving reciprocity as an opportunity.
5. Internal stakeholders see an increase in demand for services as an opportunity, both in service (and funding for service) to children and elders.

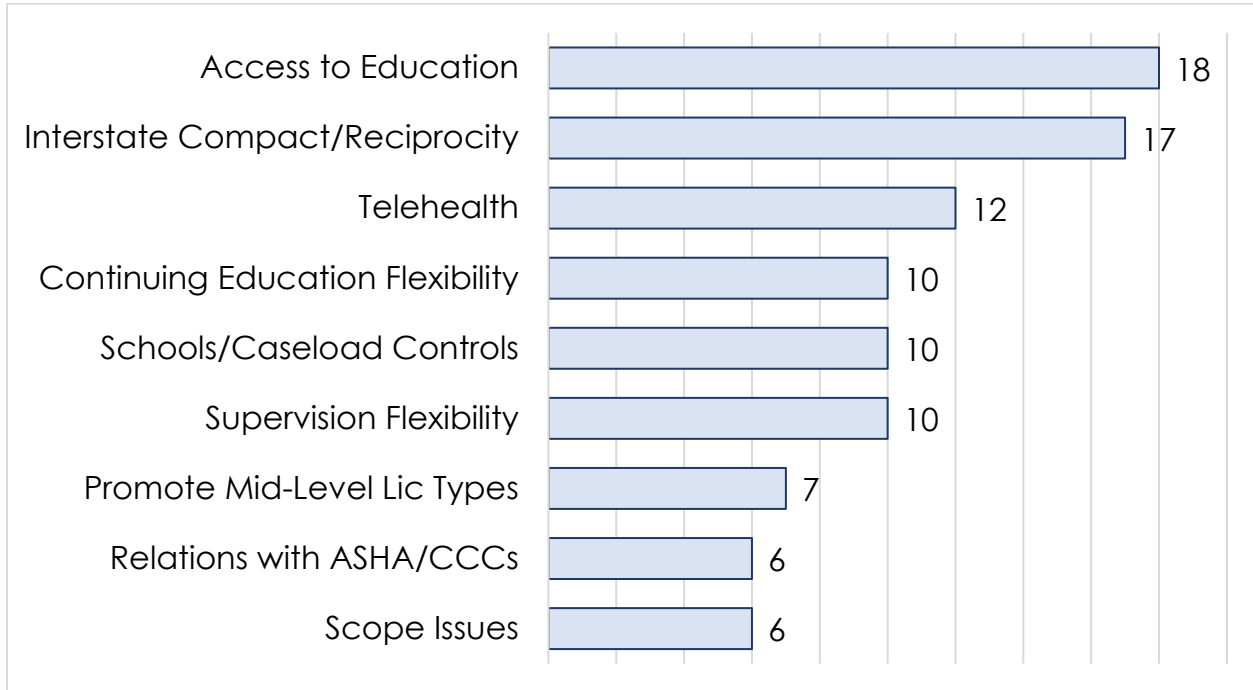
Summary of Threats

1. Both external and internal stakeholders see over-the-counter hearing aid issues as being a threat to the professions, largely surrounding consumer education and protection.
2. Both stakeholder groups mention clarity of scope as being a threat to the professions, noting confusion from both employers and consumers surrounding the limits of Speech Language Pathology Assistants as well as certification offered by the American Board of Audiology, which is not the same as board licensure.
3. Both stakeholder groups offer that compensation and reimbursement issues pose a threat to the professions, making it difficult to maintain a practice or position as a primary career.
4. Employer issues are a concern of both stakeholder groups, primarily in the realm of school Speech Language Pathologists and school employers expecting unrealistic caseloads to be maintained.

Opportunity Trends

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

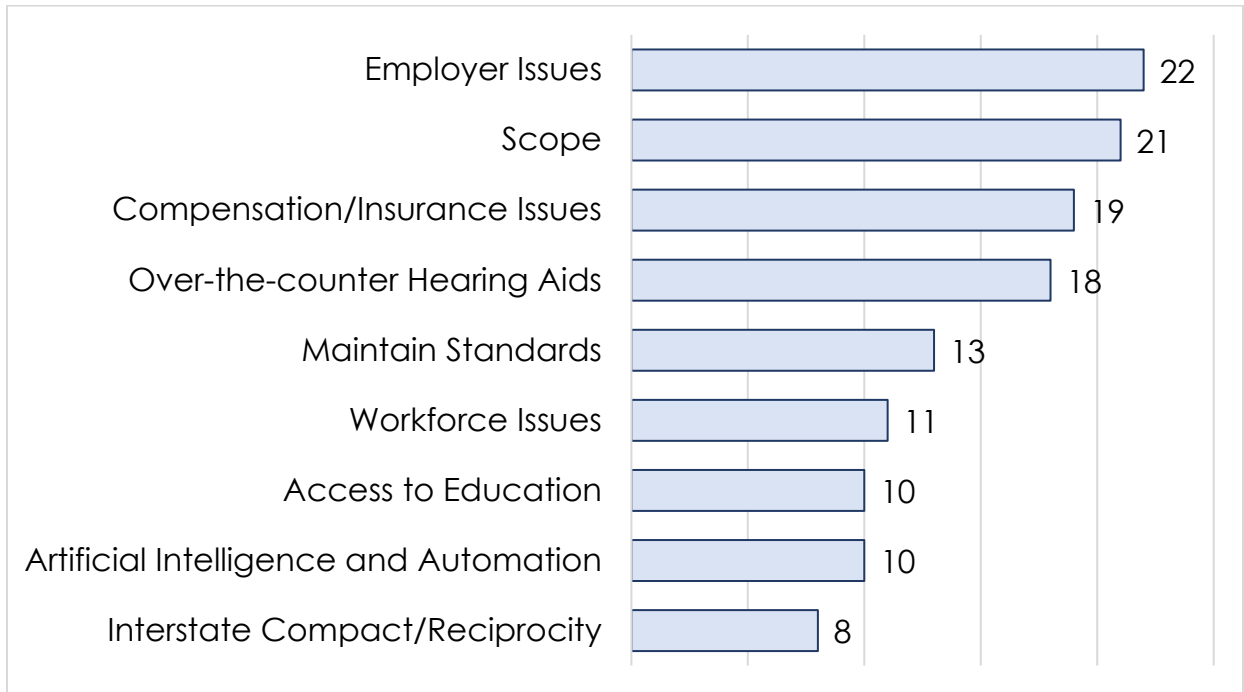
The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Access to Education (3)
- Growing Demand for Services (3)
- Promote Mid-level License Types (3)
- Technology Innovations (2)
- Licensee Communication (1)
- Over-the-counter Hearing Aids (1)
- Scope Expansion (1)
- Telehealth (1)

Threat Trends

External Stakeholder Comment Trends

The chart below lists the top trends along with the corresponding number of comments for feedback provided by external stakeholders.



Internal Stakeholder Comment Trends

The list below displays terms that summarize comments provided by board members, leadership, and staff. The number in parentheses indicates how many respondents stated that comment.

- Over-the-counter Hearing Aids (8)
- Scope Issues (3)
- Staffing (2)
- Compensation/Insurance Issues (1)
- Employer Issues (1)
- Supervision Issues (1)
- Telehealth (1)
- Workforce Issues (1)

Diversity, Equity, and Inclusion

Specific questions have been incorporated into the environmental scan surveys to gather demographic data and for strategic planning participants to consider DEI impacts of policy decisions such as regulatory, statutory, and continuing education requirements, when developing strategic objectives. Consider:

- Who will benefit from or be burdened by the particular decision or proposal?
- Are there needs that may be different for demographic or geographic groups?
- Once implemented, how will the Board measure effect on impacted populations?
- What data/metrics will be used to evaluate the impacts?

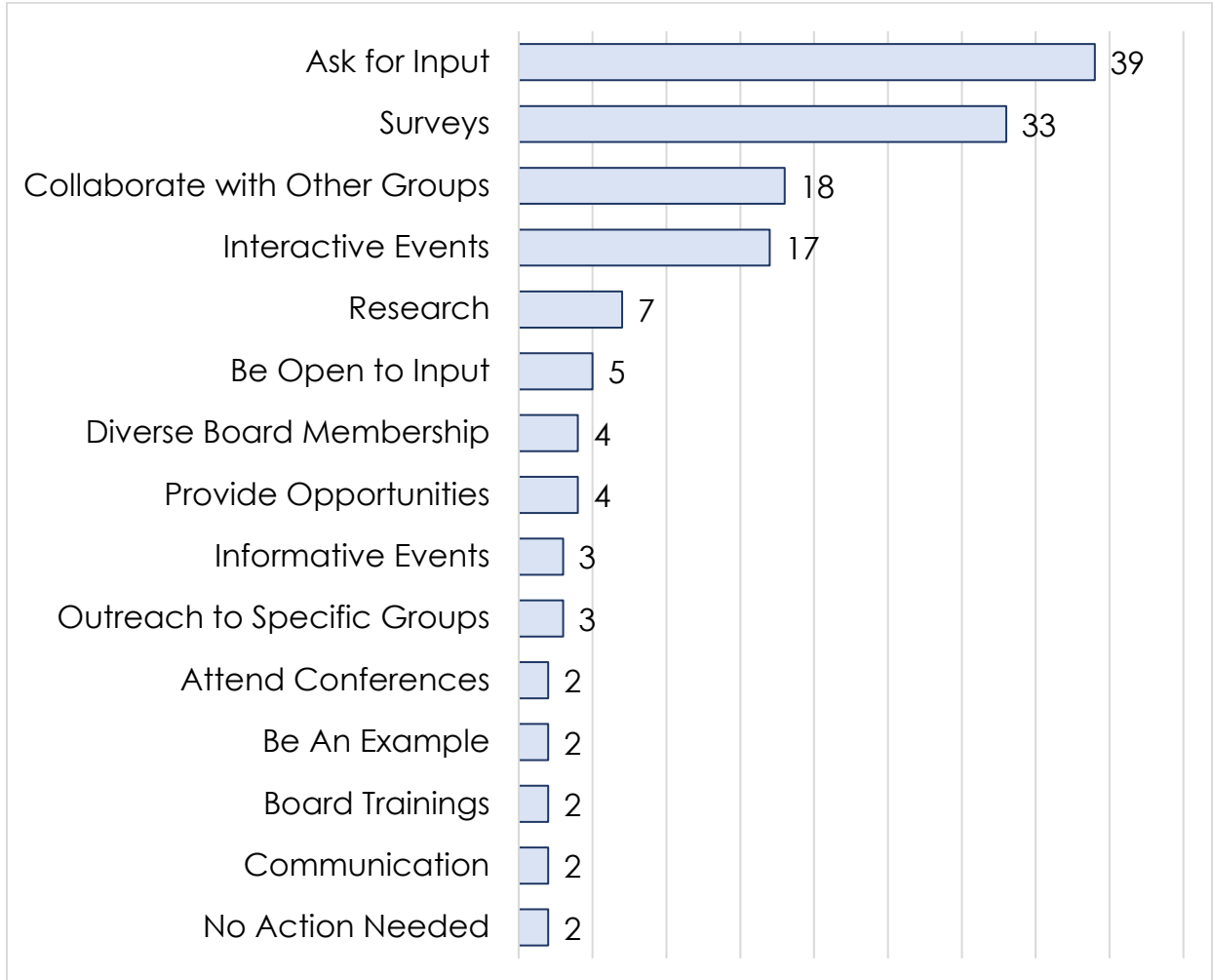
Summary of Gaining Different Perspectives

Survey question: What are ways the Board can gain different perspectives about ideas and priorities related to the Board's activities?

1. Stakeholders most commonly state the idea of specifically asking for input, with suggestions of including diverse groups of licensees, school-based licensees, as well as students and applicants.
2. Another common suggestion is to conduct surveys including surveying patients and their parents as well as licensees.
3. Collaboration with other groups, including professional associations and in educational settings, is offered as a way to gain different perspectives.
4. Stakeholders suggest interactive events with open discussion to get a variety of perspectives on ideas and priorities, including offering events virtually and in a variety of regions of the state.

Trends in Gaining Different Perspectives

The chart below lists the top trends along with the corresponding number of comments for feedback provided by stakeholders.



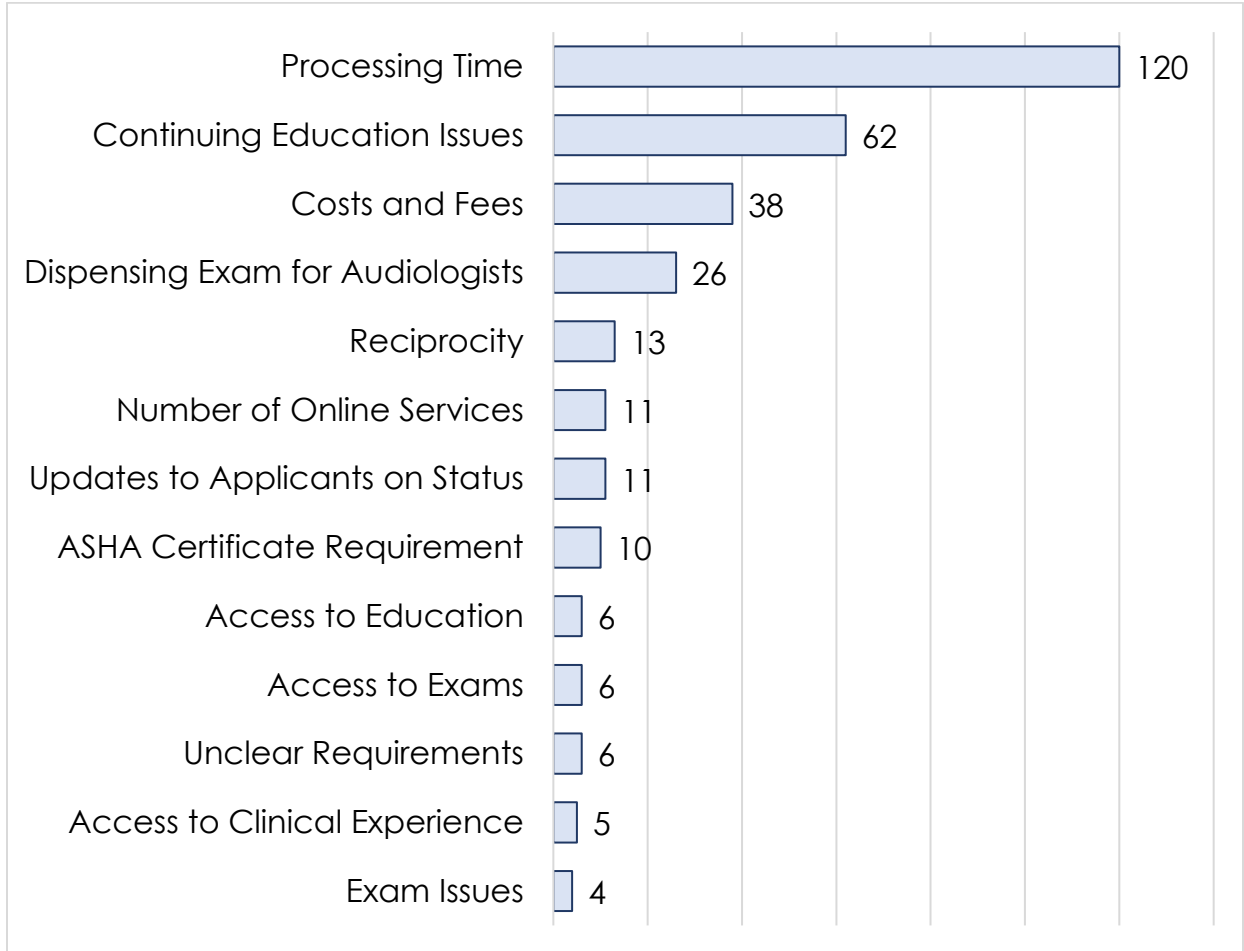
Summary of Unnecessary Requirements or Barriers to Licensure

Survey question: Are there unnecessary requirements or barriers to licensure (e.g., education, experience, examination, continuing education, cost of licensure, processing time)?

1. Stakeholders mention processing time as an unnecessary barrier to licensure, noting that the need to gain employment as soon as possible after graduation is a concern of new licensees. This is exacerbated by the hiring cycle of schools, which employ a significant number of licensees.
2. Stakeholders find a requirement of live continuing education to be unnecessary, given the limited offerings, travel costs, and time spent away from work while taking the courses.
3. Stakeholders believe the cost of education and of licensure is an unnecessary barrier to licensure.
4. A number of respondents cite the hearing aid dispenser exam as a barrier, with respondents citing few testing dates, only testing in Sacramento, the logistical hurdles of bringing your own equipment, and the expense of bringing your own test subject. This is in addition to the prevalent thought that a doctor of audiology would already have demonstrated this dispensing ability in the course of their education.

Trends in Unnecessary Requirements or Barriers to Licensure

The chart below lists the top trends along with the corresponding number of comments for feedback provided by stakeholders.



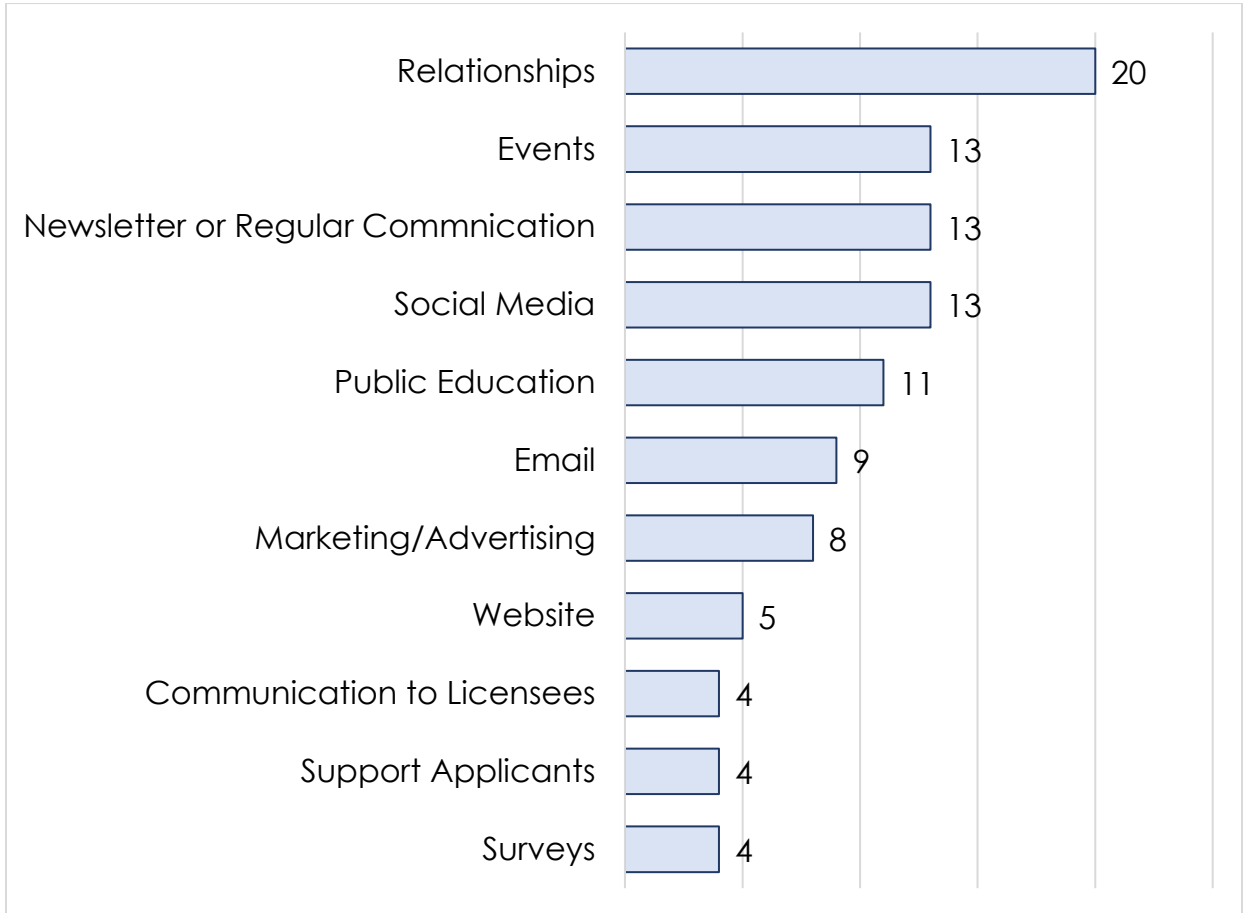
Summary of Ways to Increase Outreach and Connection to All California Communities

Survey question: What are ways that the Board can increase its outreach and connection to all California communities?

1. Stakeholders suggest that building relationships with other organizations would be a good way to expand outreach and connection. This includes public schools, universities, and professional organizations,
2. Stakeholders also offer that utilizing social media could increase outreach.
3. Stakeholders recommend the Board offer and attend events to connect with various California communities, including regional locations, service locations like hospitals, and professional organization conferences.
4. Stakeholders suggest offering a regular newsletter or communication.
5. Stakeholders view educating the public as a way of building connection.

Trends in Ways to Increase Outreach and Connection to All California Communities

The chart below lists the top trends along with the corresponding number of comments for feedback provided by stakeholders.



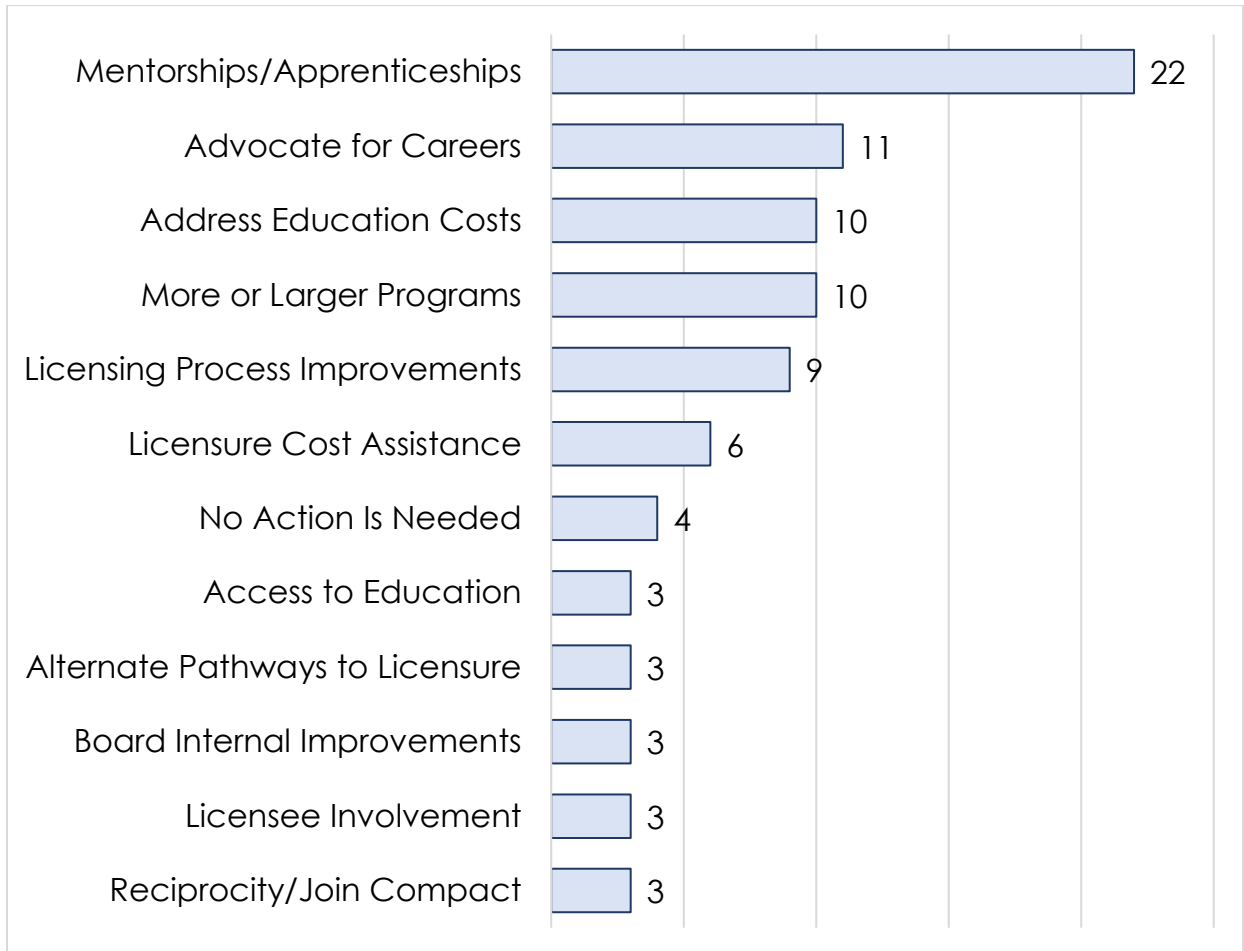
Summary of Other Actions to Take to Further Equal Access to Opportunities

Survey question: What other actions should the Board take to further equal access to opportunities (e.g., entry into the profession, education/training opportunities, apprenticeships/ mentorships)?

1. Stakeholders most often suggest offering or promoting mentorship and apprenticeship opportunities as a way to further equal access.
2. Stakeholders commonly recommend the Board publicly advocate for the career paths.
3. Stakeholders suggest anything the Board can do to address education costs will help in furthering access.
4. Stakeholders say opening more speech language and/or audiology programs will help access, as there are few spots open for graduate students.

Trends in Other Actions to Take to Further Equal Access to Opportunities

The chart below lists the top trends along with the corresponding number of comments for feedback provided by stakeholders.



Appendix A – Acronym List

Acronym	Definition
AAC	Augmentative and Alternative Communication
ABA	American Board of Audiology – offers a Certification which may confuse employers and consumers
ASHA	American Speech-Language-Hearing Association
CCC	Certificate of Clinical Competence
CFY	Clinical Fellowship Year
CSD	Communication Sciences and Disorders
FEES	Fiberoptic Endoscopic Evaluation of Swallowing
HAD	Hearing Aid Dispenser
OTC	Over-the-Counter – retail sale with no medical evaluation
RPE	Required Professional Experience – under supervision
SLP	Speech-Language Pathologist
SLPA	Speech-Language Pathology Assistant

Appendix B – Data Collection Method

Data for this report was gathered by surveying stakeholder groups that are important to the success of the Board. Stakeholders include any individual or group who is influenced by or influences a program. Information for this survey was gathered by surveying external stakeholders and internal stakeholders using the following methods:

- SOLID conducted interviews with leadership during the month of April 2024.
- SOLID conducted an online survey for staff during the months of April and May 2024.
- SOLID conducted interviews with board members during the months of April and May 2024.
- SOLID conducted an online survey for external stakeholders during the months of April and May 2024. The survey link was posted on the board and DCA websites, emailed to the Interested Parties email subscription list, and emailed to educational institutions and professional organizations.

Classification of Stakeholder Relationship with SLPAHADB.

Relationship with SLPAHADB	Number of Responses	Response Rate
Leadership	2	100%
Staff	10	83%
Board Members	4	67%
Preparing to Become a Licensee	31	1
Licensee or Registrant	611	1
Related Occupation	3	1
Consumer	5	1
Government Agency	3	1
Professional Association/Group	29	1
Educational/School Association/Group	22	1
Other ²	4	1

¹ A response rate cannot be determined for these external stakeholders because of the undetermined number having access to the survey link.

