



## 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) on

***Thursday, September 5, 2024, beginning at 1:00 p.m., and continuing on Friday, September 6, 2024, beginning at 9:00 a.m.***

### **LOCATION FOR OBSERVATION AND PUBLIC COMMENT:**

*Mt. San Antonio College  
Student Center – Summit Conference Rooms  
1100 N Grand Ave, Building 410,  
3rd Floor, Summit Conference Rooms  
Walnut, CA 91789  
909-274-4250*

### **IMPORTANT NOTICE TO THE PUBLIC:**

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/>

Please consider submitting written comments by 5:00 pm, Tuesday, September 3, 2024, to [speechandhearing@dca.ca.gov](mailto: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.**

**Thursday, September 5, 2024, beginning at 1:00 p.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  
Tamara Chambers, 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. Swearing in New Board Member
3. 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))*)

***Recess to Committee Meeting***

**Audiology Practice Committee Members**

Amy White, Dispensing Audiologist, Committee Chair  
Karen Chang, Public Member  
Charles Sanders, Dispensing Audiologist  
VACANT

**Audiology Practice Committee Agenda**

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda (*The Committee 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. Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157
4. Future Agenda Items
5. Adjournment

## ***Upon Adjournment of the Audiology Practice Committee Meeting***

### **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  
Tamara Chambers, Otolaryngologist, Public Member  
VACANT, Public Member  
VACANT, Speech-Language Pathologist

### **Full Board Meeting Agenda**

#### **OPEN SESSION**

4. Call to Order / Roll Call / Establishment of Quorum
5. Review and Possible Approval of the March 1, 2024, Hearing Minutes
6. Review and Possible Approval of the June 2024, Board Meeting Minutes
7. Review and Possible Approval of the July 2024, 2023, Board Meeting Minutes
8. DCA Update – DCA Board and Bureau Relations
9. Board Chair's Report
  - a. Board and Committee Meeting Calendar
  - b. Board Committee Reports
    - i. Audiology Practice Committee
10. Executive Officer's Report
  - c. Administration Update
  - d. Outreach Update
  - e. Budget Report
  - f. Regulations Report
  - g. Licensing Report
  - h. Practical Examination Report
  - i. Enforcement Report
11. Board 2025 – 2028 Strategic Plan Review and Approval

**Friday, September 6, 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  
Tamara Chambers, Otolaryngologist, Public Member  
VACANT, Public Member  
VACANT, Speech-Language Pathologist

**Full Board Meeting Agenda**

**OPEN SESSION**

12. Call to Order / Roll Call / Establishment of Quorum
13. 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))*

**9:00 a.m. (Time Certain) – Petition Hearing for Reinstatement of Licensure**

14. Petition for Reinstatement of Revoked License – Miriam (Blanchard) Ramirez, License # SP 8627, Case # 11-2022-034

**CLOSED SESSION**

15. 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.

***Upon Adjournment of the Closed Session***

**BREAK 12:00 – 1:00 pm (Time Approximate)**

**Full Board Meeting Agenda**

**OPEN SESSION**

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

17. 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. 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, including discussion and consideration of changes to previously proposed text and reauthorization of a regular rulemaking
  - f. Approved Institutions as Stated in Title 16, CCR section 1399.152
  - g. Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as Stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119
  - h. Fingerprinting Requirements as Stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14
  - i. Audiology Licensing Requirements Related to Supervised Clinical Experience as Stated in Title 16, CCR section 1399.152.2
  - j. 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
  
18. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
  - a. Legislative Calendar and Deadlines
  - b. 2023 Legislation Implementation
    - i. 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 1028 (McKinnor) Reporting of crimes: mandated reporters.
    - ii. AB 1900 (Weber) Consumer refunds: nondisclosure agreements.
    - iii. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age.
    - iv. AB 1991 (Bonta, Mia) Licensee and registrant renewal: National Provider Identifier.
    - v. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program: reproductive loss leave.
    - vi. AB 2269 (Flora) Board membership qualifications: public members.
    - vii. AB 2339 (Aguiar-Curry) Medi-Cal: telehealth.
    - viii. AB 2862 (Gipson) Department of Consumer Affairs: African American applicants.
    - ix. AB 2908 (Chen) Shareholders' meetings: remote communication.
    - x. AB 3127 (McKinnor) Reporting of crimes: mandated reporters.
    - xi. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.
    - xii. SB 1451 (Ashby) Professions and vocations.
  
19. 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*)

20. Future Agenda Items

21. Adjournment

*Agendas and materials can be found on the Board's website at [www.speechandhearing.ca.gov](http://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.*



# MEMORANDUM

DATE	August 28, 2024
TO	Audiology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

## Background

On November 30, 2023, the Audiology Practice Committee (Committee) directed Board staff to amend the drafted proposed regulatory language that will begin clarifying the scope of practice and supervision for audiology aides as well as implement the statutory changes for audiology aides. The following changes were made to the regulations:

- Amend 16 CCR section 1399.154(d) to define an industrial audiology aide as a technician certified by the Council of Accreditation in Occupational Hearing Conservation.
- Amended 16 CCR section 1399.154.1 to require each supervisor to register the aide if the aide has multiple supervisors and exempt industrial audiology aides from registration with the Board.
- Amended 16 CCR section 1399.154.3 to change the maximum number of audiology support personnel, define support personnel to include audiology aides, hearing aid dispenser trainees under Section 2538.28 of the Code, and hearing aid dispenser temporary licensees under Section 2538.27 of the Code, and define full-time equivalent.
- Amended 16 CCR section 1399.154.8(d) to say and manage all patient care and added subsections (g) through (k) to require supervisors to have practice experience prior to supervision, notify their aides of disciplinary action against the supervisor’s license, complete continuing education in supervision, review laws and regulations with their aides, and provide their aides with a plan to handle emergencies.
- Amended 16 CCR section 1399.154.9 to remove industrial audiology aide from the supervision requirements and specify tasks that can be performed under indirect supervision.

- Amended 16 CCR section 1399.154.10 to remove industrial audiology aide from the training requirements.

### **Issues to Consider**

The proposed definition of an industrial audiology aide may be too broad and may have unintended consequences of permitting audiology aides from not registering with the Board or not having adequate supervision when they are not performing services that are not for the purpose of a hearing conservation program. Therefore, It may be prudent to specify supervision requirements for audiologists who provide services for a hearing conservation programs on an as-needed basis and who may use an audiology aide to assist them in providing such services.

Business and Professions Code section 2530.2(m) states that the Board “*may by regulation exempt certain functions performed by an industrial audiology aide from supervision provided that their employer has established a set of procedures or protocols that the aide shall follow in performing these functions.*”

According to Department of Industrial Relations (DIR), an audiology aide may qualify as a technician for a hearing conversation program if they satisfactorily demonstrate competence in:

- Administering audiometric examinations,
- Obtaining valid audiograms, and
- Properly using, maintaining, and checking calibration and proper functioning of the audiometers being used.

They may also be permitted to compare each annual audiogram with a baseline audiogram to determine if the audiogram is valid and if a standard threshold shift, as defined by the DIR in Title 8, CCR Section 5097, has occurred (See Attachment B).

According to Occupational Safety and Health Administration (OSHA), the professional in charge of the program (a licensed or certified audiologist, otolaryngologist, or other physician) does not have to be present when a qualified technician conducts audiometric tests. However, the professional’s responsibilities include overseeing the program and the work of the technicians, reviewing problem audiograms, and determining whether referral is necessary (See Attachment C, page 3).

### **Discussion Questions**

1. Should the definition of an industrial audiology aide be revised to say, “*an audiology aide who conducts audiometric testing solely for the purpose of a hearing conservation program as required by the Department of Industrial Relations.*” If the definition is revised,
  - a. Should the exemption from registration be removed?



- b. Should there be specific supervision requirements for an industrial audiology aide?  
Formerly, the text stated:

*Indirect supervision may be provided to an industrial audiology aide, if all of the following conditions are met:*

*(1) An alternative plan of supervision has been approved by the Board.*

*(2) The supervisor includes the proposed plan with their application form.*

*(3) The only activity the industrial audiology aide performs outside the physical presence of the supervisor is pure tone air conduction threshold audiograms.*

*(4) Following the completion of any pure tone air conduction threshold audiograms, the supervisor reviews the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.*

- c. Should there be specific training requirements for an industrial audiology aide?  
Formerly, the text stated:

*In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.*

2. At the last meeting, there was a recommendation to include the phrase “*impedance battery tests*” in section 1399.14.11(a). However, it was not noted how it should be used.  
How should this phrase be used?

### **Action Requested**

Staff recommends the Committee review and discuss the materials provided. The Committee may wish to determine whether or not to recommend the regulatory language to the Board to initiate the rulemaking process.

### **Suggested Motion Language**

Move to recommend the regulatory text for Title 16, CCR Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157 to the Board to initiate the rulemaking process, as noticed/amended, and direct Board staff to prepare the regulatory text for Board review and approval.

Attachment A: Proposed Text as of November 30, 2023

Attachment B: Title 8, CCR Section 5097

Attachment C: *Hearing Conservation* OSHA 3074, 2002 (Revised)

## **General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements**

**Legend:**     Added text is indicated with an underline.  
                  Omitted text is indicated by (\* \* \* \*)  
                  Deleted text is indicated by ~~strikeout~~.

### **§ 1399.151.2. Expedited Licensure or Registration Process.**

The Board shall expedite any application of an applicant who:

(a) Pursuant to Section 115.4 of the Code, identifies themselves as an honorably discharged member of the United States Armed Forces, and who provides a Certificate of Release or Discharge from Active Duty (DD-214) or other documentary evidence showing the date and type of discharge, pursuant to Section 115.4 of the Code.

(b) Pursuant to Section 115.6 of the Code, identifies themselves as a person who is married to, or in a domestic partnership or other legal union with an active-duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active-duty military orders, and the applicant holds a valid license, or comparable authority, to practice as a hearing aid dispenser or audiologist in another United States state, district, or territory, and who provides documentary evidence as specified in paragraphs (1) through (3). application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of their current license or registration in another state, district, or territory of the United States, and,

(3) A copy of the military orders establishing their spouse or partner's duty station in California.

(c) Pursuant to Section 135.4 of the Code, identifies themselves as an applicant who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa (SIV) pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and who provides the appropriate documentary evidence specified in paragraphs (1) through (4).

(1) Form I-94, arrival or departure record, with an admission class code such as “RE” (refugee) or “AY” (asylee) or other information designating the person a refugee or asylee;

(2) Special Immigrant Visa that includes the “SI” or “SQ”;

(3) Permanent Resident Card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee; or,

(4) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure or registration per Section 135.4 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 115.4, 115.5, 115.6 and 135.4, Business and Professions Code

### **§ 1399.151.3. Licensure or Registration, Discipline, and Conviction Disclosure.**

(a) An applicant for licensure or registration shall disclose if they have been licensed to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where the license or registration was issued.

(b) An applicant for licensure or registration shall disclose if they have been denied a license or registration to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where a license or registration was denied. Applicants are not required to disclose any information regarding a denial based upon any of the following:

(1) Convictions dismissed pursuant to Sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement;

(2) Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;

(3) Convictions for which the person has been granted clemency or a pardon by a state or federal executive;

(4) An arrest that resulted in a disposition other than a conviction including an infraction or citation;

(5) Convictions that were adjudicated in the juvenile court; or,

(6) Convictions under California Health and Safety Code Sections 11357(b), (c), (d), (e), or Section 11360(b) which are two (2) years or older.

(c) An applicant for licensure or registration shall disclose if, within the preceding seven (7) years, they have had a license or registration subjected to formal discipline by a licensing board in or outside of California. Discipline includes suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration held by the applicant. However, an applicant shall not be required to disclose prior disciplinary action if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement. If the applicant identifies that they meet this criterion, they shall provide the Board the following information:

(1) Name of the disciplinary action taken against the applicant;

(2) Date of the offense;

(3) Name of the licensing entity;

(4) Dates of probation, if applicable;

(5) Description of the circumstances of the incident;

(6) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(7) A letter from the applicant describing the applicant's rehabilitation efforts or changes;

(8) Any written statement or documentary evidence that the applicant may wish to submit to present regarding rehabilitation and demonstration of the applicant's fitness for licensure or registration.

(9) A written statement, signed by the applicant, certifying that all of the information provided about the formal discipline in the application is true and correct under penalty of perjury under the laws of the state of California.

(d) As a condition of renewal, a licensee or registrant shall certify whether they, since they last renewed their registration, they have been convicted of any violation of the law in this or any other state, district, or territory of the United States, or in another country, omitting traffic infractions under one thousand dollars (\$1,000) not involving alcohol, dangerous drugs, or controlled substances.

(e) As a condition of renewal, a licensee or registrant shall certify whether, since they last renewed their registration, they have had a license or registration disciplined by a government agency or other disciplinary body. Discipline includes suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration.

(f) If the licensee or registrant affirmatively states they meet the criterion in subsections (d) and (e), they shall provide the Board the following information:

(1) Name of the disciplinary action taken against the applicant;

(2) Date of the offense;

(3) Name of the licensing entity;

(4) Dates of probation, if applicable;

(5) Description of the circumstances of the incident;

(6) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(7) A letter from the applicant describing the applicant's rehabilitation efforts or changes;

(8) Any written statement or documentary evidence that the applicant may wish to submit to present regarding rehabilitation and demonstration of the applicant's fitness for licensure or registration.

(9) A written statement, signed by the applicant, certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 144.5, 480, and 2533, Business and Professions Code.

#### **§ 1399.151.4. Fingerprinting.**

(a) An applicant for licensure or registration is required to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The applicant shall submit a receipt showing the transmission of Live Scan fingerprints to the Department of Justice or two (2) classifiable sets of fingerprints with the current fees charged by the California Department of Justice and the Federal Bureau of Investigation with the licensure or registration form required in Section 1399.154.1 and fee required in Section 1399.157.

(2) The applicant shall pay any costs for furnishing the fingerprints and conducting the criminal history record check.

(3) If an applicant is unable to Live Scan or complete the classifiable sets of fingerprints, the Board will work with the Department of Justice to obtain a criminal history record check on the applicant. The applicant shall comply with any instructions and pay any costs to conduct the criminal history record check for any rejected fingerprints.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 144, 480, and 2533, Business and Professions Code.

### **§ 1399.154. Definitions.**

As used in this article, the following definitions apply:

(a) “Speech-language pathology aide” means a person who

(1) assists or facilitates while the speech-language pathologist is evaluating the speech and/or language of individuals or is treating individuals with a speech-language and/or language disorder, and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(b) “Audiology aide” means a person who

(1) assists or facilitates while an audiologist or dispensing audiologist is evaluating the hearing of individuals and/or is treating individuals with hearing disorders, and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(c) “Supervisor” means a licensed speech-language pathologist who supervises a speech-language pathology aide or a licensed audiologist or dispensing audiologist who supervises an audiology aide.

(d) “Industrial audiology aide” means a technician certified by the Council for Accreditation in Occupational Hearing Conservation~~an audiology aide who conducts pure tone air conduction threshold audiograms for the purpose of industrial hearing testing in addition to other acts and services as provided in these regulations.~~

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

#### **§ 1399.154.1. Registration of Aides.**

(a) Before allowing an aide to assist in the practice of speech-language pathology or audiology under his or her their supervision, a supervisor shall register each aide with the

Board and pay the registration fee required in Section 1399.157. The form submitted to the Board shall include:

(1) Applicant's full legal name, other names used such as maiden name, address of record which will be publicly disclosed, home address, telephone number, social security number or individual tax identification number, and date of birth;

(2) Applicant's email address, if any;

(3) The applicant has the option to disclose whether they are serving or have previously served in the United States military.

(4) The applicant has the option to disclose their eligibility for an expedited registration process and provide evidence in accordance with Section 1399.151.2.

