



BOARD & COMMITTEES MEETING NOTICE AND AGENDA

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) will hold a Board Meeting in person and via WebEx Events on

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

LOCATION FOR OBSERVATION AND PUBLIC COMMENT:

*Department of Consumer Affairs (Headquarters 2 Building)
1747 North Market Blvd., Ruby Room # 182 (1st Floor)
Sacramento, CA 95834*

IMPORTANT NOTICE TO THE PUBLIC:

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

Thursday, December 5, 2024, WebEx Link, beginning at 1:00 p.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m6438019c151e75417f7051e10188ec89>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 2494 739 4450, Passcode: 75724232

Friday, December 6, 2024, WebEx Link, beginning at 9:00 a.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m9a65fa87b263f9cb1a4383846340b88c>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 2489 749 3846, Passcode: 75724232

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

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, Wednesday, December 4, 2024, to speechandhearing@dca.ca.gov for consideration.

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

Thursday, December 5, 2024, beginning at 1:00 p.m.

Hearing Aid Dispensing Committee Members

Tod Borges, Hearing Aid Dispenser, Committee Chair
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Tamara Chambers, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Hearing Aid Dispensing 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 Regarding Postfitting Counseling and Foreign Body In The Ear Canal as Stated in Business and Professions Code (BPC) Sections 2538.11, 2538.36, and 2539.6 and Title 16, California Code of Regulations (CCR) Sections 1399.125 and 1399.126

Upon Adjournment of the Hearing Aid Dispensing Committee Meeting

Audiology Practice Committee Members

Amy White, Dispensing Audiologist, Committee Chair
Karen Chang, Public Member
Tamara Chambers, Otolaryngologist, Public Member
Charles Sanders, Dispensing Audiologist

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, CCR Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Upon Adjournment of the Audiology Practice Committee Meeting

Speech-Language Pathology Practice Committee Members

Gilda Dominguez, Speech-Language Pathologist, Committee Chair
Tamara Chambers, Otolaryngologist, Public Member
VACANT, Speech-Language Pathologist

Speech-Language Pathology 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 Scope of Responsibility, Duties, and Functions of Speech-Language Pathology Assistants as Stated in Title 16, CCR section 1399.170.3
4. Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, CCR Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Friday, December 6, 2024, beginning at 9:00 a.m.

Board Members

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

Full Board Meeting Agenda

OPEN SESSION

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda *(The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))*
3. Acknowledgment of Paul Sanchez's Service to the Board
4. Review and Possible Approval of the September 5 - 6, 2024, Board Meeting Minutes

5. Review and Possible Approval of the November 1, 2024, Board Meeting Minutes
6. DCA Update – DCA Board and Bureau Relations
7. Board Chair’s Report
 - a. Board and Committee Meeting Calendar
 - b. Board Committee Reports
 - i. Hearing Aid Dispensing Committee
 - ii. Audiology Practice Committee
 - iii. Speech-Language Pathology Practice Committee
8. Executive Officer’s Report
 - a) Administration Update
 - b) Outreach Update
 - c) Budget Report
 - d) Regulations Report
 - e) Licensing Report
 - f) Practical Examination Report
 - g) Enforcement Report
9. Board 2025 – 2028 Strategic Plan Review and Approval
10. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages
 - a) Update on Continuing Education Requirements for Hearing Aid Dispensers as Stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144
 - b) Update on Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as Stated in Title 16, CCR sections 1399.160 through 1399.160.4
 - c) Update and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127
 - d) Update and Possible Action to Amend Regulations Regarding 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
 - e) Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend Audiology Licensing Requirements Related to Supervised Clinical Experience as Stated in Title 16, CCR section 1399.152.2
 - f) Update and Possible Action to Amend Regulations Regarding Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as Stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119
 - g) Update and Possible Action to Amend Regulations Regarding 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
 - h) Update and Possible Action to Amend Regulations Regarding Approved Institutions as Stated in Title 16, CCR section 1399.152
 - i) Update and Possible Action to Amend Regulations Regarding Fingerprinting Requirements as Stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14
11. Discussion and Possible Action to Review and Revise the Board’s Administrative Procedure Manual

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

12. Overview of the Process and Schedule for the Board's 2025 Sunset Review Report and the 2026 Joint Sunset Review Oversight Hearings
13. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
 - a. Legislative Calendar and Deadlines
 - b. 2024 Board-Sponsored Legislation
 - i. SB 1526 (Committee on Business, Professions and Economic Development) Consumer affairs.
 - c. Bills with Active Position Taken by the Board
 - i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists
 - d. Bills with Recommended Watch Status
 - i. AB 477 (Waldron) Legislative review of state boards.
 - ii. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.
 - iii. AB 1816 (Schiavo) Deceptive practices.
 - iv. AB 1900 (Weber) Consumer refunds: nondisclosure agreements.
 - v. AB 1928 (Sanchez) Worker classification: employees and independent contractors.
 - vi. AB 1949 (Wicks) California Consumer Privacy Act of 2020: collection of personal information of a consumer less than 18 years of age.
 - vii. AB 1991 (Bonta, Mia) Licensee and registrant renewal: National Provider Identifier.
 - viii. AB 2011 (Bauer-Kahan) Unlawful employment practices: small employer family leave mediation program: reproductive loss leave.
 - ix. AB 2269 (Flora) Board membership qualifications: public members.
 - x. AB 2339 (Aguilar-Curry) Medi-Cal: telehealth.
 - xi. AB 2862 (Gipson) Department of Consumer Affairs: African American applicants.
 - xii. AB 2908 (Chen) Shareholders' meetings: remote communication.
 - xiii. AB 3127 (McKinnor) Reporting of crimes: mandated reporters.
 - xiv. SB 763 (Durazo) Criminal records.
 - xv. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.
 - xvi. SB 1451 (Ashby) Professions and vocations.
14. Discussion and Possible Action to Adopt a Legislative Proposal for an Omnibus Bill to Amend BPC sections 2531.3, 2532.2, 2532.3, 2532.4, 2532.6, 2532.7, 2536, and 2538.53; Education Code Section 44831; and Welfare and Institutions Code Section 14132.55
15. 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*)
16. Election of Board Officers for 2025
17. Potential Dates for Board Meetings in 2025
18. Future Agenda Items

CLOSED SESSION

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

OPEN SESSION

20. Adjournment

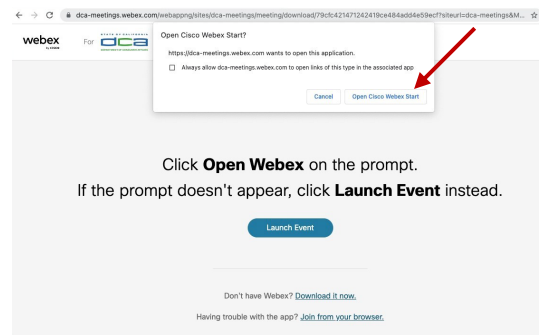
Agendas and materials can be found on the Board's website at www.speechandhearing.ca.gov.

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

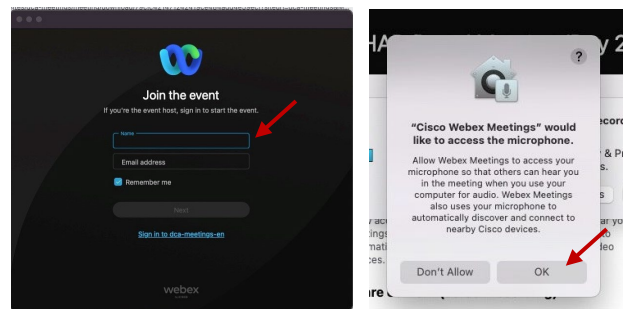
The meeting facility is accessible to persons with a disability. Any person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board office at (916) 287-7915 or making a written request to Cherise Burns, Interim Executive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

If joining using the meeting link

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



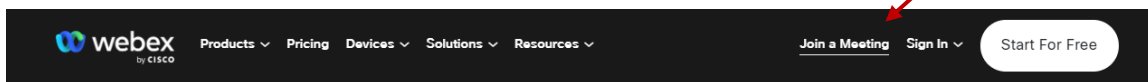
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



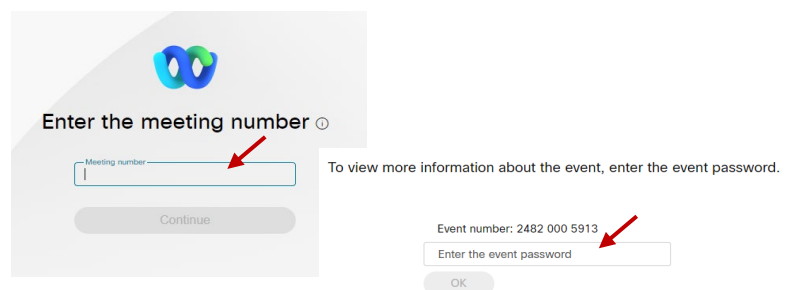
OR

If joining from Webex.com

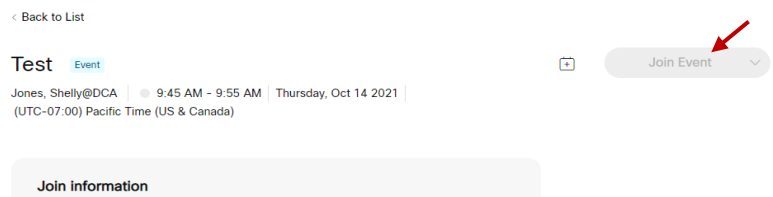
- 1 Click on "Join a Meeting" at the top of the Webex window.