² Respondents listed in the “Other” category identified themselves as follows:

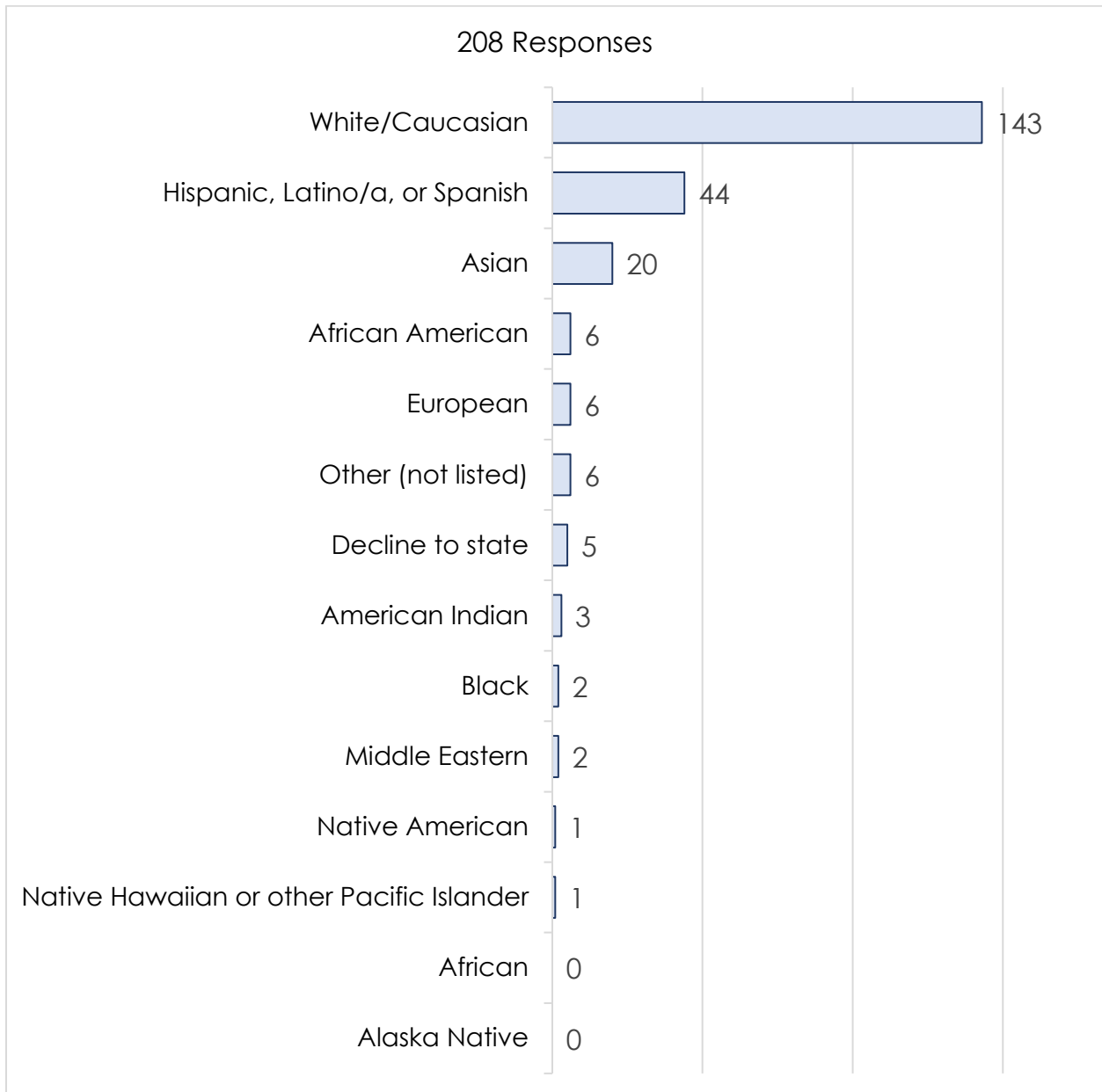
- I am the director of an Early Start Agency (1)
- I am an SME for the board (1)
- Not enough information to classify (2)

Appendix C – Demographic Data

Race

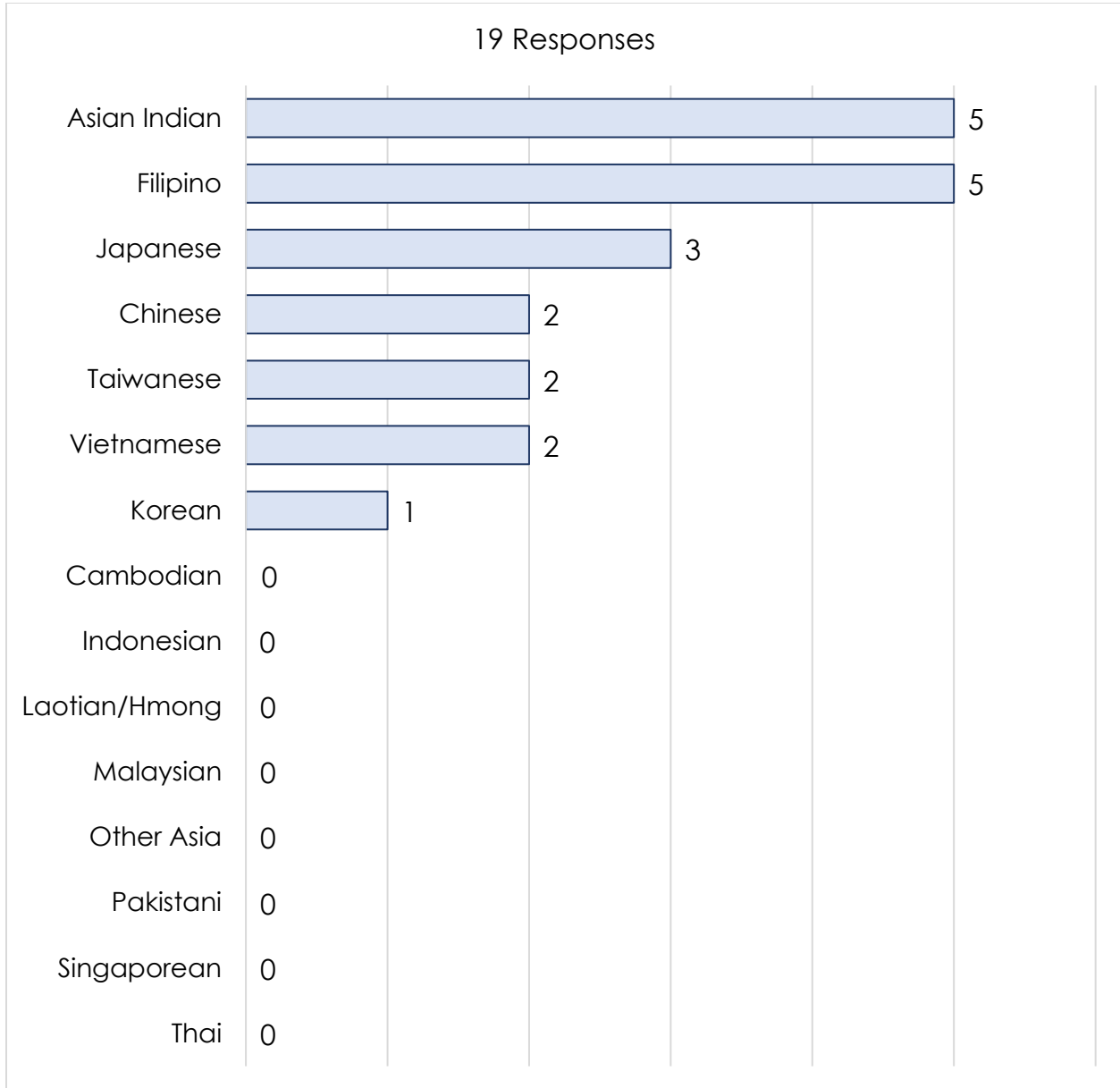
Races Stakeholders Identified With*

*Multiple options could be selected.



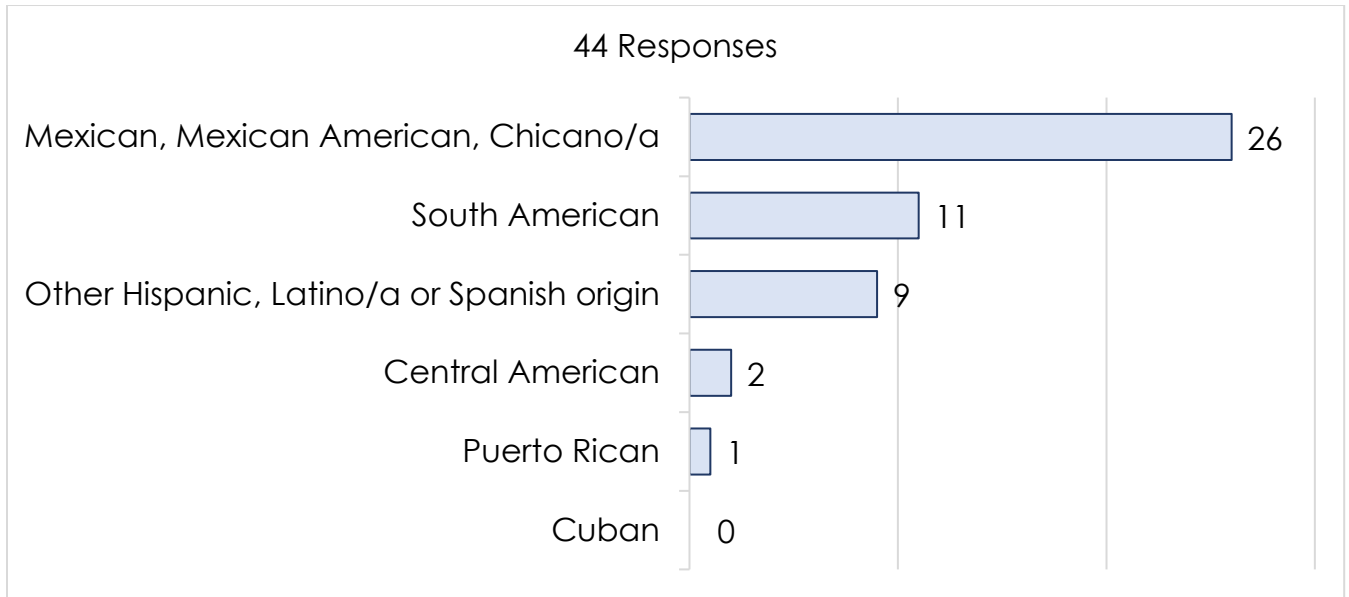
Asian Stakeholders Identified With*

*Multiple options could be selected.



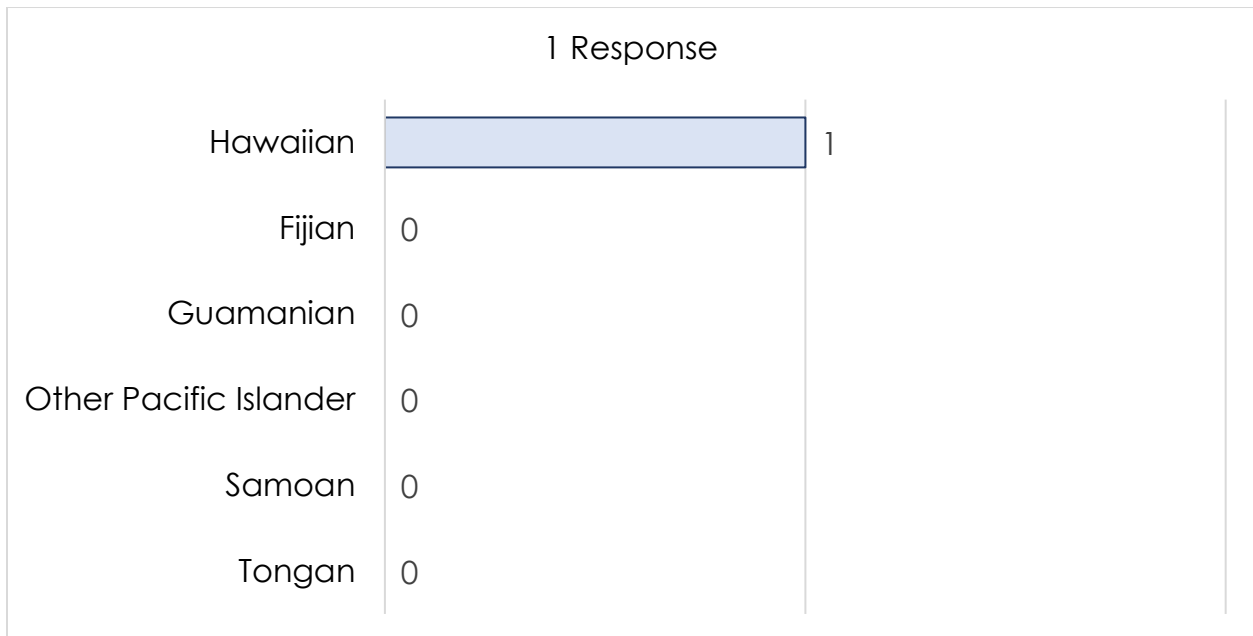
Hispanic, Latino/a, or Spanish Stakeholders Identified With*

*Multiple options could be selected.



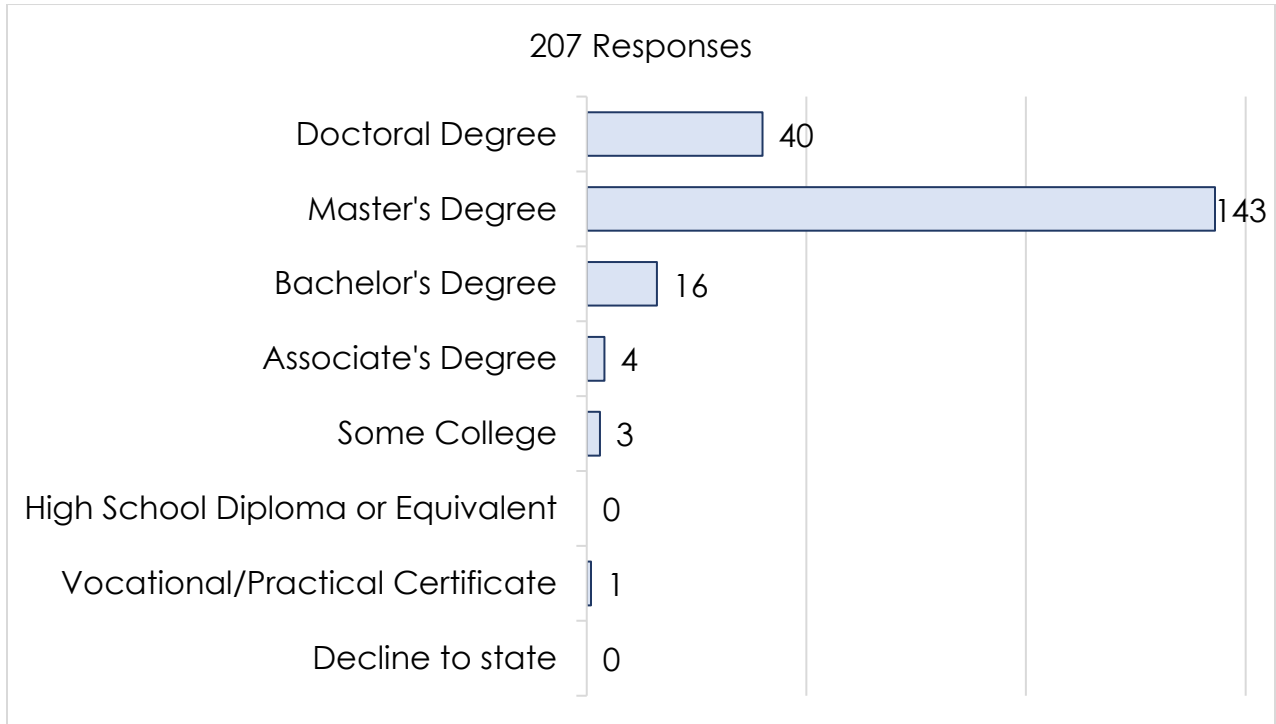
Native Hawaiian or Other Pacific Islander Stakeholders Identify With*

*Multiple options could be selected.



Education

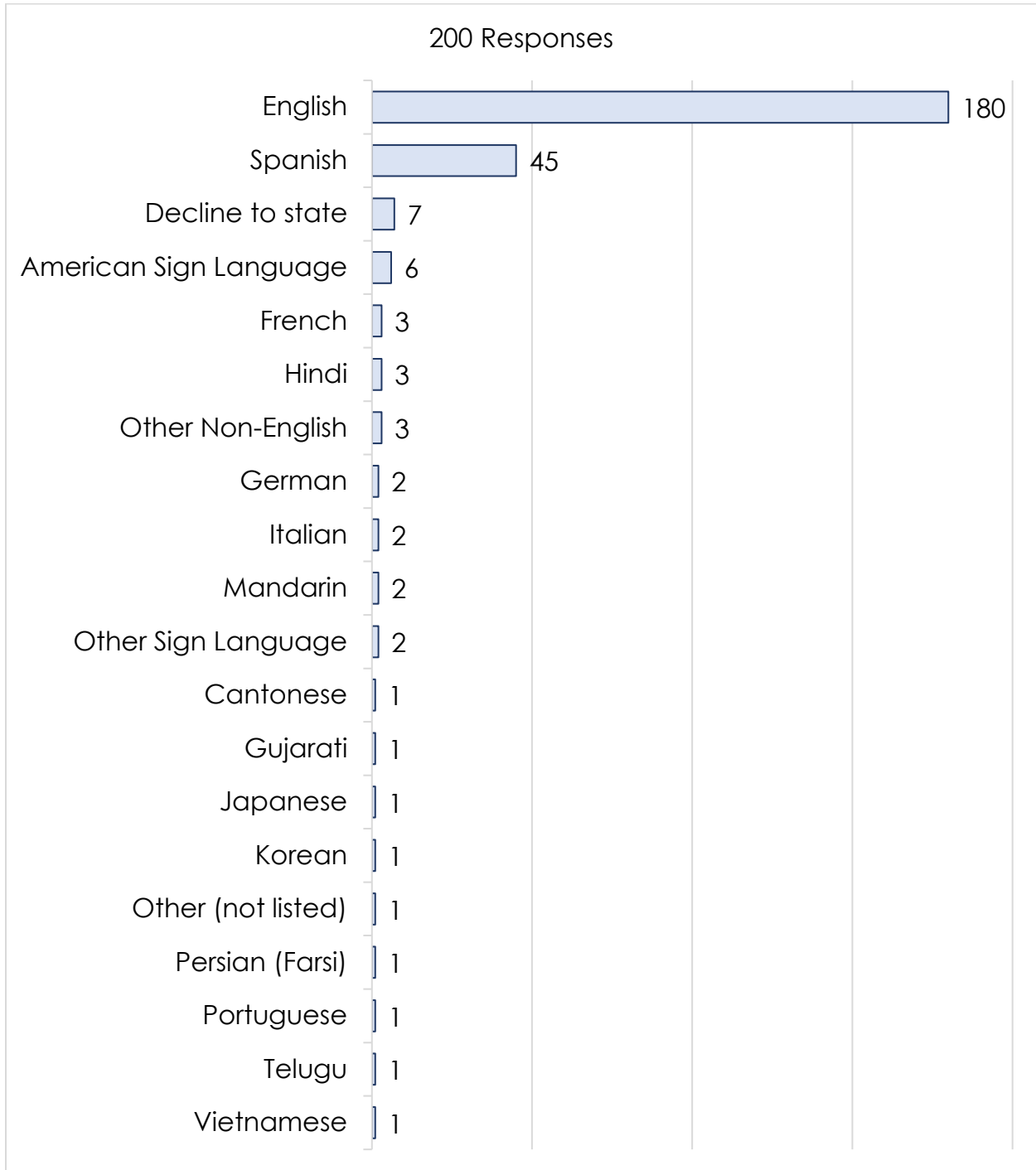
External Stakeholders' Highest Level of Education



Languages

Languages External Stakeholders Speak Fluently*

*A total of 58 options were provided, including “Decline to State.” Multiple options could be selected. Languages not selected are not shown.



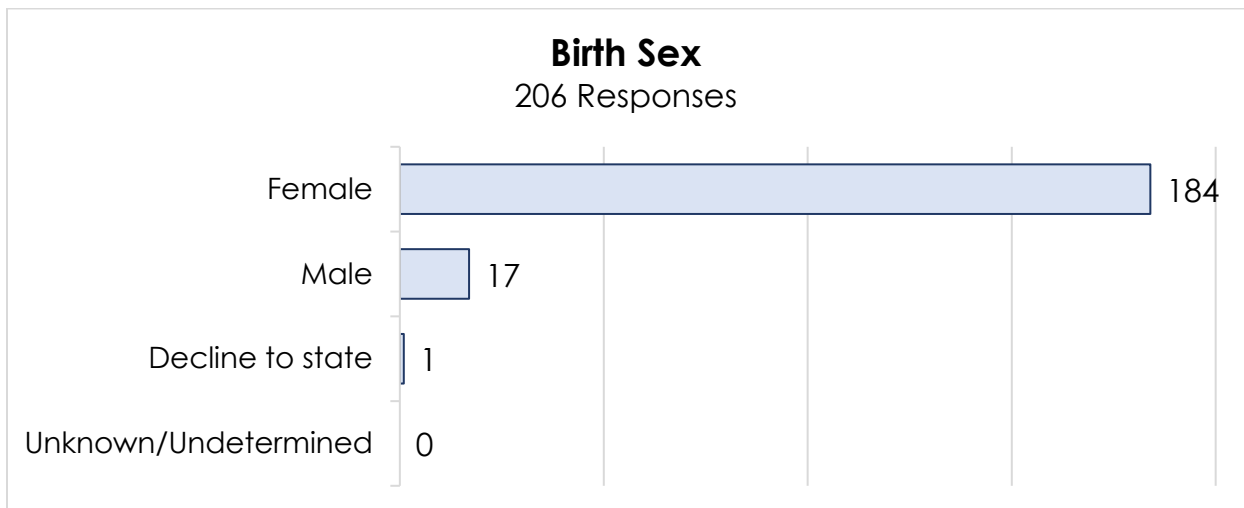
Language Options

The following languages were not spoken by any respondent.

- African Languages
- Amharic
- Arabic
- Armenian
- Fijian
- Formosan (Amis)
- Greek
- Hebrew
- Hmong
- Hungarian
- Ilocano
- Indonesian
- Lao
- Mien
- Mon-Khmer
- Navajo
- Polish
- Punjabi
- Russian
- Samoan
- Scandinavian Languages
- Serbian
- Swahili
- Tagalog
- Thai
- Tonga
- Turkish
- Ukrainian
- Urdu
- Xiang Chinese
- Yiddish
- Yoruba
- Other Chinese

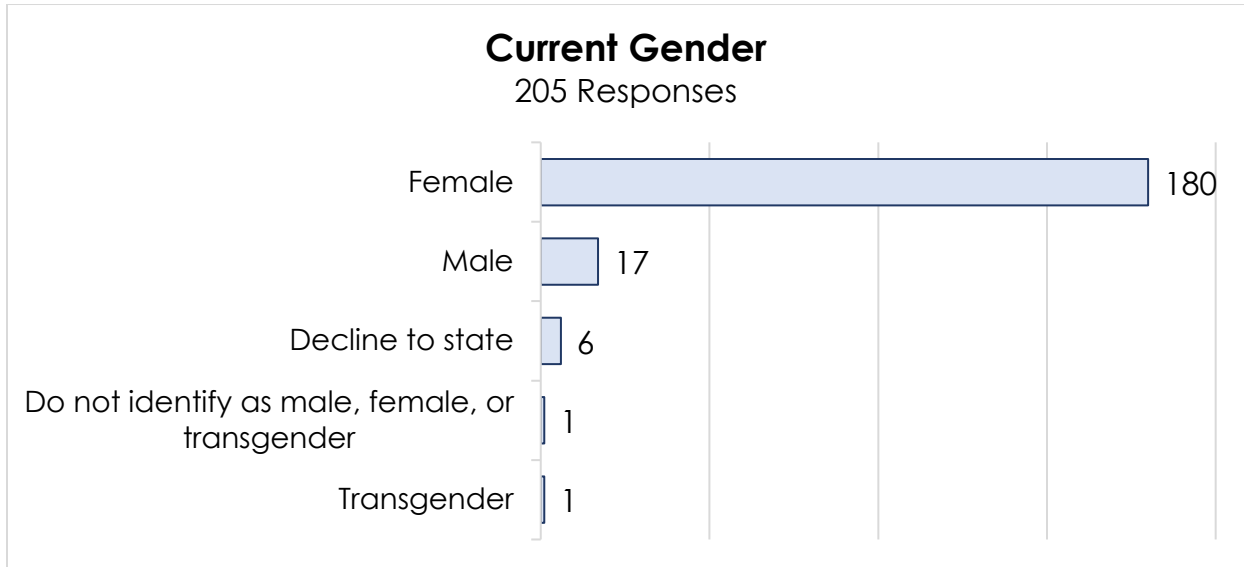
Birth sex

External Stakeholders' Assigned Sex at Birth



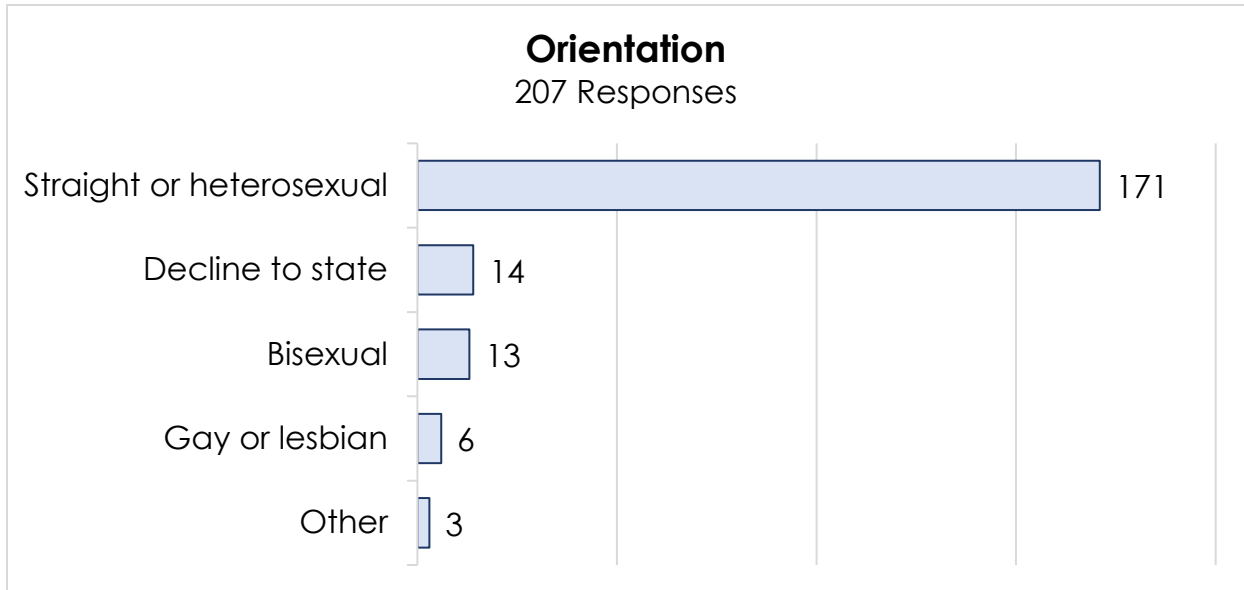
Current gender

How External Stakeholders Describe Themselves



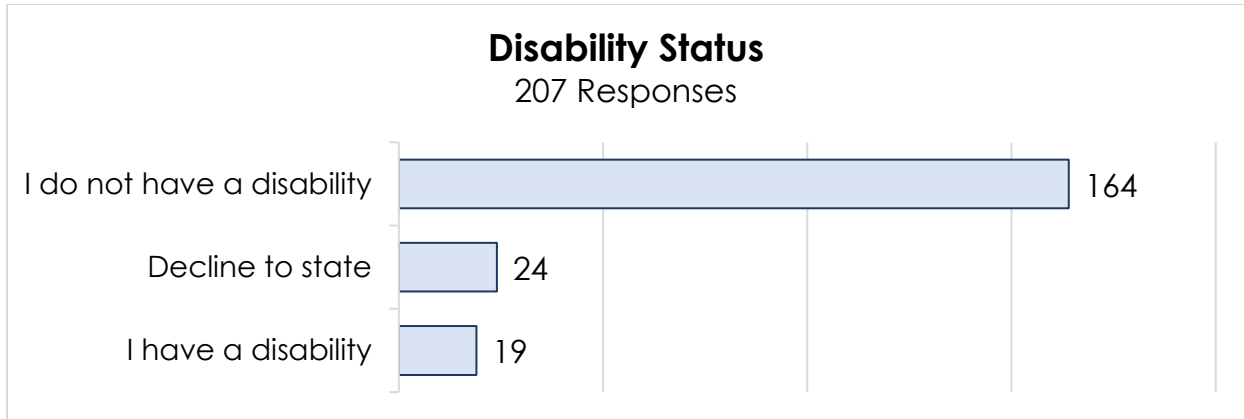
Orientation

External Stakeholders' Orientation



Disability status

External Stakeholders' Disability Status





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**SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY AND HEARING
AID DISPENSERS BOARD**

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

Strategic Planning

Objectives Worksheet

Planning Session:

June 13, 2024



Instructions

As we get ready for the Strategic Planning Session, take a moment to think about what you would like to see the Board work on over the next few years.