(5) The applicant shall disclose the information required in Section 1399.151.3.

(6) Certification from the applicant that all of the information provided in the application and any attachments is true and correct under penalty of perjury under the laws of the state of California.

(7) Supervisor's full legal name, address of record, license number, business telephone number, business name, business address, and the supervisor's email address, if any;

(8) Duties the aide will perform while assisting the supervisor in the practice of speech-language pathology or audiology.

(9) Training program, training methods, the length of the training program, the minimum competency level of the aide, assessment methods the supervisor will utilize to ensure the aide's competency, and a summary of past education, training, and experience the aide may already have acquired, if any;

(A) The training shall be in accordance with Section 1399.154.4 or 1399.154.10, as applicable.

(10) A written statement, signed by the applicant, certifying that they have discussed the plan for supervision with the supervisor and agree to its implementation, and further certifying under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct, and that any misrepresentation shall be cause for denial of a license.

(11) A written statement, signed by the supervisor, certifying that the supervisor has discussed the plan for supervision with the aide and accepts professional and ethical responsibility for their performance, and further certifying that under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct.

(12) A signature from the aide and the supervisor under penalty of perjury under the laws of the state of California that they reviewed all the laws and regulation pretraining to their duties and responsibilities as an aide or supervisor.

(b) The applicant in subsection (a) is required to furnish to the Department of Justice a full set of fingerprints in accordance with Section 1399.151.4.

(c) Regardless of their title or job classification, any support person who functions as a speech-language pathology or audiology aide and facilitates or assists a supervisor in evaluations or treatment shall be registered with the Board. In the application for registration, the supervisor shall provide to the Board, his or her proposed plan for supervising and training the speech-language pathology or audiology aide. The proposed plan for training shall be in accordance with Section 1399.154.4 and shall include the supervisor's training methods, the necessary minimum competency level of the aide, the manner in which the aide's competency will be assessed, the persons responsible for training, a summary of any past education, training and experience the aide may have already undertaken, and the length of the training program and assessment of the aide's competency level.

(d) The Board shall review the application for compliance with the requirements of this article and notify the supervisor of the disposition of the application for registration and whether further information is required in order to complete its review.

(e) If an aide has more than one supervisor, each supervisor shall register the aide as stated in subsection (a).

(f) An industrial audiology shall be exempt from registration with the Board.

NOTE: Authority cited: Section 2531.25, Business and Professions Code. Reference: Sections 30, 31, 114.5, 115.4, 115.5, 144, 144.5, 480, 2530.2, 2530.6 and 2532.4, and 2533, Business and Professions Code.

### **§ 1399.154.2. Responsibilities of Speech-Language Pathology Aide's Supervisor.**

A supervisor of a speech-language pathology ~~or audiology aide~~ shall:

(a) Have legal responsibility for the health, safety, and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the speech-language pathology ~~or audiology aide~~, including compliance with the provisions of the Act and these regulations.

(c) Be physically present while the speech-language pathology ~~or audiology aide~~ is assisting with patients, unless an alternative plan of supervision has been approved by the Board. A ~~supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the application form. An industrial audiology aide may only be authorized to~~



~~conduct puretone air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review the patient histories and the audiograms and make necessary referrals for evaluation and treatment.~~

(d) Evaluate, treat, and manage all patient care, ~~and determine the future dispositions of patients.~~

(e) Appropriately train the speech-language pathology ~~or audiology~~ aide to perform duties to effectively assist in evaluation ~~and/or~~ treatment. A supervisor shall establish and complete a training program for a speech-language pathology ~~or audiology~~ aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which ~~he or she~~ they will be assisting the supervisor.

(f) Define the services which may be provided by the speech-language pathology ~~or audiology~~ aide. Those services shall not exceed the competency of the aide as determined by ~~his or her~~ their education, training, and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

(g) Possess and maintain a current, active, and unrestricted California license a speech-language pathologist pursuant to Sections 2532 of the Code, and have at least two years or 3,120 hours of experience providing services as a licensed speech-language pathologist. "Full-time experience" as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year.

(h) Notify the aide immediately of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.

(i) Complete a minimum of six (6) (i) hours of continuing professional development in supervision prior to assuming responsibility as a supervisor, and three (3) hours of continuing professional development in supervision every four (4) years thereafter. Continuing professional development training obtained from a Board-approved provider may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3. Records of course completion in supervision training must be maintained for a period of two (2) years from the aide's renewal date.

(j) Review with the speech-language pathology aide the laws and regulations pertaining to the supervision and practice of speech-language pathology.

(k) Provide the aide with a plan for how to handle emergencies.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

### **§ 1399.154.3. Maximum Number of Aides.**

~~A supervisor shall not supervise more than three (3) speech-language pathology or audiology aides. The Board may authorize more than three supervisees if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that he or she can adequately supervise more than three aides.~~

(a) The number of speech-language pathology aides a supervisor can supervise shall not exceed the number specified in Section 1399.170.16.

(b) A supervisor of an audiology aide shall not supervise more than three (3) full-time equivalent support personnel and shall not exceed more than six (6) support personnel at any time. Support personnel includes audiology aides, hearing aid dispenser trainee licensees under Section 2538.28 of the Code, and hearing aid dispenser temporary licensees under Section 2538.27 of the Code. "Full-time equivalent" as used in this section means the individual works a minimum of thirty (30) hours per week.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

#### **§ 1399.154.4. Training of Speech-Language Pathology AideAides.**

~~Before a speech-language pathologist or audiologist allows an aide to assist in the practice of speech-language pathology or audiology under his or her their supervision, a speech-language pathology or audiology aide shall complete a training program established by the supervisor. The training program shall include, but is not limited to:~~

~~(a) Instruction in the skills necessary to perform any acts or services which are within the practice of speech-language pathology or audiology as defined in Section 2530.2 of the Code. The supervisor is not required to repeat training which may have already been received by the aide as a result of any prior education, training, and experience.~~

~~(b) A supervisor shall require a speech-language pathology or audiology aide to demonstrate his or her their competence to perform any acts or provide any services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the Code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology or audiology aide only to perform those acts or to provide those services for which he or she has they have been provided training and has demonstrated competency.~~

~~(c) A supervisor shall instruct a speech-language pathology or audiology aide as to the limitations imposed upon his or her their duties, acts, or services by these regulations, by his or her their training and skills, and by the evaluation and treatment plan for any patient.~~

~~(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.~~

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

**§ 1399.154.5. Notice of Termination.**

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the Board, in writing, of such termination and the date thereof. Written notification shall include the following:

(a) The aide's full legal name and registration number;

(b) The supervisor's full legal name, license number, business address, telephone number, and email address, if any;

(c) The effective date of the termination; and

(d) A written statement, signed by the supervisor, certifying under penalty of perjury that all statements made in the notification are true in every respect and that misstatements or omissions of material facts shall be cause for denial of the application to terminate supervision, or for suspension or revocation of a license.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

**§ 1399.154.6. Noncompliance with Article.**

Failure of a supervising licensee to comply with the provisions of this article ~~may~~shall result in a forfeiture of the privilege to supervise an aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

**§ 1399.154.7. Aide Experience Not Applicable to Qualifications for Licensure.**

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience ~~required in Section 2532.2(c) of the code~~ or the required professional experience ~~required in Section 2532.2(d)~~ Sections 2532.2 and 2532.25 of the Code, or the field work experience required in Section 1399.170.8.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

**§ 1399.154.8. Responsibilities of Audiology Aide's Supervisor.**

A supervisor of an audiology aide shall:

- (a) Have legal responsibility for the health, safety, and welfare of the patients.
- (b) Have legal responsibility for the acts and services provided by the audiology aide, including compliance with the provisions of the Act and these regulations.
- (c) Provide supervision to the audiology aide when they are engaged in direct client or patient care or assisting with patients in accordance with Section 1399.154.9.
- (d) Evaluate, treat, and manage all patient care.
- (e) Appropriately train the audiology aide to perform duties to effectively assist in evaluation or treatment. A supervisor shall establish and complete a training program for the audiology aide in accordance with Section 1399.154.10, which is unique to the duties of the aide and the setting in which the aide will be assisting the supervisor.
- (f) Define the services that may be provided by the audiology aide in the supervision plan for the particular aide and setting as required by Section 1399.154.1 and list those tasks that an aide will not conduct pursuant to Section 1399.154.11.
- (g) Possess and maintain a current, active, and unrestricted California license as an audiologist or dispensing audiologist pursuant to Sections 2532 or 2539.1 of the Code, and have at least two (2) years of full-time experience or 3,120 hours of experience providing services as a licensed audiologist. "Full-time experience" as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year.
- (h) Notify the audiology aide immediately of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.
- (i) Complete a minimum of six (6) hours of continuing professional development in supervision prior to assuming responsibility as a supervisor, and three (3) hours of continuing professional development in supervision every four (4) years thereafter. Continuing professional development training obtained from a Board-approved provider may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3. Records of course completion in supervision training shall be maintained for a period of two (2) years from the audiology aide's renewal date.
- (j) Review with the audiology aide the laws and regulations pertaining to the supervision and practice of audiology.
- (k) Provide the audiology aide with a plan for how to handle emergencies.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

### **§ 1399.154.9. Supervision of Audiology Aide.**

For the purposes of the supervision of an audiology aide, the following supervision terms shall apply:

(a) “Immediate supervision” means the supervisor is physically present during services provided to the patient or client by the audiology aide.

(1) Any acts or services involving medically fragile patients performed by an audiology aide require immediate supervision. “Medically fragile” means a client who is acutely ill and in an unstable condition.

(2) Any acts or services that the audiology aide has been trained to perform by the supervisor, but the audiology aide has not yet performed in direct client care requires immediate supervision.

(b) “Direct supervision” means on-site observation and guidance by the supervisor while the audiology aide is treating a patient or client. Direct supervision performed by the supervisor may include the observation of a portion of the testing or treatment procedures performed by the audiology aide, coaching the audiology aide, or modeling for the aide.

(c) “Indirect supervision” means the supervisor is not at the same facility or in close proximity to the audiology aide but is available to provide supervision by telephonic or other electronic means. Indirect supervision activities performed by the supervisor may include demonstration, record review, review and evaluation of recorded sessions, interactive television, or supervisory conferences that may be conducted by telephone or electronic mail.

(d) The supervisor shall provide immediate supervision during the first ninety (90) calendar days of work at all times following initial registration. The supervisor shall maintain a record in the aide’s personnel file that verifies that the aide meets the requirements in this subsection.

(e) After a minimum of ninety (90) calendar days or until the supervisor determines competency, whichever occurs later, with the exception of those services provided in subsection (a), the supervisor shall provide direct supervision at all times when the aide is performing direct client care. Indirect supervision shall be provided when the aide is performing indirect client care such as programming a device or cleaning equipment.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

### **§ 1399.154.10. Training of Audiology Aide.**

Before an audiologist or dispensing audiologist allows an aide to assist in the practice of audiology under their supervision, an audiology aide shall complete a training program established by the supervisor. The training program shall, at a minimum, include:

(a) Instruction in the skills necessary to perform any acts or services that are within the practice of audiology as defined in Section 2530.2 of the Code. The supervisor is not required to repeat any training that may have already been received by the aide as the result of any prior education, training, and experience.

(b) A supervisor shall require an audiology aide to demonstrate their competence to perform any acts or provide any services that are within the practice of audiology as defined in Section 2530.2 of the Code, and which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow an audiology aide only to perform those acts or to provide those services for which the aide received training and demonstrated competency, and are within the scope of responsibility of an aide.

(c) A supervisor shall instruct an audiology aide as to the limitations imposed upon their duties, acts, or services by these regulations, by their training and skills, and by the evaluation and treatment plan for any patient.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

**§ 1399.154.11. Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide.**

An audiology aide shall not perform any of the following functions:

(a) Conduct diagnostic evaluations, including tympanometry, videonystagmography (VNG), electronystagmography (ENG), or auditory brainstem response (ABR);

(b) Interpret diagnostic data;

(c) Alter treatment plans;

(d) Provide counseling or advice to a client or to a client's parent or guardian that is beyond the scope of the client's treatment;

(e) Sign any documents in lieu of a supervisor, including treatment plans, client reimbursement forms, or formal reports;

(f) Discharge clients from services;

(g) Make referrals for additional services outside of the audiology practice;

(h) Unless required by law, disclose confidential information either orally or in writing to anyone not designated by the supervisor;

(i) Represent themselves as an audiologist or dispensing audiologist;

(j) Fit or sell a hearing aid without possessing a valid hearing aid dispensers license or a valid hearing aid trainee license;

(k) Independently adjust hearing aids or cochlear implant settings; or

(l) Perform those procedures that require a high level of clinical acumen and technical skill, such as cerumen removal;

(m) Perform any task without the express knowledge and approval of a supervisor;

(n) Violate laws or regulations pertaining to the Health Insurance Portability and Accountability Act.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

**§ 1399.154.12. Registration Renewal of Aides.**

(a) A supervisor shall renew the registration of each aide with the Board and pay the renewal fee required in Section 1399.157. The form submitted to the Board shall include:

(1) The aide's full name, business name, business address, business telephone number, aide's registration number, and the aide's email address, if any;

(2) Supervisor's full legal name, address of record, license number, business telephone number, business name, business address, and the supervisor's email address, if any;

(3) Duties the aide performs while assisting the supervisor in the practice of speech-language pathology or audiology,

(4) Training program, training methods, the length of the training program, the minimum competency level of the aide, assessment methods the supervisor is utilizing to ensure the aide's continued competency, and a summary of past education, training, and experience the aide may already have acquired, if any.

(A) The training shall be in accordance with Section 1399.154.4 or 1399.154.10.

(5) A written statement, signed by the aide, certifying that the aide has discussed the plan for supervision with the supervisor and agrees to its implementation, and further certifying under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct, and that any misrepresentation may be cause for denial of a registration.

(6) A written statement, signed by the supervisor, certifying that the supervisor has discussed the plan for supervision with the aide and accepts professional and ethical responsibility for their performance, and further certifying that under penalty of perjury

under the laws of the state of California that all of the statements made in the application are true and correct.

(b) Any aide registered with the Board prior to **Month XX, 20XX (next full year after the effective date)** must renew their registration in accordance with subsection (a).

(c) An aide is exempt from subsection (a) if during the aide's previous registration period they were called to active duty as defined in Section 114.3 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 114.3, 144.5, 703, 704, 2530.2, 2530.6, 2533, 2535, and 2535.2 Business and Professions Code.

### **§ 1399.157. Fees.**

(a) The application fee and biennial renewal fee for a speech-language pathologist shall be \$150.00. The application fee and biennial renewal fee for a ~~non-dispensing an~~ audiologist shall be \$150.00.

(b) The application fee and annual renewal fee for a dispensing audiologist shall be \$280.00.

(c) The ~~application~~registration fee for a speech-language pathology assistant shall be \$50.00. The biennial renewal fee for a speech-language pathology assistant shall be \$100.00.

(d) The delinquency fee to renew an expired license or registration shall be \$25.00.

(e) The fee for registration of an aide shall be \$30.00. The biennial renewal fee for an aide shall be \$30.00.

(f) The application and biennial renewal fee for a continuing professional development provider shall be \$200.00.

(g) The fee for each license or registration status and history certification letter shall be \$25.00.

(h) The duplicate wall certificate fee shall be \$25.00.

(i) The Board shall waive the application or registration fee for an applicant who meets the requirements set forth in Section 115.5 of the Code. Applicant must submit the following with the application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of the military orders establishing their spouse's or partner's duty station in California and,



(3) Written verification from the applicant's issuing licensing entity that the applicant's license or registration in another state, district, or territory of the United States is current in that jurisdiction. The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license or registration type and number issued to the applicant by the original licensing entity,

(C) the name and location of the licensing entity, and,

(D) the issuance and expiration date of the license.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 115.5, 163.5, 2532.6(f), 2534.2, 2535, 2535.2, 2538.1 and 2538.53, Business and Professions Code.