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



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



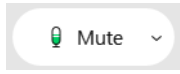
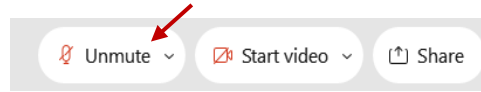
OR

Connect via telephone*:

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

Microphone

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

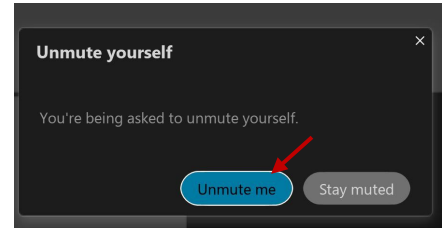


Green microphone = Unmuted: People in the meeting can hear you.



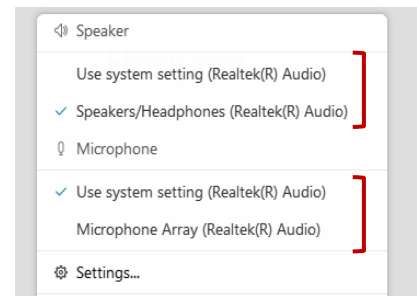
Red microphone = Muted: No one in the meeting can hear you.

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



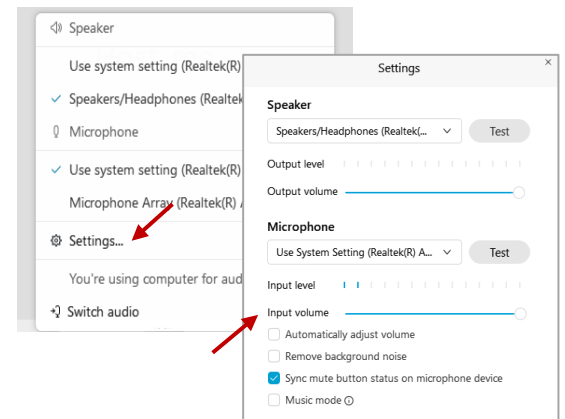
If you cannot hear or be heard

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



If your microphone volume is too low or too high

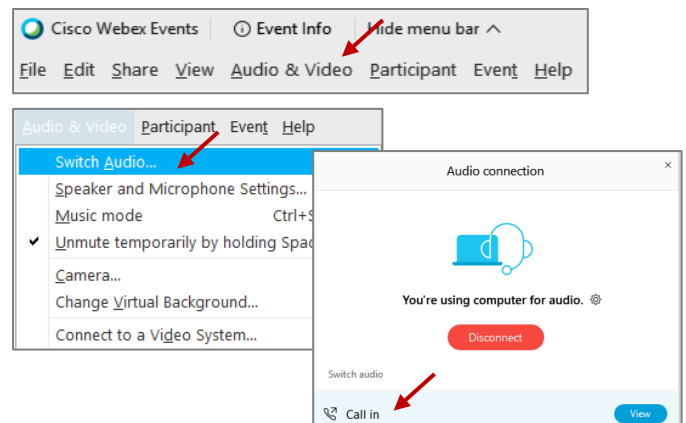
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

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

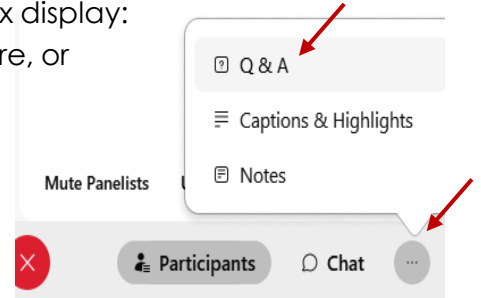
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

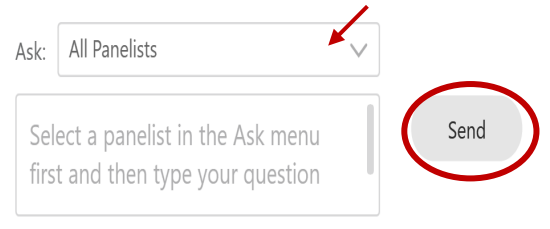
1 Access the Q&A panel at the bottom right of the Webex display:

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



2 In the text box:

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



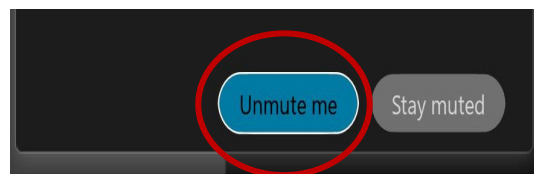
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

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

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

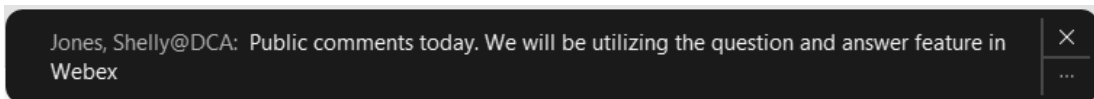


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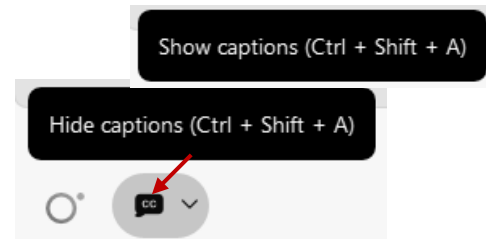
If connected via telephone:

- Press *3 to unmute your microphone.

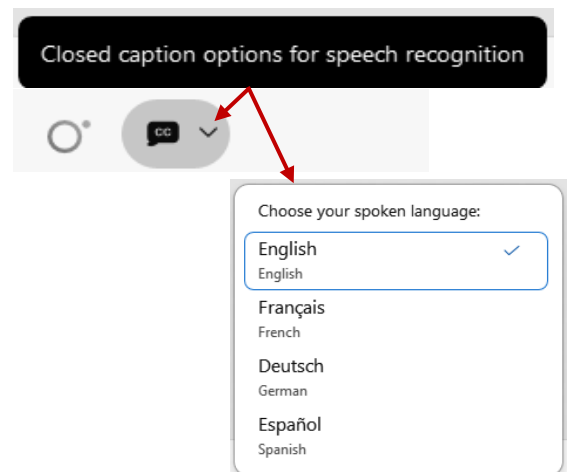
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



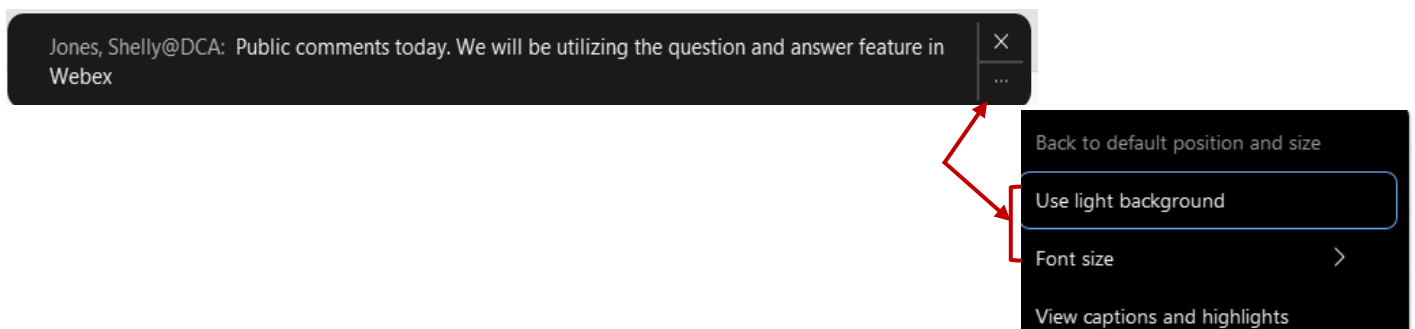
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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



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





MEMORANDUM

DATE	October 16, 2024
TO	Hearing Aid Dispensing Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and Possible Action Regarding Postfitting Counseling and Foreign Body In The Ear Canal as Stated in Business and Professions Code Sections 2538.11, 2538.36, and 2539.6 and Title 16, California Code of Regulations (CCR) Sections 1399.125 and 1399.126

Background

On December 1, 2023, the Hearing Aid Dispensing Committee (Committee) delegated two Committee Members to work with staff to draft regulatory language that would define the terms "postfitting counseling" as used in BPC section 2538.11 and "foreign body" as used in BPC sections 2538.36 and 2539.6, and permit hearing aid dispensers and dispensing audiologists to remove hearing aid domes (Attachment A). This is in response to an inquiry the Board received in July 2022 asking whether there is any statutory or regulatory language that would restrict a hearing aid dispenser (HAD) from performing a dome removal if appropriate training is provided, and appropriate safeguards and policies are in place to limit dome removal to lower-risk clients.

The Committee also directed Board staff to research why BCP section 2538.36 was added. Board staff believes BPC section 2538.36 is intended to mirror the provisions of Section 801.420 of Title 21 of the Code of Federal Regulations (CFR), which requires a hearing aid user instructional brochure to contain a warning statement that a HAD should advise prospective hearing aid users to consult promptly with a licensed physician before dispensing a hearing aid if the HAD determines the prospective user has any of the eight (8) conditions listed (21 CFR 801.420(c)(2)). However, 21 CFR 801.420 was repealed in 2022 when the Food and Drug Administration (FDA) established a regulatory category for over-the-counter (OTC) hearing aids. FDA has retained some of 21 CFR 801.420 with revisions in 21 CFR 801.422 (Attachment B).