Consider the following:

- Review of the Environmental Scan Report
- Items outlined in Sunset Review
- Experience and previously identified needs

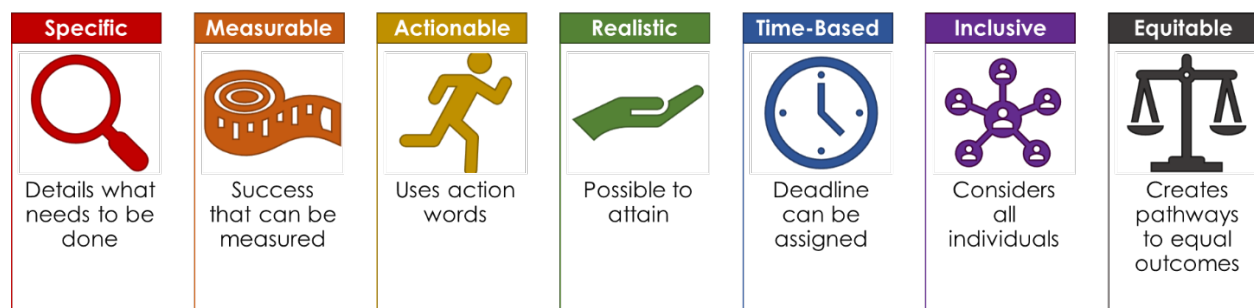
Determine Issues/Areas for Improvement and Brainstorm Solutions

What issues/areas for improvements come to mind for the following strategic goal areas? Record issues/areas for improvement and identify solutions on the attached worksheets.

1. Licensing
2. Enforcement
3. Outreach and Communications
4. Laws and Regulations
5. Program Administration

SMARTIE Methodology

For more effective objectives, consider the SMARTIE methodology when coming up with solutions to issues/areas for improvement:



Goal 1: Licensing

The Board ensures licensing standards that protect consumers while permitting reasonable access into the professions.

Issue/Area for Improvement	Solution(s)

Please take a moment to review the weakness summaries on Environmental Scan page 9, external environment summaries on page 28, and the Diversity, Equity, and Inclusion (DEI) summaries on pages 31-37. Weaknesses and DEI barriers to licensure are summarized below, and DEI issues are summarized on the last page of this workbook for your convenience.

Summary of Weaknesses	DEI Unnecessary Barriers
<ul style="list-style-type: none"> • Processing time • Access to staff, responsiveness • Number of online services • Clarity of application and process 	<ul style="list-style-type: none"> • Processing time • Continuing education flexibility • Costs and fees • Dispensing exam for audiologists

Goal 2: Enforcement

The health and safety of California’s consumers is protected through the active enforcement of the laws and regulations governing the practices of speech-language pathology, audiology, and hearing aid dispensing.

Issue/Area for Improvement	Solution(s)

Please take a moment to review the weakness summaries on Environmental Scan page 13, external environment summaries on page 28, and the Diversity, Equity, and Inclusion (DEI) summaries on pages 31-37. Weaknesses are summarized below, and DEI is summarized on the last page of this workbook for your convenience.

Summary of Weaknesses

- Access to staff, responsiveness to questions
- Reliance on third parties
- Desire for more enforcement
- Little help with employer issues, including school caseloads and scope

Goal 3: Outreach and Communications

Consumers and other stakeholders are educated and informed about the practices, and laws and regulations governing the professions of speech-language pathology, audiology, and hearing aid dispensing.

Issue/Area for Improvement	Solution(s)

Please take a moment to review the weakness summaries on Environmental Scan pages 16-17, external environment summaries on page 28, and the Diversity, Equity, and Inclusion (DEI) summaries on pages 31-37. Weaknesses and DEI methods to improve outreach and connection are summarized below, and DEI issues are summarized on the last page of this workbook for your convenience.

Summary of Weaknesses	DEI Increasing Outreach
<ul style="list-style-type: none"> • Access to staff, responsiveness • Limited staff, resources • Website usefulness • Lack of clarity of information 	<ul style="list-style-type: none"> • Relationships with organizations • Social media use • Offering events • Regular communication (Newsletter) • Public education

Goal 4: Laws and Regulations

The health and safety of California consumers is protected by the laws and regulations governing the speech-language pathology, audiology, and hearing aid dispensing professions.

Issue/Area for Improvement	Solution(s)

Please take a moment to review the weakness summaries on Environmental Scan pages 20-21, external environment summaries on page 28, and the Diversity, Equity, and Inclusion (DEI) summaries on pages 31-37. Weaknesses are summarized below, and DEI is summarized on the last page of this workbook for your convenience.

Summary of Weaknesses

- School therapist protections
- Quality of laws: currency and balance of clarity and detail
- Processing timeline for new laws and regulations
- Regulations around supervision issues (including telesupervision)
- Mandate for live continuing education

Goal 5: Program Administration

The Board is committed to efficiently and effectively utilize resources and personnel to meet our goals and objectives.

Issue/Area for Improvement	Solution(s)

Please take a moment to review the weakness summaries on Environmental Scan pages 24-25, external environment summaries on page 28, and the Diversity, Equity, and Inclusion (DEI) summaries on pages 31-37. Weaknesses are summarized below, and DEI is summarized on the last page of this workbook for your convenience.

Summary of Weaknesses

- Understaffed
- Lack of access to and responsiveness from staff
- General disapproval
- Slow processing times
- Lack of additional online services

DEI Summary

Different Perspectives About Ideas and Priorities

- Specifically asking for input
- Conduct surveys
- Collaborate with other groups/stakeholders
- Interactive events, discussion

Unnecessary Requirements or Barriers to Licensure

- Processing time for licensure
- Live continuing education requirement for renewal
- Cost of education and licensure
- Hearing aid dispenser exam issues (Audiologist requirement, dates, locations, equipment, and logistics)

Outreach and Connection to All Californians

- Building relationships with other organizations
- Use of social media
- Offering and attending events
- Regular communication and/or newsletter
- Educating the public

Furthering Equal Access to Opportunities

- Offering or promoting mentorship and apprenticeship opportunities
- Publicly advocating for career paths
- Addressing education costs
- Additional programs and/or slots



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MEMORANDUM

DATE	May 31, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 7: Update, Review, Consideration and Possible Action on the Following Board Regulation Packages

The following is a list of the Board’s regulatory packages, and their status in the rulemaking process:

a) SLPA Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The regulatory proposal was approved and filed with the Secretary of State by the Office of Administrative Law (OAL) on March 19, 2024. These regulations become effective on July 1, 2024.

This proposed regulatory change will permit tele-supervision as “direct” supervision of a SLPA, require a higher level of supervision during the first 90 days of work following a SLPA’s initial licensure, require both a minimum level of experience and professional development training in supervision before supervising a SLPA, permit the supervision of three (3) full-time equivalent support personnel not to exceed six (6) support personnel at any time, incorporate by reference a revised supervision form, and revise the notice of termination form.

b) Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

c) Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

d) Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

e) Approved Institutions as stated in Title 16, CCR section 1399.152

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. Board staff submitted the required regulatory documents for DCA review on August 28, 2023, and is developing the Economic and Fiscal Impact Statement for Budget review as of May 17, 2024.

This proposed regulatory change will permit the Board to review and/or approve accrediting bodies who wish to provide accreditation to programs where individuals can complete their academic and clinical requirements for licensure in the practices of speech-language pathology or audiology.

f) Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. Board staff submitted the required regulatory documents for DCA review on September 5, 2023, and is developing the Economic and Fiscal Impact Statement as of March 20, 2024.

This proposed regulatory change will clarify that supervision is required for the entire duration of the trainee or temporary license, specify different level of supervision, require a higher level of supervision during the first ninety (90) days, specify tasks and knowledge supervisors must provide to trainees, require supervisors to complete a training in supervision, specify criteria to request a waiver to supervise more than one trainee or temporary license holder, make requirements applicable to all temporary license types who require supervision, and make requirements applicable to all license types who can supervise.

g) Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on May 13, 2022. Board staff submitted the required regulatory documents for DCA review on August 31, 2022, and is developing the Economic and Fiscal Impact Statement for Budget review as of September 28, 2022.

This proposed regulatory change will require licensees who were initially licensed prior to January 1, 1999, or for whom an electronic fingerprints record does not exist, to be fingerprinted as a condition of renewal.

h) General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on December 1, 2023. Board staff is preparing the required regulatory documents for DCA review.

This proposed regulatory change will codify general application requirements such as the expedited licensure process, make current the written and practical examinations process, codify the written and practical examination application forms and their examination fees, change the practical examination appeal deadline, specify a deadline for the Board to notify an applicant of its decision on their practical examination appeal, and change the hearing aid dispenser examination requirement for applicants of a dispensing audiology license.

i) Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on December 1, 2023. Board staff submitted the required regulatory documents for DCA review on April 15, 2024.

The proposed regulatory change will remove processing times and the references to processing times in multiple regulation sections.

j) Audiology Licensing Requirements Related to Supervised Clinical as stated in Title 16, CCR section 1399.152.2

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on December 1, 2023. Board staff submitted the required regulatory documents for DCA review on April 24, 2024.

This proposed regulatory change will codify the number of clock hours of supervised clinical practice required for audiology licensure applicants who have completed an audiology doctoral program.

Attachment: Stages of the Regulatory Process

Stages of the Regulatory Process

The Department of Consumer Affairs (DCA) has a four-phase process to approve regulatory packages: (1) Concept; (2) Production; (3) Initial and (4) Final.

(1) CONCEPT PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Regulation Development: The first stage of the regulatory process is to develop the regulatory proposal. This is known as the concept phase. Regulations may be required to implement a new law or regulatory changes may be necessary to address an issue raised by Board members, Board staff, the Legislature, licensees, or other stakeholders. In this phase, the Board and/or Board Committee(s) may work on drafting regulatory language, Board staff will work with DCA Legal staff to address any concerns with the draft regulatory text, and the Board will ultimately adopt the regulatory language.

(2) PRODUCTION PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Preparing Regulatory Package: In this stage, Board staff are working on preparing the required regulatory documents including the Notice of Proposed Regulatory Action, Initial Statement of Reasons, and the Economic and Fiscal Impact Statement. Board staff review Board meeting materials, webcasts, and meeting minutes to assist in the development of these documents which must justify why the regulatory changes are necessary. Board staff may also work closely with DCA's Budget Office to develop the Economic and Fiscal Impact Statement.

In this stage, Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel propose recommended changes to the regulatory documents (Note: Since the regulatory text is already approved at this time, ideally, there should be no changes to the text. Regulatory Counsel would have already reviewed and sought second-level review of the text to ensure the language is clear, concise, non-repetitive, etc.). Board staff then incorporate recommended changes prior to submitting the regulatory package back to the Board's Regulations Counsel. Board staff may also meet with Regulations Counsel and/or Budget Staff to provide additional information about the Board's licensing or enforcement processes in relation to the proposed regulation. At this stage, Legal and Budget approval of the package is obtained. (i.e., Regulatory Counsel approves the package and Budget signs off of Form 399.)

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Departmental Review: Upon approval by the Board's Regulations Counsel and DCA Budget staff, the entire regulatory package is submitted to the Regulations Coordinator, who then prepares the package for the DCA Director and the Business, Consumer Services and Housing Agency's review and approval. Throughout this stage, additional changes to the regulatory language and/or regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

(3) INITIAL PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Public Comment Period: Upon approval by the Business, Consumer Services and Housing Agency, the regulatory proposal will be submitted to the Office of Administrative Law (OAL) to be published in the California Regulatory Notice Register. This commences the initial phase of the process. OAL publishes the Notice Register every Friday and the publication date starts the formal 45-day public comment period as well as the one-year deadline to submit the completed rulemaking file to OAL. If the Board makes changes to the regulatory language in response to public comments, the regulatory proposal must be made available to the public for an additional 15-day.

(4) FINAL PHASE

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Finalizing Regulatory Package: The Board must respond in writing to every comment received during the public comment period. In this stage, Board staff work with the Board’s Regulations Counsel to develop proposed responses to the public comments, which must be approved by the Board. Board staff then prepare the Final Statement of Reasons which must outline any changes made to the regulatory language and updates to any information contained in the Initial Statement of Reasons such as changes to the fiscal and/or economic impact or additional materials to include in the record. The Final Statement of Reasons will also include the Board’s approved responses to the public comments.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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DCA Regulations Final Review: Upon completion of the Final Statement of Reasons, Board staff submits the entire regulatory proposal to the Board’s Regulations Counsel for final review. In this stage, Board staff work collaboratively with the Board’s Regulations Counsel. The Regulations Counsel may propose recommended changes to the Final Statement of Reasons or request additional underlying documents. Board staff will work with the Board’s Regulations Counsel to address any concerns prior to the final submission to DCA.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Final Departmental Review: Upon approval by the Board’s Regulations Counsel, Board staff submits the entire regulatory package for the Final Departmental Review which involves reviews by the DCA Director, DCA Budget Office, and the Business, Consumer Services and Housing Agency (Note: Agency review may not be required if there are no comments or the comments do not result in modifications to the text). Throughout this stage, additional documents may be requested or changes to the regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Submission to OAL for Review: Upon approval by the Business, Consumer Services and Housing Agency, the completed rulemaking file is submitted to OAL. OAL has 30 working days to approve or deny the regulatory proposal. During this stage, Board staff will work with the OAL Attorney to address any concerns with the regulatory documents or make non-substantive changes to the regulatory language. Board and DCA staff may also work with the Department of Finance to obtain approval of the Economic and Fiscal Impact Statement.

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Decision: Unless the Board requested an early effective date, upon approval by OAL, regulations become effective on one of four quarterly dates based on when OAL files the final regulations with the Secretary of State (SOS). Following approval by OAL, Board staff will work internally to implement the new regulations.

OAL Decision Date and Filing with SOS	Effective Date
September 1 to November 30	January 1 st
December 1 to February 29	April 1 st
March 1 to May 31	July 1 st
June 1 to August 31	October 1 st



MEMORANDUM

DATE	June 3, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 7(b): Review, Consideration, and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, California Code of Regulations (CCR) sections 1399.140, 1399.140.1, and 1399.144

Background

The proposed regulatory changes will increase the number of continuing education (CE) hours Hearing Aid Dispensers (HAD) may earn in related or indirect client care courses; permit other opportunities to fulfil the CE requirements; and align these regulations with the continuing professional development regulatory requirements the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) has for licensees in the practices of speech-language pathology and audiology under Article 11 of Division 13.4 of Title 16 of the CCR.

The Board submitted the rulemaking file on March 21, 2024, to the Office of Administrative Law (OAL), and subsequently withdrew it on May 1, 2024, to incorporate OAL recommended modifications to the text. The following proposed modifications were made to the text and published for public comment between May 14 – 29, 2024 with the intention that it would be presented to the Board for ratification at this meeting:

1. *Amended section 1399.140(a)(1) to add “, or both.”* This change is to inform the public that this text is being added to the regulatory language. This is because the text was never noticed to the public as new text. This was added in the original proposed text and approved by the Board on April 27, 2023.
2. *Amended section 1399.140(h) to remove “up to.”* This change is for clarity. The Board requires full participation for each day of service in the development and administration of the examination in order to stay in compliance with Business and Professions Code (BPC) section 139. For that reason, the Board cannot provide partial participation for each day of service and as such it cannot provide partial credit.
3. *Amended section 1399.140(j) to replace “participating in” with “completing” and remove “no more than.”* These changes are for clarity. The Board requires full participation in the survey it sends out to its license population in order to receive credit. Full participation in this survey is necessary because is used in to develop the occupational analyses that is required by BPC

section 139. Because the survey has to be completed in its entirety, the Board cannot provide partial credit.

The Board received four (4) written comments during the 15-day comment period and eight (8) written comments after the end of the 15-day comment period for a total of ten (12)¹ comments on the modified text:

- Twelve (12) comments were not related to the proposed modified text.

Board staff does not recommend any additional changes.

The Administrative Procedure Act (APA) does not require the Board to review or respond to written comments in support of this regulatory action during the final rulemaking process. However, the Board is required to review or respond to timely written comments that object or make a recommendation regarding the regulatory action or the procedures followed by the Board in proposing the regulatory action. The Board is also required to respond to any timely written comments received regarding the changes made to the proposed regulatory text if the comments received during the public comment period concern the most recent modifications made to the text.

Summary of Comments and Draft Board Response (During 15-Day)

Summary: The Board received four (4) timely comments recommending one hundred (100) percent non-live CEUs.

Board Response: The comments were not specifically directed at the proposed modifications made to the text that was noticed to the public on May 14, 2024, and as such, the Board declined to make any amendments to the proposed text based thereon, pursuant to Government Code section 11346.8(c). The proposed modifications only concern clarifying that the “, or both” language of section 1399.140(a)(1) is being added to the regulatory language, removing “up to” from section 1399.140(h), and replacing “participating in” with “completing” and removing “no more than” from section 1399.140(j). The comments about the amount of required non-live CEUs are not part of the proposed modifications.

Action Requested

Staff recommends the Board review and consider the provided materials. The Board may wish to determine whether or not to ratify the modified text and approve the Board’s responses to comments as currently drafted or propose changes to the modified text or the Board’s responses, and direct Board Staff to prepare the necessary documents to complete the rulemaking process.

Suggested Motion

¹ The Board notes it has two separate open regulatory packages that address CE: this proposed action relating to the practice of hearing aid dispensers (Hearing Aid Dispensers Continuing Education Requirements) and a separate proposed action relating to the practices of speech-language pathology and audiology (Continuing Professional Development Requirements). The Board reached out to the commenters to obtain clarification as to which package they were providing comment. Either the Board did not receive a response or the response indicated the comment was directed at both packages. As a result, the Board is addressing the comments in both the Hearing Aid Dispensers Continuing Education Requirements and the Continuing Professional Development Requirements packages because they were received during the open comments.

Move to ratify the modifications to the regulatory text published during the 15-day comment period between May 14 – 29, 2024, approve the proposed Board responses to comments, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, as noticed.

Attachment A: Public Comments
Attachment B: Order of Adoption

HAD CE Public Comment – Second 15-Day

Comment 1

From: JSVera <_@_>

Sent: Wednesday, May 29, 2024 10:01 AM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Cc: Jade Vecvanags <_@_>

Subject: Live vs Non-Live CEUs

We should be allowed to obtain 100% non-live CEUs

Respectfully,

Jason Vera

MWSS-473 DET (-), MCAS Miramar

San Diego, CA 92124

W: (____)-____-____

W/E: _@_

C: (____)-____-____

Comment 2

From: Stevie Brumwell <_@_>

Sent: Thursday, May 30, 2024 1:27 PM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Subject: Re: non-live CEUs

Both. Continuing Professional Development Requirements. And Continuing Ed requirements for Hearing Aid Dispensers.

On Wed, May 29, 2024 at 1:33 PM SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov> wrote:

We currently have two proposed regulations available for public comment. Can you specify which proposed regulation this comment is for?

1. Continuing Education Requirements for Hearing Aid Dispensers
2. Continuing Professional Development Requirements

Maria Liranzo

Legislation, Regulation and Budget Analyst

Speech-Language Pathology & Audiology &

Hearing Aid Dispensers Board

1601 Response Road, Suite 260 | Sacramento, CA 95815

Main: (916) 287-7915

Web: www.speechandhearing.ca.gov

Sign up to receive updates and notifications on legislative and regulatory changes at <https://www.speechandhearing.ca.gov/webapplications/subscribe/index.shtml>

From: Stevie Brumwell <_@_>
Sent: Wednesday, May 29, 2024 10:02 AM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: non-live CEUs
To whom it may concern,
SLPs should be allowed to obtain 100% non-live CEUs. Thank you.

Sincerely,
Stevie Brumwell

Comment 3

From: Eryka Morrello <_@_>
Sent: Wednesday, May 29, 2024 10:33 AM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: We should be allowed to obtain 100% non-live CEUs

We should be allowed to obtain 100% non-live CEUs

Blessings,

"Let your speech always be gracious and sprinkled with insight so that you may know how to respond to every person"

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Comment 4

From: Risha Bathan <_@_>
Sent: Wednesday, May 29, 2024 10:53 AM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: 100% non-live CEUstBannerEnd

Hello,

We should be allowed to obtain 100% non-live CEUs.

Thank you

Comment 5

From: Sciorba Kathleen <_@_>
Sent: Wednesday, May 29, 2024 5:55 PM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: CEU's

We should be allowed to obtain non live CEU's.

Sent from my iPhone

Comment 6

From: Mai Suzumori <_@_>
Sent: Wednesday, May 29, 2024 6:02 PM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: Ceus

To Whom It May Concern:

We should be allowed to earn non-live CEUS 100%.

Thank you

Comment 7

From: Charmaine Lee <_@_>
Sent: Friday, May 31, 2024 10:46 AM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: Re: CEU preference

I would prefer that both regulations should be allowed 100% non-live.

Thank you.

On Fri, May 31, 2024 at 10:10 AM SpeechandHearingRegulations@DCA <SpeechandHearingRegulations@dca.ca.gov> wrote:

We had two proposed regulations available for public comment. Can you specify which proposed regulation this comment is for?

1. Continuing Education Requirements for Hearing Aid Dispensers
2. Continuing Professional Development Requirements

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board

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From: Charmaine Lee <@_>
Sent: Wednesday, May 29, 2024 6:09 PM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: CEU preference

Hello Speech and Hearing Regulation,

As a current practicing SLP, I believe that we should be allowed to do 100% non-live CEUs.

Comment 8

From: Dana Rothen <@_>
Sent: Friday, May 31, 2024 10:14 AM
To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>
Subject: Re: Regarding ceu

The continuing education requirements is what I am referring to. Or and or do not we'd to do any live hours as my understanding and it is a este for us to have to do any mandatory live ceus. We see under valued under paid I. Our field but required to do most in regards to our ceu. It is ridiculous we have to do 30 hour Asha and 24 state and have to do it live. We have other disciplines taking over what was SLP scope of practice etc

The ceu should only be video or self study and not mandatory live

Sent from my iPhone

On May 31, 2024, at 10:10 AM, SpeechandHearingRegulations@dca.ca.gov wrote:

We had two proposed regulations available for public comment. Can you specify which proposed regulation this comment is for?

1. Continuing Education Requirements for Hearing Aid Dispensers
2. Continuing Professional Development Requirements

Maria Liranzo
Legislation, Regulation and Budget Analyst
Speech-Language Pathology & Audiology &
Hearing Aid Dispensers Board

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From: Dana Rothen <_@_>

Sent: Wednesday, May 29, 2024 8:11 PM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Subject: Regarding ceu

please change ceu requirement to be able to obtain it not live like or and it who don't have to do any requirements for live It is ridiculous to be forced to do ceu live when our profession doesn't pay enough to do all these non ce conferences

please change ceu requirement to be able to obtain it not live like or and it who don't have to do any requirements for live

It is ridiculous to be forced to do ceu live when our profession doesn't pay enough to do all these non ce conferences

Dana Rothen SLP

Comment 9

From: Noffar Kaspi <_@_>

Sent: Wednesday, May 29, 2024 8:41 PM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Subject: 100% non-live CEU's

To whom it may concern,

We should be allowed to obtain 100% non-live CEU's.

Thank you,

Noffar Kaspi, M.A. CCC-SLP

Comment 10

From: Tali Harounian <_@_>

Sent: Wednesday, May 29, 2024 11:19 PM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Subject: We should be allowed to obtain 100% non-live CEUs!

We should be allowed to obtain 100% non-live CEUs!

Tali Studnitski, M.S. CCC-SLP
Speech and Language Pathologist

Comment 11

From: RASHEDA AHMED <_@_>

Sent: Friday, May 31, 2024 1:58 PM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Subject: Comment on CEU format

To Whom It May Concern:

We should be allowed to complete 100 percent of CEUs in a virtual, non-inperson, non-live format just like the OTs and PTs licensed in California are able to do to maintain our licensing requirements.

Rasheda Ahmed

Comment 12

From: Sciurba Kathleen <_@_>

Sent: Friday, May 31, 2024 8:55 PM

To: SpeechandHearing@DCA <SpeechandHearing@dca.ca.gov>

Subject: Speech and Hearing Educational requirements

We should be able to obtain non live CEU's.

Sent from my iPhone

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

Continuing Education Requirements for Hearing Aid Dispensers

ORDER OF ADOPTION

Amend section 1399.140 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140. Continuing Education Required.

(a) ~~Any hearing aid license that expires on or after July 1, 2017~~Except as provided in Section 1399.144, a licensee who holds a hearing aid dispenser license pursuant to Section 2538.26 of the Code is required to complete at least twelve (12) hours of continuing education from a provider approved under Section 1399.141 during each annual renewal period.

~~(1) A licensee who claims No more than three (3) hours of continuing education credit may be credited in related or for indirect patient/client care courses, courses related to the practice of hearing aid dispensing, or both as provided defined in Section 1399.140.1 cannot claim more than four (4) hours of continuing education per renewal period.~~

~~(2)(A) A licensee who claims No more than six (6) hours of the required continuing education credit may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses cannot claim more than six (6) hours of continuing education per renewal period.~~

~~(B) Self-study does not include live courses. A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course affords participants the opportunity to interact with an instructor and/or other course participants, or both.~~

~~(3) A licensee who claims continuing education credit for courses related to equipment, devices, or other products as defined in Section 1399.140.1 cannot claim more than six (6) hours of continuing education per renewal period.~~

(b) Records showing completion of each continuing education course shall be maintained by the dispenser for two (2) years following the renewal period in which it was earned.

(c) Each dispenser renewing ~~his or her~~ their license under the provisions of Section 2538.53 of the Code shall be required to submit proof satisfactory to the Board of compliance with the provisions of this article. Records shall be provided to the Board in response to a compliance audit.

(d) Verification of compliance shall be documented at the time of license renewal on a form provided by the Board.

~~(e) This article shall not apply to any dispenser who is renewing a license for the first time following the issuance of an initial permanent license.~~

~~(fe)~~ Any person whose hearing aid dispenser's license has been expired for two renewal cycles ~~years~~ or more shall complete the required hours of approved continuing education for the ~~prior two years~~ most recent renewal cycle before such license may be restored.

(f) Applicants for initial licensure who are licensed in another state and apply for licensure in this state are not required to complete the continuing education required by this section until their first renewal.

(g) If a licensee teaches a course approved under Section 1399.141 and claims continuing education for the same course, the licensee shall be credited once per renewal, receiving the same number of hours as a licensee who attended the course.

(h) If a licensee serves the Board as a selected participant in Board-sponsored examination development or administration related functions and claims continuing education credit, the licensee shall receive two (2) hours of continuing education credit for each day of service for a maximum of four (4) hours per renewal period. The licensee shall maintain a record of hours served for submission to the Board for the purpose of subsection (c).