### **Audiology Practice Committee Agenda Item #3**

Attachment B: California Hearing Conservation Program

<https://www.dir.ca.gov/title8/5097.html>

Attachment C: Federal Hearing Conservation OSHA 3074 – 2002 (Revised)

<https://www.osha.gov/sites/default/files/publications/osha3074.pdf>

All documents can be requested by sending an email to

[speechandhearing@dca.ca.gov](mailto:speechandhearing@dca.ca.gov).



# MEMORANDUM

DATE	July 19, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 5: Review of the March 1, 2024 Public Hearing Minutes

## **Background**

Attached is the minutes from the March 1, 2024 Public Hearing.

## **Action Requested**

Staff recommends the Board review and discuss the provided materials. The Board should determine whether or not to approve the March 1, 2024, Public Hearing minutes.

Attachment: March 1, 2024 Public Hearing Minutes



**PUBLIC HEARING MINUTES - DRAFT**  
**Teleconference – Sacramento, Glendora, Lodi, Moorpark, and Stanford**  
**March 1, 2024**

Gilda Dominguez, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) Chair, called the public hearing to order.

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

Staff Present

Paul Sanchez, Executive Officer

Cherise Burns, Assistant Executive Officer

Maria Liranzo, Legislation/Regulation/Budget Analyst

Yuping Lin, DCA Legal Counsel

Grace Arupo Rodriguez, DCA Regulation Counsel

Ann Fisher, DCA SOLID Webex Moderator

Public Member Present

Joe Bartlett

Ms. Dominguez invited Maria Liranzo to begin the public hearing. Ms. Liranzo began the public hearing at 11:01 a.m.

Ms. Liranzo provided a background on how the public hearing will be held. Ms. Liranzo noted that oral comments may be emailed to the Board at which point she provided the Board's email. Ms. Liranzo further noted that the Board will not respond to public comment at this time but it will be taken up at the Board meeting and responded to in the Final Statement of Reasons.

Ms. Liranzo asked if the Board or the public had questions on how the public hearing will be held. There were no comments or questions from the Board or public.

Ms. Liranzo asked if the public had any comments on the proposed regulatory action related to hearing aid dispensing advertising.

Joe Bartlett, Past President of the Hearing Healthcare Providers of California and owner of Bartlett's Hearing Aid Centers, commented to recommend changes to 1399.127(c) to include a website or QR code that would include the required information. Mr. Bartlett 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. Mr. Bartlett commented that the changes are fantastic for clarity and great for consumers to be able to get more information.

There were no other comments made by the public.

Ms. Liranzo ended the public hearing at 11:30 a.m.



# MEMORANDUM

DATE	July 1, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 6: Review and Possible Approval of the June 12, 2024 Board Meeting Minutes

## **Background**

Attached is a draft of the meeting minutes from the June 12, 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 June 12, 2024 Board Meeting minutes.

Attachment: June 12, 2024 Board Meeting Minutes

**BOARD MEETING MINUTES - DRAFT**  
**Teleconference and Sacramento**  
**June 12, 2024**

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

Gilda Dominguez, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 9:05 a.m. Ms. Dominguez called roll; five 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  
John Dandurand, Hearing Aid Dispenser  
Charles Sanders, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Yuping Lin, DCA Legal Counsel  
Dao Choi, DCA Regulatory Counsel  
Ann Fisher, DCA SOLID  
Trisha St. Clair, DCA SOLID

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 March 1, 2024, 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.

**Amy White moved to approve the March 1, 2024, Board meeting minutes.**

**Charles Sanders seconded the motion.**

**The motion carried 5-0.** (Ayes: Dominguez, White, Borges, Dandurand, Sanders)

#### 4. Board Chair's Report

Ms. Dominguez reported the next Board meeting will be on September 5<sup>th</sup> and 6<sup>th</sup> in Southern California and November 6<sup>th</sup> and 7<sup>th</sup> in Sacramento. Ms. Dominguez noted the vacancies in committees.

Tod Borges asked about the vacancy in the hearing aid dispensing committee. Ms. Dominguez replied that there is one, the Otolaryngologist Public Member.

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

#### 5. Executive Officer's Report

Ms. Dominguez invited Paul Sanchez to provide the Executive Officer's report. Mr. Sanchez provided an administration update on three staff vacancies and efforts to hire and recruit to fill those positions.

Mr. Sanchez reported on the budget including the statewide expenditure freeze, fund condition, and budget report.

Mr. Sanchez reported on outreach efforts including a presentation to the California Council of Academic Programs in Communication Sciences at their quarterly meeting via Zoom, and preparing a presentation to the California Academy of Audiology at their annual conference.

Mr. Sanchez reported on the improvement in licensing including processing times and the progress with the backlog in the review of foreign coursework applications. Mr. Sanchez also provided and historical background on the Board approach to addressing the licensing workload, backlog, and extended processing times. Mr. Sanchez discussed the Board's business modernization project and the complaints received regarding processing times and phone calls, and issues with the Board's phone system and efforts to resolve those issues.

John Dandurand asked if the processing time is still at thirteen (13) weeks or if it has improved. Mr. Sanchez replied that the Board is currently at two (2) weeks. Cherise Burns stated that the Board was at three (3) weeks in June 2022 and six (6) weeks in June 2021, and noted that the Board finished rolling out online applications last year.

Mr. Dandurand asked if there was any delay in receiving approval to take the written test for hearing aid dispensers. Ms. Burns replied that there was an issue with the old system transferring that information, not the new system, which has since been resolved.

Mr. Borges commended Board staff's efforts to reduce the processing times and asked what the training cycle for new staff. Ms. Burns replied that training a program technician can be from one to two month, whereas an analyst can take up to half a year depending on if they have previous experience. Ms. Burns commented on system improvements making training easier and quicker.

Mr. Sanchez reported on hearing aid dispensing practical examination results.

Mr. Sanchez reported on Board enforcement actions including enforcement statistics and noted the Board's regulations and licensing statistics.

Mr. Dandurand asked about changes to the practical examinations. Ms. Burns replied that it will be part of the regulation process.

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

#### 6. Board Strategic Planning Moderated by Department of Consumer Affairs (DCA) SOLID Team

Ms. Dominguez invited Mr. Sanchez and Ms. Burns to provide highlights of the Board's current strategic plan. Mr. Sanchez provided a background of what has been done and noted that the Board completed sixty-seven (67) percent of its goals with an additional six (6) percent in progress and expected to be completed by the end of the year. Ms. Burns commented on the online licensing system and the impact it has on the Board's operations.

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.

Ms. Dominguez invited DCA's SOLID Team, Ann Fisher and Trisha St. Clair, to lead the Board in the strategic planning process. Ms. Fisher provided information on the facilitator's role and participants' expectations, and the agenda for today's strategic process. Videos on Diversity, Equity, and Inclusion (DEI) were presented to the Board. Ms. Fisher led the Board in an activity and provided information on the strategic planning process.

Ms. Fisher provided information on the purpose of a mission, read the Board's mission, and asked if revisions are required. There was no Board discussion.

Ms. Fisher provided information on the purpose of values, read the Board's values, and asked if revisions are required. Ms. Fisher noted the Board has a large number of values listed and suggested to narrow it down. Mr. Borges replied that integrity and professionalism could be combined. Ms. Fisher noted that accountability and transparency could be combined.

Ms. Dominguez proposed to keep integrity as it would include professionalism. Mr. Borges stated that stakeholders mentioned transparency in the report. Dr. Amy White stated that effectiveness could fall under accountability or transparency. Dr. Charles Sanders suggested to change effective to effective service. Ms. Burns noted that there is effectiveness and efficiency. Mr. Dandurand proposed to keep efficiency as it would include effectiveness, and stated that service is vague. Dr. Sanders stated that accountability and transparency have different definitions. Ms. Dominguez commented on the Board's definition of accountability including effectiveness and proposed to remove effectiveness. Ms. Dominguez commented on the Board's definition of service and asked for further discussion on how to keep the definition. Ms. Fisher noted that inclusion is on the list. Ms. Dominguez proposed to use inclusion instead of service. Ms. Fisher suggested adding a DEI term and commend the Board for narrowing down its values. Ms. Dominguez asked for the revised values. Ms. Fisher replied that the proposed values will be consumer protection, efficiency, integrity, accountability, transparency, and inclusion.



Ms. Fisher provided information on the environmental scan.

Ms. Fisher provided information on the purpose of a vision, read the Board's vision, and asked if revisions are required. Ms. Fisher recommended revising the ending and suggested ending it at access to communication related health care. Mr. Borges stated that related services would include hearing aid dispenser. Dr. White asked if hearing aid is a treatment. Mr. Borges replied that it is but the public may not necessarily think of hearing loss as a communication disorder. Ms. Burns stated that speech and hearing services may be clearer than communication disorder. Ms. Dominguez stated that it should include pathology to encompass swallowing disorders. Mr. Sanchez asked if it should say communication and hearing disorders. Mr. Borges expressed agreement with the suggestion. Ms. Burns suggested moving the phrase "highest quality" to earlier in the statement. Mr. Dandurand expressed agreement with the suggestion.

Ms. Fisher provided information on the purpose of goals, read the Board's goals, and asked if revisions are required. There was no Board discussion.

Ms. Fisher provided information on the purpose of objectives and noted that the Board will develop objectives for each goal.

Ms. Fisher provided a roadmap of the strategic planning process, a background on the purpose of an environmental scan, DEI questions to consider, information on the role and responsibilities of the Board and Board staff, resources to use to develop objectives, and instructions to develop objectives.

Ms. Fisher read the Board's goal on licensing and asked if revisions are required. There was no Board discussion.

Ms. Fisher reported the environmental scan related to licensing and asked for objectives.

Mr. Dandurand asked about online services effectiveness, how it can be more effective, and if there is a budget for it. Ms. Burns replied that there was an overall fifty-four (54) percent reduction in processing times with the new online application system and noted a forty-six (46) percent reduction from 2022, and sixty-one (61) percent reduction from 2021. Ms. Burns stated that there is no budget for additional online projects and noted that the Board would have to seek out external funding like it did for the funding from the California Department of Technology. Ms. Burns additionally commented on resource constraints to complete a project. Mr. Sanchez commented on the Board's budget and recommended the Board to consider online services as a goal. Mr. Dandurand commented on effective online systems reducing manual labor. Mr. Borges asked what online services could be offered. Mr. Sanchez replied that there are additional online services for licensing. Ms. Burns stated that there could be online services for renewal and supervision documents. Ms. Fisher suggested other online services like address and name change and continuing education. Mr. Dandurand commented on online services for renewals and reducing manual labor.

Dr. White commented on access to staff and suggested a listening session or office hour on a monthly or bi-weekly basis. Dr. White asked what the current process and policy is when responding to emails. Dr. White commented on expanding mid-level license types for the practice of audiology. Dr. White commented on the examination process and suggested examinations are held at different locations so that it is more local. Mr. Sanchez clarified that it is the hearing aid dispensing examination process and commented on changes to the examination process that would come from

changes to the regulations. Dr. Sanders commented on access to equipment at universities. Mr. Borges stated that applicants may not be familiar with the equipment at universities. Dr. White commented on examination security at universities. Ms. Burns commented on cost, logistics, and contracts to move examinations to other locations. Mr. Borges and Dr. White commented on staff and examiners required to conduct an examination. Mr. Borges and Mr. Dandurand commented on the compensation for examiners.

Mr. Sanchez commented on applicants not understanding the application process and suggested developing a tutorial or educational media to help applicants understand the process. Dr. White suggested a workflow map for the different license types. Ms. Burns commented on the problems of videos quickly becoming outdated when there is a change to the application, and suggested infographics or flow charts for each license type and application type. Mr. Dandurand suggested an online application tracking system. Ms. Burns stated that it was not possible with the current system and stated that an email is sent when a step in the process is completed. Ms. Dominguez commented on the access to staff and suggested that it be a two-way communication. Mr. Dandurand asked if the Board has online chat. Ms. Burns replied that the Board does not have an online chat feature and noted that the Board is currently on an old website platform and isn't aware if the new website platform has that feature.

Ms. Fisher asked what mid-level licensing type the Board would consider. Mr. Dandurand asked about the audiology master's program and asked if that is what people are talking about. Dr. White replied that they no longer exist because a doctorate degree is required nationwide and noted that this could be for people who have a bachelor's degree and have delayed or are not pursuing a doctorate degree. Dr. White commented on audiology assistants in other states and interest from California junior colleges to offer an educational pathway for audiology assistants. Dr. White stated that there was a recommendation to wait for a different time. Ms. Burns commented on the legislative sunrise process required to create a new license type. Dr. Sanders commented on the necessity for this license type and physicians supervising untrained individuals with no licensure or regulations to perform audiometric and vestibular evaluation. Ms. Burns stated that the sunrise process would need to be discussed and what to do with those individuals. Dr. White asked if the Board has authority. Ms. Burns replied that it would need to specify activities that require licensure or how to license those individuals. Ms. Burns commented on grandfathering speech-language pathology (SLP) aides when the speech-language pathology assistant license was created. Mr. Sanchez commented on the opportunity to look at audiology assistants and the shortage of audiologists. Dr. White commented on the inter-state compact. Ms. Burns noted that representatives of the compact provided information to the Board and noted that it could be re-visited. Dr. White and Ms. Burns commented on the benefit and concerns of the inter-state compact such as a different licensing pathways, enforcement issues, and budgetary impacts.

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

Mr. Dandurand asked if there was a discussion regarding external threats to licensing. Ms. Fisher replied that it was not specifically discussed. Mr. Dandurand suggested addressing over-the-counter (OTC) hearing aids. Mr. Sanchez noted that it might fall under the Enforcement goal area. Ms. Fisher suggested laws and regulations or outreach and education. Ms. Burns noted that it is a federal law, and may fall under outreach and education in which the Board can create online materials or pamphlets for consumers.

Ms. St.Clair read the Board's goal on enforcement and asked if revisions are required. Ms. Burns commented on complaints about refunds and asked if it is part of health and safety or should be categorized as something else. Mr. Sanchez replied that health and safety encompasses fraud. Dr. Sanders stated that the definition of welfare is the health, happiness, and fortunes of a person or group. Mr. Sanchez suggested removing health and safety and focus on how the Board is protecting consumers.

Ms. St.Clair reported the environmental scan related to enforcement and asked for objectives.

Mr. Borges asked what reliance on third parties mean. Ms. St.Clair, Ms. Burns, and Mr. Sanchez replied that third parties are all those involved in the enforcement process such as Office of the Attorney General in the Department of Justice, Board subject matter experts, and DCA Division of Investigation. Mr. Borges asked if there was any way to make it more efficient. Mr. Sanchez replied that there is no way to make it more efficient as this is the process the Board has to go through.

Ms. Dominguez asked what the comments were regarding more and stronger enforcement. Ms. Burns replied that the comments for enforcement discussed violations of the Moscone-Knox Professional Corporation Act, issues with regional centers, issues with supervision, easier way to submit complaints, and information regarding actual legal requirements in order to not violate them.

Mr. Borges asked about the issues with supervision. Ms. Burns replied it was people going unsupervised and complaints not being addressed. Ms. Burns commented on the internal and external enforcement process. Mr. Sanchez commented on the enforcement process and how they are prioritized.

Ms. St.Clair asked if improved communication with complainants would be an issue the Board would like to address. Mr. Borges replied that it doesn't sound like the Board can. Mr. Sanchez stated that Board staff inform the complainant when they start and close an investigation. Dr. White and Dr. Sanders commented on a system that would notify complainants of the status of their complaint. Mr. Sanchez asked Ms. Burns how many comments were related to enforcement. Ms. Burns replied that there was a couple but that they were mostly licensing. Ms. Burns stated that the comments about enforcement were about closure and where in the process a complaint was. Mr. Sanchez commented on exploring best practices in notifying people even if it's a letter saying the Board is still reviewing their complaint. Mr. Dandurand commented on notifying people even if it's to say that it is still being reviewed. Ms. Dominguez commented on promoting consumer protection.