The first six conditions have been a part of California statutory language since 1971 when the Hearing Aid Dispensers Examining Committee was created within the Board of Medical Examiners (Chapter 1514 of the Statutes of 1970). The last two conditions were added as a result of a technical clean-up in 2010 (Chaptered 653 of the Statutes of 2010). Federally, all eight conditions have been a part of the regulatory language since 1977. Board staff believes the first seven conditions were developed by the American Council of Otolaryngology (now known as the American Academy of Otolaryngology-Head and Neck Surgery) for use as a screening procedure by HADs. The last condition was added in response to public comment on the proposed federal rulemaking.

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to determine if clarification to what a HAD can do in relation to hearing aid dome removal or removal of other foreign bodies during postfitting counseling is necessary.

Attachment A : Hearing Aid Dome Removal Text Proposal

Attachment B : [Title 21 of the Code of Federal Regulations Section 801.422](#)

PROPOSED REGULATORY TEXT

Hearing Aid Dome Removal

As Drafted October 16, 2024

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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§ 1399.125. Postfitting Counseling.

(a) For purposes of Section 2538.11 of the Code, “postfitting counseling” means adjustments and servicing of a hearing aid or aids sold, removal and replacement of a hearing aid that has malfunctioned or is no longer operational, resolving client issues including physical fit and acoustic targets, and educating the client on optimizing communication while using hearing aids and accessories. “Postfitting counseling” also includes the removal of a hearing aid dome.

(b) A licensed hearing aid dispenser or licensed dispensing audiologist shall not remove a hearing aid dome unless:

(1) They received written verification from an otolaryngologist certified by the American Board of Otolaryngology or a licensed audiologist that the dispenser has performed and is competent to remove the hearing aid dome. The written verification shall be maintained in the personnel file of the licensed hearing aid dispenser or licensed dispensing audiologist.

(2) They performed a minimum of ten (10) supervised hearing aid dome removals prior to receiving the written verification specified in (b)(1).

(3) The hearing aid dome is visible without otoscopic inspection and is within the first or before the second bend of the ear canal.

(4) They consult with, and document clearance from, an otolaryngologist certified by the American Board of Otolaryngology that they can safely perform the hearing aid dome removal where the patient has contraindications to the procedure. For purposes of this paragraph, contraindications may include:

(A) Visible congenital or traumatic deformity of the ear.

(B) Active drainage from the ear.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2538.11, Business and Professions Code.

§ 1399.126. Significant Air-Bone Gap Referral for Medical Opinion.

~~(a)~~ For purposes of Sections 2538.36 and 2539.6 of the Code:

~~(a)~~ A “significant air-bone gap” means ~~is defined as~~ a difference of fifteen (15) decibels or more between the higher air conduction and the lower bone conduction pure tone thresholds at two (2) or more succeeding octave frequencies of five hundred (500) Hertz through and including four thousand (4000) Hertz.

~~(1)(b)~~ Tests for significant air-bone gap shall be performed in a suitable environment using appropriate equipment to establish threshold values and with appropriate masking procedures employed.

~~(b)~~ A “foreign body” means any organic or non-organic object or material that is not a natural part of the human body that would normally be present in the ear canal or ear lobe. A complete and intact hearing aid or dome of a hearing aid present in a client’s ear is not considered a “foreign body.”

~~(1)~~ A licensed hearing aid dispenser or licensed dispensing audiologist shall comply with Section 1399.125 prior to removing a hearing aid dome.

NOTE: Authority cited: Sections 2531.06 and 2531.95, Business and Professions Code.
Reference: Sections 2538.36 and 2539.6, Business and Professions Code.

This content is from the eCFR and is authoritative but unofficial.

Title 21 – Food and Drugs

Chapter I – Food and Drug Administration, Department of Health and Human Services

Subchapter H – Medical Devices

Part 801 – Labeling

Subpart H – Special Requirements for Specific Devices

Authority: 21 U.S.C. 321, 331-334, 351, 352, 360d, 360i, 360j, 371, 374.

Source: 41 FR 6896, Feb. 13, 1976, unless otherwise noted.

§ 801.422 Prescription hearing aid labeling.

(a) **Scope.** This section specifies the labeling requirements for prescription hearing aids. Any hearing aid that does not satisfy the requirements of § 800.30 of this chapter shall be a prescription device. Unless otherwise specified, the requirements in this section are in addition to other applicable requirements, including but not limited to special controls found in the applicable classification regulation in part 874 of this chapter. This section does not apply to group auditory trainers.

(b) **Definitions for the purposes of this section.** This section uses the following definitions:

Dispenser. A dispenser is any person, as defined in section 201(e) of the Federal Food, Drug, and Cosmetic Act, engaged in the sale of hearing aids to any member of the consuming public or any employee, agent, salesperson, and/or representative of such a person.

Hearing aid. A hearing aid is any wearable device designed for, offered for the purpose of, or represented as aiding persons with or compensating for, impaired hearing.

Prescription hearing aid. A prescription hearing aid is a hearing aid that is not an over-the-counter (OTC) hearing aid as defined in § 800.30 of this chapter or a hearing aid that does not satisfy the requirements in § 800.30 of this chapter.

Rebuilt hearing aid. A prescription hearing aid is “rebuilt” if the manufacturer has inspected and tested the device, made any necessary modifications to ensure it meets applicable regulatory requirements, including the requirements in this section, and adequately reprocessed the device for the next user.

Sale. Sale includes a lease, rental, or any other purchase or exchange for value.

Used hearing aid. A hearing aid is “used” if a user has worn it for any period of time. However, a hearing aid shall not be “used” merely because a prospective user wore it as part of a bona fide hearing aid evaluation to determine whether to select that particular hearing aid for that prospective user. A hearing aid evaluation is “bona fide” if it was conducted in the presence of the dispenser or a hearing health professional selected by the dispenser to assist the prospective user in making a determination.

(c) **Labeling.** A prescription hearing aid shall bear all of the following labeling:

(1) **Outside package labeling.** The outside package of a prescription hearing aid shall bear all of the following:

(i) **Warnings and other important information.** All of the following shall appear on the outside package:

(A) *Warning against use in people younger than 18 without prior medical evaluation.*

WARNING – Medical evaluation for people younger than 18: The use of a hearing aid in people younger than 18 years old without a medical evaluation may worsen impairment or disability. A prospective hearing aid user who is younger than 18 should have a recent medical evaluation from a doctor, preferably an ear-nose-throat doctor (an ENT). Prior to purchase, a doctor should determine that the person is a candidate for the use of a hearing aid.

(B) *“Red flag” conditions.*

WARNING: When to See a Doctor

If you have any of the problems listed below, please see a doctor, preferably an ear-nose-throat doctor (an ENT).

- Your ear has a birth defect or an unusual shape. Your ear was injured or deformed in an accident.
- You saw blood, pus, or fluid coming out of your ear in the past 6 months
- Your ear feels painful or uncomfortable
- You have a lot of ear wax, or you think something could be in your ear
- You get really dizzy or have a feeling of spinning or swaying (called vertigo)
- Your hearing changed suddenly in the past 6 months
- Your hearing changes: it gets worse then gets better again
- You have worse hearing in one ear
- You hear ringing or buzzing in only one ear

(C) *Note about device trial options.*

Note: Ask about trial-rental or purchase-option programs.

If you're unsure about your ability to get used to using a hearing aid, you should ask about a trial-rental or purchase-option program. Many hearing instrument specialists offer programs that allow you to wear a hearing aid for a short time, at a nominal fee, before you decide to buy the hearing aid.

- (ii) *Statement of build condition.* If the prescription hearing aid is used or rebuilt, the outside package shall declare that fact. A sticker under and visible through the outer wrapper will suffice to declare such fact.

- (iii) **Indication of battery information.** The outside package shall indicate the type and number of batteries and whether batteries are included in the package.
- (iv) **Indication of control platform.** That outside package shall indicate whether a mobile device or other non-included control platform is required. The indication must include the type of platform and how the platform connects to the device.
- (2) **Labeling, inside the package.** The manufacturer or distributor of a prescription hearing aid shall include a user instructional brochure inside the package and shall make an electronic version available for download without site or customer registration and without requiring purchase of any product or service. The user instructional brochure shall include all of the following:
 - (i) The following warnings, which shall appear in the following order and prior to any content except the cover page:
 - (A) **Warning against use in people younger than 18 without prior medical evaluation.**

WARNING: People younger than 18 should go to a doctor before using this. People younger than 18 years old need specialized care, and using this without a medical evaluation may worsen impairment or disability. A hearing aid user who is younger than 18 should have a recent medical evaluation from a doctor, preferably an ear-nose-throat doctor (an ENT). Before using this, a doctor should determine that the use of a hearing aid is appropriate.

- (B) **"Red flag" conditions, addressed to dispensers.**

WARNING to Hearing Aid Dispensers:

You should advise a prospective hearing aid user to consult promptly with a doctor, preferably an ear specialist such as an ENT, before dispensing a hearing aid if you determine through inquiry, actual observation, or review of any other available information concerning the prospective user, that the prospective user has any of the following conditions:

- Visible deformity of the ear, either congenital or traumatic
- Fluid, pus, or blood coming out of the ear within the previous 6 months
- Pain or discomfort in the ear
- History of excessive ear wax or suspicion that something is in the ear canal
- Dizziness, either recent or long-standing
- Sudden, quickly worsening, or fluctuating hearing loss within the previous 6 months
- Hearing loss or ringing (tinnitus) only in one ear or a noticeable difference in hearing between ears
- Audiometric air-bone gap equal to or greater than 15 dB at 500 Hz, 1000 Hz, and 2000 Hz

(C) *Warning to dispensers about very high-output devices.*

WARNING to Hearing Aid Dispenser, Outputs over 132 dB SPL:

You should exercise special care in selecting and fitting a hearing aid with a maximum output that exceeds 132 dB SPL because it may impair the remaining hearing of the hearing aid user.