(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board shall not apply the course as credit towards the continuing education requirements.

(j) A licensee who claims continuing education credit for completing a Board sponsored Occupational Analysis shall be credited two (2) hours.

Note: Authority cited: ~~Section~~ Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: ~~Section~~ Sections 2538.18 and 2538.54, Business and Professions Code.

Amend section 1399.140.1 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140.1. Continuing Education Course Content.

(a) The content of a continuing education course shall pertain to direct or indirect patient/client care, or be related to the practice of hearing aid dispensing, or indirect patient/client care. ~~Course content shall not focus on equipment, devices, or other products of a particular publisher, company, or corporation.~~

(1) Direct patient/client care courses cover current practices in the fitting of hearing aids. This may include content on the fitting, programming, and troubleshooting of equipment, devices, or other products of a particular manufacturer or company only as it relates to benefitting a client's hearing and functional use of the equipment, device, or product.

(2) Indirect patient/client care courses cover practical aspects of hearing aid dispensing (e.g., legal or ethical issues which shall include~~including~~ the ethics of advertising and marketing), consultation, record-keeping, office management, and managed care issues).

(3) Courses that are related to the ~~discipline~~practice of hearing aid dispensing may cover general health condition or educational course offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, service delivery models, interdisciplinary case management issues, or medical pathologies that also result in hearing difficulties.

(b) Examples of courses that are considered outside the scope of acceptable course content include:

(1) personal~~Personal~~ finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer.; and

(2) Marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices, or products.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Amend section 1399.144 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.144. ~~Waiver of Requirement~~Exemptions from Continuing Education.

~~(a) The Board may, in its discretion, exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to~~

the Board for its consideration. A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 703 and 704 of the Code.

(b) To obtain an exemption, a licensee shall submit a written request for exemption from the continuing education requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption is granted. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For any amount of time during the licensee's previous license renewal period the licensee was called to active duty as defined in Section 114.3 of the Code;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing education requirement is granted, it shall be valid only for the current renewal period.

(bd) Any dispenser who submits an application for a waiver a written request for exemption, which is denied by the Board, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority cited: ~~Section~~ Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: Sections 114.3 and 2538.18, Business and Professions Code.



MEMORANDUM

DATE	June 6, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 7(c): Update, Review, Consideration and Possible Action on the Following Board Regulation Packages Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4

Background

This proposed regulatory change will clarify definitions to reflect advancements made to speech-language pathology and audiology (SLP-AU) continuing professional development (CPD) courses delivered online, increase the number of self-study hours to half of the total required hours, and clarify current regulations by making SLP-AU CPD requirements consistent with the Board's SLP-AU CPD audit process and the professional learning requirements for similar license types and course content.

On March 8, 2024, the Board issued a 15-day notice of availability of the modified text and new documents, and the comment period closed on March 25, 2024. The Board did not hold a public hearing for this proposed regulatory action nor was one requested from any interested person or their authorized representative.

The Board received a total of six (6) comments during the 15-day comment period:

- Three (3) in support, and
- Three (3) were not related to the proposed modification or Addendum to the ISOR.

Board staff does not recommend making any additional changes to the text.

The Administrative Procedure Act (APA) does not require the Board to review or respond to written comments in support of this regulatory action during the final rulemaking process. However, the Board is required to review or respond to timely written comments that object or make a recommendation regarding the regulatory action or the procedures followed by the Board in proposing the regulatory action. The Board is also required to respond to any timely written comments received regarding the changes made to the proposed regulatory text if the comments received during the public comment period concern the most recent modifications made to the text.

Summary of Comments and Board Responses (Second 15-Day)

Summary: The Board received one (1) comment regarding gender neutral terms and noted they are part of language and grammar, which is taught. The comment further noted that there is no benefit to using gender neutral terms in academia.

- 1. Board Response:** The comments were not specifically directed at the proposed modifications made to the text or addendum to the Initial Statement of Reason that were noticed to the public on March 8, 2024, and as such, the Board declined to make any amendments to the proposed text based thereon, pursuant to Government Code section 11346.8(c).

Summary: The Board received one (1) comment commending the Board for the proposed changes but asking why the requirements are more stringent than those required for ASHA certification or other states. The comment noted that ASHA requires thirty (30) hours every three (3) years and they can be from live or recorded courses. The comment further noted the difficulty to fulfill the live courses requirements because most live courses are held during the work week and during the work hours. The comment stated that California seems to have a need for SLP like most other states and asked why the Board continues to make it very hard to earn and maintain a degree.

- 2. Board Response:** The comments were not specifically directed at the proposed modifications made to the text or addendum to the Initial Statement of Reason that were noticed to the public on March 8, 2024, and as such, the Board declined to make any amendments to the proposed text based thereon, pursuant to Government Code section 11346.8(c).

Summary: The Board received one (1) comment stating that most districts or providers who offer live courses by means of joining a zoom meeting and participants type their name or complete a course evaluation rating the presenter and information to get a certificate of completion. The comment noted that participants are in no way required to demonstrate they have listened or learned anything. The comment stated that this is in contrast to viewing pre-recorded sessions offered on popular continuing education platforms where participants must take a quiz to show they have been attentive during the training and can answer questions about the material presented. The comment further stated that they assume the original intention with the live course requirement was to ascertain people would actually listen but now that live in-person courses are rare, people turn to live online courses for which one can usually get credit without actually listening to a single word.

- 3. Board Response:** The comments were not specifically directed at the proposed modifications made to the text or addendum to the Initial Statement of Reason that were noticed to the public on March 8, 2024, and as such, the Board declined to make any amendments to the proposed text based thereon, pursuant to Government Code section 11346.8(c).

Third Modified Text

Due to Office of Administrative (OAL) recommended changes the Board received regarding the proposed rulemaking package titled, "Hearing Aid Dispensers Continuing Education Requirements," Board staff modified the text of this proposed rulemaking to include similar modifications. The text was modified as follow and published for public comment between May 14 – 29, 2024:

1. *Amended section 1399.160.1(c) and (d) to add "of this section."* This change is for clarity. It informs the reader that the regulation is referring to a subsection within the same section and not in a different section that is also being referenced.
2. *Amended section 1399.160.2(a) to remove "and 704" and make grammatical correction related to this change.* This change is necessary for clarity. The exemptions from CPD requirement for inactive license is only found in BPC section 703. BPC section 704 specifies the requirements to restore a license from an inactive status which doesn't apply to this regulatory section.
3. *Amended section 1399.160.3(l) to remove "no more than."* This change is necessary for clarity. The Board requires full participation in the survey it sends out to its license population in order to receive credit. Full participation in this survey is necessary because is used in to develop the occupational analyses that is required by BPC section 139. Because the survey has to be completed in its entirety, the Board cannot provide partial credit. Similar modification was made to the proposed rulemaking regarding Continuing Education Requirements for Hearing Aid Dispensers.
4. *Amended section 1399.160.4(c) to add "or" after "direct," remove "patient/client care," and add "be" before "related to the practice of speech-language pathology or audiology."* This change is for clarity. Similar modifications were made to the proposed rulemaking regarding Continuing Education Requirements for Hearing Aid Dispensers.

Due to the volume of comments, Board staff were unable to prepare the comments and draft responses for Board review and discussion. They will be presented to the Board at a later date.

Action Requested

Board staff recommends the Board review and consider the provided materials. Specifically, the Board should consider whether to approve the responses prepared by Board Staff to the comments received during the second 15-day comment period from March 8 – March 25, 2024, or suggest alternative responses. Subsequently, the Board should direct Board Staff to prepare the necessary documents to complete the rulemaking process.

The Board may also ratify the proposed third modified text that was noticed from May 14 – 29, 2024. Comments received from this third modification will be presented to the Board for review and consideration at a later date.

Suggested Motion Language

Move to approve the proposed Board responses to comments received during the second 15-day comment period between March 8, 2024-March 25, 2024, and direct Board staff to take all steps necessary to complete the rulemaking process and adopt the proposed regulations at Title 16, CCR sections 1399.160 through 1399.160.4, as noticed.

Move to ratify the modifications to the regulatory text published during the third 15-day comment period between May 14 – 29, 2024, direct staff to prepare proposed Board responses to comments received during the third 15-day comment period between May 14-29, 2024, which shall be brought before the Board at a later date for review and consideration.

Attachment A: Public Comments

Attachment B: Third Modified Text of Regulations

**SLP-AU CPD Requirements
Public Comments
Second 15-Day Comment Period**

Comment 1

From: lisa hunter <___@gmail.com>
Sent: Friday, March 8, 2024 9:27 AM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Second Modified Text and Addendum to ISOR (SLP-AU CPD Requirements)

I support expanding CEU credit to more online courses!

Comment 2

From: Crysti Hunt <___@gmail.com>
Sent: Friday, March 8, 2024 10:56 AM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Second Modified Text and Addendum to ISOR (SLP-AU CPD Requirements)

Pronouns are a part of language and grammar, which is what SLP(A) teach!
There is no benefit to using neutral gender terms in academics.

Comment 3

From: RICHARD L WOOD <___@sbcglobal.net>
Sent: Saturday, March 9, 2024 3:23 PM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Second Modified Text and Addendum to ISOR (SLP-AU CPD Requirements)

Yes, as a licensed SLP in California I agree with this proposal.

Thank you,
Kathleen Wood

Sent from my iPhone

Comment 4

From: Charlene Fredman <___@gmail.com>
Sent: Sunday, March 10, 2024 11:14 AM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Second Modified Text and Addendum to ISOR (SLP-AU CPD Requirements)

I am in favor of the recommended changes to the regulations regarding CEU requirements changing to allow more self-study.

Thank you,

Charlene Fredman, MS, CCC-SLP

Comment 5

From: Marcia Breeding <___@gmail.com>
Sent: Friday, March 22, 2024 1:35 AM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Second Modified Text and Addendum to ISOR (SLP-AU CPD Requirements)

Although I commend the Regulatory Board for the proposed changes being made to the current professional development requirements, I have to wonder why these requirements remain far stricter than those requirements certified SLPs are held to by ASHA?

ASHA requires 30 Professional Development hours every 3 years and these can be live or recorded.

It is difficult to fulfill the live PD CA requirements, even if you are part-time. It seems that most live courses are held during the work week. If they are being held on the east coast, after work hours for them may still be work hours on the west coast.

I have practiced in 3 other states and have never had such strict requirements. It seems there is a big need for SLPs in California (and most likely every state). Why continue to make a very hard earned degree hard to maintain?

Respectfully,

Marcia L Breeding, M.A., CCC/SLP

Comment 6

From: Miriam Ehrenfeld <___@gmail.com>
Sent: Sunday, March 24, 2024 3:04 AM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Second Modified Text and Addendum to ISOR (SLP-AU CPD Requirements)

Hello,

I would like to point out that most districts/providers who offer **live courses** require participation by means of joining the zoom meeting. In order to get a certificate of completion, all a participant has to do is type in their name or complete a course evaluation rating the presenter and information - *but in absolutely no way are they required to demonstrate they have listened/learned anything.*

This is in contrast to viewing pre-recorded sessions, usually offered on popular continuing education platforms; on these, a participant must take a quiz to show they have been attentive during the training and can answer questions about the material presented.

Although I assume the original intention with the live course requirement was to ascertain people would actually listen, now that live in-person courses are so rare, people turn to live online courses -- for which one can usually get credit without actually listening to a single word.

Thank you.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

**PROPOSED THIRD MODIFIED REGULATORY LANGUAGE
Continuing Professional Development Requirements**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout . Added modified text is shown in <i><u>italicized double underline</u></i> Deleted modified text is show in <i>italicized double strikethrough</i> Added 2nd modified text shown in <u>bold double underline</u> Deleted 2nd modified text shown in bold double strikeout Added 3rd modified text shown in broken/ <u>dash underline</u> Deleted 3rd modified text show in single strikeout and broken/dash underline
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Amend section 1399.160 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160. Definitions.

As used in this article:

(a) A continuing professional development “course” means a form of systematic learning at least one hour (60 minutes) in length including, ~~but not limited to,~~ academic studies, extension studies, lectures, conferences, seminars, and workshops, ~~and self-study courses.~~

~~(b1) A “self-study-course” means a form of systematic learning performed at a licensee’s residence, office, or other private location including, but not limited to, viewing or listening to recorded courses, or participating in “self-assessment testing” (open-book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the provider was the correct answer). A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course offering affords participants the opportunity to interact with an instructor and/or other course participants~~course where the course instruction and licensee participation do not occur simultaneously, and requires *the completion of an evaluation on what was learned during the course or at the conclusion of the course.* completing and obtaining a grade of 70% or more on an assessment or examination of the course content at the conclusion of the course instruction.

(eb) A continuing professional development “provider” means an accredited institution of higher learning, a nonprofit education association, a nonprofit professional association, an individual, or other organization that offers continuing professional development courses and meets the requirements contained in this article.

(dc) A “renewal period” means the ~~two-year~~ period that spans from a license's expiration date to the licensee's next expiration date.

(ed) An “operational plan” means a detailed, written description which contains information that explains how the provider intends to conduct business, advertise its courses, provide educational services, and meet the minimum standards established in this article.

(fe) “Continuing pProfessional development” shall have the same meaning and effect as the term “continuing education” when interpreting the provisions in this Aarticle.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (c)(1), (e) and (f), Business and Professions Code.

Amend section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a speech-language pathology or an audiology licensee whose license expires in the year 2001, shall certify in writing, ~~when applying for license renewal,~~ by signing a statement under penalty of perjury that during the preceding renewal period from the date of issuance the licensee has completed twelve (12) hours of continuing professional development ~~courses~~ as defined in Section 1399.160.3(a) from a provider approved under Section 1399.160.7.

(b) Except as provided in Section 1399.160.2, when applying to renew their license for the first time, a licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2001,~~ shall certify in writing, ~~when applying for license renewal,~~ by signing a statement under penalty of perjury that during the preceding renewal period from the date of issuance the licensee has completed eight (8) hours of continuing professional development ~~courses~~ for each license for a total of sixteen (16) hours of continuing professional development as defined in Section 1399.160.3(b) from a provider approved under Section 1399.160.7.

(c) Except as provided in Section 1399.160.2 and subsection (a) of this section, a speech-language pathology or an audiology licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during

the preceding renewal period the licensee has completed twenty-four (24) hours of continuing professional development ~~courses~~ as defined in Section 1399.160.3(c) from a provider approved under Section 1399.160.7.

(d) Except as provided in Section 1399.160.2 and subsection (b) of this section, a licensee who holds both a speech-language pathology license and an audiology license, shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed sixteen (16) hours of continuing professional development ~~courses~~ for each license for a total of thirty-two (32) hours of continuing professional development as defined in Section 1399.160.3(d) from a provider approved under Section 1399.160.7.

(e) Except as provided in Section 1399.160.2, a licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twelve (12) hours of continuing professional development as defined in Section 1399.160.3(e) from a provider approved under Section 1399.160.7.

(f) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and an audiology license authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed sixteen (16) hours of continuing professional development as defined in Section 1399.160.3(f)(1) from a provider approved under Section 1399.160.7 biennially and eight (8) hours of continuing professional development as defined in Section 1399.160.3(f)(2) from a provider approved under Section 1399.160.7 annually.

(~~eg~~) A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify the completion of the continuing professional development requirement by producing a record of course completion, upon request by the Board, is subject ~~the~~ to disciplinary action under Section 2533(e) of the Code.

(h) Any person whose license has been expired for two renewal cycles or more shall complete the required hours of continuing professional development for the most recent renewal cycle before such license may be restored.

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections ~~2532.6(b), 2532.6(c), 2532.6(d) and 2533(e)~~, Business and Professions Code.

Amend section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.2. Exemptions from Continuing Professional Development.

~~(a) An initial licensee shall complete at least twelve (12) hours of continuing professional development, of which no more than four (4) hours may be earned through the following activities prior to his or her first license renewal:~~

~~(1) No more than (2) hours of self-study activities;~~

~~(2) No more than (2) hours from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4), or in indirect client care courses as defined in Section 1399.160.4(c)(3).~~

~~(ba) A licensee is exempt from the continuing professional development requirement if his or her their license is inactive pursuant to Sections 703 and 704 of the Code.~~

~~(eb) To obtain an exemption, a A-licensee may shall submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing professional development required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:~~

~~(1) For at least one year any amount of time during the licensee's previous license renewal period the licensee was absent from California due to military service called to active duty as defined in Section 114.3 of the Code;~~

~~(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or~~

~~(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:~~

~~(A) the nature and extent of the disability;~~

~~(B) an explanation of how the disability hinders the licensee from~~

completing the continuing professional development requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 114.3 and 2532.6(d), Business and Professions Code.

Adopt section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee who renews under Section 1399.160.1(a), whose license expires in the year 2001, shall accrue at least twelve (12) hours of continuing professional development hours in courses as defined in Section 1399.160.4. A licensee under this subsection who claims may accrue no more than four (4) hours of continuing professional development hours for courses through self-study courses shall be allowed to claim no more than six (6) hours of continuing professional development earned through self-study during this renewal period. A licensee under this subsection who claims continuing professional development credit from courses as defined in Section 1399.160.4(c)(4) or Section 1399.160.4(c)(32) shall be allowed to claim no more than three (3) two (2) hours of continuing professional development from such courses.

(b) A licensee who renews under Section 1399.160.1(b) holds both a speech-language pathology license and an audiology license that expire in the year 2001, shall accrue at least eight (8) hours of continuing professional development hours from courses as defined in Section 1399.160.4 for each license. A licensee under this subsection who claims may accrue no more than two (2) hours of continuing professional development hours for courses through self-study courses shall be allowed to claim no more than four (4) hours of continuing professional development earned through self-study for each license. A licensee under this subsection who claims continuing professional development hours from courses as defined in Section 1399.160.4(c)(4) or Section 1399.160.4(c)(32) shall be allowed to claim no more than two (2) one and one half (1.5) hours of continuing professional development from such courses for each license.

(c) A licensee who renews under Section 1399.160.1(c) shall accrue at least twenty-four (24) hours during a single renewal period of continuing professional development hours from courses as defined in Section 1399.160.4. A licensee under this subsection who claims may accrue no more than eight (8) hours of continuing professional development hours for courses earned through the following activities during a single renewal period:

(1) No more than six (6) hours of self-study shall be allowed to claim no more than twelve (12) hours of continuing professional development earned through self-study activities,

(2) No more than four (4) hours A licensee under this subsection who claims continuing professional development hours from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32) shall be allowed to claim no more than six (6) four (4) hours of continuing professional development from such courses.

(31) A licensee who renews an audiology license and claims continuing professional development hours from courses related to hearing aid dispensing shall be allowed to claim no more than 50% of the continuing professional development hours required from such courses of a licensed non-dispensing audiologist, may be in hearing aid courses, but and the continuing professional development hours shall not be obtained from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether the course focuses on a particular manufacturer's or company's equipment, devices, or product equipment, devices, or other products of a particular publisher, company or corporation.

(d) A licensee who renews under Section 1366.160.1(d) holds both a speech-language pathology license and an audiology license, shall accrue at least sixteen (16) hours of continuing professional development hours from courses as defined in Section 1399.160.4 for each license. A licensee under this subsection who claims may accrue no more than five (5) hours of continuing professional development hours for courses earned through the following activities for each license:

(1) No more than two and one-half (2.5) hours of self-study shall be allowed to claim no more than eight (8) hours of continuing professional development for self-study courses for each license activities,

(2) No more than two and one-half (2.5) hours A licensee under this subsection who claims continuing professional development credit from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32) shall be allowed to claim no more than four (4) two and one-half (2.5) hours of continuing professional development from such courses for each license.

(1) A licensee who renews an audiology license and claims continuing professional development hours from courses related to hearing aid dispensing shall be allowed to claim credit for those hours in accordance with Section 1399.160.3(c)(1).

~~(e) A licensee who renews under Section 1366.160.1(e) licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall accrue at least twelve (12) hours of continuing professional development hours from courses as defined in Section 1399.160.4 annually. A licensee under this subsection who claims licensed audiologist authorized to dispense hearing aids may accrue no more than (3) hours of continuing professional development hours for courses earned through the following activities during a single renewal period:~~

~~(1) No more than one and a half (1.5) hours of self-study shall be allowed to claim no more than six (6) hours of continuing professional development for self-study courses activities,~~

~~(2) No more than one and a half (1.5) hours A licensee under this subsection who claims continuing professional development hours from courses related to the discipline of audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32), shall be allowed to claim no more than three (3) two (2) hours of continuing professional development from such courses.~~

~~(31) A licensee shall complete Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing but and these hours shall not be obtained from courses where the content focuses on marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether the course focuses on a particular manufacturer's or company's equipment, devices, or products. the equipment, devices, or other products of a particular manufacturer or company. The remaining 50% of the continuing professional development hours required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) and shall not be obtained from hearing aid dispensing courses as provided for in this section.~~

~~(f) A licensee who renews under Section 1366.160.1(f) holds both a speech-language pathology license and a dispensing audiology license shall accrue:~~

~~(1) At least sixteen (16) hours of eContinuing professional development hours courses in from speech-language pathology courses as defined in Section 1399.160.4. A licensee under this paragraph who claims biennially, of which no more than four (4) hours of the continuing professional development hours earned for courses may be accrued through the following activities during a single renewal period:~~

~~(A) No more than two and one-half (2.5) hours of self-study shall be allowed to claim no more than eight (8) hours of continuing professional development for self-study courses activities,~~

~~(B) No more than two and one-half (2.5) hours A licensee under this paragraph who claims continuing professional development hours from courses related to the discipline~~

~~of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32) shall be allowed to claim no more than four (4) two and one half (2.5) hours of continuing professional development from such courses.~~

~~(2) At least eight (8) hours of continuing professional development hours from courses in dispensing audiology courses as defined in Section 1399.160.4 and 1399.160.3(e)(31), annually, of which no more than two (2) hours of A licensee under this paragraph who claims continuing professional development credit for courses earned may be accrued through the following activities during a single renewal period:~~

~~(A) No more than one (1) hour of self-study shall be allowed to claim no more than four (4) hours of continuing professional development for self-study courses, activities,~~

~~(B) No more than one (1) hour A licensee under this paragraph who claims continuing professional development hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(32) shall be allowed to claim no more than two (2) one and one half (1.5) hours of continuing professional development from such courses.~~

~~(g) If a licensee teaches a course offered by a provider registered with the Board or an entity listed in Section 2532.6 of the Code, the licensee may claim credit and claims continuing professional development credit for the same course, the licensee shall be credited only once per renewal, receiving the same amount of hours of continuing professional development credit as a licensee who attended the course.~~

~~(h) A licensee may shall not claim credit for the same course more than once for hours of continuing professional development per renewal.~~

~~(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board may shall not apply the course as credit towards the continuing professional development requirement.~~

~~(j) A licensee who supervises a Required Professional Experience temporary license holder must complete the required supervision training in Section 1399.153.3.~~

~~(k) A licensee who supervises a Speech-Language Pathology Assistant must complete the required supervision training in Section 1399.170.15.~~

~~(l) A licensee who claims continuing professional development for participating in a Board sponsored Occupational Analysis shall be credited no more than two (2) hours.~~

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (c) and (e), Business and Professions Code.

Amend section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.4. Continuing Professional Development Course Content.

(a) A licensed speech-language pathologist shall determine that the content and learning outcomes of a course are relevant to the practice of speech-language pathology as defined in Section 2530.2(d).

(b) A licensed audiologists shall determine that the content and learning outcomes of a course are relevant to the practice of audiology as defined in Section 2530.2(k).

(c) The content of a course shall pertain to direct ~~or patient/client care, related, or~~ indirect patient/client care, or be related to the practice of speech-language pathology or audiology.

~~(1) Examples of direct patient/client care courses for the practice of speech-language pathology include: fluency disorders, voice disorders, motor disorders of speech, dysphagia, speech science, oral and written language disorders, aphasia and neurogenic disorders of language and cognition, augmentative and alternative communication, phonological/articulatory disorders language science, and patient/client counseling to facilitate recovery from, or adjustment to, a communication disorder.~~

~~(2) Examples of direct patient/client care courses for the practice of audiology include auditory and vestibular assessment, auditory habilitation/rehabilitation, hearing assistive technology, industrial audiology/hearing conservation and hearing science.~~ Direct patient/client care courses cover the current practice of speech-language pathology or audiology. This may include content on instruments and technology used for assessment/diagnosis or intervention.

~~(3)~~ Indirect patient/client care courses cover pragmatic aspects of speech-language pathology or audiology practice (e.g., legal or ethical issues, consultation, record-keeping, office management, managed care issues, research obligations, ~~technological applications related to assessment/diagnosis or intervention~~).

~~(4)~~ Courses that are related to the ~~discipline~~ practice of speech-language pathology or audiology ~~may~~ shall cover general medical or educational offerings including, but not limited to, social interaction, cultural competency and linguistic diversity, and diversity, equity, and inclusion as it applies to service delivery for diverse populations; professional service delivery models; interdisciplinary case management issues; or medical pathologies related to neurological disorders that also result in communication difficulties.

(d) A provider shall ensure that a course has specific objectives that are measurable.

(e) Upon completion of a course, a licensee shall evaluate the course through some type of evaluation mechanism.

(f) Courses considered outside the ~~acceptable course contentscope of continuing professional development~~ include, but are not limited to, those in the following areas:

(1) money management, the licensee's personal finances or personal business matters;

(2) general physical fitness or the licensee's personal health;

(3) presentations by political or public figures or other persons that do not deal primarily with the practice of either speech-language pathology or audiology;

(4) tort liability;

(5) courses that address increased office production or computerization, financial planning, employee benefits, marketing or motivational topics to increase productivity or profitability; ~~and~~

(6) courses in which the primary beneficiary is the licensee, not the consumer; ~~and~~

(7) marketing, launching, or demonstrating the marketability of instruments and technology regardless of whether it focuses on a particular manufacturer's or company's instruments and technology.

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (c) and (e), Business and Professions Code.



MEMORANDUM

DATE	April 29, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 7(d): Update, Review, Consideration and Possible Action on the Following Board Regulation Packages Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

Background

This proposed regulatory change will clarify that anyone licensed to dispense hearing aids can advertise the fitting and selling of hearing aids in accordance with Business and Professions Code section 651 and CCR section 1399.127, information required in advertisements, prohibited advertisements, and national advertisements disseminated in California.

On March 8, 2024, the Board issued a 15-day notice of availability of the modified text and the comment period ended on March 25, 2024. For the March 8, 2024 15-day notice, the Board did not hold a public hearing for this proposed regulatory action nor was one requested from any interested person or their authorized representative. The Board received two (2) written comments during the 15-day public comment period.

- One (1) in support, and
- One (1) expressed concerns with the proposed regulatory changes.

Board staff do not recommend making any additional changes to the text.

Summary of Comments and Board Response (45-Day)

The 45-day public comment period began on November 17, 2023, and ended on January 3, 2024. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) received two (2) written comments during the initial 45-day public comment period.

Summary: The Board received one (1) comment requesting a public hearing. The comment notes that it appreciates the Board's ongoing commitment to protecting the public and ensuring that advertising by hearing aid dispensers is clear and transparent for consumers; however, one provision would cause undue hardship on licensees to be in compliance. The comment recommends amending Section 1399.127(c) to add, "unless the following information is provided on an internet website and that internet website address is included in the advertising."

- 1. Board Response:** The Board decided to change the proposed regulatory text to accommodate this comment because it may be too cumbersome to include all the required information on advertisements done through television or radio. The Board believes allowing licensees to advertise a website address if the website has the required information in subsection (c) will alleviate any unnecessary burden to advertise through a method with limited space or time, such as television or radio, while ensuring that consumers have access to the same information that would normally be published on a print advertisement.