Dr. Sanders asked about enforcement issues related to employment in schools. Dr. White replied that she has been asked about caseload in schools. Mr. Sanchez stated that the Board does not have jurisdiction over issues related to schools. Ms. Burns commented on creating information on what the Board can do as it relates to school-based licensees. Mr. Sanchez commented on educating the public and how the Board cannot be interpreting laws and regulations for the public. Ms. Dominguez asked if staff could provide information and resources for issues outside the Board's jurisdiction. Mr. Sanchez replied that it could be something staff could put together. Ms. Burns commented on how staff responds to emails outside the Board's jurisdiction and referring them to professional organizations. Mr. Sanchez and Ms. Burns commented on the public misunderstanding the role of the Board versus professional organization.

Mr. Sanchez asked if goals identified in the current strategic plan can be added to this strategic plan such as updating the disciplinary guidelines. Ms. St.Clair replied that it would be good to include it if

it is a big issue to hold the board accountable.

Mr. Sanchez asked if there are any enforcement issues related to OTC hearing aids that needs to be addressed. Mr. Dandurand replied that consumers need to be aware of the difference and asked what the Board's role in enforcing licensed dispensers who sell OTC hearing aids. Mr. Borges replied that there isn't much the Board can do because it is federally regulated not state regulated. Dr. White commented on the issue of refunds and OTC hearing aids. Ms. Burns commented on the Board creating materials to tell consumers what to do if they have problems with OTC hearing aids. Mr. Dandurand asked what happens if a licensed dispenser sells OTC hearing aids. Ms. Burns replied that they are liable to uphold the Board's laws and regulations, and noted that there are general consumer good return laws also. Dr. White recommended that the Board re-visit this topic and commented on licensed dispensers being required to comply with laws and regulations.

Mr. Dandurand asked if the Board received calls related to OTC hearing aids. Ms. Burns replied that the Board hasn't had many calls. Mr. Sanchez commented on the need to inform consumers about OTC hearing aids and the Board's jurisdiction. Ms. St.Clair asked if the Board wants to focus on educating the buyers of OTC hearing aids. Mr. Dandurand replied that this is the role of the Board. Mr. Sanchez commented on informing buyers about online hearing aid dispensers. Mr. Dandurand asked how the Board enforces laws when there is an out-of-state dispenser. Mr. Sanchez replied that it would be educating the public that the Board doesn't have out-of-state jurisdiction.

Ms. St.Clair asked if there were other issues that need to be address in enforcement. Dr. White noted that the poor performance rating for enforcement was better than licensing. Ms. Burns replied that the Board may want to consider an online complaint system as a goal. Dr. White commented on the barriers to the public of not having an online complaint system.

Ms. St.Clair asked how the Board wants to address updating the disciplinary guidelines and what is the desired outcome. Mr. Sanchez and Ms. Burns replied that it will need to go through the regulatory process.

Ms. St.Clair asked if there are other issues that need to be address in enforcement. Ms. Dominguez asked which objective will address resources for employment issues or how can it be address. Ms. St.Clair replied that it is in objective two.

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

Ms. Fisher read the Board's goal for outreach and communications, reported the environmental scan, and DEI ways to increase outreach. Ms. Fisher asked if the Board wants to move the objective related to OTC hearing aids from enforcement to outreach and communications. Mr. Borges replied that it would be outreach and communications.

Ms. Fisher asked how the Board wants to educate people about the Board's role. Dr. White asked if the Board has everyone's email. Ms. Burns replied that the Board does not and commented on how emails are collected. Dr. White asked if the Board could send mass email communication to emails on file. Ms. Burns replied that it can be done by using the listserv. Dr. White asked if regular communication, not related to laws and regulations, is sent to licensees. Ms. Burns replied that there isn't a quarterly or annual newsletter or e-blast sent to licensees.

Dr. White asked if a recurring e-blast would be reasonable. Mr. Sanchez asked if it would be an as-needed basis alert. Dr. White replied that it would be a recurring monthly basis. Mr. Borges stated that it could coincide with the Board meeting. Dr. White asked what listservs the Board has. Ms. Burns replied that there is a listserv for law and regulations, meeting agendas, hearing aid dispenser licensees, and speech-language pathology and audiology licensees; and noted that the licensee listservs are used sparingly so that it doesn't become like spam to the licensees. Ms. Burns stated that a quarterly update seems reasonable and may encourage licensees to have an email on file. Dr. White stated that it may be useful for licensees to receive other information beside regulations. Mr. Borges stated that having them coincide with the Board meeting may be more meaningful. Mr. Borges, Ms. Dominguez, and Dr. White suggested information that could be sent by email and added to the website periodically such as responses to frequently asked questions, resources, drop-in office hours, and meeting dates. Dr. White suggested office hours or town hall meetings as an outreach and communications objective.

Mr. Dandurand suggested a blog or asking licensees how they would like to be communicated with. Ms. Burns stated that monitoring a blog requires staff resources. Ms. Fisher recommended a survey to ask licensees how they would like to be communicated with. Ms. Dominguez commented on social media like Instagram. Mr. Sanchez commented on the objectives suggested and that the Board does not have social media accounts as that requires staff resources.

Mr. Borges asked how often the Board staff attend events like conferences. Mr. Sanchez replied that Board staff attend conventions and visit schools regularly and is open to more outreach opportunities.

Ms. Fisher asked if there are other issues that need to be address in outreach and communications. Ms. Burns and Mr. Sanchez commented on the use of plain language.

Ms. Fisher asked if the Board would like changes to the website as its own objective. Ms. Burns replied that it should as it will require staff resources and will be a long process to review and make changes to each webpage. Ms. Burns commented on the new website platform that the Board isn't on. Ms. Dominguez asked if Spanish language is available on the Board's website. Ms. Burns replied that there is no language accessibility on the website. Dr. White asked if there is language accessibility on Webex. Ms. Burns replied that there is closed captioning on Webex. Ms. Fisher replied that closed captioning can be translated in languages such as Spanish, French, and German. Dr. White asked if it is something the Board can turn on. Ms. Burns replied that the user has to activate the closed captioning. Dr. White stated that users may not understand how to activate closed captioning. Ms. Burns stated that the Webex instructions are provided with the agenda. Ms. Fisher noted that there are additional steps to activate closed captioning in other languages, and the translation may not be correct because it is real-time machine translation. Dr. White asked if there has ever been a request for sign language. Ms. Burns replied there hasn't been a request for the Board meeting, but there has been for the office.

Ms. Fisher asked if there were other issues that need to be address in outreach and communications.

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

Ms. St.Clair read the Board's goal for laws and regulations. Mr. Borges asked if this should be

similar with the changes made to the Board's vision which removed health and safety. Ms. St.Clair replied that it could and noted the changes.

Ms. St.Clair reported the environmental scan related to laws and regulations and asked for objectives. Dr. White asked if the disciplinary guidelines would be an objective under laws and regulations instead of enforcement or would it be under both. Mr. Sanchez replied that it may be better under laws and regulations and doesn't need to be under both goals. Mr. Dandurand asked if it should be under enforcement because it's a guideline and not a law. Mr. Sanchez replied that it could be under enforcement, but it needs to be established and referenced in regulations and therefore becomes law. Ms. Dominguez suggested it stay under enforcement.

Ms. St.Clair stated that today's work is a draft and the Board will have an opportunity to review everything discussed today at a future meeting.

Mr. Borges commented on the issue of keeping laws and regulations current. Mr. Sanchez commented on making laws and regulations current for hearing aid dispensers. Ms. Burns commented on recent review of laws and regulations and noted new issues being identified such as conflict-of-interest in supervision and hearing aid dome removal. Mr. Sanchez noted that this is objective 4.3 in the current strategic plan.

Ms. St.Clair asked if there are other issues the Board wish to address. Ms. Dominguez commented on educating licensees on issues the Board can't enforce, and revisiting topics raised by licensees such as continuing education. Ms. Burns commented on the proposed changes to continuing education. Ms. Burns commented on conflict-of-interest in supervision and suggested it be an objective to revise regulations to address this issue. Mr. Sanchez commented on the length of time to complete regulations and suggested an objective to get more Board input on prioritizing regulations. Ms. St.Clair asked how the Board would prioritize regulations. Mr. Sanchez replied that it could be the committees who can prioritize regulations. Ms. Burns noted that there is a law and regulation ad hoc committee who can prioritize regulations. Dr. White noted that the practice committees can provide feedback in prioritizing regulations. Ms. Dominguez commented on public input to prioritize regulations. Ms. St.Clair asked what the desired outcome would be of prioritizing regulations. Ms. Dominguez replied that regulations would be continuously prioritized.

Ms. Burns suggested an objective to address plain and accessible language, and educating the public on how public comments work in the regulatory process. Ms. St.Clair asked if regulations need to be written in plain language or be communicated in plain language. Dr. White replied that it would be how they are written. Mr. Borges stated that if the regulations are written in plain language, they can be communicated in plain language. Mr. Sanchez commented on the challenges with drafting language that meet the authority and clarity standards of legal review and are in plain language. Dr. White stated that educating the public on how the public comments should be under outreach and communications. Ms. St.Clair suggested the reason and desired outcome for plain language in regulation is for accessibility and clarity.

Ms. St.Clair asked what issue would be addressed with educating the public on how the public comments work. Mr. Sanchez replied that it would be public comment during the regulatory process. Mr. Dandurand noted that Dr. White suggested it be moved to outreach and communications. Ms. Burns commented on the public comment process for the initial notice and modified text. Ms. Dominguez commented on the Board having a school-based speech-language pathologist. Dr. White commented on the issue of vacancy and quorum when there are specific requirements for

board membership. Ms. Dominguez suggested it should be a consideration and not a requirement. Ms. Burns commented on board membership and the appointment process.

Ms. St.Clair asked if there were other issues that need to be addressed in laws and regulations.

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

Ms. Fisher read the Board's goal for program administration and reported the environmental scan related to program administration.

Ms. Burns stated that the public may not understand what program administration means and suggested revising the goal title. Mr. Borges asked if the goal statement can be added in the survey. Ms. Fisher replied that the goal statement was included in the survey. Mr. Sanchez suggested removing the word "program." Mr. Dandurand asked if this goal includes board members. Mr. Borges commented on the public misunderstanding the role of Board members and staff. Ms. Burns suggested renaming it to Board leadership and management or administration. Dr. Sanders suggested renaming it to staff management or executive officer and staff. Ms. Fisher asked if the goal title should be Board leadership and management or administration. Dr. White replied that it should be Board administration, and suggested educating the public on the role of Board members and staff.

Ms. Fisher suggested revising the goal statement to change "utilize" to "use". Dr. White asked if "our" could be clarified. Ms. Burns replied this it's the Board's goal and objective. Dr. White suggested to change "our" to "Board." Ms. Burns commented on the Board using staff to accomplish its goals and suggested educating the public on the role of Board members. Dr. White expressed agreement with the suggestion. Mr. Sanchez suggested changing "our" to "its." Ms. Dominguez suggested to keep the word "utilize."

Ms. Fisher asked for objectives. Dr. White stated that she had the same objectives previously discussed for this goal. Mr. Borges asked if the same objectives found under different goals can be added here. Ms. Fisher recommended to not repeat objectives that are under a different goal and suggested moving objectives. Mr. Sanchez commented on the issue of staffing. Dr. White suggested adding additional staffing as an objective. Ms. Burns commented on staff resources needed to complete the objectives proposed today.

Ms. Burns and Mr. Sanchez commented on staff resources needed to complete the current and proposed workload. Ms. Fisher commented on the need for budget change proposals to obtain more staff. Mr. Sanchez and Dr. White commented on the organizational structure of the Board and limited management capacity. Ms. Burns suggested an objective can be to review the Board's organizational structure. Ms. Fisher suggested that the desired outcome could be adequate oversight and implementation of strategic goals.

Mr. Dandurand asked about the reduction in the budget. Ms. Burns replied that the governor would like to see a reduction in operating expenditures.

Mr. Dandurand asked about the data on license population growth and retirement. Ms. Burns replied that there is no data on retirement. Mr. Sanchez commented on available data such as past and future license growth and labor data. Ms. Fisher stated that there may not be enough staff resources

to collect labor data. Ms. Burns stated that there is no mechanism to collect retirement information except the data collected at renewal and for the occupational analysis. Mr. Sanchez commented on DCA's and the State's efforts to collect workforce data. Ms. Fisher asked if this is something the Board would like as an objective. Mr. Sanchez replied that it will be addressed in other objectives.

Ms. Burns commented on online services in program administration and stated that it's more of a licensing and enforcement issue. Ms. Fisher asked if employees have the necessary equipment and resources to perform their work. Ms. Burns replied that the Board acquired the necessary equipment and resources during the COVID-19 pandemic. Mr. Sanchez noted that the Board has had a healthy enough budget to maintain equipment. Ms. Burns noted that equipment cost is also included in the budget when requesting new employee through the budget process.

Ms. Dominguez asked what the difference between the strength and weakness of general sense of the approval for the board's program administration. Ms. Fisher replied that some people are satisfied when they can connect with staff and others are not satisfied that they cannot connect with staff, and the comments reflect those sentiments.

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

Ms. Fisher asked how many years the Board would like their strategic plan to cover. Mr. Sanchez replied that he prefers four (4) years. Ms. Burns noted that it would end between the next sunset reviews.

Ms. Fisher provided information on the next steps of the strategic process which will include the review and approval of the strategic plan, and action planning with Board staff.

Ms. Dominguez expressed her gratitude to Ms. Fisher and Ms. St.Clair for leading the Board in the strategic planning process.

## 7. 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.

Dr. White asked for Board discussion. There was no Board discussion.

Dr. White asked for public comments. There were no comments from the public, outside agencies, or associations.

Ms. Dominguez invited Ms. Liranzo to present proposed changes to regulations regarding hearing aid dispensing continuing education. Ms. Liranzo provided a background on the proposed changes and noted that Board staff withdrew the rulemaking file to accommodate changes requested by the Office of Administration Law. Ms. Liranzo provided information on the changes to the proposed regulatory text and rationale for those changes. Ms. Liranzo stated that changes were noticed to the public for comment and recommended no additional changes to the proposed text to accommodate those comments. Ms. Liranzo noted that the 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.

**Tod Borges moved 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.**

**Amy White seconded the motion.**

**The motion carried 5-0.** (Ayes: Dominguez, White, Borges, Dandurand, Sanders)

Ms. Dominguez invited Ms. Liranzo to present proposed changes to regulations regarding continuing professional development for speech-language pathology and audiology.

Ms. Liranzo provided a background on the proposed changes and noted that Board staff do not recommend additional changes to the proposed text to accommodate comments made about the second modified text. Ms. Liranzo stated that Board staff modified the proposed text to make similar changes made to the proposed text for hearing aid dispensing continuing education required by the Office of Administrative Law. Ms. Liranzo provided information on the changes to the proposed regulatory text and rationale for those changes. Ms. Liranzo stated that the changes were noticed to the public for comment, but due to the volume of comments received, Board staff were not able to have them ready for Board review at this meeting and they will be presented at a future meeting. Ms. Liranzo noted that the public comments for the second modified text and the third modified text are included in the meeting materials and that Board staff drafted responses to public comments about the second modified text 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.