(D) *Additional warnings.* Any additional warnings the manufacturer may include prior to the cautions and notices to users in paragraph (c)(2)(ii) of this section.

(ii) The following cautions and notices for users, which shall appear prior to any content, except the cover page and the warnings under paragraph (c)(2)(i) of this section:

(A) *Caution about hearing protection.*

Caution: This is not hearing protection.

You should remove this device if you experience overly loud sounds, whether short or long-lasting. If you're in a loud place, you should use the right kind of hearing protection instead of wearing this device. In general, if you would use ear plugs in a loud place, you should remove this device and use ear plugs.

(B) *Caution about excessive sound output.*

Caution: The sound output should not be uncomfortable or painful.

You should turn down the volume or remove the device if the sound output is uncomfortably loud or painful. If you consistently need to turn the volume down, you may need to further adjust your device.

(C) *Caution about components lodging in ear.*

Caution: You might need medical help if a piece gets stuck in your ear.

If any part of your hearing aid, like the eartip, gets stuck in your ear, and you can't easily remove it with your fingers, get medical help as soon as you can. You should not try to use tweezers or cotton swabs because they can push the part farther into your ear, injuring your eardrum or ear canal, possibly seriously.

(D) *Note about user expectations.*

Note: What you might expect when you start using a hearing aid

A hearing aid can benefit many people with hearing loss. However, you should know it will not restore normal hearing, and you may still have some difficulty hearing over noise. Further, a hearing aid will not prevent or improve a medical condition that causes hearing loss.

People who start using hearing aids sometimes need a few weeks to get used to them. Similarly, many people find that training or counseling can help them get more out of their devices.

If you have hearing loss in both ears, you might get more out of using hearing aids in both, especially in situations that make you tired from listening—for example, noisy environments.

(E) *Note about reporting adverse events to FDA.*

Note: Tell FDA about injuries, malfunctions, or other adverse events.

To report a problem involving your hearing aid, you should submit information to FDA as soon as possible after the problem. FDA calls them “adverse events,” and they might include: skin irritation in your ear, injury from the device (like cuts or scratches, or burns from an overheated battery), pieces of the device getting stuck in your ear, suddenly worsening hearing loss from using the device, etc.

Instructions for reporting are available at <https://www.fda.gov/Safety/MedWatch>, or call 1-800-FDA-1088. You can also download a form to mail to FDA.

(F) *Note about hearing loss in people younger than 18 and fitting devices.*

Note: Hearing loss in people younger than 18

- People younger than 18 should see a doctor first, preferably an ear-nose-throat doctor (an ENT), because they may have different needs than adults.
- The doctor will identify and treat medical conditions as appropriate.
- The doctor may refer the person to an audiologist for a separate test, a hearing aid evaluation.
- The hearing aid evaluation will help the audiologist select and fit the appropriate hearing aid.

A person who is younger than 18 years old with hearing loss should have a medical evaluation by a doctor, preferably an ENT, before buying a hearing aid. The purpose of a medical evaluation is to identify and treat medical conditions that may affect hearing but that a hearing aid won't treat on its own.

Following the medical evaluation and if appropriate, the doctor will provide a written statement that the hearing loss has been medically evaluated and the person is a candidate for a hearing aid. The doctor may refer the person to an audiologist for a hearing aid evaluation, which is different from the medical evaluation and is intended to identify the appropriate hearing aid.

The audiologist will conduct a hearing aid evaluation to assess the person's ability to hear with and without a hearing aid. This will enable the audiologist to select and fit a hearing aid for the person's individual needs. An audiologist can also provide evaluation and rehabilitation since, for people younger than 18, hearing loss may cause problems in language development and educational and social growth. An audiologist is qualified by training and experience to assist in the evaluation and rehabilitation of hearing loss in people younger than 18.

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- (iii) An illustration(s) of the prescription hearing aid that indicates operating controls, user adjustments, and the battery compartment.
 - (iv) Information on the function of all controls intended for user adjustment.
 - (v) A description of any accessory that accompanies the prescription hearing aid, including but not limited to wax guards, and accessories for use with a computer, television, or telephone.
 - (vi) Specific instructions for all of the following:
 - (A) Use of the prescription hearing aid with any accompanying accessories.

- (B) Maintenance and care of the prescription hearing aid, including how a user can clean, disinfect, and replace parts or how to seek replacements, as well as how to store the hearing aid when it will not be used for an extended period of time.
 - (C) If the battery is replaceable or rechargeable, how to replace or recharge the battery, including a generic designation of replacement batteries.
 - (D) Expected battery life.
- (vii) Identification of any known physiological side effects associated with the use of the prescription hearing aid that may warrant consultation with a physician, referring to an ear-nose-throat doctor when preferable, including if applicable, skin irritation and accelerated accumulation of cerumen (ear wax).
 - (viii) The technical specifications required by paragraph (c)(4) of this section unless such specifications appear in separate labeling accompanying the prescription hearing aid.
 - (ix) A description of commonly occurring, avoidable events that could adversely affect or damage the prescription hearing aid, including but not limited to, as applicable, ear wax buildup, drops, immersion in water, or exposure to excessive heat.
 - (x) If the hearing aid incorporates wireless technology in its programming or use, appropriate warnings, instructions, and information relating to electromagnetic compatibility and wireless technology and human exposure to non-ionizing radiation.
 - (xi) Information on how and where to obtain repair service or replacements, including at least one specific address where the user can go or send the prescription hearing aid to obtain such repair service or replacements.
 - (xii) If clinical or non-clinical studies were conducted by or for the manufacturer to support the performance of the prescription hearing aid, a summary of all such studies.
- (3) **Labeling on the device.** The labeling on a prescription hearing aid itself shall bear all of the following clearly and permanently, except as provided in paragraph (c)(3)(iii) of this section:
- (i) The serial number.
 - (ii) If the battery is removable, a "+" symbol to indicate the positive terminal for battery insertion unless the battery's physical design prevents inserting the battery in the reversed position.
 - (iii) If the prescription hearing aid is used or rebuilt, the manufacturer shall physically attach a removable tag to the hearing aid declaring that fact.
- (4) **Technical specifications.** You must determine the technical specification values for the prescription hearing aid labeling in accordance with the test procedures of ANSI/ASA S3.22-2014 (R2020), except as provided in paragraph (c)(4)(ix) of this section for latency. Technical specifications and their associated values that are useful in selecting, fitting, and checking the performance of the prescription hearing aid shall appear in the user instructional brochure or in separate labeling that accompanies the device, including all of the following:
- (i) Saturation output curve (Saturation Sound Pressure Level (SSPL) 90 curve).
 - (ii) Frequency response curve.
 - (iii) Average saturation output (High Frequency (HF)-Average SSPL 90).

- (iv) Average full-on gain (HF-Average full-on gain).
 - (v) Reference test gain.
 - (vi) Frequency range.
 - (vii) Total harmonic distortion.
 - (viii) Equivalent input noise.
 - (ix) Latency, measured using a method that is accurate and repeatable to within 1.5 ms.
 - (x) Battery current drain.
 - (xi) Induction coil sensitivity (telephone coil aids only).
 - (xii) Input-output curve (only for hearing aids with automatic gain control).
 - (xiii) Attack and release times (only for hearing aids with automatic gain control).
- (5) **Software device labeling.** Prescription hearing aid software that is not distributed with the hearing aid or amplification platform shall meet all of the following labeling requirements. With respect to the information required under paragraphs (c)(1) through (4) of this section, the information must be provided in the software device labeling, as specified in paragraphs (c)(5)(i) through (v) of this section, rather than the locations (e.g., outside package labeling) specified in paragraphs (c)(1) through (4).
- (i) Prior to first use of the software or obtaining payment information for the software, whichever occurs first, the labeling must clearly and prominently present all of the following to the prospective user. For each, the labeling must remain visible until the user dismisses it or proceeds to the next step:
 - (A) Compatibility and minimum operating requirements for the software device.
 - (B) Disclosures of any fees or payments after first use or initial payment, including but not limited to any fees or payments relating to subscriptions, add-on features, or continued access to features or services. The disclosures must name and briefly describe what each fee or payment covers.
 - (C) The information required under paragraphs (c)(1)(i) and (iv) of this section.
 - (ii) Prior to first use of the software, the labeling must clearly and prominently present all of the following to the prospective user:
 - (A) The information required under paragraph (c)(2)(i)(A) of this section, and it must remain visible until the user acknowledges it.
 - (B) The information required under paragraphs (c)(2)(i)(B) through (D) and (c)(2)(ii), (iv), (vii), and (viii) of this section, and the information must remain visible until the user dismisses it or proceeds to the next step.
 - (C) All other information required under paragraph (c)(2) of this section, to the extent applicable, and the information must remain visible until the user dismisses it or proceeds to the next step.
 - (iii) The software device labeling must include the information required under paragraphs (c)(3)(i) and (c)(4) of this section.