The Board held a public hearing as requested pursuant to Government Code section 11346.8 on March 1, 2024, at 11:00 a.m.

Summary: The Board received one (1) comment agreeing that all measures should be in place to ensure the public are not misled or deceived by advertising; however, it noted that one provision in this regulatory package would cause undue hardship on licensees to be in compliance. This is because advertisements have very limited space to include all the necessary information and many licensees have multiple locations. The comment expressed concerns that licensees may not be able to advertise if there is not enough space in the advertisement for all the required information. The comment also noted that this would constitute an unlawful restraint of trade by the Board and violates the constitutional first amendment free speech doctrine granted to dispensers and recommends amending Section 1399.127(c) to add, "unless the following information is provided on an internet website and that internet website address is included in the advertising."

- 2. Board Response:** The Board decided to change the proposed regulatory text to accommodate this comment for the reasons stated in the Board Response 1.

Summary of Comments and Board Response (Public Hearing)

The public hearing was held on March 1, 2024 at 11:00 a.m., where the Board received one (1) public comment.

Summary: The Board received one (1) comment recommending changes to 1399.127(c) to include a website or QR (quick-response) code that would include the required information. The comment noted that the required information takes space, which can be costly when advertising through television or other forms of advertising with limited time or space. The comment also noted that this is great for consumers to be able to get more information.

- 3. Board Response:** The Board decided to change the proposed regulatory text to accommodate the recommendation to allow a website address to be advertised if the website has the required information in subsection (c) for the reasons stated in the Board Response 1.

The Board did not accommodate the recommendation of the QR code because the Board expressed concerns that it would create a barrier for older consumers who may not know what to do with a QR code, or be difficult to access for those without certain technology.

Summary of Comments and Board Response (15-Day)

The 15-day public comment period began on March 8, 2024, and ended on March 25, 2024. The Board received two (2) written comments during the 15-day public comment period, one (1) expressed support and one (1) expressed concerns with the proposed regulatory changes.

The Administrative Procedure Act (APA) does not require the Board to review or respond to written comments in support of this regulatory action during the final rulemaking process.

Summary: The Board received one (1) comment stating that “hearing aid is not public advertising beyond the profession of speech language pathology and audiology in subject matter to incident populations and reference numbers to case studies and public education of case, non/specific, gender in audiology samples and subjects to case matter in diagnostic evaluation and traditional case record keeping”.

- 4. Board Response:** The Board decided to not change the proposed regulatory text to accommodate this comment because no recommendation was provided.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the Board’s responses to comments as currently drafted or propose changes to the Board’s responses, and direct Board Staff to prepare the necessary documents to complete the rulemaking process.

Suggested Motion Language

Move to approve the proposed Board responses to comments on proposed regulatory text for Title 16, CCR section 1399.127, and direct Board staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR section 1399.127, as noticed/amended.

Attachment A: Public Comments

Attachment B: Order of Adoption

HAD Advertising Public Comments

45-Day Comment Period

Comment 1

From: Bryce Docherty <__@tdgstrategies.com>

Sent: Wednesday, December 6, 2023 11:32 AM

To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>

Cc: Bryce Docherty <__@tdgstrategies.com>; Burns, Cherise@DCA
<__@dca.ca.gov>

Subject: Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising

Ms. Liranzo:

On behalf of the Hearing Healthcare Providers of California, please see the attached written request for a public hearing on the Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising. Please confirm receipt of this request.

Thank You!

Bryce W.A. Docherty

Founder & CEO

Web: www.tdgstrategies.com

Pronouns: He/Him/His

Hearing Healthcare Providers California
One Capitol Mall, Suite 800
Sacramento, CA 95814
Phone (916) 447-1975
Fax (916) 444-7462
www.hhpca.org

December 6, 2023

Maria Liranzo

Legislation, Regulations, and Budget Analyst

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

1601 Response Road, Suite 260

Sacramento, CA 95815

Sent via email to: SpeechandHearingRegulations@dca.ca.gov

**RE: Speech Language Pathology, Audiology and Hearing Aid Dispensers Board
Title 16. Professional and Vocational Regulations Division 13.3: Hearing Aid
Dispensing Advertising**

Dear Ms. Liranzo:

Pursuant to the Speech Language Pathology, Audiology and Hearing Aid Dispensers Board (*hereafter; Board*) Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising, the Hearing Healthcare Providers of California (HHP) respectfully requests a hearing on these proposed regulations.

HHP certainly appreciates the Board's ongoing commitment to protecting the public and ensuring that advertising by hearing aid dispensers is clear and transparent for consumers. However, one provision in this regulatory package would cause undue hardship on hearing aid dispensers to comply. Specifically, Subsection (c) of Section 1399.127. Advertising. HHP recommends the following amendment to the proposed regulations:

Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, **unless the following information is provided on an internet website and that internet website address is included in the advertising:**

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

(2) The license number of the person licensed to dispense hearing aids, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

HHP is the professional association that represents Hearing Instrument Specialists throughout California. Our members test hearing and select, fit, and dispense hearing instruments. Our mission is to enable effective treatment alternatives for hearing impaired Californians and enhance our professional development.

Thank you for considering this hearing request and an opportunity for HHP to address our concerns. For any further questions or additional information, please contact HHP Legislative-Regulatory Advocate Bryce Docherty at ___@tdgstrategies.com or (916) ___-____.

Sincerely,

Dennis Tobin
President, Hearing Healthcare Providers of California

cc: Cherise Burns, Assistant Executive Officer, Speech-Language Pathology and Audiology
and Hearing Aid Dispensers Board
Kimberly Kirchmeyer, Director, California Department of Consumer Affairs
Jennifer Simoes, Deputy Director, Legislative Affairs, California Department of Consumer Affairs

Comment 2

From: Bryce Docherty <___@tdgstrategies.com>
Sent: Friday, December 22, 2023 1:48 PM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Cc: Sanchez, Paul@DCA <___@dca.ca.gov>; Burns, Cherise@DCA
<___@dca.ca.gov>; Bryce Docherty <___@tdgstrategies.com>
Subject: Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising

Ms. Liranzo:

On behalf of the Hearing Healthcare Providers of California, please see the attached written comments on the Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising. Please confirm receipt of this request.

Thank You!

Bryce W.A. Docherty
Founder & CEO
Web: www.tdgstrategies.com
Pronouns: He/Him/His

Hearing Healthcare Providers California
One Capitol Mall, Suite 800

Sacramento, CA 95814
Phone (916) 447-1975
Fax (916) 444-7462
www.hhpca.org

December 22, 2023

Maria Liranzo
Legislation, Regulations, and Budget Analyst
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
1601 Response Road, Suite 260
Sacramento, CA 95815

Sent via email to: SpeechandHearingRegulations@dca.ca.gov

**RE: Speech Language Pathology, Audiology and Hearing Aid Dispensers Board
Title 16. Professional and Vocational Regulations Division 13.3: Hearing Aid
Dispensing Advertising**

Dear Ms. Liranzo:

Pursuant to the Speech Language Pathology, Audiology and Hearing Aid Dispensers Board (*hereafter; Board*) Notice of Proposed Regulatory Action Concerning: Hearing Aid Dispensing Advertising, the Hearing Healthcare Providers of California (HHP) respectfully submits the following comments. Thank you for the opportunity.

HHP certainly appreciates the Board's ongoing commitment to protecting the public and ensuring that advertising by hearing aid dispensers is clear and transparent for consumers. Furthermore, HHP agrees that all measures should be in place to ensure the public are not misled or deceived by advertising.

However, one provision in this regulatory package would cause undue hardship on hearing aid dispensers to comply. Advertisements have very limited space for all the current advertising requirements and font size can only be so small. HHP is concerned about numerous situations where practices have multiple locations whereby the patients are treated by a multitude of practitioners. These practices would no longer be able to legally advertise if there is not enough room in the advertisement to include all the necessary information. HHP not only sees this as impractical but also not in the public's best interest. Lastly, as written, this would also constitute an unlawful restraint of trade by the Board and violates the constitutional first amendment free speech doctrine granted to hearing aid dispensers.

To ensure the consumer has all of the necessary information to make an informed decision about which hearing, and instrument specialist will provide their care, HHP would strongly suggest an

amendment to the proposed regulations allowing hearing aid dispensers to include all the required information in the advertisement on their internet website and that the internet website address be included in the advertising.

Specifically, Subsection (c) of Section 1399.127. Advertising. HHP recommends the following amendment to the proposed regulations:

Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, **unless the following information is provided on an internet website and that internet website address is included in the advertising:**

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

(2) The license number of the person licensed to dispense hearing aids, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

HHP is the professional association that represents Hearing Instrument Specialists throughout California. Our members test hearing and select, fit, and dispense hearing instruments. Our mission is to enable effective treatment alternatives for hearing impaired Californians and enhance our professional development.

Thank you for the opportunity for HHP to address our concerns. For any further questions or additional information, please contact HHP Legislative-Regulatory Advocate Bryce Docherty at ___@tdgstrategies.com or (916) ___-____.

Sincerely,

Dennis Tobin
President, Hearing Healthcare Providers of California

cc: Cherise Burns, Assistant Executive Officer, Speech-Language Pathology and Audiology

and Hearing Aid Dispensers Board
Kimberly Kirchmeyer, Director, California Department of Consumer Affairs
Jennifer Simoes, Deputy Director, Legislative Affairs, California Department of Consumer Affairs

15-Day Comment Period

Comment 1

From: Rebecca Bustillo <__@duesd.org>
Sent: Monday, March 11, 2024 8:57 PM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Modified Text (HAD Advertising)

I agree with the modifications

Comment 2

From: Preeti Bafna <__@hotmail.com>
Sent: Wednesday, March 13, 2024 4:30 PM
To: SpeechandHearingRegulations@DCA
<SpeechandHearingRegulations@dca.ca.gov>
Subject: Proposed Modified Text (HAD Advertising)

To:
SLP Board,

As a speech language pathologist and audiologist, AYJNIHH, Mumbai, India, and Masters in Science-Speech Language Pathology, USA, MASLP, India, US Embassy, Social Ministry of Justice and Empowerment, RCI, I would like to entice that.,

"Hearing aid is not public advertising beyond the profession of speech language pathology and audiology in subject matter to incident populations and reference numbers to case studies and public education of case, non/specific, gender in audiology samples and subjects to case matter in diagnostic evaluation and traditional case record keeping"

Thanking you,
Sincerely
Preeti Bafna, CCC-SLP
Speech Language Pathologist

Get Outlook for iOS

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
 AND HEARING AID DISPENSERS BOARD**

Hearing Aid Dispensing Advertising

ORDER OF ADOPTION

Amend Section 1399.127 of Article 5 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.127. Advertising.

(a) A person licensed to dispense hearing aid dispenser aids may advertise any goods the fitting and selling of hearing aids or services authorized to be provided by such allowed by the license in a the manner authorized by Section 651 of the Code and this section so as long as such the advertising does not promote the unnecessary or excessive use of such goods or services.

(b) An advertisement violates for fitting and selling hearing aids or other authorized services is in violation of Section 651 of the Code when if it violates any provision of Article 8, Chapter 5.3 of Division 2 of the Code, beginning with Section 2538.10.:

(1) ~~Is not exact, and any conditions or other variables to an advertised price are not disclosed.~~

(2) ~~Includes a statement of price comparison that is not based upon verifiable data.~~

(3) ~~Advertises a discount in a false or misleading manner, including but not limited to, failing to disclose the dates on which the sale or discount price will be in effect if the sale or discount price is a limited time offer.~~

~~When advertising a specific hearing aid model:~~

Correct:	50% off Acme Model 12
Regularly \$1000, Now \$500	
Incorrect:	50% off Acme hearing aid

~~When advertising a category of hearing aids (e.g. all models from one manufacturer, or all BTE models):~~

Correct:	50% off Manufacturer's Suggested Retail Price
All Acme Hearing Aids	
Incorrect:	Acme Hearing Aids - 50% Off

Correct:	50% off Manufacturer's Suggested Retail Price, All Hearing Aids Offer good January 1-7, 1998 (or Offer expires January 7, 1998)
Incorrect:	50% off Manufacturer's Suggested Retail Price, All Hearing Aids

~~(4) Utilizes a business name that is so broad as to connote comprehensive and diagnostic hearing services, unless the dispenser is also licensed as a physician or audiologist.~~

Correct:	Delta Hearing Aid Center
Incorrect:	Delta Hearing Center

~~(5) Advertises hearing tests without qualification as to the nature of the hearing testing that may be performed by a hearing aid dispenser.~~

Correct:	Test to determine if you could be helped by a hearing aid
Incorrect:	Hearing test

~~(6) Includes sending to a consumer preset appointment information or "rebate coupons" that resemble checks as part of a direct mail solicitation.~~

~~(7) Includes an educational degree but does not list the degree and field, or includes the title "Dr." where the degree is a non-medical doctorate and the advertisement does not disclose that fact.~~

Correct:	John Doe, Ph.D. in Audiology	Jane Doe, M.A. in Audiology
	John Doe, Ph.D. (Audiology)	Jack Doe, B.A. (Audiology)
Incorrect:	Dr. John Doe	Jane Doe, M.A.
	Dr. John Doe (Audiology)	Jack Doe, B.A.

~~(8) Includes abbreviations for job titles or job certifications as letters after a name where those letters do not represent an academic degree or credential.~~

~~(9) Refers to a dispenser's certification by a professional organization but either does not include the name of the certifying organization or, includes the name written in a manner not easily understood by consumers.~~

Correct:	John Doe, Hearing Aid Dispenser Lic. No. HA-xxxx
NB-HIS, Certified by the National Board of Certification in Hearing Instrument Sciences	
Incorrect:	John Doe, NB-HIS

~~(10) Includes the term "specialist" when referencing licensure without including the title "hearing aid dispenser."~~

Correct:	Jane Doe, Hearing Aid Dispenser Lic. No. HA-xxxx
Jack Doe, Licensed Hearing Aid Dispenser	
John Doe, Hearing Instrument Specialist	
Hearing Aid Dispenser Lic. No. HA-xxxx	
Incorrect:	Jane Doe, Hearing Aid Specialist Lic. No. HA-xxxx
Jack Doe, Licensed Hearing Aid Specialist	

(c) Advertising for fitting and selling hearing aids or other authorized services by a person licensed to dispense hearing aids shall include the following information, unless the following information is provided on an internet website and that internet website address is included in the advertising:

(1) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or post-fitting adjustments and servicing of the hearing aid(s) sold.

(2) The name and license number of all persons licensed to dispense hearing aids at the location advertised, including the letters HA (Hearing Aid Dispenser), HTL (Temporary License), HT (Trainee), or AU (Dispensing Audiologist), as appropriate.

(d) In addition to advertisement prohibited under Section 651 of the Code, an advertisement for fitting and selling hearing aids or other authorized services shall not include:

(1) An educational degree that was not earned or does not specify the exact degree and field in which the degree was earned.

(2) Other than for a physician and surgeon licensed by the Medical Board of California or the Osteopathic Medical Board in this state, the title "doctor" or any variation of this term without specifying the exact field in which the doctoral degree was earned.

(3) A job title or dispenser's certification by a professional organization that is not clearly identified by the full job title or certification and name of the certifying organization.

(4) An offer to perform a hearing test by a hearing aid dispenser that does not clearly state that the test is being performed in order to fit and sell a hearing aid.

(5) Any description of services that are required to be performed by a licensed audiologist unless there is a licensed audiologist at the advertised address to perform those services.

(6) Preset appointment information when the consumer has not requested such an appointment.

(7) The use of rebate coupons or rebate checks without informing the consumer of all the various material facts relating to the standard price of the device and discounts or sales that are currently available on that device.

(e) An offer for authorized services as part of a research or field study does not violate this section if no selling of hearing aids occurs in connection with the research or study.

(f) Any advertisement shall fully disclose any and all additional charges associated with the purchase of hearing aids, such as additional programming of hearing aid features. An advertisement for price that uses a price comparison shall be based on verifiable data and contain the following:

(1) The dollar amount of the non-discounted fee for the specific hearing aid or provide consumers with a method to ascertain the standard price;

(2) The dates on which the sale or discount price will be in effect if the sale or discount price is a limited time offer; and

(3) Any other terms, conditions, or restrictions imposed for qualifying for the discount.

(g) The licensee shall retain the data required in subsection (f) for one year after the advertisement is published or disseminated.

(eh) Any national advertisement run in California shall comply with California laws and regulations.

(1) The advertising described in this subsection (h) is exempt from the requirements of subsection (c) of this section.

(2) A person licensed to dispense hearing aids is subject to discipline or enforcement action for sales resulting from a national advertisement that violates this section.

NOTE: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Sections 651, 651.3 and ~~2533~~2538.10, Business and Professions Code.



MEMORANDUM

DATE	May 29, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 8: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

a. Legislative Calendar and Deadlines

- May 24, 2024 – Last day for each house to pass bills introduced in the house of origin.
- July 3, 2024 – Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment, provided that the Budget Bill has been passed.
- August 5, 2024 – Legislature reconvenes from Summer Recess.
- August 16, 2024 – Last day for fiscal committees to meet and report bills.
- August 19 – 31, 2024 – Floor session only. No committee may meet for any purpose except Rules Committee and Conference Committees.
- August 23, 2024 – Last day to amend bills on the Floor.
- August 31, 2024 – Last day for each house to pass bills. Final Recess begins upon adjournment.

b. 2023 Legislation Implementation

i. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Status: Chapter 225, Statutes of 2023

Summary: This bill would require the Board to update a licensee's or registrant's license and any references to their name or gender displayed on the internet if the board receives from the licensee or registrant government-issued documentation demonstrating that their legal name or gender has been changed. The bill would require the Board to post an online statement and direct the public to contact the Board for more information if the licensee or registrant has enforcement records online referencing their former name or gender or if a search on the online license verification system is performed using a licensee's or registrant's former name.

Implementation: The Department of Consumer Affairs (DCA) created a DCA-wide online solution for licensees of DCA boards and bureaus to submit online the request for a Name and Gender Change Notification and Request for Confidentiality at the following website

https://www.dca.ca.gov/licensees/namegender_change.shtml.

Board staff notified licensees and stakeholders of revisions to forms in order to comply with SB 372 such as the *Notification of Name Change* and *Request for Replacement License* on April 10, 2024.

ii. **AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.**

Status: Chapter 348, Statutes of 2023

Summary: This bill would additionally require the Board to expedite the licensure process for an applicant who supplies evidence to the Board that the applicant is an active-duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, and permit the Board to assist the applicant in the initial licensure process starting July 1, 2024.

Implementation: Board staff is working with DCA 's Office of Information Services to update all online applications and registrations. Board staff will notify licensees and stakeholders when the applications and registrations are updated.

c. **2024 Board-Sponsored Legislation**

i. **SB 1526 (Committee on Business, Professions and Economic Development) Consumer affairs.**

Status: This bill is in the Assembly Business and Professions Committee.

Summary: This bill would require graduation from a speech-language pathology assistant associate degree program, or equivalent course of study, approved by the board; and refer to a "hearing aid dispenser license" instead of a "hearing aid dispenser's license" as it relates to hearing aid dispensers and dispensing audiologists.

Current law requires graduation from a speech-language pathology assistant associate of arts degree program, or equivalent course of study, approved by the board; and refers to a hearing aid dispenser license as "hearing aid dispenser's license."

d. **Bills with Recommended Watch Status**

i. **AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.**

Status: This bill is in the Senate Floor on the Inactive File.

Summary: This bill would have required entities within the Department of Consumer Affairs to develop and maintain a conflict-of-interest policy that discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

ii. **AB 1028 (McKinnor) Reporting of crimes: mandated reporters.**

Status: This bill is in the Senate Appropriations Committee.

Summary: This bill would, on and after January 1, 2025, have required health practitioners to make a report to a local law enforcement if the health practitioner knows or suspects a patient has suffered a wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm or a wound or physical injury resulting from child abuse or elder abuse. The bill would have required health practitioners to provide, to the degree that is medically possible, brief counseling, education, or other support, and a warm handoff or referral to local and national domestic violence or sexual violence advocacy services if the health practitioner knows or suspects a patient has suffered physical injury that is caused by domestic violence. The bill would have specified that a

health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

Current law requires a health practitioner to make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. A violation of these provisions is punishable as a misdemeanor.

iii. AB 1816 (Schiavo) Deceptive practices.

Status: This bill died. It failed to meet the deadline for policy committees to hear and report to the floor nonfiscal bills introduced in the house of origin.

Summary: This bill would have made grammatical corrections.

Current law makes it unlawful for certain unfair methods of competition and certain unfair or deceptive acts or practices to be undertaken by a person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer, including representing that the consumer will receive a rebate, discount, or other economic benefit if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

iv. AB 1900 (Weber) Consumer Legal Remedies Act: nondisclosure agreements.

Status: This bill is in the Senate Judiciary Committee, and will be heard on June 4, 2024.

Summary: This bill would also make it unlawful act to require a consumer to sign a nondisclosure agreement or otherwise prohibit a consumer from publishing or making negative statements about the business as a condition of receiving a refund.

Current law makes it unlawful for unfair methods of competition and unfair or deceptive acts or practices specified under Civil Code section 1770 to be undertaken by a person in a transaction intended to result or that results in the sale or lease of goods or services to a consumer, including inserting an unconscionable provision in a contract. Current law also authorizes a consumer who suffers damage as a result of the use or employment by a person of a method, act, or practice declared to be unlawful by that provision to bring an action against that person to recover or obtain certain relief, including actual damages.

v. AB 1928 (Sanchez) Worker classification: employees and independent contractors.

Status: This bill died. It failed to meet the deadline for policy committees to hear and report to fiscal committees fiscal bills introduced in the house of origin.

Summary: This bill would have repealed the provisions that codify the ABC test and would declare that its purpose is to suspend and nullify the California Supreme Court's decision in Dynamex and provide that this decision does not apply for purposes of California law.

Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. A person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. Specified occupations and business relationships are exempted from the application of the ABC test and, instead, are governed by the multifactor test

previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d.

vi. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age.

Status: This bill is in the Senate Rules Committee.

Summary: This bill would prohibit a business from selling or sharing the personal information of a consumer less than 18 years of age, unless the consumer, or the consumer's parent or guardian, as applicable, has affirmatively authorized the sale or sharing of the consumer's personal information.

This bill would require the California Privacy Protection Agency, on or before July 1, 2025, to solicit broad public participation and adopt regulations, including, but not limited to, issuing regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer's parent or guardian, to specify that the consumer is less than 13 years of age, or at least 13 years of age and less than 18 years of age, and issuing regulations regarding age verification and when a business must treat a consumer as being less than 13 or 18 years of age for purposes of the CCPA.

Current law act prohibits a business from selling or sharing the personal information of a consumer if the business has actual knowledge that the consumer is less than 16 years of age, unless the consumer, or the consumer's parent or guardian, as applicable, has affirmatively authorized the sale or sharing of the consumer's personal information. Current law also requires the Attorney General to solicit broad public participation and adopt regulations including, but not limited to, regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer's parent or guardian, to specify that the consumer is less than 13 years of age, or at least 13 years of age and less than 16 years of age. The act requires the California Privacy Protection Agency to adopt regulations under the authority assigned to the Attorney General.

vii. AB 1991 (Bonta, Mia) Licensee and registrant records.

Status: This bill is in the Senate Business, Professions and Economic Development Committee, and will be heard on June 10, 2024.

Summary: This bill would require certain boards to collect workforce data from their respective licensees or registrants, and would require that data to be required at the time of electronic license or registration renewal. The bill would further require that it be a condition for license or registration renewal and would prohibit certain boards from denying an application for license or registration renewal solely because the licensee or registrant failed to provide any of the workforce data. The bill would delete the provision that specifies that a licensee or registrant under certain boards shall not be subject to discipline for not providing that information.

Current law establishes uniform requirements for the reporting and collection of workforce data from health care-related licensing boards. Boards specified in the law request specified workforce data from their respective licensees and registrants and requires the data to be requested at the time of electronic license or registration renewal. Current law provides that a licensee or registrant is not required to provide the specified workforce data as a condition for license or registration renewal, and that those individuals who do not provide that data are not subject to discipline.

viii. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program.

Status: This bill is in the Senate Judiciary Committee, and will be heard on June 4, 2024.

Summary: This bill would expand the program to include resolution of alleged violations of prescribed provisions on reproductive leave loss and revise the statute of limitations to toll the statute of limitations for all related claims arising out of the claims subject to mediation. The bill would deem the mediation to be complete if the mediator determines that the employer does not have between 5 and 19 employees and delete the repeal date for the pilot program, thereby extending operation of the program indefinitely.

Current law requires the Civil Rights Department within the Business, Consumer Services, and Housing Agency to create a small employer family leave mediation pilot program, and repeals the pilot program on January 1, 2025, for the resolution of alleged violations of prescribed provisions on family care and medical and bereavement leave, applicable to employers with between 5 and 19 employees. Current law also tolls the statute of limitations for the employee, including for all related claims not subject to mediation, from the date of receipt of a request to participate in the program until the mediation is complete or the mediation is deemed unsuccessful. The mediation is deemed complete when one of events specified in the Government Code section 12945.21 occurs, including that the mediator determines that the core facts of the employee's complaint are unrelated to the specified family care and medical and bereavement leave provisions.

ix. AB 2269 (Flora) Board membership qualifications: public members.

Status: This bill is in the Senate Business, Professions and Economic Development Committee, and will be heard on June 10, 2024.

Summary: This bill would prohibit a public member or a lay member of any board from having a relationship specified in Business and Professions Code section 450 with a licensee of that board, for services provided pursuant to that license, within 3 years of the public member's or lay member's appointment. The bill would provide that these requirements apply to a public member or a lay member of a board upon appointment or reappointment on or after January 1, 2025.

Current law prohibits a public member or a lay member appointed to a board from having a relationship specified in Business and Professions Code section 450 with a licensee of that board within 5 years of the public member's or lay member's appointment.

x. AB 2339 (Aguir-Curry) Medi-Cal: telehealth.

Status: This bill is in the Senate Rules Committee.

Summary: This bill would expand the definition of "asynchronous store and forward" to include asynchronous electronic transmission initiated directly by patients with a Medi-Cal beneficiary, including through mobile telephone applications. The bill would also authorize a health care provider to establish a new patient relationship using asynchronous store and forward when the patient requests an asynchronous store and forward modality. This bill would remove the option of the patient attesting that they do not have access to video when a health care provider establishes a new patient relationship using an audio-only synchronous interaction when the patient requests an audio-only modality.

Current law defines "asynchronous store and forward" to have the same meaning that is set forth in the Business and Professions Code Section 2290.5(a). Current law prohibits a health care provider from establishing a new patient relationship with a Medi-Cal beneficiary via asynchronous store and

forward, telephonic (audio-only) synchronous interaction, remote patient monitoring, or other virtual communication modalities. Current law also authorizes a health care provider to establish a new patient relationship using an audio-only synchronous interaction when the patient requests an audio-only modality or attests that they do not have access to video.

xi. AB 2862 (Gipson) Licenses: African American applicants.

Status: This bill is in the Senate Rules Committee.

Summary: This bill would require boards to prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States. This bill would repeal those provisions on January 1, 2029.

xii. AB 2908 (Chen) Shareholders' meetings: remote communication.

Status: This bill in the Senate Banking & Financial Institutions, and will be heard on June 19, 2024. This bill was also referred to the Senate Judiciary Committees.

Summary: This bill would delete the deadline of December 31, 2025, thereby authorizing indefinitely a corporation to conduct a meeting by means of electronic communication in the absence of consent of all shareholders if the meeting includes a live audiovisual feed for the duration of the meeting.

Current law authorizes a corporation to conduct a meeting by means of electronic communication in the absence of consent of all shareholders, on or before December 31, 2025, if the meeting includes a live audiovisual feed for the duration of the meeting.

xiii. AB 3127 (McKinnor) Reporting of crimes: mandated reporters.

Status: This bill in the Senate Public Safety Committee.