**Amy White moved 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.**

**Tod Borges seconded the motion.**

**The motion carried 5-0.** (Ayes: Dominguez, White, Borges, Dandurand, Sanders)

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

**Charles Sanders moved 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.**

**Amy White seconded the motion.**

**The motion carried 5-0.** (Ayes: Dominguez, White, Borges, Dandurand, Sanders)

Ms. Dominguez invited Ms. Liranzo to present proposed changes to regulations regarding hearing aid dispensing advertising. Ms. Liranzo provided a background on the proposed changes and noted that Board staff do not recommend additional changes to the proposed text to accommodate comments made. Ms. Liranzo further noted that 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.

**John Dandurand moved 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.**

**Amy White seconded the motion.**

**The motion carried 5-0.** (Ayes: Dominguez, White, Borges, Dandurand, Sanders)

#### 8. 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, implementation of legislation, and Board-sponsored legislation, and noted that the omnibus proposal is Senate Bill 1526.

Ms. Liranzo reported on bills with recommended watch status and noted that two (2) bills died: Assembly Bill (AB) 1816 and AB 1928, and eight (8) bills were added: AB 1900, AB 1949, AB 1991, AB 2011, AB 2339, AB 2862, AB 2908, and AB 3127.

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.

#### 9. Legislative Items for Future Meeting

Ms. Dominguez asked for legislative items for future meeting. There was no Board discussion.

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

#### 10. Future Agenda Item

Ms. Dominguez asked for future agenda items. There was no Board discussion.

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

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.

The Board did not meet in closed session to discuss disciplinary matters.

#### 12. Adjournment

The meeting adjourned at 3:15 p.m.

DRAFT



# MEMORANDUM

DATE	July 18, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 7: Review and Possible Approval of the July 18, 2024 Board Meeting Minutes

## **Background**

Attached is a draft of the meeting minutes from the July 18, 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 July 18, 2024 Board Meeting minutes.

Attachment: July 18, 2024 Board Meeting Minutes



**BOARD MEETING MINUTES - DRAFT**  
**Teleconference – Sacramento, Glendora, Lodi, Moorpark, and French Camp**  
**July 18, 2024**

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

Gilda Dominguez, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 12:00 p.m. Ms. Dominguez 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

Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Yuping Lin, DCA Legal Counsel  
Dao Choi, DCA Regulatory Counsel  
Yvonne Dorantes, DCA Executive Office  
Trisha St. Clair, DCA SOLID

2. Public Comment for Items Not on the Agenda

Ms. Dominguez asked for public comments.

Gregg Thornton, Executive Director of the Ohio Speech and Hearing Professionals Board, introduced himself to the Board and stated that he was here to observe our work.

3. Discussion and Possible Action to Review, Consider and Approve Amended Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4, to ensure the proposed amendments didn't contain a mathematical miscalculation and are consistent with the Board's intent to modify certain hours related to continuing education requirements that were previously approved by the Board.

Ms. Dominguez invited Maria Liranzo to present proposed responses to public comment and potential proposed changes to regulations regarding continuing professional development requirements. Ms. Liranzo provided a background on the proposed changes and stated that Board staff do not recommend additional changes to the text.

Ms. Liranzo noted that the comments and summary of comments with draft board responses were included in the meeting materials. Ms. Liranzo further noted that the Order of Adoption was included in the meeting materials and stated that while preparing the package for submission there was confusion regarding the number of hours allowed from courses on indirect patient/client care. Ms. Liranzo further stated that the text that was adopted by the Board on December 1, 2023, and noticed to the public on December 8, 2023, changed the allowable number of hours for courses on indirect patient/client care from

seventeen (17) percent to twenty-five (25) percent.

Cherise Burns commented on public comments during the regulatory process and stated that two-hundred ninety-three (293) comments pertained to changes not related to the most recent changes and that the Board had already discussed and resolved the issues brought up in those comments. Ms. Burns further stated that all comments are reviewed with draft Board responses along with all the materials included in the rulemaking. Ms. Burns noted that it was discovered that in the December 1, 2023, meeting minutes there seemed to be confusion regarding the number of hours allowed from courses on indirect patient/client care while discussing the issue in fractions versus percentages. Mr. Burns stated the Board adopted an increase in the allowable number of hours for courses on indirect patient/client care from seventeen (17) percent to twenty-five (25) percent and Board staff wanted to make it clear for the official record that the twenty-five (25) percent increase was the one the Board intended to approve.

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

Ms. Dominguez asked for public comments.

Andrea Ball on behalf of California Speech-Language Hearing Association (CSHA) expressed gratitude for the proposed changes and stated that CSHA looks forward to working with Board staff in educating the field.

**Charles Sanders moved to approve the proposed regulatory text and Board responses to comments on the proposed regulatory text for Title 16, CCR sections 1399.160 through 1399.160.4, 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 sections 1399.160 through 1399.160.4 as noticed.**

**Amy White seconded the motion.**

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

#### 4. Future Agenda Item

Ms. Dominguez asked for future agenda items. Ms. Burns stated that Board staff has no items for future agenda.

There was no Board discussion.

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

#### 5. Adjournment

The meeting adjourned at 12:19 p.m.



# MEMORANDUM

DATE	August 28, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Gilda Dominguez, Board Chair
SUBJECT	Agenda Item 9: Board Chair's Report

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

## a. 2024 Board Meeting Calendar

Meeting Date	Location	Agenda	Meeting Materials	Minutes	Webcast
<b>2024</b>					
February 2, 2024 Board Meeting	Teleconference	<a href="#">Agenda</a>	<a href="#">Materials</a>	<a href="#">Minutes</a>	<a href="#">Webcast</a>
March 1, 2024 Board Meeting	Sacramento, California and Teleconference	<a href="#">Public Hearing Agenda</a> <a href="#">Agenda</a>	<a href="#">Public Hearing Materials</a> <a href="#">Board Meeting Materials</a> <a href="#">Hand Carry – Agenda Item 6</a> <a href="#">Hand Carry – Agenda Item 7</a>	<a href="#">Minutes</a>	<a href="#">Board Meeting Webcast</a> <a href="#">Public Hearing Webcast</a>
June 12, 2024	Sacramento, California and Teleconference	<a href="#">Agenda</a>	<a href="#">Materials</a> <a href="#">Hand Carry – Agenda Item 5</a> <a href="#">Hand Carry – Agenda Item 6(a)(i)</a>		<a href="#">Webcast</a>
July 18, 2024 Board Meeting	Teleconference	<a href="#">Agenda</a>	<a href="#">Materials</a>		<a href="#">Webcast</a>
September 5 – 6, 2024	Mt. San Antonio College Walnut, CA	<a href="#">Agenda</a>			<a href="#">Webcast</a>
November 6 – 7, 2024	Sacramento, California and Teleconference				

## b. Board Committee Reports

The Audiology Practice Committee will provide a verbal report regarding their committee meeting.

### 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.

<b>SLP PRACTICE COMMITTEE</b> <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
<b>AUDIOLOGY PRACTICE COMMITTEE</b> <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
<b>HEARING AID DISPENSERS PRACTICE COMMITTEE</b> <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
<b>HEARING AID DISPENSING COMMITTEE</b> <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



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

Tod Borges	Chair	HAD
John Dandurand	Member	HAD
Charles Sanders	Member	DAU
Amy White	Member	DAU
VACANT	Member	ORL/Public

**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 10:  
Executive Officer's Report



# MEMORANDUM

DATE	August 28, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Agenda Item 11: Board 2025 – 2028 Strategic Plan Review and Approval

## **Background**

Attached is the proposed 2025 – 2028 Board Strategic Plan that was developed by the Board during its June 12, 2024 Strategic Planning Session. This plan outlines the Board’s strategic objectives towards fulfilling its missions for the next four years. Please thoroughly review the plan and identify any necessary changes.

## **Action Requested**

Staff recommends the Board review and discuss the provided materials and determine whether there are necessary corrections or additional information needed. If not, make a motion to approve the 2025-2028 Board Strategic Plan.

Attachment: Proposed 2025-2028 Board Strategic Plan



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

**Speech-Language Pathology and  
Audiology and Hearing Aid  
Dispensers Board**

2025-2028 Strategic Plan

Adopted: [Month Day, Year]

**Prepared by:**

SOLID Planning Solutions

Department of Consumer Affairs

# Table of Contents

Board Members..... 3

About the Board ..... 4

Message from the Chair..... 6

Board Mission, Vision, and Values ..... 7

Goal 1: Licensing..... 8

Goal 2: Enforcement ..... 9

Goal 3: Outreach and Communications ..... 10

Goal 4: Laws and Regulations..... 11

Goal 5: Board Administration ..... 12

Strategic Planning Process..... 13

DRAFT

## Board Members

Gilda Dominguez, M.S., CCC-SLP, Speech-Language Pathologist, Chair

Dr. Amy E. White, Au.D., Audiologist, Vice Chair

Tod Borges, Hearing Aid Dispenser

Dr. Tamara Chambers, MD, FACS, Otolaryngologist, Public Member

Karen Chang, Public Member

John Dandurand, BC-HIS, Hearing Aid Dispenser

Dr. Charles Sanders, Au.D., Audiologist

VACANT, Public Member

VACANT, Speech-Language Pathologist

**Gavin Newsom, Governor**

**Tomiquia Moss, Secretary, Business, Consumer Services and Housing Agency**

**Kimberly Kirchmeyer, Director, Department of Consumer Affairs**

**Paul Sanchez, Executive Officer, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board**

## About the Board

The Board serves to protect the public by licensing and regulating Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers; three separate and distinct professions with their own scopes of practice and professional settings. The Board sets entry-level licensing standards, which includes examination requirements that measure the candidate's professional knowledge and clinical abilities that are consistent with the demands of the current delivery systems.

Speech-Language Pathologists provide services in the areas of speech, language, voice, cognition, fluency, and swallowing disorders to individuals across their lifespan. They see individuals who may have language difficulties with verbal expression, auditory comprehension, reading comprehension, and/or written expression. These difficulties could be the result of a stroke, brain injury, or other neurogenic causes. Speech-Language Pathologists perform instrumental procedures within their scope of practice (e.g., Motion fluoroscopic evaluation of swallowing by cine or video recording, Flexible Fiberoptic Endoscopic Evaluation of Swallowing by cine or videorecording, laryngoscopy with stroboscopy). Speech-Language Pathologists coordinate care with otolaryngologists and physicians for such procedures. Speech-Language Pathologists also provide aural rehabilitation for individuals who are deaf or hard of hearing and provide therapy in the augmentative and alternative communication domain for individuals with diagnoses such as autism spectrum disorder and progressive neurological disorders. Speech-Language Pathologists work independently and collaboratively on interdisciplinary teams with other school or health care professionals in a range of settings including schools, medical, community-based facilities, and in private practice.

Audiologists provide services for individuals with hearing loss and balance (vestibular) disorders across their lifespan. Audiologists work in a number of professional settings, including hospitals that provide newborn hearing screenings, pediatric clinics, university and hospital audiology clinics, private practice, military facilities, academic institutions, and industrial, research, and forensic settings. More recently, there are an increasing number of Audiologists who participate in intraoperative neuromonitoring in the state's leading hospitals. Dispensing Audiologists are licensed to fit hearing aids for populations that range from infants to the elderly.

Hearing Aid Dispensers provide services to individuals with hearing loss, including fitting, selection, and adaptation of hearing aids and hearing tests for the purposes of fitting and selling hearing aids. Hearing Aid Dispensers generally work with individuals over the age of 16 but can work with younger individuals under specified circumstances.

To ensure ongoing consumer protection, the Board enforces standards of professional conduct by investigating applicant backgrounds, investigating complaints against licensed and unlicensed practitioners, and taking disciplinary action whenever appropriate.

DRAFT



# Message from the Chair

[In Progress – Please see Hand Carry updated copy]

DRAFT

# Board Mission, Vision, and Values

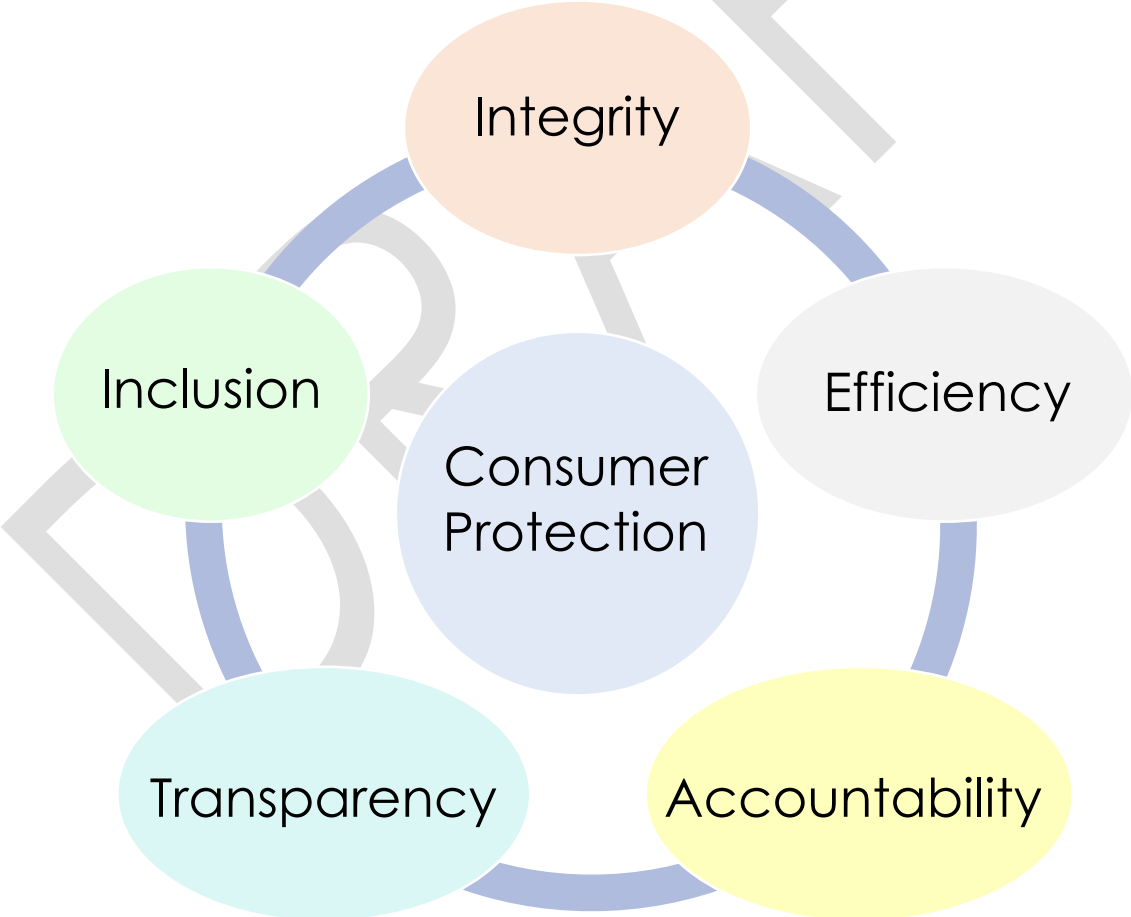
## Mission

We protect the people of California by promoting standards and enforcing the laws and regulations that ensure the qualifications and competence of providers of speech-language pathology, audiology, and hearing aid dispensing services.

## Vision

Every person in the State of California has access to the highest quality diagnosis and treatment of communication and hearing disorders, and related services.

## Values



## Goal 1: Licensing

**The Board's licensing standards protect consumers while permitting reasonable access into the professions.**

- 1.1 Expand online licensing services to improve efficiency.
- 1.2 Improve responsiveness and communication to applicants and licensees.
- 1.3 Research and evaluate creating a mid-level license type for entry into the profession of audiology to promote workforce development.
- 1.4 Increase accessibility to the hearing aid dispensing practical exam.
- 1.5 Create educational materials to clearly explain the application and licensing processes.
- 1.6 Research the impact of joining the interstate compact.