- (iv) All of the software device labeling must be accessible for review after acknowledgment, dismissal, or proceeding to the next step.
 - (v) If there are changes to any of the labeling required under paragraph (c)(5) of this section, the labeling with the changed information must be presented to the user until the user dismisses it.
- (6) **Misbranding.** A prescription hearing aid that is not labeled as required under this section and § 801.109 is misbranded under sections 201(n), 502(a), and/or 502(f) of the Federal Food, Drug, and Cosmetic Act.
- (d) **Incorporation by reference.** ANSI/ASA S3.22-2014 (R2020), "AMERICAN NATIONAL STANDARD Specification of Hearing Aid Characteristics," dated June 5, 2020, is incorporated by reference into this section with the approval of the Director of the Office of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the Food and Drug Administration and at the National Archives and Records Administration (NARA). Contact the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500. For information on the availability of this material at NARA, email: fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html. The material may be obtained from the Acoustical Society of America (ASA), 1305 Walt Whitman Road, Suite 300, Melville, NY 11747; phone: (631) 390-0215; fax: (631) 923-2875; email: asastds@acousticalsociety.org.

[87 FR 50755, Aug. 17, 2022]



MEMORANDUM

DATE	October 16, 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 September 5, 2024, 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 person who is certified by the Council for Accreditation in Occupational Hearing Conservation and whose primary duty is to assist in a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the CCR.
- Amended 16 CCR section 1399.154.1 to require industrial audiology aides to provide a copy of their Council for Accreditation in Occupational Hearing Conservation certification with their application, and remove their exemption from registration.
- Amended 16 CCR section 1399.154.8 to make grammatical and writing structure corrections, and to require supervisors to maintain their course completion records of supervision training for four (4) years after the renewal period in which it was earned if they wish to apply it towards their continuing professional development requirement.
- Amended 16 CCR section 1399.154.7 to add “aide” after “speech-language pathology” and to revise the Business and Professions Code sections referenced in the regulatory text.
- Amended 16 CCR section 1399.154.9 to permit indirect supervision for an industrial audiology aide who is performing duties for a hearing conservation program.

- Amended 16 CCR section 1399.154.10 to require training to an industrial audiology aide who will perform duties for a hearing conservation program and to make grammatical corrections.
- Amended 16 CCR section 1399.154.11 to replace “tympanometry” with “impedance test battery.”

The proposed text also includes changes in 16 CCR sections 1399.154.2 and 1399.154.4 made by the Speech-Language Pathology Practice Committee on September 5, 2024 and changes to prepare the text for the Speech-Language Pathology Practice Committee’s review and approval.

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 September 5, 2024

Attachment B: Title 8, CCR Section 5097

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 person who is certified by the Council for Accreditation in Occupational Hearing Conservation and whose primary duty is to assist in a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations, ~~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.

(A) If the applicant identifies themselves as an industrial audiology aide, as defined in Section 1399.154, they must provide a copy of their Council for Accreditation in Occupational Hearing Conservation certification with their application.

(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).

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~~ the aide will be assisting the supervisor.

(f) Define the services ~~which~~ that 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 as a speech-language pathologist pursuant to Sections 2532 of the Code, and have at least two years of full-time experience 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 speech-language pathology 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 supervisor's continuing professional development requirement set forth in Section 1399.160.3. The supervisor shall maintain records of course completion in supervision training for a period of four (4) years after the renewal period in which it was earned.

(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 the speech-language pathology aide may have already received which may have already been received by the aide as a result of any prior education, training, and or 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, and that are within the scope of responsibility of a speech-language pathology aide.~~

(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 aide 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 Sections 2532.2(d) 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 supervisor's continuing professional development requirement set forth in Section 1399.160.3.

The supervisor shall maintain records of course completion in supervision training for a period of four (4) years after the renewal period in which it was earned

(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.

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

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

(2) “Medically fragile” means a client who is acutely ill and in an unstable condition.

(3) “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.

(4) “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.

(b) Immediate supervision shall be provided when an audiology aide performs any acts or services involving medically fragile patients.

(c) Immediate supervision shall be provided when an audiology aide performs any acts or services that the supervisor has trained the audiology aide to perform but the audiology aide has yet to perform the act or service in direct client care.

(d) Following initial registration, immediate supervision of an audiology aide shall be provided at all times during the first ninety (90) calendar days of work, except as provided in subsection (f). The supervisor shall maintain in the audiology aide’s personnel file a record that verifies the aide meets the requirements of this subsection.

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

(f) At a minimum, indirect supervision shall be provided when an industrial audiology aide, as defined in Section 1399.154, is performing duties for a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations.

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 the audiology aide may have already received as the result of any prior education, training, or 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 they have been provided training and demonstrated competency, and that are within the scope of responsibility of an audiology 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.

(d) A supervisor shall provide training to an industrial audiology aide, as defined in Section 1399.154, to perform the duties required for a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations.

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 impedance test battery, 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.

[§ 5097](#). **Hearing Conservation Program.**
8 CA ADC § 5097 Barclays Official California Code of Regulations

Barclays California Code of Regulations
Title 8. Industrial Relations
Division 1. Department of Industrial Relations
Chapter 4. Division of Industrial Safety
Subchapter 7. General Industry Safety Orders
Group 15. Occupational Noise and Ergonomics
Article 105. Control of Noise Exposure

8 CCR § 5097

§ 5097. Hearing Conservation Program.

[Currentness](#)

(a) General. The employer shall administer a continuing, effective hearing conservation program, as described in this section, whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A-scale (slow response) or, equivalently, a dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with Appendix A and Table A-1 and without regard to any attenuation provided by the use of personal protective equipment.

(b) Monitoring.

(1) When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall obtain measurements for employees who may be exposed at or above that level. Such determinations shall be made by December 1, 1982.

(2) The monitoring requirement shall be met by either area monitoring or personal monitoring that is representative of the employee's exposure.

(A) The sampling strategy shall be designed to identify employees for inclusion in the hearing conservation program and to enable the proper selection of hearing protectors.

(B) Where circumstances such as high worker mobility, significant variations in sound level, or a significant component of impulse noise make area monitoring generally inappropriate, the employer shall use representative personal sampling to comply with the monitoring requirements of this section unless the employer can show that area sampling produces equivalent results.

(C) All continuous, intermittent and impulsive sound levels from 80 dB to 130 dB shall be integrated into the computation.

(D) Instruments used to measure employee noise exposure shall be calibrated to ensure measurement accuracy.

(3) Monitoring shall be repeated whenever a change in production, process, equipment or controls increases noise exposures to the extent that:

(A) Additional employees may be exposed at or above the action level; or

(B) The attenuation provided by hearing protectors being used by employees may be rendered inadequate to meet the requirements of Section 5098(b).

(4) The employer shall provide affected employees or their representatives with an opportunity to observe any measurements of employee noise exposure which are conducted pursuant to this section.

(5) The employer shall notify each employee exposed at or above the action level of the results of the monitoring.

(c) Audiometric Testing Program.

(1) The employer shall establish and maintain an audiometric testing program as provided in this section by making audiometric testing available to all employees whose exposures equal or exceed the action level.

(2) The program shall be provided at no cost to employees.

(3) Audiometric tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and checking calibration and proper functioning of the audiometers being used. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or physician.

(4) All audiograms obtained pursuant to this section shall meet the requirements of Appendix B: Audiometric Measuring Instruments.

(5) The employer shall establish for each employee exposed at or above the action level a valid baseline audiogram against which subsequent audiograms can be compared.

(6) Testing to establish a baseline audiogram shall be preceded by at least 14 hours without exposure to workplace noise. This requirement may be met by wearing hearing protectors which will reduce the employee's exposure to a sound level of 80 dBA or below.

(7) The employer shall notify employees of the need to avoid high levels of non-occupational noise exposure during the 14-hour period immediately preceding the audiometric examination.

(8) Audiometric tests shall be made available to employees by June 1, 1983 or within 6 months of an employee's first exposure at or above the action level, except that where a mobile test van is used to conduct the audiometric test, the test shall be made available within one year of an employee's first exposure at or above the action level provided that all such employees are given an opportunity for testing.

NOTE: This requirement may be met by an audiogram available to the employer upon the effective date of this section provided the conditions under which the audiometric test was performed were the same as prescribed by this section.

(9) Where an employer chooses to have audiometric tests performed by a mobile test van in accordance with Section 5097(c)(8) and an employee's baseline audiogram has not been obtained within 6 months of the employee's first exposure at or above the action level, the employer shall make hearing protectors available to the employee in accordance with Section 5098 and require that the hearing protectors are worn by the employee until the baseline audiogram is obtained.

(10) At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above the action level.

(d) Evaluation of Audiogram.

(1) Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift, as defined in Section 5097(d)(8), has occurred. This comparison may be done by a technician.

(2) If the annual audiogram shows that an employee has suffered a standard threshold shift, the employer may obtain a retest within 30 days and consider the results of the retest as the annual audiogram.

(3) An audiologist, otolaryngologist or physician shall review problem audiograms and shall determine whether there is a need for further evaluation. The employer shall provide to the person performing this evaluation the following information:

(A) A copy of the requirements for hearing conservation as set forth in Sections 5097, 5098, 5099 and 5100.

(B) The baseline audiogram and most recent audiogram of the employee to be evaluated.

(C) Measurements of background sound pressure levels in the audiometric test room as required in Appendix C, Audiometric Test Rooms.

(D) Records of audiometric calibrations required by paragraph (f) of this section.

(4) If a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift as defined by Section 5097(d)(8), the employee shall be informed of this fact, in writing, within 21 days of the determination.

(5) Unless a physician determines that the standard threshold shift is not work related or aggravated by occupational noise exposure, the employer shall ensure that the following steps are taken when a standard threshold shift occurs:

(A) An employee not using hearing protectors shall be fitted with hearing protectors, trained in their use and care, and required to use them; and

(B) An employee already using hearing protectors shall be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary.