Summary: This bill would remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct, and would instead require that a health practitioner make a report when the injury is life threatening or results in death, or is the result of child abuse or elder or dependent adult abuse. The bill would require the health practitioner to additionally make a report when a person is seeking care for injuries related to domestic, sexual, or any nonaccidental violent injury if the patient requests a report be sent. This bill would also require a health practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence to provide brief counseling and a referral to local and national domestic violence or sexual violence advocacy services.

Current law requires a health practitioner to make a report to law enforcement when they suspect a patient has suffered physical injury that is either self-inflicted, caused by a firearm, or caused by assaultive or abusive conduct, including elder abuse, sexual assault, or torture. A violation of these provisions is punishable as a misdemeanor.

xiv. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

Status: This bill is in the Assembly Business and Professions Committee.

Summary: This bill would have specified the number of days an applicant must be notified in writing if their application for licensure was denied based solely or in part of their conviction history to be within 30 days after a decision is made.

Current law requires boards within the Department of Consumer Affairs to notify an applicant in writing if their application for licensure was denied based solely or in part on their conviction history.

Attachments:

1. [SB 1526](#) (Committee on Business, Professions and Economic Development) Consumer affairs.
2. [AB 1900](#) (Weber) Consumer Legal Remedies Act Consumer refunds: nondisclosure agreements.
3. [AB 1949](#) (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age.
4. [AB 1991](#) (Bonta, Mia) Licensee and registrant records.
5. [AB 2011](#) (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program.
6. [AB 2339](#) (Aguiar-Curry) Medi-Cal: telehealth.
7. [AB 2862](#) (Gipson) Licenses: African American applicants.
8. [AB 2908](#) (Chen) Shareholders' meetings: remote communication.
9. [AB 3127](#) (McKinnor) Reporting of crimes: mandated reporters.

Provisions of SB 1526 Related to the Speech and Hearing Board

SB 1526 - (A) Amends the Law

SEC. 9.

Section 2538.3 of the Business and Professions Code is amended to read:

2538.3.

A person applying for approval as a speech-language pathology assistant shall have graduated from a speech-language pathology assistant associate ~~of arts~~ degree program, or equivalent course of study, approved by the board. A person who has successfully graduated from a board-approved bachelor's degree program in speech-language pathology or communication disorders shall be deemed to have satisfied an equivalent course of study.

SEC. 10.

Section 2538.10 of the Business and Professions Code is amended to read:

2538.10.

For the purposes of this article, the following definitions shall apply:

- (a) "Advertise" and its variants include the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio, or television announcement, or any other means or methods now or hereafter employed to bring to the attention of the public the practice of fitting or selling of hearing aids.
- (b) "License" means a hearing aid ~~dispenser's~~ *dispenser* license issued pursuant to this article and includes a temporary or trainee license.
- (c) "Licensee" means a person holding a license.
- (d) "Hearing aid" means any wearable instrument or device designed for, or offered for the purpose of, aiding or compensating for impaired human hearing.
- (e) "Fund" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.

SEC. 11.

Section 2538.25 of the Business and Professions Code is amended to read:

2538.25.

- (a) The board shall prepare, approve, grade, and conduct examinations of applicants for a hearing aid ~~dispenser's~~ *dispenser* license. The board may provide that the preparation and grading of the examination be conducted by a competent person or organization other than the board, provided, however, that the board shall establish the guidelines for the examination and shall approve the actual examination.
- (b) Each applicant shall take and pass a written examination and a practical examination compiled at the direction of the board covering the critical tasks involved in the practice of fitting and selling hearing aids and the knowledge, skills, and abilities needed to perform those tasks safely and competently.

pSEC. 12.

Section 2538.27 of the Business and Professions Code is amended to read:

2538.27.

(a) An applicant who has fulfilled the requirements of Section 2538.24 and has made application therefor, may have a temporary license issued to them upon satisfactory proof to the board that the applicant holds a hearing aid ~~dispenser's~~ *dispenser* license in another state, that the licensee has not been subject to formal disciplinary action by another licensing authority, and that the applicant has been engaged in the fitting and sale of hearing aids for the two years immediately prior to application.

(b) A temporary license issued pursuant to this section shall be valid for one year from date of issuance and is not renewable. A temporary license shall automatically terminate upon issuance of a license prior to expiration of the one-year period.

(c) The holder of a temporary license issued pursuant to this section who fails either license examination shall be subject to and shall comply with the supervision requirements of Section 2538.28 and any regulations adopted pursuant thereto.

SEC. 13.

Section 2539.1 of the Business and Professions Code is amended to read:

2539.1.

(a) (1) On and after January 1, 2010, in addition to satisfying the licensure and examination requirements described in Sections 2532, 2532.2, and 2532.25, no licensed audiologist shall sell hearing aids unless they complete an application for a dispensing audiology license, pay all applicable fees, and pass an examination, approved by the board, relating to selling hearing aids.

(2) The board shall issue a dispensing audiology license to a licensed audiologist who meets the requirements of paragraph (1).

(b) (1) On and after January 1, 2010, a licensed audiologist with an unexpired license to sell hearing aids pursuant to Article 8 (commencing with Section 2538.10) may continue to sell hearing aids pursuant to that license until that license expires pursuant to Section 2538.53, and upon that expiration the licensee shall be deemed to have satisfied the requirements described in subdivision (a) and may continue to sell hearing aids pursuant to their audiology license subject to ~~the provisions of~~ this chapter. Upon the expiration of the audiologist's license to sell hearing aids, the board shall issue them a dispensing audiology license pursuant to paragraph (2) of subdivision (a). This paragraph shall not prevent an audiologist who also has a hearing aid ~~dispenser's~~ *dispenser* license from maintaining dual or separate licenses if they choose to do so.

(2) A licensed audiologist whose license to sell hearing aids, issued pursuant to Article 8 (commencing with Section 2538.10), is suspended, surrendered, or revoked shall not be authorized to sell hearing aids pursuant to this subdivision and they shall be subject to the requirements described in subdivision (a) ~~as well as~~ *and* the other provisions of this chapter.

(c) A licensed hearing aid dispenser who meets the qualifications for licensure as an audiologist shall be deemed to have satisfied the requirements of paragraph (1) of subdivision (a) for the purposes of obtaining a dispensing audiology license.

(d) For purposes of subdivision (a), the board shall provide the hearing aid ~~dispenser's~~ *dispenser* examination provided by the former Hearing Aid Dispensers Bureau until ~~such time as~~ the next examination validation and occupational analysis is completed by the Department of Consumer Affairs pursuant to Section 139 and a determination is made that a different examination is to be administered.

AB 1900 - (A) Amends the Law

SECTION 1.

Chapter 1.5 (commencing with Section 1748.50) is added to Title 1.3.5 of Part 4 of Division 3 of the Civil Code, to read:

**CHAPTER 1.5. Consumer Refund Conditioned on Nondisclosure Agreement
1748.50.**

A contract, provision in a contract, or nondisclosure agreement that prohibits a consumer from publishing or making negative statements about the business as a condition of receiving a refund is void and unenforceable.

AB 1949 - (A) Amends the Law

SECTION 1.

Section 1798.100 of the Civil Code is amended to read:

1798.100.

General Duties of Businesses that Collect Personal Information

(a) A business that controls the collection of a consumer's personal information shall, at or before the point of collection, inform consumers of the following:

(1) The categories of personal information to be collected and the purposes for which the categories of personal information are collected or used and whether that information is sold or shared. A business shall not collect additional categories of personal information or use personal information collected for additional purposes that are incompatible with the disclosed purpose for which the personal information was collected without providing the consumer with notice consistent with this section.

(2) If the business collects sensitive personal information, the categories of sensitive personal information to be collected and the purposes for which the categories of sensitive personal information are collected or used, and whether that information is sold or shared. A business shall not collect additional categories of sensitive personal information or use sensitive personal information collected for additional purposes that are incompatible with the disclosed purpose for which the sensitive personal information was collected without providing the consumer with notice consistent with this section.

(3) The length of time the business intends to retain each category of personal information, including sensitive personal information, or if that is not possible, the criteria used to determine that period provided that a business shall not retain a consumer's personal information or sensitive personal information for each disclosed purpose for which the personal information was collected for longer than is reasonably necessary for that disclosed purpose.

(b) A business that, acting as a third party, controls the collection of personal information about a consumer may satisfy its obligation under subdivision (a) by providing the required information prominently and conspicuously on the homepage of its internet website. In addition, if a business acting as a third party controls the collection of personal information about a consumer on its premises, including in a vehicle, then the business shall, at or before the point of collection, inform consumers as to the categories of personal information to be collected and the purposes for which the categories of personal information are used, and whether that personal information is sold, in a clear and conspicuous manner at the location.

(c) A business' collection, use, retention, and sharing of a consumer's personal information shall be reasonably necessary and proportionate to achieve the purposes for which the personal information was collected or processed, or for another disclosed purpose that is compatible with the context in which the personal information was collected, and not further processed in a manner that is incompatible with those purposes.

(d) A business that collects a consumer's personal information and that sells that personal information to, or shares it with, a third party or that discloses it to a service

provider or contractor for a business purpose shall enter into an agreement with the third party, service provider, or contractor, that:

(1) Specifies that the personal information is sold or disclosed by the business only for limited and specified purposes.

(2) Obligates the third party, service provider, or contractor to comply with applicable obligations under this title and obligate those persons to provide the same level of privacy protection as is required by this title.

(3) Grants the business rights to take reasonable and appropriate steps to help ensure that the third party, service provider, or contractor uses the personal information transferred in a manner consistent with the business' obligations under this title.

(4) Requires the third party, service provider, or contractor to notify the business if it makes a determination that it can no longer meet its obligations under this title.

(5) Grants the business the right, upon notice, including under paragraph (4), to take reasonable and appropriate steps to stop and remediate unauthorized use of personal information.

(e) A business that collects a consumer's personal information shall implement reasonable security procedures and practices appropriate to the nature of the personal information to protect the personal information from unauthorized or illegal access, destruction, use, modification, or disclosure in accordance with Section 1798.81.5.

(f) Nothing in this section shall require a business to disclose trade secrets, as specified in regulations adopted pursuant to paragraph (3) of subdivision (a) of Section 1798.185.

(g) Notwithstanding any other provision of this section, a business shall not collect the personal information of a consumer less than 18 years of age, unless the consumer, in the case of a consumer at least 13 years of age and less than 18 years of age, or the consumer's parent or guardian, in the case of a consumer less than 13 years of age, has affirmatively authorized the collection of the consumer's personal information.

SEC. 2.

Section 1798.120 of the Civil Code is amended to read:

1798.120.

Consumers' Right to Opt Out of Sale or Sharing of Personal Information

(a) A consumer shall have the right, at any time, to direct a business that sells or shares personal information about the consumer to third parties not to sell or share the consumer's personal information. This right may be referred to as the right to opt-out of sale or sharing.

(b) A business that sells consumers' personal information to, or shares it with, third parties shall provide notice to consumers, pursuant to subdivision (a) of Section 1798.135, that this information may be sold or shared and that consumers have the "right to opt-out" of the sale or sharing of their personal information.

(c) Notwithstanding subdivision (a), a business shall not sell or share the personal information of consumers ~~if the business has actual knowledge that the consumer is less than 16~~ *less than 18* years of age, unless the consumer, in the case of consumers at least 13 years of age and less than ~~16~~ *18* years of age, or the consumer's parent or guardian, in the case of consumers who are less than 13 years of age, has affirmatively authorized the sale or sharing of the consumer's personal information. ~~A business that~~

~~willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age.~~

(d) A business that has received direction from a consumer not to sell or share the consumer's personal information or, in the case of a minor consumer's personal information has not received consent to sell or share the minor consumer's personal information, shall be prohibited, pursuant to paragraph (4) of subdivision (c) of Section 1798.135, from selling or sharing the consumer's personal information after its receipt of the consumer's direction, unless the consumer subsequently provides consent, for the sale or sharing of the consumer's personal information.

SEC. 3.

Section 1798.121 of the Civil Code is amended to read:

1798.121.

Consumers' Right to Limit Use and Disclosure of Sensitive Personal Information *and a Minor's Information*

(a) A consumer shall have the right, at any time, to direct a business that collects sensitive personal information about the consumer to limit its use of the consumer's sensitive personal information to that use which is necessary to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services, to perform the services set forth in paragraphs (2), (4), (5), and (8) of subdivision (e) of Section 1798.140, and as authorized by regulations adopted pursuant to subparagraph (C) of paragraph (19) of subdivision (a) of Section 1798.185. A business that uses or discloses a consumer's sensitive personal information for purposes other than those specified in this subdivision shall provide notice to consumers, pursuant to subdivision (a) of Section 1798.135, that this information may be used, or disclosed to a service provider or contractor, for additional, specified purposes and that consumers have the right to limit the use or disclosure of their sensitive personal information.

(b) A business that has received direction from a consumer not to use or disclose the consumer's sensitive personal information, except as authorized by subdivision (a), shall be prohibited, pursuant to paragraph (4) of subdivision (c) of Section 1798.135, from using or disclosing the consumer's sensitive personal information for any other purpose after its receipt of the consumer's direction unless the consumer subsequently provides consent for the use or disclosure of the consumer's sensitive personal information for additional purposes.

(c) A service provider or contractor that assists a business in performing the purposes authorized by subdivision (a) may not use the sensitive personal information after it has received instructions from the business and to the extent it has actual knowledge that the personal information is sensitive personal information for any other purpose. A service provider or contractor is only required to limit its use of sensitive personal information received pursuant to a written contract with the business in response to instructions from the business and only with respect to its relationship with that business.

(d) Sensitive personal information that is collected or processed without the purpose of inferring characteristics about a consumer is not subject to this section, as further

defined in regulations adopted pursuant to subparagraph (C) of paragraph (19) of subdivision (a) of Section 1798.185, and shall be treated as personal information for purposes of all other sections of this act, including Section 1798.100.

(e) (1) Notwithstanding any other provision of this section, a business shall not use or disclose the personal information of a consumer less than 18 years of age, unless the consumer, in the case of a consumer at least 13 years of age and less than 18 years of age, or the consumer's parent or guardian, in the case of a consumer less than 13 years of age, has affirmatively authorized the use or disclosure of the consumer's personal information.

(2) This subdivision does not prohibit short-term, transient use of personal information that is necessary and proportional to the purpose for which it is used, and is not used, disclosed, or retained for any other purpose, including to build a profile regarding the consumer.

SEC. 4.

Section 1798.185 of the Civil Code is amended to read:

1798.185.

Regulations

(a) On or before July 1, 2020, the Attorney General shall solicit broad public participation and adopt regulations to further the purposes of this title, including, but not limited to, the following areas:

(1) Updating or adding categories of personal information to those enumerated in subdivision (c) of Section 1798.130 and subdivision (v) of Section 1798.140, and updating or adding categories of sensitive personal information to those enumerated in subdivision (ae) of Section 1798.140 in order to address changes in technology, data collection practices, obstacles to implementation, and privacy concerns.

(2) Updating as needed the definitions of "deidentified" and "unique identifier" to address changes in technology, data collection, obstacles to implementation, and privacy concerns, and adding, modifying, or deleting categories to the definition of designated methods for submitting requests to facilitate a consumer's ability to obtain information from a business pursuant to Section 1798.130. The authority to update the definition of "deidentified" shall not apply to deidentification standards set forth in Section 164.514 of Title 45 of the Code of Federal Regulations, where such information previously was "protected health information" as defined in Section 160.103 of Title 45 of the Code of Federal Regulations.

(3) Establishing any exceptions necessary to comply with state or federal law, including, but not limited to, those relating to trade secrets and intellectual property rights, within one year of passage of this title and as needed thereafter, with the intention that trade secrets should not be disclosed in response to a verifiable consumer request.

(4) Establishing rules and procedures for the following:

(A) To facilitate and govern the submission of a request by a consumer to opt out of the sale or sharing of personal information pursuant to Section 1798.120 and to limit the use of a consumer's sensitive personal information pursuant to Section 1798.121 to ensure that consumers have the ability to exercise their choices without undue burden and to prevent business from engaging in deceptive or harassing conduct, including in

retaliation against consumers for exercising their rights, while allowing businesses to inform consumers of the consequences of their decision to opt out of the sale or sharing of their personal information or to limit the use of their sensitive personal information.

(B) To govern business compliance with a consumer's opt-out request.

(C) For the development and use of a recognizable and uniform opt-out logo or button by all businesses to promote consumer awareness of the opportunity to opt out of the sale of personal information.

(5) Adjusting the monetary thresholds, in January of every odd-numbered year to reflect any increase in the Consumer Price Index, in: subparagraph (A) of paragraph (1) of subdivision (d) of Section 1798.140; subparagraph (A) of paragraph (1) of subdivision (a) of Section 1798.150; subdivision (a) of Section 1798.155; Section 1798.199.25; and subdivision (a) of Section 1798.199.90.

(6) Establishing rules, procedures, and any exceptions necessary to ensure that the notices and information that businesses are required to provide pursuant to this title are provided in a manner that may be easily understood by the average consumer, are accessible to consumers with disabilities, and are available in the language primarily used to interact with the consumer, including establishing rules and guidelines regarding financial incentives within one year of passage of this title and as needed thereafter.

(7) Establishing rules and procedures to further the purposes of Sections 1798.105, 1798.106, 1798.110, and 1798.115 and to facilitate a consumer's or the consumer's authorized agent's ability to delete personal information, correct inaccurate personal information pursuant to Section 1798.106, or obtain information pursuant to Section 1798.130, with the goal of minimizing the administrative burden on consumers, taking into account available technology, security concerns, and the burden on the business, to govern a business's determination that a request for information received from a consumer is a verifiable consumer request, including treating a request submitted through a password-protected account maintained by the consumer with the business while the consumer is logged into the account as a verifiable consumer request and providing a mechanism for a consumer who does not maintain an account with the business to request information through the business's authentication of the consumer's identity, within one year of passage of this title and as needed thereafter.

(8) Establishing how often, and under what circumstances, a consumer may request a correction pursuant to Section 1798.106, including standards governing the following:

(A) How a business responds to a request for correction, including exceptions for requests to which a response is impossible or would involve disproportionate effort, and requests for correction of accurate information.

(B) How concerns regarding the accuracy of the information may be resolved.

(C) The steps a business may take to prevent fraud.

(D) If a business rejects a request to correct personal information collected and analyzed concerning a consumer's health, the right of a consumer to provide a written addendum to the business with respect to any item or statement regarding any such personal information that the consumer believes to be incomplete or incorrect. The addendum shall be limited to 250 words per alleged incomplete or incorrect item and shall clearly indicate in writing that the consumer requests the addendum to be made a part of the consumer's record.

(9) Establishing the standard to govern a business's determination, pursuant to subparagraph (B) of paragraph (2) of subdivision (a) of Section 1798.130, that providing information beyond the 12-month period in a response to a verifiable consumer request is impossible or would involve a disproportionate effort.

(10) Issuing regulations further defining and adding to the business purposes, including other notified purposes, for which businesses, service providers, and contractors may use consumers' personal information consistent with consumers' expectations, and further defining the business purposes for which service providers and contractors may combine consumers' personal information obtained from different sources, except as provided for in paragraph (6) of subdivision (e) of Section 1798.140.

(11) Issuing regulations identifying those business purposes, including other notified purposes, for which service providers and contractors may use consumers' personal information received pursuant to a written contract with a business, for the service provider or contractor's own business purposes, with the goal of maximizing consumer privacy.

(12) Issuing regulations to further define "intentionally interacts," with the goal of maximizing consumer privacy.

(13) Issuing regulations to further define "precise geolocation," including if the size defined is not sufficient to protect consumer privacy in sparsely populated areas or when the personal information is used for normal operational purposes, including billing.

(14) Issuing regulations to define the term "specific pieces of information obtained from the consumer" with the goal of maximizing a consumer's right to access relevant personal information while minimizing the delivery of information to a consumer that would not be useful to the consumer, including system log information and other technical data. For delivery of the most sensitive personal information, the regulations may require a higher standard of authentication provided that the agency shall monitor the impact of the higher standard on the right of consumers to obtain their personal information to ensure that the requirements of verification do not result in the unreasonable denial of verifiable consumer requests.

(15) Issuing regulations requiring businesses whose processing of consumers' personal information presents significant risk to consumers' privacy or security, to:

(A) Perform a cybersecurity audit on an annual basis, including defining the scope of the audit and establishing a process to ensure that audits are thorough and independent. The factors to be considered in determining when processing may result in significant risk to the security of personal information shall include the size and complexity of the business and the nature and scope of processing activities.

(B) Submit to the California Privacy Protection Agency on a regular basis a risk assessment with respect to their processing of personal information, including whether the processing involves sensitive personal information, and identifying and weighing the benefits resulting from the processing to the business, the consumer, other stakeholders, and the public, against the potential risks to the rights of the consumer associated with that processing, with the goal of restricting or prohibiting the processing if the risks to privacy of the consumer outweigh the benefits resulting from processing to the consumer, the business, other stakeholders, and the public. Nothing in this section shall require a business to divulge trade secrets.

(16) Issuing regulations governing access and opt-out rights with respect to businesses' use of automated decisionmaking technology, including profiling and requiring businesses' response to access requests to include meaningful information about the logic involved in those decisionmaking processes, as well as a description of the likely outcome of the process with respect to the consumer.

(17) Issuing regulations to further define a "law enforcement agency-approved investigation" for purposes of the exception in subparagraph (B) of paragraph (1) of subdivision (a) of Section 1798.145.

(18) Issuing regulations to define the scope and process for the exercise of the agency's audit authority, to establish criteria for selection of persons to audit, and to protect consumers' personal information from disclosure to an auditor in the absence of a court order, warrant, or subpoena.

(19) (A) Issuing regulations to define the requirements and technical specifications for an opt-out preference signal sent by a platform, technology, or mechanism, to indicate a consumer's intent to opt out of the sale or sharing of the consumer's personal information and to limit the use or disclosure of the consumer's sensitive personal information. The requirements and specifications for the opt-out preference signal should be updated from time to time to reflect the means by which consumers interact with businesses, and should:

(i) Ensure that the manufacturer of a platform or browser or device that sends the opt-out preference signal cannot unfairly disadvantage another business.

(ii) Ensure that the opt-out preference signal is consumer-friendly, clearly described, and easy to use by an average consumer and does not require that the consumer provide additional information beyond what is necessary.

(iii) Clearly represent a consumer's intent and be free of defaults constraining or presupposing that intent.

(iv) Ensure that the opt-out preference signal does not conflict with other commonly used privacy settings or tools that consumers may employ.

(v) Provide a mechanism for the consumer to selectively consent to a business's sale of the consumer's personal information, or the use or disclosure of the consumer's sensitive personal information, without affecting the consumer's preferences with respect to other businesses or disabling the opt-out preference signal globally.

(vi) State that in the case of a page or setting view that the consumer accesses to set the opt-out preference signal, the consumer should see up to three choices, including:

(I) Global opt out from sale and sharing of personal information, including a direction to limit the use of sensitive personal information.

(II) Choice to "Limit the Use of My Sensitive Personal Information."

(III) Choice titled "Do Not Sell/Do Not Share My Personal Information for Cross-Context Behavioral Advertising."

(B) Issuing regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer's parent or guardian, to specify that the consumer is less than 13 years of ~~age~~ ~~age~~, or at least 13 years of age and less than ~~16~~ ~~18~~ years of age.

(C) Issuing regulations, with the goal of strengthening consumer privacy while considering the legitimate operational interests of businesses, to govern the use or disclosure of a consumer's sensitive personal information, notwithstanding the

consumer's direction to limit the use or disclosure of the consumer's sensitive personal information, including:

- (i) Determining any additional purposes for which a business may use or disclose a consumer's sensitive personal information.
- (ii) Determining the scope of activities permitted under paragraph (8) of subdivision (e) of Section 1798.140, as authorized by subdivision (a) of Section 1798.121, to ensure that the activities do not involve health-related research.
- (iii) Ensuring the functionality of the business's operations.
- (iv) Ensuring that the exemption in subdivision (d) of Section 1798.121 for sensitive personal information applies to information that is collected or processed incidentally, or without the purpose of inferring characteristics about a consumer, while ensuring that businesses do not use the exemption for the purpose of evading consumers' rights to limit the use and disclosure of their sensitive personal information under Section 1798.121.

(20) Issuing regulations to govern how a business that has elected to comply with subdivision (b) of Section 1798.135 responds to the opt-out preference signal and provides consumers with the opportunity subsequently to consent to the sale or sharing of their personal information or the use and disclosure of their sensitive personal information for purposes in addition to those authorized by subdivision (a) of Section 1798.121. The regulations should:

- (A) Strive to promote competition and consumer choice and be technology neutral.
- (B) Ensure that the business does not respond to an opt-out preference signal by:
 - (i) Intentionally degrading the functionality of the consumer experience.
 - (ii) Charging the consumer a fee in response to the consumer's opt-out preferences.
 - (iii) Making any products or services not function properly or fully for the consumer, as compared to consumers who do not use the opt-out preference signal.
 - (iv) Attempting to coerce the consumer to opt in to the sale or sharing of the consumer's personal information, or the use or disclosure of the consumer's sensitive personal information, by stating or implying that the use of the opt-out preference signal will adversely affect the consumer as compared to consumers who do not use the opt-out preference signal, including stating or implying that the consumer will not be able to use the business's products or services or that those products or services may not function properly or fully.
 - (v) Displaying any notification or pop-up in response to the consumer's opt-out preference signal.
- (C) Ensure that any link to a web page or its supporting content that allows the consumer to consent to opt in:
 - (i) Is not part of a popup, notice, banner, or other intrusive design that obscures any part of the web page the consumer intended to visit from full view or that interferes with or impedes in any way the consumer's experience visiting or browsing the web page or website the consumer intended to visit.
 - (ii) Does not require or imply that the consumer must click the link to receive full functionality of any products or services, including the website.
 - (iii) Does not make use of any dark patterns.
 - (iv) Applies only to the business with which the consumer intends to interact.

(D) Strive to curb coercive or deceptive practices in response to an opt-out preference signal but should not unduly restrict businesses that are trying in good faith to comply with Section 1798.135.

(21) Review existing Insurance Code provisions and regulations relating to consumer privacy, except those relating to insurance rates or pricing, to determine whether any provisions of the Insurance Code provide greater protection to consumers than the provisions of this title. Upon completing its review, the agency shall adopt a regulation that applies only the more protective provisions of this title to insurance companies. For the purpose of clarity, the Insurance Commissioner shall have jurisdiction over insurance rates and pricing.

(22) Harmonizing the regulations governing opt-out mechanisms, notices to consumers, and other operational mechanisms in this title to promote clarity and the functionality of this title for consumers.

(b) The Attorney General may adopt additional regulations as necessary to further the purposes of this title.

(c) The Attorney General shall not bring an enforcement action under this title until six months after the publication of the final regulations issued pursuant to this section or July 1, 2020, whichever is sooner.

(d) Notwithstanding subdivision (a), the timeline for adopting final regulations required by the act adding this subdivision shall be July 1, 2022. Beginning the later of July 1, 2021, or six months after the agency provides notice to the Attorney General that it is prepared to begin rulemaking under this title, the authority assigned to the Attorney General to adopt regulations under this section shall be exercised by the California Privacy Protection Agency. Notwithstanding any other law, civil and administrative enforcement of the provisions of law added or amended by this act shall not commence until July 1, 2023, and shall only apply to violations occurring on or after that date. Enforcement of provisions of law contained in the California Consumer Privacy Act of 2018 amended by this act shall remain in effect and shall be enforceable until the same provisions of this act become enforceable.

(e) On or before July 1, 2025, the California Privacy Protection Agency shall solicit broad public participation and adopt regulations to further the purposes of this title, including, but not limited to:

(1) Issuing regulations to establish technical specifications for an opt-out preference signal that allows the consumer, or the consumer's parent or guardian, to specify that the consumer is less than 13 years of age, or at least 13 years of age and less than 18 years of age.