DRAFT

## Goal 2: Enforcement

**The Board protects consumers through the active enforcement of the laws and regulations governing the practices of speech-language pathology, audiology, and hearing aid dispensing.**

- 2.1 Improve communication with complainants to clarify expectations and promote consumer satisfaction.
- 2.2 Review and update the Board's disciplinary guidelines to ensure more consistent disciplinary actions for similar violations.
- 2.3 Collaborate with DCA's Office of Information Services (OIS) to research the feasibility of creating a Board specific online complaint system that provides status updates to complainants and respondents.

DRAFT

## Goal 3: Outreach and Communications

**The Board educates and informs consumers and other stakeholders about the practices and laws and regulations governing the professions of speech-language pathology, audiology, and hearing aid dispensing.**

- 3.1 Communicate the risks and limitations of over-the-counter hearing aids to increase consumer awareness.
- 3.2 Improve outreach and communication about the Board's purpose and role to promote stakeholder understanding.
- 3.3 Increase visibility and awareness of Board activities to promote stakeholder engagement and awareness.
- 3.4 Improve all communications to ensure transparency, and enhance clarity and understanding by consumers.
- 3.5 Clarify and educate the public on the Board's jurisdiction to address school speech therapist caseload concerns.
- 3.6 Develop informational materials about the regulatory process and the importance of public comment to increase engagement.

## Goal 4: Laws and Regulations

**The Board protects California consumers by the laws and regulations governing the speech-language pathology, audiology, and hearing aid dispensing professions.**

- 4.1 Continue periodic reviews of Board regulations, and update, if necessary, to ensure clarity and understanding, and to reflect current professional practices.
- 4.2 Communicate and educate licensees about the recently changed continuing education regulations to keep licensees informed.
- 4.3 Update regulations about supervision to increase clarity and address ethical issues.
- 4.4 Prioritize regulatory packages to improve the Board's responsiveness to high priority issues.
- 4.5 Advocate for a balance in work settings for members of the Board to achieve more balanced input into Board decisions and their impacts on different work settings.

## Goal 5: Board Administration

**The Board is committed to efficiently and effectively utilizing resources and personnel to meet its goals and objectives.**

- 5.1 Define necessary staffing levels and, if needed, obtain additional staffing to achieve the Board's goals and mission.
- 5.2 Improve the Board's website using plain language to increase accessibility and user friendliness.
- 5.3 Review the organizational structure to ensure appropriate oversight of Board's operations.

DRAFT

## Strategic Planning Process

To understand the environment in which the Board operates as well as identify factors that could impact the Board's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Planning Solutions Unit (SOLID) conducted an environmental scan of the Board's internal and external environments by collecting information through the following methods:

- Phone/online interviews with board members and executive leadership during March and April of 2024.
- Online surveys distributed to board staff, as well as external stakeholders, during the month of April of 2024.

The most significant themes and trends identified from the environmental scan were discussed by board members, board leadership and staff, and members of the public during a strategic planning session facilitated by SOLID on June 12, 2024. This information guided the Board in the development of its strategic objectives outlined in this 2025-2028 strategic plan.



## **Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board**

1601 Response Road, Suite 260

Sacramento, CA 95815

Phone: (916) 287-7915

<https://www.speechandhearing.ca.gov/>

Strategic plan adopted on [date].

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board on June 12, 2024. Subsequent amendments may have been made after the adoption of this plan.



Prepared by:

**SOLID Planning Solutions**

1747 N. Market Blvd., Ste. 270

Sacramento, CA 95834



# MEMORANDUM

DATE	August 15, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 17: 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal was approved and filed with the Secretary of State by the Office of Administrative Law (OAL) on March 19, 2024. These regulations became effective on July 1, 2024. For more information, visit, [https://www.speechandhearing.ca.gov/board\\_activity/lawsregs/slpa\\_supervision\\_requirements.shtml](https://www.speechandhearing.ca.gov/board_activity/lawsregs/slpa_supervision_requirements.shtml)

This regulatory change permits tele-supervision as “direct” supervision of a speech- language pathology assistant (SLPA), requires a higher level of supervision during the first 90 days of work following a SLPA’s initial licensure, requires both a minimum level of experience and professional development training in supervision before supervising a SLPA, permits the supervision of three (3) full-time equivalent support personnel not to exceed six (6) support personnel at any time, incorporates by reference a revised supervision form, and revises 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal was approved and filed with the Secretary of State by the OAL on August 14, 2024. These regulations will become effective on October 1, 2024. For more information, visit, [https://www.speechandhearing.ca.gov/board\\_activity/lawsregs/ce\\_requirements.shtml](https://www.speechandhearing.ca.gov/board_activity/lawsregs/ce_requirements.shtml)

This proposed regulatory change 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 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.

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal was initially noticed to the public on October 6, 2023. The Board approved final responses to public comment on July 18, 2024 and it was submitted to OAL for Review on July 26, 2024. Board staff expects a response from OAL by September 10, 2024, and if approved will become effective January 1, 2025.

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, remove limitations to the number of hours that can be obtained from courses that are related to the practice of SLP-AU, increase the number of hours that can be obtained from indirect patient/client care courses to twenty-five (25) percent, permit other opportunities to fulfill CPD requirements, and clarify current regulations by making CPD requirements consistent with the Board’s CPD audit process and the professional learning requirements for similar license types and course content.

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal was initially noticed to the public on November 17, 2023. It was submitted to the Business, Consumer Services and Housing Agency for Final Departmental Review on July 25, 2024.

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.

**e) 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

This regulatory proposal is in the Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

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

**f) 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved revisions to the proposed regulatory text on August 25, 2023. As of August 9, 2024, Board staff is preparing the regulatory package for Departmental Review.

This proposed regulatory change will permit the Board to review and 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.

**g) 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved revisions to the proposed regulatory text on August 25, 2023. As of March 20, 2024, Board staff is preparing the regulatory package for Departmental Review.

This proposed regulatory change will clarify that supervision is required for the entire duration of the trainee or temporary license, specify different levels of supervision, require a higher level of supervision during the first ninety (90) days of supervision, 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.

**h) 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved revisions to the proposed regulatory text on May 13, 2022. As of September 28, 2022, Board staff is preparing the regulatory package for Departmental Review.

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.

**i) Audiology Licensing Requirements Related to Supervised Clinical Experience 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved revisions to the proposed regulatory text on December 1, 2023. As of May 29, 2024, Board staff is preparing the regulatory package for Departmental Review.

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.

**j) 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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

The Board approved revisions to the proposed regulatory text on December 1, 2023. As of April 19, 2024, Board staff is preparing the regulatory package for Departmental 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.

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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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
------------------------	------------------------------	---------------------	---------------------------	-------------------------------	------------------------------	---------------------------	------------------------------	--------------

**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 <sup>st</sup>
December 1 to February 29	April 1 <sup>st</sup>
March 1 to May 31	July 1 <sup>st</sup>
June 1 to August 31	October 1 <sup>st</sup>





# MEMORANDUM

DATE	July 11, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 17(e): Discussion and Possible Action to Amend Regulations Regarding Repealing 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

## **Background**

The proposed regulatory changes will remove processing times and any references to processing times in multiple regulation sections.

In October of 2021, the Board adopted proposed regulatory text to remove 16 CCR sections 1399.113 and 1399.151 through a Section 100 rulemaking process. However, these sections did not qualify for the Section 100 rulemaking process because of the authority relied upon to adopt the Board’s processing times in those regulation sections. This proposed regulation will remove processing times in those sections and others through the formal rulemaking process.

Government Code section 15376 of the Permit Reform Act of 1981 required state agencies to adopt regulations regarding their procedures for considering and issuing permits. The Board adopted 16 CCR sections 1399.113 and 1399.151.1 to state the Board’s processing times. However, the Permit Reform Act was repealed by Assembly Bill 1757 (Committee on Budget, Chapter 229, Statutes of 2003), and thus, specifying processing times in regulation is no longer statutorily required. Along with repealing 16 CCR sections 1399.113 and 1399.151.1, this rulemaking also proposes amendments that strike out language regarding processing times in 16 CCR sections 1399.141, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13.

Board staff does not find it necessary to state new or updated information regarding processing times in its regulations because processing times vary for different reasons beyond the Board’s control. These reasons include applicants obtaining review under a statutorily required expediting process, seasonal increases and decreases in application submissions, and the submission of incomplete applications. Furthermore, the Board provides the timeframes for processing applications on the Board’s internet website in accordance with Business and Professions Code section 139.5. The Board’s internal policy is to update processing timeframes on a weekly basis, subject to workload constraints, which far exceeds the quarterly updates required by BPC section 139.5.



## **Summary of Changes**

The following are additions made to the proposed regulatory package since the December 1, 2023 Board-approved amendments:

- Amend section 1399.141 as follows:
  - add a comma after “training in subsection (a)(5),
  - revise subsection (a)(5)(A) to replace “two year’s” with “two (2) years of”,
  - revise subsection (c) to replace “30 days” with “thirty (30) days”,
  - remove the reference to processing times at the end of subsection (f)
- Amend section 1399.153.2 to replace gendered pronoun in subsection (a)

## **Action Requested**

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to amend and approve the revised regulatory language and initiate the rulemaking process.

### **Suggested Motion Language**

Move to approve the proposed regulatory text for 16 CCR sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13 with the changes discussed at this meeting, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4. and 1399.170.13 as noticed.

Attachment: Repealing Processing Times Proposed Text

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

**PROPOSED REGULATORY LANGUAGE  
Repealing Processing Times**

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Deleted text is indicated by <del>strikeout</del> .
----------------	---

**Repeal Section 1399.113 of Article 2 of Division 13.3 of Title 16 of the California Code of Regulations (CCR)<sup>1</sup> as follows:**

**~~§ 1399.113. Review of Hearing Aid Dispenser Applications; Processing Time.~~**

~~(a) The Board shall inform in writing an applicant for licensure as a hearing aid dispenser within 17 days of receipt of the initial application form whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(b) The Board shall inform an applicant for licensure as a hearing aid dispenser within 189 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.~~

~~NOTE: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section 2538.24, Business and Professions Code.~~

**Amend Section 1399.141 of Article 7 of Division 13.3 of the CCR as follows:**

**§ 1399.141. Approval of Continuing Education Providers.**

(a) In order to be approved by the Board as a continuing education provider the following information shall be submitted with an application, Continuing Education Course Approval Application for Hearing Aid Dispensers, form CEP 100 (Rev 05/16), incorporated herein by reference, provided by the Board:

(1) Remit the \$50 per subject continuing education course approval fee.

---

<sup>1</sup> Unless otherwise noted, all references to the CCR hereafter are to Title 16.

(2) The course content for all courses, including ethics, shall be current practices as related to the fitting of hearing aids for aiding or compensating for impaired human hearing or any of the subjects listed in subsection (a)(1) of section 1399.140, within the scope of practice for a dispenser as defined by Section 2538.11 of the Code and generally for the benefit of the consumer. The course content shall be information related to the fitting of hearing aids, and this information shall be at a level above that basic knowledge required for licensure as set forth in Section 2538.25 of the Code, except that basic knowledge which would serve as a brief introduction to the course. The phrase “at a level above that basic knowledge” means any subjects, issues, topics, theories, or findings that are more advanced than the entry level of knowledge of the practice of fitting or selling hearing aids as provided in Section 2538.11 of the Code.

(3) Teaching methods for each course or program shall be described, e.g., lecture, seminar, audiovisual, simulation, etc.

(4) Each course or program shall clearly state the educational objective that can be realistically accomplished within the framework of the course or program, and the number of hours of continuing education credit which may be obtained by completion of a specified course.

(5) Instructors shall be qualified to teach the specified course content by virtue of their prior education, training, and experience. A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(A) A license, or, if in a setting or state which does not require licensure, legal authorization to provide services in an area related to the subject matter of the course. The license shall be current, valid, and free from restrictions due to disciplinary action by the Board or any other health care regulatory agency;

(B) Training or experience in teaching courses in the subject matter; or

(C) At least two ~~years~~ (2) years of experience in an area related to the subject matter of the course. A resume of each instructor shall be forwarded with the application for approval.

(6) Each course or program shall include an evaluation method which documents that educational objectives have been met, such as, but not limited to, a written evaluation or written examination by each participant.

(7) Only those courses or programs which are open to all licensed hearing aid dispensers shall be approved by the Board.

(b) Providers shall maintain a record of attendance of each participant who is licensed as a hearing aid dispenser for a period of four (4) years, and shall provide such record to the Board upon request. The record shall indicate those dispensers who have complied with the requirements of the course or program offered.

(c) Applications for approval of a continuing education provider shall be submitted to the Board at its Sacramento office ~~allowing for sufficient time for review and prior approval as follows: The Board will inform the provider within 30 days of receipt of the application whether the application is complete or deficient. The provider shall cure any deficiency within 30 days of such notice. The Board will approve or deny the application within 30 days of the date that the application is complete, or the last date to cure the deficiency.~~ A provider may appeal to the Executive Officer of the Board the denial of approval of any course. Such appeal shall be filed with the Executive Officer of the Board not more than thirty (30)~~30~~ days after the date of notice of such denial. The Executive Officer shall notify the provider of the final decision within ten (10) days of the appeal.

(d) Any change in the course content or instructor shall be reported to the Board on a timely basis.

(e) The Board may withdraw the approval of any provider for failure to comply with the provisions of this section.

(f) Each provider shall submit to the Board on an annual basis a description or outline of each approved course to be offered the following year and a resume of any new instructor who will be presenting the course. This information shall be submitted prior to the re-offering of the course **within the timeframe set forth in subsection (e).**

NOTE: Authority cited: Section 2538.18, Business and Professions Code. Reference: Sections 2538.18 and 2538.57, Business and Professions Code.

**Repeal Section 1399.151.1 of Article 2 of Division 13.4 of the CCR as follows:**

**~~§ 1399.151.1. Review of Applications; Processing Time.~~**

~~(a) Speech-Language Pathology Licenses.~~

~~(1) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means~~

~~that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.~~

~~(b) Audiology Licenses.~~

~~(1) The Board shall inform in writing an applicant for licensure as an audiologist within 46 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for licensure as an audiologist within 20 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.~~

~~(c) Aide Registrations.~~

~~(1) The Board shall inform in writing an applicant for registration as an aide within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for registration as an aide within 20 days after completion of the application, of its decision whether the applicant meets the requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(d) Continuing Professional Development Provider Approvals.~~

~~(1) The Board shall inform in writing an applicant for approval as a continuing professional development provider within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required to correct the deficiency.~~

~~(2) The Board shall inform in writing an applicant for approval as a continuing professional development provider within 30 days after completion of the application, of its decision whether the applicant meets the requirements for approval. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(e) Continuing Professional Development Course Submissions.~~

~~(1) The Board shall inform in writing a licensee and/or a continuing professional development provider within 30 days as to whether a voluntary petition for course approval documentation is complete and accepted for filing or is deficient and what specific information is required to correct the deficiency. The term "complete" means that all required information and documentation has been filed by the licensee and/or continuing professional development provider.~~

~~(2) The Board shall inform in writing a licensee and/or continuing professional development provider within 45 days after completion of the documentation submitted for a voluntary petition for course approval, of its decision whether the course meets the course content requirements as defined in Section 1399.160.4.~~

~~(f) Speech-Language Pathology Assistant.~~

~~(1) The Board shall inform an applicant for registration as a speech language pathology assistant within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform an applicant for approval as a speech language pathology assistant within 85 days after completion of the application, of its decision whether the applicant meets the requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~NOTE: Authority cited: Sections 2531.95, 2532.6(a) and 2538.1(a), Business and Professions Code. Reference: Sections 2530.6, 2531.4, 2532.6(e), 2532.6(e)(2) and 2534.2(f), Business and Professions Code.~~

**Amend Section 1399.153.2 of Article 4 of Division 13.4 of the CCR as follows:**

**§ 1399.153.2. Application and Fees.**

~~(a) All persons desiring to begin their required professional experience shall file an RPE temporary license application with the Board as provided in Section 1399.151. No person shall commence any RPE in a setting in which licensure is required in the Act until ~~he or she has~~ they have been issued a required professional experience temporary license. Upon receipt of the RPE temporary license application, the Board will immediately review the RPE plan and notify the applicant of its approval or disapproval. As soon as possible thereafter the Board will review the applicant's credentials and notify the applicant as to the approval of his or her credentials for licensure.~~

~~(b) All RPE temporary license applicants shall submit at the time of filing the RPE temporary license application a non-refundable fee of \$35.00 which is applicable to the application fee as required in Section 1399.157(a).~~

(c) Any experience gained prior to the issuance of the RPE temporary license will not be counted toward licensure, unless the RPE temporary license holder is practicing in a setting exempt under Section 2530.5 of the Code, or in another state.