(C) Refer the employee for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary or if the employer suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors.

(D) Inform the employee of the need for an otological examination if a medical pathology of the ear which is unrelated to the use of hearing protectors is suspected.

(6) If subsequent audiometric testing of an employee whose exposure to noise is less than an 8-hour time-weighted average of 90 decibels indicates that a standard threshold shift is not persistent, the employer:

(A) Shall inform the employee of the new audiometric interpretation; and

(B) May discontinue the required use of hearing protectors for that employee.

(7) An annual audiogram may be substituted for the baseline audiogram when in the judgment of the audiologist, otolaryngologist or physician who is evaluating the audiogram:

(A) The standard threshold shift revealed by the audiogram is persistent; or
(B) The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

(8) As used in this section, a standard threshold shift is a change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000 and 4000 Hz in either ear.

(9) In determining whether a standard threshold shift has occurred, allowance may be made for the contribution of aging (presbycusis) to the change in hearing level by correcting the annual audiogram according to the procedure described in Appendix F: Determination and Application of Age Correction to Audiograms.

(e) Audiometric Test Requirements.

(1) Audiometric tests shall be pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000 and 6000 Hz. Tests at each frequency shall be taken separately for each ear.

(2) Audiometric tests shall be conducted with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used in accordance with, ANSI S3.6-1969.

(3) Pulsed-tone and self-recording audiometers, if used, shall meet the requirements specified in Appendix B, Audiometric Measuring Instruments.

(4) Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix C, Audiometric Test Rooms.

(f) Audiometer Calibration.

(1) The functional operation of the audiometer shall be checked before each day's use by testing a person with known, stable hearing thresholds, and by listening to the audiometer's output to make sure that the output is free from distorted or unwanted sounds. Deviations of 10 dB or greater shall require an acoustic calibration.

(2) Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix D, Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check. Deviations of 15 dB or greater necessitate an exhaustive calibration.

(3) An exhaustive calibration shall be performed at least every two years in accordance with Sections 4.1.2, 4.1.3, 4.1.4.3, 4.2, 4.4.1, 4.4.2, 4.4.3, and 4.5 of ANSI S3.6-1969. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this calibration.

Credits

NOTE: Authority cited and Reference: Section 142.3, Labor Code.

HISTORY

1. Amendment filed 10-3-83; effective thirtieth day thereafter (Register 83, No. 41).



MEMORANDUM

DATE	November 19, 2024
TO	Speech-Language Pathology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and Possible Action to Amend Regulations Regarding Scope of Responsibility, Duties, and Functions of Speech-Language Pathology Assistants as Stated in Title 16, California Code of Regulations (CCR) section 1399.170.3

Background

On November 30, 2023, the Speech-Language Pathology Practice Committee (Committee) discussed the practice restriction on speech-language pathology assistant (SLPA) regarding the performance of oral pharyngeal swallow therapy with bolus material. At this meeting, Board staff presented to the Committee SLPA practice restrictions in neighboring states (Attachment A). The Committee directed Board staff to prepare for the Committee an overview of the scope of practice for both the occupational therapy assistant and physical therapist assistant (Attachment B).

If the Committee wishes to propose changes to the regulations, the following are discussion questions to consider which will help Board staff draft the text for the Committee to consider at a future meeting.

Discussion Questions

1. Should SLPA's be required to demonstrate competency to perform this therapy?
 - a. Is this therapy part of the curriculum in a SLPA program or must requirements be specified?
 - i. If the latter, what should that look like i.e., written verification that they are competent to perform the therapy under supervision? Training from the person verifying the SLPA's competency or completion of a course? What should the training or course include to ensure minimum competency?

2. When can a SLPA perform this therapy? Should they be required to have supervisor approval for each patient/student for whom they perform this therapy?
3. Should there be any contradictions that prohibit a SLPA from performing the therapy? If so, what should be i.e., cases of severe movement disorders, severe agitation, inability to cooperate with the examination, and anatomical deviations (e.g., head/neck, digestive tract)?
4. What level and amount of supervision should a SLPA have to perform this therapy? Are most patients/students needing this therapy medically fragile? Does this change over the course of the therapy and show the need for immediate supervision initially?

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to determine if the SLPA practice restrictions need revisions.

- Attachment A: Neighboring State and American Speech-Language-Hearing Association
 SLPA Practice Restrictions
- Attachment B: Assistant Scope of Practice in Other Healing Arts Boards

Neighboring State and ASHA SLPA Practice Restrictions

State	State Code	Requirements
<p>Wyoming Board of Examiners of Speech-Language Pathology and Audiology</p>	<p>058.0001.12.12092020</p>	<p>SLPAs shall not engage in any of the following:</p> <ul style="list-style-type: none"> (a) Represent himself or herself as an SLP (nor allow others to presume his or her standing as an SLP); (b) Perform standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists; (c) Perform procedures that require a high level of clinical acumen and technical skill (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material); (d) Tabulate or interpret results and observations of feeding and swallowing evaluations performed by SLPs; (e) Participate in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising SLP or other designated SLP; (f) Provide interpretative information to the student/patient/client, family, or others regarding the patient/client status or service; (g) Write, develop, or modify a student's, patient's, or client's treatment plan in any way; (h) Assist with students, patients, or clients without following the individualized treatment plan prepared by the certified SLP and/or without access to supervision; (i) Sign any formal documents (e.g., treatment plans, reimbursement forms, or reports; the SLPA should sign or initial informal treatment notes for review and co-sign with the supervising SLP as requested); (j) Select students, patients, or clients for service; (k) Discharge a student, patient, or client from services; (l) Make referrals for additional service; (m) Disclose clinical or confidential information either orally or in writing to anyone other than the supervising SLP (the SLPA must comply with current HIPPA and FERPA guidelines) unless mandated by law; (n) Develop or determine the swallowing strategies or precautions for patients, family, or staff; (o) Treat medically fragile students/patients/clients independently; or (p) Design or select augmentative and alternative communication systems or device.
<p>Wyoming Professional Teaching Standards Board</p>		<p>The Board of Examiners of Speech-Language Pathology & Audiology is the only licensing body for SLPs and Audiologists effective July 1, 2020.</p>

State	State Code	Requirements
<p>Texas Department of Licensing & Regulation</p>	<p>Rule 111.52</p>	<p>(d) The assistant shall not:</p> <ul style="list-style-type: none"> (1) work with any cases that are not assigned to the supervisor's caseload; (2) conduct evaluations; (3) interpret results of routine tests; (4) interpret observations or data into diagnostic statements, clinical management strategies, or procedures; (5) represent speech-language pathology at staffing meetings or at an Admission, Review and Dismissal (ARD) meeting, except as specified in this section; (6) attend staffing meeting or ARD without the supervisor being present except as specified in this section; (7) design or alter a treatment program or Individual Education Program (IEP); (8) determine case selection; (9) present written or oral reports of client information, except as provided by this section; (10) refer a client to other professionals or other agencies; (11) use any title which connotes the competency of a licensed speech-language pathologist; (12) practice as an assistant without a current Supervisory Responsibility Statement on file with the department; (13) perform invasive procedures; (14) screen or diagnose clients for feeding and swallowing disorders; (15) use a checklist or tabulated results of feeding or swallowing evaluations; (16) demonstrate swallowing strategies or precautions to clients, family, or staff; (17) provide client or family counseling; (18) sign any formal document relating to the reimbursement for or the provision of speech-language pathology services without the supervisor's signature; or (19) use "SLP-A" or "STA" as indicators for their credentials. Licensees shall use "Assistant SLP" or "SLP Assistant" to shorten their professional title.

State	State Code	Requirements
<p>Arizona Department of Health Services, Public Health Licensing Services</p>	<p>Title 36, Chapter 17</p>	<p>D. A speech-language pathology assistant shall not:</p> <ol style="list-style-type: none"> 1. Conduct swallowing screening, assessment and intervention protocols, including modified barium swallow studies. 2. Administer standardized or nonstandardized diagnostic tests or formal or informal evaluations or interpret test results. 3. Participate in parent conferences, case conferences or any interdisciplinary team meeting without the presence of the supervising speech-language pathologist, except for individualized education program or individual support plan meetings if the licensed speech-language pathologist has been excused by the individualized education program team or the individual support plan team. 4. Write, develop or modify a patient's, client's or student's treatment plan, individual support plan or individualized education program in any way. 5. Provide intervention for patients, clients or students without following the treatment plan, individual support plan or individualized education program prepared by the supervising speech-language pathologist. 6. Sign any formal documents, including treatment plans, individual support plans, individualized education programs, reimbursement forms or reports. 7. Select patients, clients or students for services. 8. Discharge patients, clients or students from services. 9. Unless required by law, disclose clinical or confidential information orally or in writing to anyone not designated by the speech-language pathologist. 10. Make a referral for any additional service. 11. Communicate with the patient, client or student or with family or others regarding any aspect of the patient, client or student status without the specific consent of the supervising speech-language pathologist. 12. Claim to be a speech-language pathologist. 13. Write a formal screening, diagnostic, progress or discharge note. 14. Perform any task without the express knowledge and approval of the supervising speech-language pathologist.
<p>Arizona Department of Education</p>		<p>The Department of Education does not certify Speech-Language Pathology Assistants.</p>