(2) Issuing regulations regarding age verification and when a business must treat a consumer as being less than 13 or 18 years of age for purposes of this title.

SEC. 5.

The Legislature finds and declares that this act furthers the purposes and intent of The California Privacy Rights Act of 2020.

AB 1991 - (A) Amends the Law

SECTION 1.

Section 502 of the Business and Professions Code is amended to read:

502.

(a) Notwithstanding any other law, both of the following apply:

(1) The Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Physician Assistant Board, and the Respiratory Care Board of California shall collect workforce data from their respective licensees and registrants as specified in subdivision (b) for future workforce planning at least biennially. The data shall be collected at the time of electronic license or registration renewal for those boards that utilize electronic renewals for licensees or registrants.

(2) All other boards that are not listed in paragraph (1) that regulate healing arts licensees or registrants under this division shall ~~request~~ *collect* workforce data from their respective licensees and registrants as specified in subdivision (b) for future workforce planning at least biennially. The data shall be ~~requested~~ *required* at the time of electronic license or registration renewal for those boards that utilize electronic renewals for licensees or registrants.

(b) In conformance with specifications under subdivision (d), the workforce data collected or ~~requested~~ *required* by each board about its licensees and registrants shall include, at a minimum, all of the following information:

(1) Anticipated year of retirement.

(2) Area of practice or specialty.

(3) City, county, and ZIP Code of practice.

(4) Date of birth.

(5) Educational background and the highest level attained at time of licensure or registration.

(6) Gender or gender identity.

(7) Hours spent in direct patient care, including telehealth hours as a subcategory, training, research, and administration.

(8) Languages spoken.

(9) National Provider Identifier.

(10) Race or ethnicity.

(11) Type of employer or classification of primary practice site among the types of practice sites specified by the board, including, but not limited to, clinic, hospital, managed care organization, or private practice.

(12) Work hours.

(13) Sexual orientation.

(14) Disability status.

(c) Each board shall maintain the confidentiality of the information it receives from licensees and registrants under this section and shall only release information in an aggregate form that cannot be used to identify an individual other than as specified in subdivision (e).

(d) The Department of Consumer Affairs, in consultation with the Department of Health Care Access and Information, shall specify for each board subject to this section the specific information and data that will be collected or requested pursuant to subdivision (b). The Department of Consumer Affairs' identification and specification of this information and data shall be exempt until June 30, 2023, from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) Each board, or the Department of Consumer Affairs on its behalf, shall, beginning on July 1, 2022, and quarterly thereafter, provide the individual licensee and registrant data it collects pursuant to this section to the Department of Health Care Access and Information in a manner directed by the Department of Health Care Access and Information, including license or registration number and associated license or registration information. The Department of Health Care Access and Information shall maintain the confidentiality of the licensee and registrant information it receives and shall only release information in an aggregate form that cannot be used to identify an individual.

(f) *(1)* A licensee or registrant shall ~~not~~ be required to provide the information listed in subdivision (b) as a condition for license or registration ~~renewal, and licensees or registrants shall not be subject to discipline for not providing the information listed in subdivision (b).~~ *renewal.*

(2) Notwithstanding paragraph (1), a board described in paragraph (2) of subdivision (a) shall not deny an application for license or registration renewal solely because the licensee or registrant failed to provide any of the information listed in subdivision (b).

(g) This section does not alter or affect mandatory reporting requirements for licensees or registrants established pursuant to this division, including, but not limited to, Sections 1715.5, 1902.2, 2425.3, and 2455.2.

AB 2011 - (A) Amends the Law

SECTION 1.

Section 12945.21 of the Government Code is amended to read:

12945.21.

(a) The department shall create a small employer family leave mediation ~~pilot~~ program for employers with between 5 and 19 employees. Under the ~~pilot~~ program, when an employee requests an immediate right to sue alleging a violation of Section ~~12945.2-12945.2, 12945.6,~~ or ~~Section~~ 12945.7 by an employer having between 5 and 19 employees, the department shall notify the employee in writing of the requirement for mediation prior to filing a civil action if mediation is requested by the employer or employee. The employee shall contact the department's dispute resolution division prior to filing a civil action.

(b) (1) Under the ~~pilot~~ program, the employee shall contact the department's dispute resolution division prior to filing a civil action in the manner specified by the department. The employee shall also indicate whether they are requesting mediation.

(2) Upon contacting the dispute resolution division regarding the intent to pursue a legal action for a violation of Section ~~12945.2-12945.2, 12945.6,~~ or ~~Section~~ 12945.7 by an employer having between 5 and 19 employees, the department shall notify all named respondents of the alleged violation and the requirement for mediation, if mediation is requested by the employee or employer, in writing.

(3) The department shall terminate its activity if neither the employee nor the employer requests mediation within 30 days of receipt by all named respondents of the notification specified in paragraph (2).

(4) If the department receives a request for mediation from the employee or employer within 30 days of receipt by all named respondents of the notification specified in paragraph (2), the department shall initiate the mediation within 60 days of the department's receipt of the request or the receipt of the notification by all named respondents, whichever is later.

(5) Once the mediation has been initiated, no later than seven days before the mediation date, the mediator shall notify the employee of their right to request information pursuant to Sections 226 and 1198.5 of the Labor Code. The mediator shall also help facilitate any other reasonable requests for information that may be necessary for either party to present their claim in mediation.

(c) (1) The employee shall not pursue any civil action under Section ~~12945.2-12945.2, 12945.6,~~ or ~~Section~~ 12945.7 unless the mediation is not initiated by the department within the time period specified in subdivision (b) or until the mediation is complete or the mediation is deemed unsuccessful.

(2) The statute of limitations applicable to the employee's claim, including for all related claims under Section ~~12945.2 or Section 12945.7-12945.2, 12945.6, or 12945.7,~~ and not under Section ~~12945.2-12945.2, 12945.6,~~ or ~~Section~~ 12945.7, shall be tolled from the date the employee contacts the department's dispute resolution division regarding the intent to pursue a legal action until the mediation is complete or the mediation is deemed unsuccessful.

(d) For purposes of this section, the following shall apply:

(1) A mediation is deemed complete when any of the following occur:

(A) Neither the employee nor the employer requests the mediation within 30 days of receipt by all named respondents of the notification or both parties agree not to participate in the mediation.

(B) The employer fails to respond to the notification or mediation request within 30 days of receipt.

(C) The department fails to initiate the mediation within 60 days of the department's receipt of the request for mediation or the receipt by all named respondents of the notification, whichever is later.

(D) The department notifies the parties that it has determined that further mediation would be fruitless, both parties agree that further mediation would be fruitless, *or* one of the parties failed to submit information requested by the other party and deemed by the mediator to be reasonably necessary or fair for the other party to ~~obtain, or the mediator determines that the core facts of the employee's complaint are unrelated to Section 12945.2 or Section 12945.7.~~ *obtain.*

(E) The mediator determines that the core facts of the employee's complaint are unrelated to Section 12945.2, 12945.6, or 12945.7.

(F) (i) The mediator determines that the employer has fewer than 5 or more than 19 employees.

(ii) Clause (i) shall not apply if the parties disagree about whether the employer has between 5 and 19 employees and the mediator is unable to determine that the employer has between 5 and 19 employees.

(2) A mediation is unsuccessful if the claim is not resolved within 30 days of the department's initiation of mediation, unless the department notifies the parties that it has determined more time is needed to make the mediation successful.

(e) A respondent or defendant in a civil action that did not receive a notification pursuant to subdivision (b) as a result of the employee's failure to contact the department's alternative dispute resolution division prior to filing a civil action, and who had between 5 and 19 employees at the time that the alleged violation occurred, shall, upon a timely request, be entitled to a stay of any pending civil action or arbitration until mediation is complete or is deemed unsuccessful.

(f) If a request for an immediate right to sue includes other alleged violations under this part, this section shall only apply to the claim alleging a violation of Section ~~12945.2-12945.2, 12945.6,~~ or ~~Section~~ 12945.7. Notwithstanding this subdivision, nothing in this section prohibits the parties from voluntarily choosing to mediate all alleged violations.

~~(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.~~

AB 2339 - (I) Amends the Law

SECTION 1.

Section 14132.725 of the Welfare and Institutions Code is amended to read:

14132.725.

(a) For purposes of this section, the following definitions apply:

(1) "Border community" means border areas adjacent to the State of California where it is customary practice for California residents to use medical resources in adjacent areas outside the state. Under these circumstances, program controls and limitations are the same as for services rendered by health care providers within the state.

(2) "Health care provider" has the same meaning as set forth in paragraph (3) of subdivision (a) of Section 2290.5 of the Business and Professions Code, and shall be either enrolled as a Medi-Cal rendering provider, or a nonphysician medical practitioner affiliated with an enrolled Medi-Cal provider group. "Health care provider" also includes any provider type designated by the department pursuant to subparagraph (A) of paragraph (2) of subdivision (b). The enrolled Medi-Cal provider or provider group for which the health care provider renders services via telehealth shall meet all Medi-Cal requirements and shall be located in the state or a border community.

(3) "Health care service plan" has the same meaning as set forth in subdivision (f) of Section 1345 of the Health and Safety Code.

(4) "Medi-Cal managed care plan" has the same meaning as set forth in subdivision (j) of Section 14184.101.

(5) "Network provider" has the same meaning as set forth in Section 438.2 of Title 42 of the Code of Federal Regulations.

(6) "Telehealth" has the same meaning as set forth in paragraph (6) of subdivision (a) of Section 2290.5 of the Business and Professions Code.

(b) (1) Subject to subdivision (k), in-person, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for covered health care services and provider types designated by the department, when provided by video synchronous interaction, asynchronous store and forward, as defined in subdivision ~~(a) of Section 2290.5 of the Business and Professions Code,~~ (n), audio-only synchronous interaction, remote patient monitoring, or other permissible virtual communication modalities, when those services and settings meet the applicable standard of care and meet the requirements of the service code being billed.

(2) (A) In implementing this section, the department shall designate and periodically update the covered health care services and provider types, including required licensing and credentialing criteria, as applicable, which may be appropriately delivered via the telehealth modalities described in this subdivision.

(B) Applicable health care services appropriately provided through video synchronous interaction, asynchronous store and forward, audio-only synchronous interaction, remote patient monitoring, or other permissible virtual communication modalities are subject to billing, reimbursement, and utilization management policies imposed by the department. Subject to subdivision (k), utilization management protocols adopted by the department pursuant to this section shall be consistent with, and no more restrictive

than, those authorized for health care service plans pursuant to Section 1374.13 of the Health and Safety Code.

(c) (1) (A) Pursuant to an effective date designated by the department that is no sooner than January 1, 2024, a Medi-Cal provider furnishing applicable health care services via audio-only synchronous interaction shall also offer those same health care services via video synchronous interaction to preserve beneficiary choice.

(B) (i) The department may provide specific exceptions to the requirement specified in subparagraph (A), based on a Medi-Cal provider's access to requisite technologies, which shall be developed in consultation with affected stakeholders and published in departmental guidance.

(ii) In making exceptions to the requirement specified in subparagraph (A), in addition to the provisions in clause (i), the department may also take into consideration the availability of broadband access based on speed standards set by the Federal Communications Commission, pursuant to Section 706 of the Telecommunications Act of 1996 (Pub. L. No. 104-104) or other applicable federal law or regulation.

(2) Effective on the date designated by the department pursuant to paragraph (1), a provider furnishing services through video synchronous interaction or audio-only synchronous interaction shall also maintain and follow protocols to do one of the following:

(A) Offer those services via in-person, face-to-face contact.

(B) (i) Arrange for a referral to, and a facilitation of, in-person care that does not require a patient to independently contact a different provider to arrange for that care.

(ii) Clause (i) does not require a provider to schedule an appointment with a different provider on behalf of a patient.

(3) In implementing this subdivision, the department shall consider additional recommendations from affected stakeholders regarding the need to maintain access to in-person services without unduly restricting access to telehealth services.

(4) A health care provider may establish a new patient relationship with a Medi-Cal beneficiary via video synchronous interaction consistent with any requirements imposed by the department.

(5) (A) A health care provider shall not establish a new patient relationship with a Medi-Cal beneficiary via asynchronous store and forward, telephonic (audio-only) synchronous interaction, remote patient monitoring, or other virtual communication modalities, except as set forth in paragraph (4) of subdivision (g) of Section 14132.100.

(B) Notwithstanding the prohibition in subparagraph (A), the department may provide for specific exceptions to this prohibition, the department may provide for specific exceptions described in clauses (i) ~~and (ii)~~, *through (iii)*, which shall be developed in consultation with affected stakeholders and published in departmental guidance.

(i) Notwithstanding the prohibition in subparagraph (A), a health care provider may establish a new patient relationship using an audio-only synchronous ~~interaction~~ *interaction, or asynchronous store and forward*, when the visit is related to sensitive services, as defined in subdivision ~~(p)~~ *(s)* of Section 56.05 of the Civil Code, and when established in accordance with department-specific requirements and consistent with federal and state law, regulations, and guidance.

(ii) Notwithstanding the prohibition in subparagraph (A), a health care provider may establish a new patient relationship using an audio-only synchronous interaction when

the patient requests an audio-only modality ~~or attests they do not have access to video,~~ and when established in accordance with department-specific requirements and consistent with federal and state laws, regulations, and guidance.

(iii) Notwithstanding the prohibition in subparagraph (A), a health care provider may establish a new patient relationship using asynchronous store and forward when the patient requests an asynchronous store and forward modality and when established in accordance with department-specific requirements and consistent with federal and state laws, regulations, and guidance.

(6) Subject to subdivision (k), the department may establish separate fee schedules for applicable health care services delivered via remote patient monitoring or other permissible virtual communication modalities.

(7) This subdivision does not apply to Medi-Cal covered services delivered by providers via any telehealth modality to eligible inmates in state prisons, county jails, or youth correctional facilities.

(d) In addition to any existing law requiring beneficiary consent to telehealth, including, but not limited to, subdivision (b) of Section 2290.5 of the Business and Professions Code, all of the following shall be communicated by a health care provider to a Medi-Cal beneficiary, in writing or verbally, on at least one occasion prior to, or concurrent with, initiating the delivery of one or more health care services via telehealth to a Medi-Cal beneficiary: an explanation that beneficiaries have the right to access covered services that may be delivered via telehealth through an in-person, face-to-face visit; an explanation that use of telehealth is voluntary and that consent for the use of telehealth can be withdrawn at any time by the Medi-Cal beneficiary without affecting their ability to access covered Medi-Cal services in the future; an explanation of the availability of Medi-Cal coverage for transportation services to in-person visits when other available resources have been reasonably exhausted; and the potential limitations or risks related to receiving services through telehealth as compared to an in-person visit, to the extent *that* any limitations or risks are identified by the provider.

(1) The provider shall document in the patient record the provision of this information and the patient's verbal or written acknowledgment that the information was received.

(2) The department shall develop, in consultation with affected stakeholders, model language for purposes of the communication described in this subdivision.

(3) This subdivision does not apply to Medi-Cal covered services delivered by providers via any telehealth modality to eligible inmates in state prisons, county jails, or youth correctional facilities.

(e) (1) The department shall develop, in consultation with affected stakeholders, an informational notice to be distributed to fee-for-service Medi-Cal beneficiaries and for use by Medi-Cal managed care plans in communicating to their enrollees. Information in the notice shall include, but not be limited to, all of the following:

(A) The availability of Medi-Cal covered telehealth services.

(B) The beneficiary's right to access all medically necessary covered services through in-person, face-to-face visits, and a provider's and Medi-Cal managed care plan's responsibility to offer or arrange for that in-person care, as applicable.

(C) An explanation that use of telehealth is voluntary and that consent for the use of telehealth can be withdrawn by the Medi-Cal beneficiary at any time without affecting their ability to access covered Medi-Cal services in the future.

(D) An explanation of the availability of Medi-Cal coverage for transportation services to in-person visits when other available resources have been reasonably exhausted.

(E) Notification of the beneficiary's right to make complaints about the offer of telehealth services in lieu of in-person care or about the quality of care delivered through telehealth.

(2) The informational notice shall be translated into threshold languages determined by the department pursuant to subdivision (b) of Section 14029.91 and provided in a format that is culturally and linguistically appropriate.

(3) This subdivision does not apply to Medi-Cal covered services delivered by providers via any telehealth modality to eligible inmates in state prisons, county jails, or youth correctional facilities.

(f) (1) Subject to subdivision (k), the department shall reimburse health care providers of applicable health care services delivered via video synchronous interaction, synchronous audio-only modality, or asynchronous store and forward, as applicable, at payment amounts that are not less than the amounts the provider would receive if the services were delivered via in-person, face-to-face contact, so long as the services or settings meet the applicable standard of care and meet the requirements of the service code being billed.

(2) Subject to subdivision (k), for applicable health care services appropriately provided by a network provider via video synchronous interaction, audio-only synchronous interaction modality, or asynchronous store and forward, as applicable, to an enrollee of a Medi-Cal managed care plan, the Medi-Cal managed care plan shall reimburse the network provider at payment amounts that are not less than the amounts the network provider would have received if the services were delivered via in-person, face-to-face contact, unless the Medi-Cal managed care plan and network provider mutually agree to reimbursement in different amounts.

(g) On or before January 1, 2023, the department shall develop a research and evaluation plan that does all of the following:

(1) Proposes strategies to analyze the relationship between telehealth and the following: access to care, access to in-person care, quality of care, and Medi-Cal program costs, utilization, and program integrity.

(2) Examines issues using an equity framework that includes stratification by available geographic and demographic factors, including, but not limited to, race, ethnicity, primary language, age, and gender, to understand inequities and disparities in care.

(3) Prioritizes research and evaluation questions that directly inform Medi-Cal policy.

(h) Applicable health care services provided through asynchronous store and forward, video synchronous interaction, audio-only synchronous interaction, remote patient monitoring, or other permissible virtual communication modalities as described in this section shall comply with the privacy and security requirements contained in the federal Health Insurance Portability and Accountability Act of 1996 found in Parts 160 and 164 of Title 45 of the Code of Federal Regulations, the Medicaid State Plan, and any other applicable state and federal statutes and regulations.

(i) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, and make specific this section by means of all-county letters, plan letters, provider bulletins, and similar instructions, without taking any further regulatory action.

(j) Consistent with the requirements of this section and subject to subdivision (k), a PACE organization approved by the department pursuant to Chapter 8.75 (commencing with Section 14591) may use video telehealth to conduct initial assessments and annual reassessments for eligibility for enrollment in the PACE program.

(k) The department shall seek any federal approvals *that* it deems necessary to implement this section. This section shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation is available and is not otherwise jeopardized.

(l) This section shall be operative on January 1, 2023, or on the operative date or dates reflected in the applicable federal approvals obtained by the department pursuant to subdivision (k), whichever is later.

(m) This section does not apply to health care services provided via telehealth in an FQHC or RHC visit as described in paragraph (4) of subdivision (g) of Section 14132.100.

(n) For purposes of this section, “asynchronous store and forward” has the same meaning as set forth in subdivision (a) of Section 2290.5 of the Business and Professions Code. For purposes of this section, the transmission under asynchronous store and forward also includes asynchronous electronic transmission initiated directly by patients, including through mobile telephone applications.

AB 2862 - (A) Amends the Law

SECTION 1.

Section 115.7 is added to the Business and Professions Code, to read:

115.7.

(a) Notwithstanding any other law, a board shall prioritize African American applicants seeking licenses, especially applicants who are descended from a person enslaved in the United States.

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

AB 2908 - (I) Amends the Law

SECTION 1.

Section 600 of the Corporations Code is amended to read:

600.

(a) Meetings of shareholders may be held at any place within or without this state as may be stated in or fixed in accordance with the bylaws. If no other place is stated or so fixed, shareholder meetings shall be held at the principal office of the corporation. Subject to any limitations in the articles or bylaws of the corporation, if authorized by the board of directors in its sole discretion, and subject to those guidelines and procedures as the board of directors may adopt, shareholders not physically present in person or by proxy at a meeting of shareholders may, by electronic transmission by and to the corporation (Sections 20 and 21), electronic video screen communication, conference telephone, or other means of remote communication, participate in a meeting of shareholders, be deemed present in person or by proxy, and vote at a meeting of shareholders, subject to subdivision (e).

(b) An annual meeting of shareholders shall be held for the election of directors on a date and at a time stated in or fixed in accordance with the bylaws. However, if the corporation is a regulated management company, a meeting of shareholders shall be held as required by the Federal Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). Any other proper business may be transacted at the annual meeting. For purposes of this subdivision, "regulated management company" means a regulated investment company as defined in Section 851 of the federal Internal Revenue Code.

(c) If there is a failure to hold the annual meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the organization of the corporation or after its last annual meeting, the superior court of the proper county may summarily order a meeting to be held upon the application of any shareholder after notice to the corporation giving it an opportunity to be heard. The shares represented at the meeting, either in person or by proxy, and entitled to vote thereat shall constitute a quorum for the purpose of the meeting, notwithstanding any provision of the articles or bylaws or in this division to the contrary. The court may issue any orders as may be appropriate, including, without limitation, orders designating the time and place of the meeting, the record date for determination of shareholders entitled to vote, and the form of notice of the meeting.

(d) Special meetings of the shareholders may be called by the board, the chairperson of the board, the president, the holders of shares entitled to cast not less than 10 percent of the votes at the meeting, or any additional persons as may be provided in the articles or bylaws.

(e) A meeting of the shareholders may be conducted, in whole or in part, by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication if the corporation implements reasonable measures: (1) to provide shareholders and proxyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, including an opportunity to read or hear the proceedings of the meeting concurrently with those proceedings, (2) if any shareholder or proxyholder

votes or takes other action at the meeting by means of electronic transmission to the corporation, electronic video screen communication, conference telephone, or other means of remote communication, to maintain a record of that vote or action in its books and records, and (3) to verify that each person who has voted remotely is a shareholder or proxyholder. A corporation shall not conduct a meeting of shareholders solely by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication unless one or more of the following conditions apply: (A) all of the shareholders consent; (B) the board determines it is necessary or appropriate because of an emergency, as defined in paragraph (5) of subdivision (i) of Section 207; or (C) notwithstanding the absence of consent from all shareholders pursuant to (A) or subdivision (b) of Section 20, the meeting ~~is conducted on or before December 31, 2025, and~~ includes a live audiovisual feed for the duration of the meeting. A corporation holding a meeting pursuant to (C) may offer, in addition to remote audiovisual feed, an audio-only means by which a shareholder or proxyholder may participate provided that the choice between participating via audiovisual or via audio-only means is made by the shareholder or proxyholder and the corporation does not impose any barriers to either mode of participation. A de minimis disruption of an audio or audiovisual feed does not require a corporation to end a shareholder meeting under, or render the corporation out of compliance with, this subdivision.

SEC. 2.

Section 5510 of the Corporations Code is amended to read:

5510.

(a) Meetings of members may be held at a place within or without this state as may be stated in or fixed in accordance with the bylaws. If no other place is stated or so fixed, meetings of members shall be held at the principal office of the corporation. Subject to any limitations in the articles or the bylaws of the corporation, if authorized by the board of directors in its sole discretion, and subject to those guidelines and procedures as the board of directors may adopt, members not physically present in person (or, if proxies are allowed, by proxy) at a meeting of members may, by electronic transmission by and to the corporation (Sections 20 and 21), electronic video screen communication, conference telephone, or other means of remote communication, participate in a meeting of members, be deemed present in person (or, if proxies are allowed, by proxy), and vote at a meeting of members, subject to subdivision (f).

(b) A regular meeting of members shall be held on a date, time, and with the frequency stated in or fixed in accordance with the bylaws, but in any event in each year in which directors are to be elected at that meeting for the purpose of conducting such election, and to transact any other proper business which may be brought before the meeting.

(c) If a corporation with members is required by subdivision (b) to hold a regular meeting and fails to hold the regular meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the formation of the corporation, or after its last regular meeting, or if the corporation fails to hold a written ballot for a period of 60 days after the date designated therefor, then the superior court of the proper county may summarily order the meeting to be held or the ballot to

be conducted upon the application of a member or the Attorney General, after notice to the corporation giving it an opportunity to be heard.

(d) The votes represented, either in person (or, if proxies are allowed, by proxy), at a meeting called or by written ballot ordered pursuant to subdivision (c), and entitled to be cast on the business to be transacted shall constitute a quorum, notwithstanding any provision of the articles or bylaws or in this part to the contrary. The court may issue such orders as may be appropriate including, without limitation, orders designating the time and place of the meeting, the record date for determination of members entitled to vote, and the form of notice of the meeting.

(e) Special meetings of members for any lawful purpose may be called by the board, the chairperson of the board, the president, or such other persons, if any, as are specified in the bylaws. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

(f) A meeting of the members may be conducted, in whole or in part, by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication if the corporation implements reasonable measures: (1) to provide members and proxyholders, if proxies are allowed, a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting concurrently with those proceedings, (2) if any member or proxyholder, if proxies are allowed, votes or takes other action at the meeting by means of electronic transmission to the corporation, electronic video screen communication, conference telephone, or other means of remote communication, to maintain a record of that vote or action in its books and records, and (3) to verify that each person who has voted remotely is a member or proxyholder, if proxies are allowed. A corporation shall not conduct a meeting of members solely by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication unless one or more of the following conditions apply: (A) all of the members consent; (B) the board determines it is necessary or appropriate because of an emergency, as defined in paragraph (5) of subdivision (n) of Section 5140; or (C) notwithstanding the absence of consent from all members pursuant to (A) or subdivision (b) of Section 20, the meeting ~~is conducted on or before December 31, 2025, and~~ includes a live audiovisual feed for the duration of the meeting. A corporation holding a meeting pursuant to (C) may offer, in addition to remote audiovisual feed, an audio-only means by which a member or proxyholder may participate provided that the choice between participating via audiovisual or via audio-only means is made by the member or proxyholder and the corporation does not impose any barriers to either mode of participation. A de minimis disruption of an audio or audiovisual feed does not require a corporation to end a meeting under, or render the corporation out of compliance with, this subdivision.

SEC. 3.

Section 7510 of the Corporations Code is amended to read:

7510.

(a) Meetings of members may be held at a place within or without this state as may be stated in or fixed in accordance with the bylaws. If no other place is stated or so fixed, meetings of members shall be held at the principal office of the corporation. Subject to any limitations in the articles or bylaws of the corporation, if authorized by the board of directors in its sole discretion, and subject to those guidelines and procedures as the board of directors may adopt, members not physically present in person (or, if proxies are allowed, by proxy) at a meeting of members may, by electronic transmission by and to the corporation (Sections 20 and 21), electronic video screen communication, conference telephone, or other means of remote communication, participate in a meeting of members, be deemed present in person (or, if proxies are allowed, by proxy), and vote at a meeting of members, subject to subdivision (f).

(b) A regular meeting of members shall be held on a date and time, and with the frequency stated in or fixed in accordance with the bylaws, but in any event in each year in which directors are to be elected at that meeting for the purpose of conducting such election, and to transact any other proper business which may be brought before the meeting.

(c) If a corporation with members is required by subdivision (b) to hold a regular meeting and fails to hold the regular meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the formation of the corporation or after its last regular meeting, or if the corporation fails to hold a written ballot for a period of 60 days after the date designated therefor, then the superior court of the proper county may summarily order the meeting to be held or the ballot to be conducted upon the application of a member or the Attorney General, after notice to the corporation giving it an opportunity to be heard.

(d) The votes represented, either in person (or, if proxies are allowed, by proxy), at a meeting called or by written ballot ordered pursuant to subdivision (c), and entitled to be cast on the business to be transacted shall constitute a quorum, notwithstanding any provision of the articles or bylaws or in this part to the contrary. The court may issue such orders as may be appropriate including, without limitation, orders designating the time and place of the meeting, the record date for determination of members entitled to vote, and the form of notice of the meeting.