(d) Application under this section shall constitute temporary licensure of the RPE applicant under Section 2530.5 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.5, 2532.1 and 2532.2, Business and Professions Code.

**Amend Section 1399.160.6 of Article 11 of Division 13.4 of Title 16 of the CCR as follows:**

**§ 1399.160.6. Continuing Professional Development Course Approval.**

(a) A licensee shall only be credited with continuing professional development hours if the licensee takes a course from a board-approved provider with a valid, current approval as a provider or from an entity listed in Section 2532.6(e)(1) of the Code.

(b) Courses related to the dispensing of hearing aids as offered by hearing aid manufacturers or companies for the purposes of continuing professional development shall be reviewed by the Board prior to the offering of the course. The continuing professional development provider must submit such request for course approval to the Board according to the timeline in Section 1399.151.1(e). Such request shall include:

(1) The nature of the sponsoring institution, the Board issued professional development provider number (with the exception of those entities listed in Section 2532.6(e)(1)), the address, telephone number, and contact person.

(2) Course title, date(s), location(s), and number of continuing professional development hours offered.

(3) Type and method of educational instruction and learner outcomes to be met.

(4) A course outline, course description, and instructor information and qualifications.

(5) If available, advertisements intended to be used by the provider to advertise the relevant course.

(c) A licensee or a continuing professional development provider may voluntarily petition Board consideration of any courses offered by an approved provider or an entity listed in Section 2532.6(e)(1) of the Code. The licensee or continuing professional

development provider must submit such request for course approval to the Board according to the timeline in ~~Section 1399.151.1(e)~~. Such request shall include:

- (1) The name of the sponsoring institution, the Board issued professional development provider number (with the exception of those entities listed in Section 2532.6(e)(1)), the address, telephone number, and contact person.
- (2) Course title, date(s), location(s), and number of continuing professional development hours offered.
- (3) Type and method of educational instruction and learner outcomes to be met.
- (4) A course outline, course description, and instructor information and qualifications.
- (5) If available, advertisements intended to be used by the provider to advertise the relevant course.

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), ~~(e)(1) and (e)(2)~~, Business and Professions Code.

**Amend Section 1399.170.4 of Article 12 of Division 13.4 of the CCR to read as follows:**

**§ 1399.170.4. Eligibility for Approval of Speech-Language Pathology Assistant Training Programs.**

(a) To be eligible for approval by the Board as a speech-language pathology assistant training program (hereinafter referred to as “program”), the sponsoring institution shall be accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges.

(b) To be eligible for program approval by the Board, the program director must meet the following requirements:

- (1) hold a current, active, and unrestricted California license,
- (2) have practiced speech-language pathology for at least five (5) years, and
- (3) not be the subject of Board disciplinary action within the past five (5) years.

(c) For the purposes of this section, the terms “disciplinary action” and “restricted California license” shall both mean that the license was revoked, suspended, placed on probation, or publicly reprimanded.



(d) An educational institution seeking approval of a speech-language pathology assistant program shall:

(1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, of its intent to offer a new program.

(2) No later than six (6) months prior to the enrollment of students, submit a formal proposal to the Board demonstrating how the program will meet the requirements of Sections 1399.170.5. through 1399.170.10. The Board, at its sole discretion, may retroactively approve programs that enrolled students prior to the effective date of the regulations.

(e) The Board shall review the request and formal proposal and may thereafter grant or deny approval. The Board may request additional information to evaluate the request for approval and shall notify the program of its decision in writing within sixty (60) days from receipt of all requested documents.

(f) A material misrepresentation by the program of any information required to be submitted to the Board may be grounds for denial of approval or removal of the program from the approved list.

NOTE: Authority cited: Sections 2531.95 and 2538.1, Business and Professions Code. Reference: Section 2538.1, Business and Professions Code.

**Amend Section 1399.170.13 of Article 12 of Division 13.4 of Title 16 of the CCR to read as follows:**

**§ 1399.170.13. Application.**

Each person desiring registration as a speech-language pathology assistant shall file application forms (77A-60 New 08/01 and, if applicable, 77A-61 New 12/99) and any required supporting documentation with the Board ~~as provided in Section 1399.151.1.~~ Upon receipt of the speech-language pathology assistant application, the Board will review the application for registration and notify the applicant of its approval or disapproval.

NOTE: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1(b)(1), Business and Professions Code.



# MEMORANDUM

DATE	August 26, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 18: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

## a. Legislative Calendar and Deadlines

- August 31, 2024 – Last day for each house to pass bills. Final Recess begins upon adjournment.
- September 30, 2024 – Last day for Governor to sign or veto bills passed by the Legislature before September 1, 2024, and in the Governor's possession on or after September 1, 2024.
- November 30, 2024 – Adjournment sine die at midnight
- December 2, 2024 – 2025-26 Regular Session convenes for Organizational Session at 12 noon.
- January 1, 2025 – Statutes take effect.

## b. 2023 Legislation Implementation

### i. 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:** All online and paper applications and registrations were updated. Stakeholders were notified of changes to online and paper applications on August 19, 2024.

## c. 2024 Board-Sponsored Legislation

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

**Status:** This bill is on the Assembly Floor, Third Reading.

**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. This bill would make numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA).

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

**Status:** This bill died. It failed to meet the deadline for fiscal committees to meet and report bills.

**Summary:** This bill would have, on and after January 1, 2025, removed 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 instead only require that a report is made if the health practitioner 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, a wound or physical injury resulting from child abuse, or a wound or physical injury resulting from elder abuse. This bill would have additionally required a health practitioner who suspected that a patient has suffered physical injury that is caused by domestic violence as defined in Penal Code section 13700 to provide brief counseling, education, or other support, and a warm handoff referral to local and national domestic violence or sexual violence advocacy services as described in Evidence Code sections 1035.2 and 1037.1. The bill would have also 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 that is inflicted by the person’s own act or inflicted by another where the injury is by means of 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.

**ii. AB 1900 (Weber) Consumer refunds: nondisclosure agreements.**

**Status:** This bill was chaptered by Secretary of State on July 15, 2024 (Chapter 89, Statutes of 2024.)

**Summary:** This bill makes it unlawful act to prohibit a consumer from publishing or making statements about the business as a condition of receiving a refund or other consideration or thing of value contrary to public policy and void and unenforceable.

Current law regulates the formation and enforcement of contracts, and consumer refunds specific to certain industries and under specified circumstances.

**iii. 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 on the Senate Floor, Third Reading.

**Summary:** This bill would prohibit a business from selling or sharing the personal information of a consumer if the business has actual knowledge that the consumer is less than 18 years of age and would revise the prohibition to prohibit a business from selling or sharing the personal information of a consumer over 13 years of age, but less than 18 years of age, unless the consumer, or the consumer’s parent or guardian has affirmatively authorized the sale or sharing of the consumer’s personal information. The bill would also require a business to treat a consumer as under 18 years of age if the consumer, through a platform, technology, or mechanism, transmits a signal indicating that the consumer is less than 18 years of age. This bill would also require 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 18 years of age.

Current law 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 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 to further the purposes of the California Consumer Privacy Act of 2020, 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. Current law also requires the California Privacy Protection Agency to adopt regulations under the authority assigned to the Attorney General.

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

**Status:** This bill is in the Assembly for concurrence in Senate amendments.

**Summary:** This bill would require healing arts boards to require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee's or registrant's individual National Provider Identifier if they have one. The bill would provide that a violation of the bill's requirements is not a crime.

Current law establishes the standards for licensure or certification of health professionals and makes certain violations of specified provisions relating to healing arts by a licensee or registrant a crime.

**v. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program: reproductive loss leave.**

**Status:** This bill was chaptered by Secretary of State on July 18, 2024 (Chapter 147, Statutes of 2024.)

**Summary:** This bill expands 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 applicable employee's claim relating to an alleged violation. The bill deems the mediation to be complete if the mediator determines that the employer does not have between 5 and 19 employees and deletes 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.

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

**Status:** This bill died. It failed to meet the deadline for policy committees to meet and report bills.

**Summary:** This bill would have prohibited 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 have also provided 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.

**vii. AB 2339 (Aguiar-Curry) Medi-Cal: telehealth.**

**Status:** This bill is on the Senate Floor, Third Reading.

**Summary:** This bill would expand the definition of "asynchronous store and forward" to include asynchronous electronic transmission initiated directly by patients, including through mobile telephone applications. This bill would also expand that exception to include asynchronous store and forward when the visit is related to sensitive services as defined in Civil Code section 56.05. The bill would 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 from exception the option of the patient attesting that they do not have access to video.

Current law defines "asynchronous store and forward" as the transmission of a patient's medical information from an originating site to the health care provider at a distant site. 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 authorizes a health care provider to establish a new patient relationship using an audio-only synchronous interaction when the visit is related to sensitive services and when established in accordance with department-specific requirements and consistent with federal and state law, regulations, and guidance. 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.

**viii. AB 2862 (Gipson) Licenses: African American applicants.**

**Status:** This bill died. It failed to meet the deadline for policy committees to meet and report bills.

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

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

**Status:** This bill was chaptered by Secretary of State on July 15, 2024 (Chapter 157, Statutes of 2024.)

**Summary:** This bill deletes 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.

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

**Status:** This bill died. It failed to meet the deadline for fiscal committees to meet and report bills.

**Summary:** This bill would have removed 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. The bill would have instead required 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. This bill would have required 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. The bill would have also required a health practitioner who suspects that a patient has suffered physical injury that is caused by domestic violence as defined in Penal Code section 13700 to provide brief counseling and a referral to local and national domestic violence or sexual violence advocacy services as described in Evidence Code sections 1035.2 and 1037.1.

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. Current law makes it a violation of these provisions punishable as a misdemeanor.

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

**Status:** This bill died. It failed to meet the deadline for policy committees to meet and report bills.

**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.

**xii. SB 1451 (Ashby) Professions and vocations.**

**Status:** This bill is on the Assembly Floor, Third Reading.

**Summary:** This bill would add the initials "D.O." to the list of prohibited terms under the Medical Practice Act and prohibit a person from using the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that the person is a licensed "M.D." or "D.O.". "D.O." The bill would also authorize certain persons to use the words "doctor" or "physician," the letters or prefix "Dr.," or the initials "M.D." or "D.O."

Current law makes it a misdemeanor for a person who is not licensed as a physician and surgeon, except as specified, to use certain words, letters, and phrases or any other terms that imply that the person is authorized to practice medicine as a physician and surgeon.

Attachments:

- A. [SB 1526](#) (Committee on Business, Professions and Economic Development) Consumer affairs.
- B. [AB 1900](#) (Weber) Consumer refunds: nondisclosure agreements.
- C. [AB 1949](#) (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age.
- D. [AB 1991](#) (Bonta, Mia) Licensee and registrant renewal: National Provider Identifier.
- E. [AB 2011](#) (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program: reproductive loss leave.
- F. [AB 2339](#) (Aguiar-Curry) Medi-Cal: telehealth.
- G. [AB 2908](#) (Chen) Shareholders' meetings: remote communication.
- H. [SB 1451](#) (Ashby) Professions and vocations.

## **SB 1526 - (A) Amends the Law**

### **SECTION 1.**

Section 144 of the Business and Professions Code is amended to read:

### **SEC. 2.**

Section 205 of the Business and Professions Code, as amended by Section 1 of Chapter 508 of the Statutes of 2023, is amended to read:

### **SEC. 3.**

Section 205 of the Business and Professions Code, as added by Section 2 of Chapter 508 of the Statutes of 2023, is amended to read:

### **SEC. 4.**

*Section 208 of the Business and Professions Code, as amended by Section 2 of Chapter 41 of the Statutes of 2024, is amended to read:*

### **SEC. 5.**

*Section 208 of the Business and Professions Code, as added by Section 3 of Chapter 41 of the Statutes of 2024, is amended to read:*

### **~~SEC. 5.~~ SEC. 6.**

Section 1903 of the Business and Professions Code is amended to read:

### **~~SEC. 6.~~ SEC. 7.**

Section 1905.2 of the Business and Professions Code is amended to read:

### **~~SEC. 8.~~ SEC. 9.**

Section 1944 of the Business and Professions Code is amended to read:

### **~~SEC. 9.~~ SEC. 10.**

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.~~ SEC. 11.**

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.~~ **SEC. 12.**

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.

~~SEC. 12.~~ **SEC. 13.**

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.~~ **SEC. 14.**

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.

~~SEC. 14.~~ **SEC. 15.**

Section 2736 of the Business and Professions Code is amended to read:

~~SEC. 15.~~ **SEC. 16.**

Section 2761 of the Business and Professions Code is amended to read:

~~SEC. 16.~~ **SEC. 17.**

Section 2816 of the Business and Professions Code is amended to read:

~~SEC. 17.~~ **SEC. 18.**

Section 3503 of the Business and Professions Code is amended to read:

~~SEC. 18.~~ **SEC. 19.**

Section 3526 of the Business and Professions Code is amended to read:

~~SEC. 20.~~ **SEC. 21.**

Section 3534.4 of the Business and Professions Code is amended to read:

~~SEC. 21.~~ **SEC. 22.**

Section 3534.5 of the Business and Professions Code is amended to read:

~~SEC. 22.~~ **SEC. 23.**

Section 3545 of the Business and Professions Code is amended to read:

~~SEC. 23.~~ **SEC. 24.**

Section 3620 of the Business and Professions Code is amended to read:

~~SEC. 24.~~ **SEC. 25.**

Section 3620.1 of the Business and Professions Code is amended to read:

~~SEC. 25.~~ **SEC. 26.**

Section 3621.5 of the Business and Professions Code is amended to read:

~~SEC. 26.~~ **SEC. 27.**

Section 3622 of the Business and Professions Code is amended to read:

~~SEC. 27.~~ **SEC. 28.**

Section 3623 of the Business and Professions Code is amended to read:

~~SEC. 28.~~ **SEC. 29.**

Section 3624 of the Business and Professions Code is amended to read:

~~SEC. 29.~~ **SEC. 30.**

Section 3627 of the Business and Professions Code is amended to read:

~~SEC. 30.~~ **SEC. 31.**

Section 3630 of the Business and Professions Code is amended to read:

~~SEC. 31.~~ **SEC. 32.**

Section 3633 of the Business and Professions Code is amended to read:

~~SEC. 32.~~ **SEC. 33.**

Section 3633.1 of the Business and Professions Code is amended to read:

~~SEC. 33.~~ **SEC. 34.**

Section 3634 of the Business and Professions Code is amended to read:

~~SEC. 34.~~ **SEC. 35.**

Section 3636 of the Business and Professions Code is amended to read:

~~SEC. 35.~~ **SEC. 36.**

Section 3640 of the Business and Professions Code is amended to read:

~~SEC. 36.~~ **SEC. 37.**

Section 3640.2 of the Business and Professions Code is amended to read:

~~SEC. 37.~~ **SEC. 38.**

Section 3640.3 of the Business and Professions Code is amended to read:

~~SEC. 38.~~ **SEC. 39.**

Section 3640.5 of the Business and Professions Code is amended to read:

~~SEC. 39.~~ **SEC. 40.**

Section 3640.8 of the Business and Professions Code is amended to read:

~~SEC. 40.~~ **SEC. 41.**

Section 3641 of the Business and Professions Code is amended to read:

~~SEC. 41.~~ **SEC. 42.**

Section 3644 of the Business and Professions Code is amended to read:

~~SEC. 42.~~ **SEC. 43.**

Section 3650 of the Business and Professions Code is amended to read:

~~SEC. 43.~~ **SEC. 44.**

Section 3651.5 of the Business and Professions Code is amended to read:

~~SEC. 44.~~ **SEC. 45.**

Section 3652 of the Business and Professions Code is amended to read:

~~SEC. 45.~~ **SEC. 46.**

Section 3660 of the Business and Professions Code is amended to read:

~~SEC. 46.~~ **SEC. 47.**

Section 3661 of the Business and Professions Code is amended to read:

~~SEC. 47.~~ **SEC. 48.**

Section 3663 of the Business and Professions Code is amended to read:

~~SEC. 48.~~ **SEC. 49.**

Section 3663.5 of the Business and Professions Code is amended to read:

~~SEC. 49.~~ **SEC. 50.**

Section 3670 of the Business and Professions Code is amended to read:

~~SEC. 50.~~**SEC. 51.**

Section 3672 of the Business and Professions Code is amended to read:

~~SEC. 51.~~**SEC. 52.**

Section 3675 of the Business and Professions Code is amended to read:

~~SEC. 52.~~**SEC. 53.**

Section 3681 of the Business and Professions Code is amended to read:

~~SEC. 53.~~**SEC. 54.**

Section 3685 of the Business and Professions Code is amended to read:

~~SEC. 54.~~**SEC. 55.**

Section 4175 of the Business and Professions Code is amended to read:

~~SEC. 55.~~**SEC. 56.**

Section 4800 of the Business and Professions Code is amended to read:

~~SEC. 56.~~**SEC. 57.**

Section 4800.1 of the Business and Professions Code is amended to read:

~~SEC. 57.~~**SEC. 58.**

Section 4809.6 of the Business and Professions Code is amended to read:

~~SEC. 58.~~**SEC. 59.**

Section 4810 of the Business and Professions Code is amended to read:

~~SEC. 59.~~**SEC. 60.**

Section 4826.7 of the Business and Professions Code is amended to read:

~~SEC. 60.~~**SEC. 61.**

Section 4836.1 of the Business and Professions Code is amended to read:

~~SEC. 61.~~**SEC. 62.**

Section 4842.2 of the Business and Professions Code is amended to read:

~~SEC. 62.~~**SEC. 63.**

Section 4846 of the Business and Professions Code is amended to read:

~~SEC. 63.~~**SEC. 64.**

Section 4848.1 of the Business and Professions Code is amended to read:

~~SEC. 64.~~**SEC. 65.**

Section 4857 of the Business and Professions Code is amended to read:

~~SEC. 65.~~**SEC. 66.**

Section 4860 of the Business and Professions Code is amended to read:

~~SEC. 66.~~**SEC. 67.**

Section 4875 of the Business and Professions Code is amended to read:

~~SEC. 67.~~**SEC. 68.**

Section 4886 of the Business and Professions Code is amended to read:

~~SEC. 68.~~**SEC. 69.**

Section 4903 of the Business and Professions Code is amended to read:

~~SEC. 69.~~**SEC. 70.**

Section 4904 of the Business and Professions Code is amended to read:

~~SEC. 70.~~**SEC. 71.**

Section 4905 of the Business and Professions Code is amended to read:

~~SEC. 71.~~**SEC. 72.**

Section 4910 of the Business and Professions Code is amended to read:

~~SEC. 72.~~**SEC. 73.**

Section 4920.2 of the Business and Professions Code is amended to read:

~~SEC. 73.~~**SEC. 74.**

Section 4920.4 of the Business and Professions Code is amended to read:

~~SEC. 74.~~**SEC. 75.**

Section 4920.8 of the Business and Professions Code is amended to read:

~~SEC. 75.~~**SEC. 76.**

Section 4980.54 of the Business and Professions Code is amended to read:

**SEC. 76.1.**

*Section 4980.54 of the Business and Professions Code is amended to read:*

**SEC. 76.2.**

*Section 4980.54 of the Business and Professions Code is amended to read:*

**SEC. 76.3**

*Section 4980.54 of the Business and Professions Code is amended to read:*

~~SEC. 76.~~**SEC. 77.**

Section 9884 of the Business and Professions Code is amended to read:

~~SEC. 77.~~**SEC. 78.**

Section 17913 of the Business and Professions Code is amended to read:

~~SEC. 78.~~**SEC. 79.**

Section 94816 of the Education Code is amended to read:

~~SEC. 79.~~**SEC. 80.**

Section 94850 of the Education Code is amended to read:

~~SEC. 80.~~**SEC. 81.**

Section 94856 of the Education Code is amended to read:

~~SEC. 81.~~**SEC. 82.**

Section 94876 of the Education Code is amended to read:

~~SEC. 82.~~**SEC. 83.**

Section 94883 of the Education Code is amended to read:

~~SEC. 83.~~**SEC. 84.**

Section 94897 of the Education Code is amended to read:

~~SEC. 84.~~**SEC. 85.**

Section 94899.5 of the Education Code is amended to read:

~~SEC. 85.~~**SEC. 86.**

Section 94901 of the Education Code is amended to read:

~~SEC. 86.~~**SEC. 87.**

Section 94906 of the Education Code is amended to read:

~~SEC. 87.~~**SEC. 88.**

Section 94907 of the Education Code is amended to read:

~~SEC. 88.~~**SEC. 89.**

Section 94913 of the Education Code is amended to read:

~~SEC. 89.~~**SEC. 90.**

Section 94947 of the Education Code is repealed.

~~SEC. 90.~~**SEC. 91.**

Section 94949.71 of the Education Code is amended to read:

~~SEC. 91.~~**SEC. 92.**

Section 1374.72 of the Health and Safety Code is amended to read:

~~SEC. 92.~~**SEC. 93.**

Section 124260 of the Health and Safety Code is amended to read:

~~SEC. 93.~~ **SEC. 94.**

Section 128454 of the Health and Safety Code is amended to read:

**SEC. 95.**

*(a) Section 76.1 of this bill incorporates amendments to Section 4980.54 of the Business and Professions Code proposed by both this bill and Assembly Bill 2270, enacted after Assembly Bill 2270 and Assembly Bill 2581, in which case Sections 76, 76.1, and 76.2 of this bill shall not become operative.*



**AB 1900 - (C) 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. Any provision in a contract or agreement that prohibits a consumer from publishing or making statements about the business as a condition of receiving a partial or complete refund or any other consideration or thing of value is contrary to public policy and shall be 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) (1) Notwithstanding any other provision of this section, a business shall not collect the personal information of a consumer if the business has actual knowledge that the consumer is 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.*

*(2) A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age.*

## **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) *(1) Notwithstanding subdivision (a), a business shall not sell or share the personal information of ~~consumers~~ a consumer if the business has actual knowledge that the consumer is less than ~~16~~ 18 years of age, unless the consumer, in the case of ~~consumers~~ a consumer 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 a consumer~~ 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.~~

*(2) 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) (A) Notwithstanding any other provision of this section, a business shall not use or disclose the personal information of a consumer if the business has actual knowledge that the consumer is 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.*

*(B) A business that willfully disregards the consumer's age shall be deemed to have had actual knowledge of the consumer's age.*

*(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 1798.139 is added to the Civil Code, to read:*

#### **1798.139.**

*A business shall treat a consumer as under 18 years of age if the consumer, through a platform, technology, or mechanism, transmits a signal indicating that the consumer is less than 18 years of age.*

#### **~~SEC. 4.~~ SEC. 5.**

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.

## **SEC. 6.**

*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 850.2 is added to the Business and Professions Code, immediately following Section 850.1, to read:*

**850.2.**

*(a) For purposes of this section, "healing arts board" means any board, division, or examining committee in the Department of Consumer Affairs that licenses or certifies health professionals.*

*(b) A healing arts board shall require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee's or registrant's individual National Provider Identifier, if they have one.*

*(c) A violation of this section shall not constitute a crime.*

## AB 2011 - (C) 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 - (A) 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), 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.

(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 2908 - (C) 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.

## **SB 1451 - (A) Amends the Law**

### **SECTION 1.**

*Section 115.4 of the Business and Professions Code is amended to read:*

#### **115.4.**

(a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) Notwithstanding any other law, on and after July 1, 2024, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory 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 as authorized under Section 1143(e) of Title 10 of the United States Code.

(c) A board may adopt regulations necessary to administer this section in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

*(d) For purposes of this section, the term “applicant” refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.*

#### **SEC. 2.**

*Section 115.5 of the Business and Professions Code is amended to read:*

#### **115.5.**

(a) A board within the department shall expedite the licensure process and waive the licensure application fee and the initial or original license fee charged by the board for an applicant who meets both of the following requirements:

(1) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license from the board.

(b) A board may adopt regulations necessary to administer this section.

~~(c) This section shall become operative on July 1, 2022.~~ *For purposes of this section, the term “applicant” refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.*

#### **SEC. 3.**

*Section 115.6 of the Business and Professions Code is amended to read:*

#### **115.6.**

(a) (1) — Except as provided in subdivision (j), a board within the department shall, after appropriate investigation, issue a temporary license to practice a profession or

vocation to an applicant who meets the requirements set forth in subdivisions (c) and (d).

(2) Revenues from fees for temporary licenses issued by the California Board of Accountancy shall be credited to the Accountancy Fund in accordance with Section 5132.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation within the same scope for which the applicant seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license, and that the information submitted in the application is accurate, to the best of the applicant's knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) (A) — The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(B) The board shall request a fingerprint-based criminal history information check from the Department of Justice in accordance with subdivision (u) of Section 11105 of the Penal Code and the Department of Justice shall furnish state or federal criminal history information in accordance with subdivision (p) of Section 11105 of the Penal Code.

(d) The applicant shall pass a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.

(e) Except as specified in subdivision (g), a board shall issue a temporary license pursuant to this section within 30 days of receiving documentation that the applicant has met the requirements specified in subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(f) (1) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the

requirements described in subdivision (c) or (d) or provided substantively inaccurate information that would affect the person's eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(2) Notwithstanding any other law, if, after notice and an opportunity to be heard, a board finds that a temporary licenseholder engaged in unprofessional conduct or any other act that is a cause for discipline by the board, the board shall revoke the temporary license.

(g) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists. The board shall issue a temporary license pursuant to this subdivision within 30 days of receiving documentation that the applicant has met the requirements specified in this subdivision and subdivisions (c) and (d) if the results of the criminal background check do not show grounds for denial.

(h) A temporary license issued pursuant to this section is nonrenewable and shall expire 12 months after issuance, upon issuance or denial of a standard license, upon issuance or denial of a license by endorsement, or upon issuance or denial of an expedited license pursuant to Section 115.5, whichever occurs first.

(i) A board shall submit to the department for approval, if necessary to implement this section, draft regulations necessary to administer this section. These regulations shall be adopted pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(j) (1) This section shall not apply to a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those described in subdivisions (c) and (d).

(2) This section shall apply only to the extent that it does not amend an initiative or violate constitutional requirements.

(k) ~~This section shall become operative on July 1, 2023.~~ *An applicant for a temporary license pursuant to this section shall not be required to provide, and no board shall collect, a fee for the application or issuance of a temporary license.*

*(l) For purposes of this section, the term "applicant" refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.*

#### **SEC. 4.**

*Section 135.4 of the Business and Professions Code is amended to read:*

#### **135.4.**

(a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory

evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.

*(d) For purposes of this section, "applicant" refers to an applicant for an individual license and does not refer to applicants for business or entity licenses.*

#### **SEC. 5.**

*Section 1905.2 of the Business and Professions Code is repealed.*

#### **SECTION 1. SEC. 6.**

Section 1926 of the Business and Professions Code is amended to read:

#### **SEC. 2. SEC. 7.**

Section 2054 of the Business and Professions Code is amended to read:

#### **2054.**

(a) Any person who uses in any sign, business card, or letterhead, or, in an advertisement, the words "doctor" or "physician," the letters or prefix "Dr.," the initials "~~M.D.;~~" "~~M.D.~~" or "~~D.O.;~~" or any other terms or letters indicating or implying that ~~he or she~~ *the person* is a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, or that ~~he or she~~ *the person* is entitled to practice hereunder, or who represents or holds ~~himself or herself~~ *themselves* out as a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor.

*No person shall use the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D." or "D.O.," or any other terms or letters indicating or implying that the person is a physician and surgeon, physician, surgeon, or practitioner in a health care setting that would lead a reasonable patient to determine that person is a licensed "M.D." or "D.O."*

(b) Notwithstanding subdivision (a), any of the following persons may use the words "doctor" or "physician," the letters or prefix "Dr.," or the initials "~~M.D.;~~" "~~M.D.~~" or "~~D.O.;~~":

(1) A graduate of a medical *or an osteopathic medical* school approved or recognized by the *medical or osteopathic medical* board while enrolled in a postgraduate training program approved by the board.

(2) A graduate of a medical *or an osteopathic medical* school who does not have a certificate as a physician and surgeon under this chapter if ~~he or she~~ *the individual* meets all of the following requirements:

- (A) If issued a license to practice medicine in any jurisdiction, has not had that license revoked or suspended by that jurisdiction.
- (B) Does not otherwise hold ~~himself or herself~~ *themselves* out as a physician and surgeon entitled to practice medicine in this state except to the extent authorized by this chapter.
- (C) Does not engage in any of the acts prohibited by Section 2060.
- (3) A person authorized to practice medicine under Section 2111 or 2113 subject to the limitations set forth in those sections.
- (4) A person holding a current and active license under another chapter of this division or any initiative act referred to in this division, to the extent the use of the title is consistent with the act governing the practice of that license.*
- (5) A person whose use of the word "doctor" or the prefix "Dr." is not associated with any claim of entitlement to practice medicine or any other professional service for which the use of the title would be untrue or misleading pursuant to Section 17500.*

**SEC. 8.**

*Section 2097.5 is added to the Business and Professions Code, to read:*

~~SEC. 3.~~ **SEC. 9.**

Section 2837.101 of the Business and Professions Code is amended to read:

~~SEC. 4.~~ **SEC. 10.**

Section 2837.103 of the Business and Professions Code is amended to read:

~~SEC. 5.~~ **SEC. 11.**

Section 2837.104 of the Business and Professions Code is amended to read:

~~SEC. 6.~~ **SEC. 12.**

Section 2837.105 of the Business and Professions Code is amended to read:

~~SEC. 7.~~ **SEC. 13.**

Section 3765 of the Business and Professions Code is amended to read:

**SEC. 14.**

*Section 4052.04 of the Business and Professions Code is amended to read:*

**SEC. 15.**

*Section 4069 is added to the Business and Professions Code, to read:*

**SEC. 16.**

*Section 4602 of the Business and Professions Code is amended to read:*

**SEC. 17.**

*Section 4621 of the Business and Professions Code is amended to read:*

~~SEC. 9.~~ **SEC. 18.**

Section 7423 of the Business and Professions Code is amended to read:

**~~SEC. 10.~~SEC. 19.**

Section 8593 of the Business and Professions Code is amended to read:

**~~SEC. 11.~~SEC. 20.**

Section 8593.1 of the Business and Professions Code is amended to read:

**SEC. 21.**

*Section 9880.1 of the Business and Professions Code is amended to read:*

**SEC. 22.**

*Section 9880.5 is added to the Business and Professions Code, to read:*

**SEC. 23.**

*Section 19237 of the Business and Professions Code is amended to read:*

**SEC. 24.**

*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.*