State	State Code	Requirements
<p><u>Oregon Board of Examiners for Speech-Language Pathology & Audiology</u></p> <p>Oregon Teacher Standards and Practices Commission</p>	<p><u>335-095-0060</u></p>	<p>(2) The speech-language pathology assistant may not perform the following tasks:</p> <ul style="list-style-type: none"> (a) May not conduct swallowing screening, assessment, and intervention protocols, including modified barium swallow studies. (b) May not administer standardized or non-standardized diagnostic tests, formal or informal evaluations, or interpret test results. (c) May not participate in parent conferences, case conferences, Individualized Education Plan (IEP) meetings, Individualized Family Services Plan (IFSP) meetings or any interdisciplinary team without the presence of the supervising speech-language pathologist. (d) May not write, develop, or modify a patient/client's treatment plan in any way. (e) May not provide intervention for patients/clients without following the treatment plan prepared by the supervising speech-language pathologist. (f) May not sign any formal documents (e.g. treatment plans, reimbursement forms, individualized education plans (IEPs), individualized family services plans (IFSPs), determination of eligibility statements or reports.) (g) May not select patients/clients for services. (h) May not discharge patients/clients from services. (i) May not disclose clinical or confidential information either orally or in writing to anyone not designated by the speech-language pathologist. (j) May not make referral for additional service. (k) May not communicate with the patient/client, family, or others regarding any aspect of the patient/client status or service without the specific consent of the supervising speech-language pathologist. (l) May not represent him/herself as a speech-language pathologist. (m) May not write a formal screening, diagnostic, or discharge report. <p>The Teacher Standards and Practices Commission does not issue credentials to SLPs.</p>

State	State Code	Requirements
American Speech-Language-Hearing Association	Scope of Practice for the Speech-Language Pathology Assistant (SLPA)	<p>The SLPA should NOT engage in any of the following activities:</p> <ul style="list-style-type: none"> • representing themselves as the SLP; • interpreting assessment tools for the purpose of diagnosing disability, determining eligibility or qualification for services; • administering or interpreting feeding and/or swallowing screenings, checklists, and assessments; • diagnosing communication and feeding/swallowing disorders; • developing or determining the feeding and/or swallowing strategies or precautions for students, patients, and clients; • disclosing clinical or confidential information (e.g., diagnosis, services provided, response to treatment) either orally or in writing to individuals who have not been approved by the SLP to receive information unless mandated by law; • writing, developing, or modifying a student's, patient's, or client's plan of care in any way; • making referrals for additional services; • assisting students, patients, and clients without following the individualized plan of care prepared by the ASHA certified SLP; • assisting students, patients, and clients without access to supervision; • selecting AAC systems or devices; • treating medically fragile students, patients, and clients without 100% direct supervision; • performing procedures that require specialized knowledge and training (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging); • providing input in care conferences, case conferences, or any interdisciplinary team meeting without the presence or prior approval of the supervising SLP or other designated SLP; • providing interpretative information to the student, patient, client, family, or others regarding the student's, patient's, or client's status or service; • signing or initialing any formal documents (e.g., plans of care, reimbursement forms, reports) without the supervising SLP's co-signature; • discharging a student, patient, or client from services.

State	State Code	Requirements
<p>Colorado Office of Speech-Language Pathology Certification</p> <p>Colorado Department of Education, Office of Special Education – Speech or Language Impairment</p>	<p>2260.5-R-4.11</p>	<p>The licensing board does not have a license similar to California’s SLPA license.</p> <p>The SPL-A is knowledgeable about screening and assessment, though s/he may not perform standardized or non-standardized diagnostic tests, including, but not limited to: feeding evaluations, or interpret test results or counsel parents; and is able to:</p> <ul style="list-style-type: none"> (a) assist the speech-language pathologist with speech-language and hearing screenings or assessments, without interpretation, and report results directly to the supervising speech-language pathologist. (b) assist with informal documentation, as directed by the speech-language pathologist. (c) provide descriptive behavioral observations that contribute to screening/assessment results, directly to the supervising speech-language pathologist. (d) support the speech-language pathologist in research projects, in-service training, and public relations programs, including child find activities.
<p>Montana Department of Labor and Industry, Board of Speech-Language Pathologists and Audiologists</p>	<p>24.222.703 P</p>	<ul style="list-style-type: none"> (1) Speech-language pathology aides/assistants are not allowed to provide telepractice services per 37-15-314, MCA. (2) Speech-language pathology aides/assistants I are not allowed to: <ul style="list-style-type: none"> (a) refer clients to outside professionals; or (b) perform diagnostic evaluations under supervision unless the aide/assistant has: <ul style="list-style-type: none"> (i) completed 100 graduate-level clinical clock hours, of which at least 25 hours were diagnostic; or (ii) completed ten semester hours of graduate credits in the professional area. (3) Speech-language pathology aides/assistants II are not allowed to: <ul style="list-style-type: none"> (a) conduct speech-language evaluations; (b) interpret data or clinical experience into diagnostic statements of clinical management policies; (c) transmit clinical information, except to the aide/assistant supervisor; (d) determine the selection of cases; (e) write or plan individual or group therapy/rehabilitation plans; (f) attend child study or individualized education plan (IEP) meetings without the permission of the aide/assistant supervisor; or (g) refer clients to outside professionals.

State	State Code	Requirements
Montana Office of Public Instruction		The Department of Education does not license Speech-Language Pathology Assistants.
Utah Department of Commerce, Division of Occupational and Professional Licensing Utah State Board of Education (USBE)	R156-41-601 USBE Handbook for Speech-Language Technicians Working in Utah Public Schools	<p>5) An aide shall not engage in the following:</p> <ul style="list-style-type: none"> (a) preparing diagnostic statements or clinical management plans, strategies or procedures; (b) communicating obtained observations or results to anyone other than the aide's supervising speech-language pathologist or audiologist; (c) determining case selection; (d) independently composing or signing clinical reports; except an aide may enter progress notes into the patient's file reflecting the results of the aide's assigned duties; (e) independently diagnosing, treating, discharging of patient, or advising of patient disposition; and (f) referral of a patient to other professionals or agencies. <p>Defer all screening and assessment of students for feeding/swallowing and apraxia disorders as well as students with acquired brain injury to the SLP.</p>
Washington Department of Health, Health Systems Quality Assurance Washington Office of Superintendent of Public Instruction	WAC 246-828-112	<p>(7) The following procedures and tasks are excluded from the speech-language pathology assistant scope of practice:</p> <ul style="list-style-type: none"> (a) Tasks that require diagnosis, evaluation, or clinical interpretation. (b) Screening and diagnosis of feeding and swallowing disorders. (c) Development or modification of treatment plans. (d) Implementation of therapy outside of the treatment plan. (e) Selection of caseload. (f) Discharge or exit patients/clients/students. (g) Referral of patients/clients/students for additional services. <p>The Office of Superintendent of Public Instruction does not certify Speech-Language Pathology Assistants.</p>

State	State Code	Requirements
Idaho Division of Occupational and Professional Licenses, Speech, Hearing and Communication Services Licensure Board		No state law or rules on SLPA scope of practice.
Idaho State Department of Education Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Nevada Department of Education		The licensing board nor the Department of Education have a license similar to California's SLPA license.
New Mexico Speech Language Pathology, Audiology, & Hearing Aid Dispensing Practicing Board New Mexico Public Education Department		The licensing board nor the Public Education Department have a license similar to California's SLPA license.

Assistant Scope of Practice in Other Healing Arts Boards

SLPA	Occupational Therapy Assistant	Physical Therapist Assistant
<p>BPC section 2530.2. (d) The practice of speech-language pathology means all of the following: (1) The application of principles, methods, instrumental procedures, and noninstrumental procedures for measurement, testing, screening, evaluation, identification, prediction, and counseling related to the development and disorders of speech, voice, language, or swallowing. (2) The application of principles and methods for preventing, planning, directing, conducting, and supervising programs for habilitating, rehabilitating, ameliorating, managing, or modifying disorders of speech, voice, language, or swallowing in individuals or groups of individuals. (3) Conducting hearing screenings. (4) Performing suctioning in connection with the scope of practice described in paragraphs (1) and (2), after compliance with a medical facility’s training protocols on suctioning procedures.</p> <p>(i) (1) “Speech-language pathology assistant” means a person who meets the academic and supervised training requirements set forth by the board and who is approved by the board to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be responsible for the extent, kind, and quality of the services provided by the speech-language pathology assistant.</p>	<p>BPC section 2570.2. (j) “Occupational therapy services” means the services of an occupational therapist or the services of an occupational therapy assistant under the appropriate supervision of an occupational therapist.</p> <p>(l) “Occupational therapy” means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) with individuals, groups, populations, or organizations, to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness for clients with disability- and nondisability-related needs or to those who have, or are at risk of developing, health conditions that limit activity or cause participation restrictions. Occupational therapy services encompass occupational therapy assessment, treatment, education, and consultation. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perception and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life. Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving,</p>	<p>BPC section 2601. (c) “Physical therapist assistant” means a person who is licensed pursuant to this chapter to assist in the provision of physical therapy under the supervision of a licensed physical therapist. “Physical therapy assistant” and “physical therapist assistant” shall be deemed identical and interchangeable terms.</p> <p>BPC section 2620. (a) Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The practice of physical therapy includes the promotion and maintenance of physical fitness to enhance the bodily movement related health and wellness of individuals through the use of physical therapy interventions. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term “physical therapy” as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease. (b) Nothing in this section shall be construed to restrict or prohibit other healing arts practitioners licensed or registered under this</p>