(e) Special meetings of members for any lawful purpose may be called by the board, the chairperson of the board, the president, or such other persons, if any, as are specified in the bylaws. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

(f) A meeting of the members may be conducted, in whole or in part, by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication if the corporation implements reasonable measures: (1) to provide members and proxyholders, if proxies are allowed, a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting concurrently with those proceedings, (2) if any member or proxyholder, if proxies are allowed, votes or takes other action at the meeting by means of electronic transmission to the corporation, electronic video screen communication, conference telephone, or other means of remote communication, to maintain a record of that vote or action in its books and records, and (3) to verify that each person who has

voted remotely is a member or proxyholder, if proxies are allowed. A corporation shall not conduct a meeting of members solely by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication unless one or more of the following conditions apply: (A) all of the members consent; (B) the board determines it is necessary or appropriate because of an emergency, as defined in paragraph (5) of subdivision (m) of Section 7140; or (C) notwithstanding the absence of consent from all members pursuant to (A) or subdivision (b) of Section 20, the meeting ~~is conducted on or before December 31, 2025, and~~ includes a live audiovisual feed for the duration of the meeting. A corporation holding a meeting pursuant to (C) may offer, in addition to remote audiovisual feed, an audio-only means by which a member or proxyholder may participate provided that the choice between participating via audiovisual or via audio-only means is made by the member or proxyholder and the corporation does not impose any barriers to either mode of participation. A de minimis disruption of an audio or audiovisual feed does not require a corporation to end a meeting under, or render the corporation out of compliance with, this subdivision.

SEC. 4.

Section 9411 of the Corporations Code is amended to read:

9411.

(a) Subject to the provisions of this chapter, regular and special meetings of members shall be called, noticed, and held as may be ordered by the board. Notwithstanding the foregoing, the notice of a members' meeting or any report may be sent by electronic communication or other means of remote communication if the board determines it is necessary or appropriate because of an emergency, as defined in paragraph (5) of subdivision (n) of Section 9140. Subject to any limitations in the articles or bylaws of the corporation, if authorized by the board of directors in its sole discretion, and subject to those guidelines and procedures as the board of directors may adopt, members not physically present in person (or, if proxies are allowed, by proxy) at a meeting of members may, by electronic transmission by and to the corporation (Sections 20 and 21), electronic video screen communication, conference telephone, or other means of remote communication, participate in a meeting of members, be deemed present in person (or, if proxies are allowed, by proxy), and vote at a meeting of members, subject to subdivision (f).

(b) Special meetings of members for any lawful purpose may be called by the board or the chairperson of the board or the president. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members.

(c) Upon request in writing to the chairperson of the board, president, vice president, or secretary by any person (other than the board) entitled to call a special meeting of members, the board shall expeditiously set a reasonable time and place for the meeting and the officer forthwith shall cause notice to be given to the members entitled to vote of the time and place of the meeting. If the notice is not given within 20 days after receipt of the request, the persons entitled to call the meeting may give the notice or the superior court of the proper county shall summarily order the giving of the notice, after notice to the corporation giving it an opportunity to be heard. The court may issue such

orders as may be appropriate, including, without limitation, orders designating the time and place of the meeting, the record date for determination of members entitled to vote, and the form of notice.

(d) The transactions of any meeting of members, however called and noticed, and wherever held, are as valid as though had at a meeting duly held after regular call and notice, if a quorum is present either in person (or, if proxies are allowed, by proxy), and if, either before or after the meeting, each of the persons entitled to vote, not present in person or by proxy, signs a written waiver of notice or a consent to the holding of the meeting or an approval of the minutes thereof. All such waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Attendance of a person at a meeting shall constitute a waiver of notice of and presence at such meeting, except when the person objects, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened and except that attendance at a meeting is not a waiver of any right to object to the consideration of matters required by this part to be included in the notice but not so included, if such objection is expressly made at the meeting. Neither the business to be transacted at nor the purpose of any regular or special meeting of members need be specified in any written waiver of notice, consent to the holding of the meeting, or approval of the minutes thereof except as provided in subdivision (e).

(e) Any member approval required under subdivision (b) of Section 9150, Section 9222, Section 5812 (made applicable pursuant to Section 9620), subdivision (a) of Section 9631, subdivision (c) of Section 9640, subdivision (a) of Section 6015 (made applicable pursuant to Section 9640), or subdivision (b) of Section 9680, other than unanimous approval by those entitled to vote, shall be valid only if the general nature of the proposal so approved was stated in the notice of meeting or in any written waiver of notice.

(f) A meeting of the members may be conducted, in whole or in part, by electronic transmission by and to the corporation or by electronic video screen communication, conference telephone, or other means of remote communication if the corporation implements reasonable measures: (1) to provide members and proxyholders (if proxies are allowed) a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting concurrently with those proceedings, (2) if any member or proxyholder (if proxies are allowed) votes or takes other action at the meeting by means of electronic transmission to the corporation, electronic video screen communication, conference telephone, or other means of remote communication, to maintain a record of that vote or action in its books and records, and (3) to verify that each person who has voted remotely is a member or proxyholder (if proxies are allowed). A corporation shall not conduct a meeting of members solely by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication unless one or more of the following conditions apply: (A) all of the members consent; (B) the board determines it is necessary or appropriate because of an emergency, as defined in paragraph (5) of subdivision (n) of Section 9140; or (C) notwithstanding the absence of consent from all members pursuant to (A) or subdivision (b) of Section 20, the meeting ~~is conducted on or before December 31, 2025, and~~ includes a live audiovisual feed for the duration of the meeting. A corporation

holding a meeting pursuant to (C) may offer, in addition to remote audiovisual feed, an audio-only means by which a member or proxyholder may participate provided that the choice between participating via audiovisual or via audio-only means is made by the member or proxyholder and the corporation does not impose any barriers to either mode of participation. A de minimis disruption of an audio or audiovisual feed does not require a corporation to end a meeting under, or render the corporation out of compliance with, this subdivision.

SEC. 5.

Section 12460 of the Corporations Code is amended to read:

12460.

(a) Meetings of members may be held at a place within or without this state that is stated in or fixed in accordance with the bylaws. If no other place is so stated or fixed, meetings of members shall be held at the principal office of the corporation. Subject to any limitations in the articles or bylaws of the corporation, if authorized by the board of directors in its sole discretion, and subject to those guidelines and procedures as the board of directors may adopt, members not physically present in person at a meeting of members may, by electronic transmission by and to the corporation (Sections 20 and 21), electronic video screen communication, conference telephone, or other means of remote communication, participate in a meeting of members, be deemed present in person, and vote at a meeting of members, subject to subdivision (f).

(b) Except as provided in Section 12460.5, a regular meeting of members shall be held annually. In any year in which directors are elected, the election shall be held at the regular meeting unless the directors are chosen in some other manner authorized by law. Any other proper business may be transacted at the meeting.

(c) If a corporation fails to hold the regular meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the formation of the corporation or after its last regular meeting, or if the corporation fails to hold a written ballot for a period of 60 days after the date designated therefor, then the superior court of the proper county may summarily order the meeting to be held or the ballot to be conducted upon the application of a member, after notice to the corporation giving it an opportunity to be heard.

(d) The votes represented at a meeting called or by written ballot ordered pursuant to subdivision (c) and entitled to be cast on the business to be transacted shall constitute a quorum, notwithstanding any provision of the articles or bylaws or provision in this part to the contrary. The court may issue such orders as may be appropriate including, without limitation, orders designating the time and place of the meeting, the record date for determination of members entitled to vote, and the form of notice of the meeting.

(e) Special meetings of members for any lawful purpose may be called by the board, the chairperson of the board, the president, or other persons, if any, as are specified in the bylaws. In addition, special meetings of members for any lawful purpose may be called by 5 percent or more of the members, however, in a worker cooperative with more than four worker-members, a special meeting may only be called by the greater of three worker-members or 5 percent of the worker-members. In a worker cooperative with

fewer than four worker-members, special meetings may be called by one worker-member.

(f) A meeting of the members may be conducted, in whole or in part, by electronic transmission by and to the corporation, by electronic video screen communication, conference telephone, or other means of remote communication if the corporation implements reasonable measures: (1) to provide members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting concurrently with those proceedings, (2) if any member votes or takes other action at the meeting by means of electronic transmission to the corporation, electronic video screen communication, conference telephone, or other means of remote communication, to maintain a record of that vote or action in its books and records, and (3) to verify that each person who has voted remotely is a member. A corporation shall not conduct a meeting of members solely by electronic transmission by and to the corporation, electronic video screen communication, conference telephone, or other means of remote communication unless one or more of the following conditions apply: (A) all of the members consent; (B) the board determines it is necessary or appropriate because of an emergency, as defined in paragraph (5) of subdivision (m) of Section 12320; or (C) notwithstanding the absence of consent from all members pursuant to (A) or subdivision (b) of Section 20, the meeting ~~is conducted on or before December 31, 2025, and~~ includes a live audiovisual feed for the duration of the meeting. A corporation holding a meeting pursuant to (C) may offer, in addition to remote audiovisual feed, an audio-only means by which a member may participate provided that the choice between participating via audiovisual or via audio-only means is made by the member and the corporation does not impose any barriers to either mode of participation. A de minimis disruption of an audio or audiovisual feed does not require a corporation to end a meeting under, or render the corporation out of compliance with, this subdivision.

AB 3127 - (A) Amends the Law

SECTION 1.

The Legislature finds and declares all of the following:

(a) Recognizing that abuse survivors often need to access health care and medical treatment and advocacy services apart from police reporting and criminal legal involvement, this bill limits medical mandatory reporting requirements for adult injuries to only those injuries that are life-threatening without immediate medical treatment and requires health care practitioners to offer patients a connection with advocacy services.

(b) Health care practitioners play a critical role in prevention, identification, and response to violence. Studies show that survivors of abuse want health practitioners to provide survivor-centered, trauma-informed, and nonjudgmental care. Requirements to report all adult violent injuries can result in reduced survivor help seeking, increased danger in some situations, and a reluctance of health practitioners to address abuse. Yet, some patients may want their health practitioner to report abuse because it would be dangerous to do so themselves.

(c) Connecting patients who are surviving abuse to supportive advocacy services can improve their health and safety, decrease potential barriers to care, and promote trust between survivors and health care practitioners and the health care system. Particularly for seriously injured patients seeking care in acute care settings, offering a connection to an in-person advocate is strongly recommended.

(d) This act does not limit or override the ability of a health practitioner to make reports permitted by subdivision (c) or (j) of Section 164.512 of Title 45 of the Code of Federal Regulations, or at the patient's request. Health practitioners must still follow reporting requirements for child abuse, pursuant to Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, and elder and vulnerable adult abuse, pursuant to Section 15600 of the Welfare and Institutions Code. It is the intent of the Legislature to promote partnership between health facilities and domestic and sexual violence advocacy organizations, legal aid, county forensic response teams, family justice centers, and other community-based organizations that address social determinants of health in order to better ensure the safety and wellness of their patients and provide training for health practitioners. California has made strides to enhance health practitioners' capacity to address and prevent violence and trauma, including education for practitioners on how to assess for and document abuse as referenced in subdivision (h) of Section 2191 of the Business and Professions Code, Section 2196.5 of the Business and Professions Code, Section 13823.93 of the Penal Code, and Section 1259.5 of the Health and Safety Code.

(e) It is the intent of the Legislature that all health care staff participate in regular training on the health impacts and dynamics of domestic violence, how to assess for danger using validated tool, and how to offer culturally responsive education and support.

SEC. 2.

Section 11160 of the Penal Code is amended to read:

11160.

(a) A health practitioner, as defined in subdivision (a) of Section 11162.5, employed by a health facility, clinic, physician's office, local or state public health department, local

government agency, or a clinic or other type of facility operated by a local or state public health department who, in the health practitioner's professional capacity or within the scope of the health practitioner's employment, provides medical services for a physical condition to a patient whom the health practitioner knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b):

(1) A person suffering from a wound or other physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm.

(2) A person suffering from a wound or other physical injury ~~inflicted upon the person where the injury is the result of assaultive or abusive conduct.~~ *that is life threatening or results in death, caused by the use of nonaccidental violence inflicted by another.*

(3) A person suffering from a wound or other physical injury resulting from child abuse, pursuant to Section 11165, or elder or dependent adult abuse, pursuant to Section 15600 of the Welfare and Institutions Code.

(b) A health practitioner, as defined in subdivision (a) of Section 11162.5, employed by a health facility, clinic, physician's office, local or state public health department, local government agency, or a clinic or other type of facility operated by a local or state public health department shall make a report regarding persons described in subdivision (a) to a local law enforcement agency as follows:

(1) A report by telephone shall be made immediately or as soon as practically possible.

(2) A written report shall be prepared on the standard form developed in compliance with paragraph (4), and adopted by the Office of Emergency Services, or on a form developed and adopted by another state agency that otherwise fulfills the requirements of the standard form. The completed form shall be sent to a local law enforcement agency within two working days of receiving the information regarding the person.

(3) A local law enforcement agency shall be notified and a written report shall be prepared and sent pursuant to paragraphs (1) and (2) even if the person who suffered the ~~wound, other injury, or assaultive or abusive conduct~~ *wound or other injuries described in subdivision (a)* has expired, regardless of whether or not the ~~wound, other injury, or assaultive or abusive conduct~~ *wound or other injury* was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the ~~wound, other injury, or assaultive or abusive conduct~~ *wound or other injury* was discovered during an autopsy.

(4) The report shall include, but shall not be limited to, the following:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the ~~wound, other injury, or assaultive or abusive conduct~~ *wound or other injury* upon the injured person.

(c) In the circumstance of an adult seeking care for injuries related to domestic, sexual, or any nonaccidental violent injury, if the patient requests a report be sent to law enforcement, health practitioners shall follow the reporting process in paragraph (3) of subdivision (b). Additionally, the medical documentation of injuries related to domestic, sexual, or any nonaccidental violent injury shall be conducted and made available to the patient for use as outlined in the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191).

~~(c)~~ (d) For the purposes of this section, "injury" does not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

~~(d) For the purposes of this section, "assaultive or abusive conduct" includes any of the following offenses:~~

~~(1) Murder, in violation of Section 187.~~

~~(2) Manslaughter, in violation of Section 192 or 192.5.~~

~~(3) Mayhem, in violation of Section 203.~~

~~(4) Aggravated mayhem, in violation of Section 205.~~

~~(5) Torture, in violation of Section 206.~~

~~(6) Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.~~

~~(7) Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.~~

~~(8) Battery, in violation of Section 242.~~

~~(9) Sexual battery, in violation of Section 243.4.~~

~~(10) Incest, in violation of Section 285.~~

~~(11) Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.~~

~~(12) Assault with a stun gun or taser, in violation of Section 244.5.~~

~~(13) Assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, in violation of Section 245.~~

~~(14) Rape, in violation of Section 261 or former Section 262.~~

~~(15) Procuring a person to have sex with another person, in violation of Section 266, 266a, 266b, or 266c.~~

~~(16) Child abuse or endangerment, in violation of Section 273a or 273d.~~

~~(17) Abuse of spouse or cohabitant, in violation of Section 273.5.~~

~~(18) Sodomy, in violation of Section 286.~~

~~(19) Lewd and lascivious acts with a child, in violation of Section 288.~~

~~(20) Oral copulation, in violation of Section 287 or former Section 288a.~~

~~(21) Sexual penetration, in violation of Section 289.~~

~~(22) Elder abuse, in violation of Section 368.~~

~~(23) An attempt to commit any crime specified in paragraphs (1) to (22), inclusive.~~

(e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported pursuant to this section, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a member of the team to make a report by telephone and a single written report, as required by subdivision (b). The written report shall be signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(f) The reporting duties under this section are individual, except as provided in subdivision (e).

(g) A supervisor or administrator shall not impede or inhibit the reporting duties required under this section and a person making a report pursuant to this section shall not be subject to any sanction for making the report. However, internal procedures to facilitate

reporting and apprise supervisors and administrators of reports may be established, except that these procedures shall not be inconsistent with this article. The internal procedures shall not require an employee required to make a report under this article to disclose the employee's identity to the employer.

(h) (1) A health practitioner, as described in subdivision (a), who, in the health practitioner's professional capacity or within the scope of the health practitioner's employment, provides medical services to a patient whom the health practitioner knows or reasonably suspects is experiencing any form of domestic violence, as set forth in Section 124250 of the Health and Safety Code, or sexual violence, as set forth in Sections 243.4 and 261, shall, to the degree that it is medically possible for the individual patient, provide brief counseling, education, or other support, and offer a warm handoff or referral to local and national domestic violence or sexual violence advocacy services, as described in Sections 1035.2 and 1037.1 of the Evidence Code, before the end of the patient visit. The health practitioner has met the requirements of this subdivision when the brief counseling, education, or other support is provided and warm handoff or referral or other assistance is offered by a member of the health care team at the health facility.

(2) If the health practitioner is providing medical services to the patient in the emergency department of a general acute care hospital, the health practitioner shall also offer assistance to the patient in accessing a medical evidentiary exam, reporting to law enforcement, and a 24-hour domestic or sexual violence advocacy program as described in Sections 1035.2 and 1037.1 of the Evidence Code, if the patient wants to pursue these options.

(3) Nothing in this subdivision is intended to conflict with Sections 11161.2 and 680.2, which stipulate that victims receiving forensic medical exams have the right to a qualified social worker, victim advocate, or sexual assault counselor to be present during the examination.

(i) A health practitioner, with the assistance of a social worker or advocate if available, may offer a warm handoff and referral to other available victim services, including, but not limited to, legal aid, community-based organizations, behavioral health, crime victim compensation, forensic evidentiary exams, trauma recovery centers, family justice centers, and law enforcement to patients who are suspected to have suffered any nonaccidental injury.

(j) Health practitioners who treat a patient for wounds, physical injuries, or other signs consistent with abuse that have not previously been documented in the health practitioner's medical record for the patient shall document such wounds, physical injuries, or other signs consistent with abuse in the health practitioner's medical record for the patient. If in the health practitioner's professional judgment, such documentation would increase danger for the patient, the portions of the medical record containing documentation of the wounds, physical injuries, or other signs consistent with abuse may be marked confidential.

(k) This section does not limit or override the ability of a health practitioner to make reports to law enforcement at the patient's request, or as permitted by HIPAA in Section 164.512(c) of Title 45 of the Code of Federal Regulations, which permits disclosures about victims of abuse, neglect, or domestic violence, if the individual agrees, or pursuant to Section 164.512(j) of Title 45 of the Code of Federal Regulations, which

permits disclosures to prevent or limit a serious and imminent threat to a person or the public.

~~(h)~~ *(l)* For the purposes of this section, it is the Legislature's intent to avoid duplication of information.

~~(i)~~ *(m)* For purposes of this section only, "employed by a local government agency" includes an employee of an entity under contract with a local government agency to provide medical services.

(n) For purposes of this section, the following terms have the following meanings:

(1) "Life threatening" means an injury likely to result in death without immediate medical or surgical intervention. Life-threatening injuries can include, but are not limited to, injuries from knife, gun, and strangulation that are likely to result in death without immediate medical or surgical intervention.

(2) "Referral" may include, but is not limited to, the health practitioner sharing information about how a patient can get in touch with a local or national survivor advocacy organization, information about how the survivor advocacy organization could be helpful for the patient, what the patient could expect when contacting the survivor advocacy organization, or the survivor advocacy organization's contact information.

(3) "Warm handoff" may include, but is not limited to, the health practitioner establishing direct and live connection to an in-person survivor advocate, through a call with a survivor advocate, in-person onsite survivor advocate, in-person on-call survivor advocate, or some other form of teleadvocacy. When a telephone call is not possible, the warm handoff may be completed through an email. The patient may decline the warm handoff. Health practitioners are encouraged to offer connection to an in-person advocate where available.

(o) A health practitioner shall not be civilly or criminally liable for any report made or not made pursuant to this section or for any other acts taken or not taken, in relation thereto, or resulting therefrom, in good faith compliance with this section and other applicable state and federal laws.

SEC. 3.

Section 11161 of the Penal Code is amended to read:

11161.

Notwithstanding Section 11160, the following shall apply to every physician or surgeon who has under ~~his or her~~ *their* charge or care any person described in subdivision (a) of Section 11160:

(a) The physician or surgeon shall make a report in accordance with subdivision (b) of Section 11160 to a local law enforcement agency.

(b) It is recommended that any medical records of a person about whom the physician or surgeon is required to report pursuant to subdivision (a) include the following:

(1) Any comments by the injured person regarding past domestic violence, as defined in Section 13700, or regarding the name of any person suspected of inflicting the ~~wound, other physical injury, or assaultive or abusive conduct~~ *wound or other physical injury* upon the person.

(2) A map of the injured person's body showing and identifying injuries and bruises at the time of the health care.

(3) A copy of the law enforcement reporting form.

- (c) ~~It (1) is recommended that the~~ *The* physician or surgeon ~~refer the person shall offer a referral~~ to local domestic violence services if the person is suffering or suspected of suffering from domestic violence, as defined in Section 13700.
- (2) The physician or surgeon has met the requirements of this subdivision if the referral is offered by a member of the health care team at the health facility.*

SEC. 4.

Section 11163.2 of the Penal Code is amended to read:

11163.2.

- (a) In any court proceeding or administrative hearing, neither the physician-patient privilege nor the psychotherapist privilege applies to the information required to be reported pursuant to this article.
- (b) The reports required by this article shall be kept confidential by the health facility, clinic, or physician's office that submitted the report, and by local law enforcement agencies, and shall only be disclosed by local law enforcement agencies to those involved in the investigation of the report or the enforcement of a criminal law implicated by a report. In no case shall the person suspected or accused of inflicting the ~~wound, other injury, or assaultive or abusive conduct~~ *wound or other injury* upon the injured ~~person or his or her attorney~~ *person, or the attorney of the suspect accused*, be allowed access to the injured person's whereabouts. *Nothing in this subdivision is intended to conflict with Section 1054.1 or 1054.2.*
- (c) For the purposes of this article, reports of suspected child abuse and information contained therein may be disclosed only to persons or agencies with whom investigations of child abuse are coordinated under the regulations promulgated under Section 11174.
- (d) The Board of Prison Terms may subpoena reports that are not unfounded and reports that concern only the current incidents upon which parole revocation proceedings are pending against a parolee.

SEC. 5.

Section 11163.3 of the Penal Code is amended to read:

11163.3.

- (a) A county may establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths and near deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. Interagency domestic violence death review teams have been used successfully to ensure that incidents of domestic violence and abuse are recognized and that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eradicate the incidence of domestic violence.
- (b) (1) For purposes of this section, "abuse" has the meaning set forth in Section 6203 of the Family Code and "domestic violence" has the meaning set forth in Section 6211 of the Family Code.
- (2) For purposes of this section, "near death" means the victim suffered a life-threatening injury, as determined by a licensed physician or licensed nurse, as a result of domestic violence.

(c) A county may develop a protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on domestic violence victims in the identification of domestic violence, in the determination of whether domestic violence contributed to death or whether domestic violence had occurred prior to death, but was not the actual cause of death, and in the proper written reporting procedures for domestic violence, including the designation of the cause and mode of death.

(d) County domestic violence death review teams shall be comprised of, but not limited to, the following:

- (1) Experts in the field of forensic pathology.
- (2) Medical personnel with expertise in domestic violence abuse.
- (3) Coroners and medical examiners.
- (4) Criminologists.
- (5) District attorneys and city attorneys.
- (6) Representatives of domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.
- (7) Law enforcement personnel.
- (8) Representatives of local agencies that are involved with domestic violence abuse reporting.
- (9) County health department staff who deal with domestic violence victims' health issues.
- (10) Representatives of local child abuse agencies.
- (11) Local professional associations of persons described in paragraphs (1) to (10), inclusive.

(e) An oral or written communication or a document shared within or produced by a domestic violence death review team related to a domestic violence death review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a domestic violence death review team, or between a third party and a domestic violence death review team, is confidential and not subject to disclosure or discoverable by a third party. This includes a statement provided by a survivor in a near-death case review.

Notwithstanding the foregoing, recommendations of a domestic violence death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of the domestic violence death review team.

(f) Each organization represented on a domestic violence death review team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential. This provision shall permit the disclosure to members of the team of any information deemed confidential, privileged, or prohibited from disclosure by any other statute.

(g) Written and oral information may be disclosed to a domestic violence death review team established pursuant to this section. The team may make a request in writing for the information sought and any person with information of the kind described in paragraph (2) may rely on the request in determining whether information may be disclosed to the team.

- (1) An individual or agency that has information governed by this subdivision shall not be required to disclose information. The intent of this subdivision is to allow the voluntary disclosure of information by the individual or agency that has the information.
- (2) The following information may be disclosed pursuant to this subdivision:
- (A) Notwithstanding Section 56.10 of the Civil Code, medical information.
 - (B) Notwithstanding Section 5328 of the Welfare and Institutions Code, mental health information.
 - (C) Notwithstanding Section 15633.5 of the Welfare and Institutions Code, information from elder abuse reports and investigations, except the identity of persons who have made reports, which shall not be disclosed.
 - (D) Notwithstanding Section ~~11167.5 of the Penal Code,~~ **11167.5**, information from child abuse reports and investigations, except the identity of persons who have made reports, which shall not be disclosed.
 - (E) State summary criminal history information, criminal offender record information, and local summary criminal history information, as defined in Sections 11075, 11105, and ~~13300 of the Penal Code.~~ **13300**.
 - (F) Notwithstanding Section ~~11163.2 of the Penal Code,~~ **11163.2**, information pertaining to reports by health practitioners of persons suffering from physical injuries inflicted by means of a firearm or ~~of persons suffering physical injury where the injury is a result of assaultive or abusive conduct,~~ **abuse, if reported**, and information relating to whether a physician referred the person to local domestic violence services as ~~recommended~~ **required** by Section ~~11161 of the Penal Code.~~ **11161**.
 - (G) Notwithstanding Section 827 of the Welfare and Institutions Code, information in any juvenile court proceeding.
 - (H) Information maintained by the Family Court, including information relating to the Family Conciliation Court Law pursuant to Section 1818 of the Family Code, and Mediation of Custody and Visitation Issues pursuant to Section 3177 of the Family Code.
 - (I) Information provided to probation officers in the course of the performance of their duties, including, but not limited to, the duty to prepare reports pursuant to Section ~~1203.10 of the Penal Code,~~ **1203.10**, as well as the information on which these reports are based.
 - (J) Notwithstanding Section 10850 of the Welfare and Institutions Code, records of in-home supportive services, unless disclosure is prohibited by federal law.
- (3) The disclosure of written and oral information authorized under this subdivision shall apply notwithstanding Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code, or the lawyer-client privilege protected by Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the physician-patient privilege protected by Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, the psychotherapist-patient privilege protected by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, the sexual assault counselor-victim privilege protected by Article 8.5 (commencing with Section 1035) of Chapter 4 of Division 8 of the Evidence Code, the domestic violence counselor-victim privilege protected by Article 8.7 (commencing with Section 1037) of Chapter 4 of Division 8 of the Evidence Code, and the human trafficking caseworker-

victim privilege protected by Article 8.8 (commencing with Section 1038) of Chapter 4 of Division 8 of the Evidence Code.

(4) In near-death cases, representatives of domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code, shall obtain an individual's informed consent in accordance with all applicable state and federal confidentiality laws, before disclosing confidential information about that individual to another team member as specified in this section. In death review cases, representatives of domestic violence victim service organizations shall only provide client-specific information in accordance with both state and federal confidentiality requirements.

(5) Near-death case reviews shall only occur after any prosecution has concluded.

(6) Near-death survivors shall not be compelled to participate in death review team investigations; their participation is voluntary. In cases of death, the victim's family members may be invited to participate, however they shall not be compelled to do so; their participation is voluntary. Members of the death review teams shall be prepared to provide referrals for services to address the unmet needs of survivors and their families when appropriate.

SEC. 6.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.