SLPA	Occupational Therapy Assistant	Physical Therapist Assistant
	<p>or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. Through engagement in everyday activities, occupational therapy promotes mental health by supporting occupational performance in people with, or at risk of experiencing, a range of physical and mental health disorders. Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. Services are provided individually, in groups, or populations.</p>	<p>division from practice within the scope of their license or registration.</p>
<p>BPC section 2538.(b) (4) The scope of responsibility, duties, and functions of speech-language pathology assistants, that shall include, but not be limited to, all of the following: (A) Conducting speech-language screening, without interpretation, and using screening protocols developed by the supervising speech-language pathologist. (B) Providing direct treatment assistance to patients or clients under the supervision of a speech-language pathologist. (C) Following and implementing documented treatment plans or protocols developed by a supervising speech-language pathologist.</p>	<p>BPC section 2570.18.5. (a) An occupational therapist shall document the occupational therapist’s evaluation, goals, treatment plan, and summary of treatment in the client record. (b) An occupational therapy assistant shall document the services provided in the client record. (c) Occupational therapists and occupational therapy assistants shall document and sign the client record legibly. (d) Client records shall be maintained for a period of no less than seven years following the discharge of the client, except that the records of unemancipated minors shall be</p>	<p>BPC section 2630.3. (a) A licensed physical therapist assistant holding a valid, unexpired, and unrevoked physical therapist assistant license may assist in the provision of physical therapy services only under the supervision of a physical therapist licensed by the board. A licensed physical therapist shall at all times be responsible for the extent, kind, quality, and documentation of all physical therapy services provided by the physical therapist assistant. (b) It is unlawful for any person or persons to hold himself or herself out as a physical therapist assistant, unless at the time of so doing the person holds a valid, unexpired, and</p>

SLPA	Occupational Therapy Assistant	Physical Therapist Assistant
<p>(D) Documenting patient or client progress toward meeting established objectives, and reporting the information to a supervising speech-language pathologist.</p> <p>(E) Assisting a speech-language pathologist during assessments, including, but not limited to, assisting with formal documentation, preparing materials, and performing clerical duties for a supervising speech-language pathologist.</p> <p>(F) When competent to do so, as determined by the supervising speech-language pathologist, acting as an interpreter for non-English-speaking patients or clients and their family members.</p> <p>(G) Scheduling activities and preparing charts, records, graphs, and data.</p> <p>(H) Performing checks and maintenance of equipment, including, but not limited to, augmentative communication devices.</p> <p>(I) Assisting with speech-language pathology research projects, in-service training, and family or community education.</p> <p>The regulations shall provide that speech-language pathology assistants are not authorized to conduct evaluations, interpret data, alter treatment plans, or perform any task without the express knowledge and approval of a supervising speech-language pathologist.</p>	<p>maintained at least one year after the minor has reached the age of 18 years, and not in any case less than seven years.</p> <p>CCR section 4182. Treatments Performed by Occupational Therapy Assistants</p> <p>(a) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:</p> <ol style="list-style-type: none"> (1) the clinical complexity of the patient/client; (2) skill level of the occupational therapy assistant in the treatment technique; and (3) whether continual reassessment of the patient/client status is needed during treatment. This rule shall not preclude the occupational therapy assistant from responding to acute changes in the client's condition that warrant immediate action. The occupational therapy assistant shall inform the supervising occupational therapist immediately of the acute changes in the patient's/client's condition and the action taken. <p>(b) The supervising occupational therapist shall assume responsibility for the following activities regardless of the setting in which the services are provided:</p> <ol style="list-style-type: none"> (1) Interpretation of referrals or prescriptions for occupational therapy services. (2) Interpretation and analysis for evaluation purposes. <p>(A) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not</p>	<p>unrevoked physical therapist assistant license issued under this chapter, except as authorized in subdivisions (f) and (g) of Section 2630.5.</p> <p>(c) Physical therapist assistants shall not be independently supervised by a physical therapist license applicant, as defined in Section 2639, or a physical therapist student, as defined in Section 2633.7.</p> <p>(d) A physical therapist assistant shall not perform any evaluation of a patient or prepare a discharge summary. The supervising physical therapist shall determine which elements of the treatment plan, if any, shall be assigned to the physical therapist assistant. Assignment of patient care shall be commensurate with the competence of the physical therapist assistant.</p>

SLPA	Occupational Therapy Assistant	Physical Therapist Assistant
	<p>evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.</p> <p>(3) Development, interpretation, implementation, and modifications of the treatment plan and the discharge plan.</p> <p>(A) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant.</p> <p>(B) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.</p>	
<p>CCR section 1399.170.3. Activities, Duties, and Functions Outside the Scope of Responsibilities of a Speech-Language Pathology Assistant.</p> <p>A speech-language pathology assistant may not conduct evaluations, interpret data, alter treatment plans, or perform any task without the express knowledge and approval of a supervising speech-language pathologist. The speech-language pathology assistant may not perform any of the following functions:</p> <p>(a) Participate in parent conferences, case conferences, or inter-disciplinary team conferences without the supervising speech-language pathologist or another speech-language pathologist being present;</p> <p>(b) Provide counseling or advice to a client or a client's parent or guardian which is beyond the scope of the client's treatment;</p> <p>(c) Sign any documents in lieu of the supervising speech-language pathologist, i.e.,</p>		<p>CCR section 1398.44. Adequate Supervision Defined.</p> <p>(a) "Adequate supervision" of a physical therapist assistant shall mean supervision that complies with this section. A physical therapist shall at all times be responsible for all physical therapy services provided by the physical therapist assistant and shall ensure that the physical therapist assistant does not function autonomously. The physical therapist has a continuing responsibility to follow the progress of each patient, and is responsible for determining which elements of a treatment plan may be assigned to a physical therapist assistant.</p> <p>(b) A physical therapist who performs the initial evaluation of a patient shall be the physical therapist of record for that patient. The physical therapist of record shall remain as such until a reassignment of that patient to another physical therapist of record has occurred. The</p>

SLPA	Occupational Therapy Assistant	Physical Therapist Assistant
<p>treatment plans, client reimbursement forms, or formal reports;</p> <p>(d) Discharge clients from services;</p> <p>(e) Make referrals for additional services;</p> <p>(f) Unless required by law, disclose confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;</p> <p>(g) Represent himself or herself as a speech-language pathologist; and,</p> <p>(h) Perform procedures that require a high level of clinical acumen and technical skill, i.e., vocal tract prosthesis shaping or fitting, vocal tract imaging, and oropharyngeal swallow therapy with bolus material.</p>		<p>physical therapist of record shall ensure that a written system of transfer to the succeeding physical therapist exists.</p> <p>(c) The physical therapist of record shall provide supervision and direction to the physical therapist assistant in the treatment of patients to whom the physical therapist assistant is providing care. The physical therapist assistant shall be able to identify, and communicate with, the physical therapist of record at all times during the treatment of a patient.</p> <p>(d) A physical therapist assistant shall not:</p> <ol style="list-style-type: none"> (1) Perform measurement, data collection or care prior to the evaluation of the patient by the physical therapist (2) Document patient evaluation and reevaluation (3) Write a discharge summary (4) Establish or change a plan of care (5) Write progress reports to another health care professional, as distinguished from daily chart notes (6) Be the sole physical therapy representative in any meeting with other health care professionals where the patient's plan of care is assessed or may be modified. (7) Supervise a physical therapy aide performing patient-related tasks (8) Provide treatment if the physical therapist assistant holds a management position in the physical therapy business where the care is being provided. For purposes of this section, "management position" shall mean a position that has control or influence over scheduling, hiring, or firing. <p>The prohibitions in subsection (d) above shall not prohibit a physical therapist assistant from</p>

SLPA	Occupational Therapy Assistant	Physical Therapist Assistant
		<p>collecting and documenting data, administering standard tests, or taking measurements related to patient status.</p> <p>(e) The physical therapist assistant shall notify the physical therapist of record, document in the patient record any change in the patient's condition not within the planned progress or treatment goals, and any change in the patient's general condition.</p>



MEMORANDUM

DATE	October 16, 2024
TO	Speech-Language Pathology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 4: 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 Speech-Language Pathology Practice Committee (Committee) directed Board staff to amend the drafted proposed regulatory language that will implement the statutory changes for speech-language pathology aides. The following changes were made to the regulations:

- Amended 16 CCR section 1399.154.1 to require each supervisor to register the aide if the aide has multiple supervisors.
- Amended 16 CCR section 1399.154.2(d) to say and manage all patient care; and add 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 the aides, and provide the aide with a plan to handle emergencies.

In preparing the proposed text for Committee discussion, Board staff and DCA Legal has identified the following changes:

- Amended 16 CCR section 1399.154.2 to make grammatical corrections in subsections (a), (b), (e), (f), (g), (h), (i), and require supervisors to maintain their course completion records of supervision training for four (4) years after the renewal period in which it was earned if they wish to apply it towards their continuing professional development requirement.
- Amended 16 CCR section 1399.154.7 to add “aide” after “speech-language pathology” and to revise the Business and Professions Code sections referenced in the regulatory text.

The proposed text also includes changes in 16 CCR sections 1399.154, 1399.154.1, 1399.154.3, 1399.154.8 through 1399.154.11 made by the Audiology Practice Committee on September 5, 2024 and changes to prepare the text for the Audiology Practice Committee’s review and approval.

Discussion Questions

The current supervision requirement for SLP aides is:

1399.154.2(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.

1. Does the Committee wish to keep this requirement or revise it?

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 September 5, 2024

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 person who is certified by the Council for Accreditation in Occupational Hearing Conservation and whose primary duty is to assist in a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations, ~~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.

(A) If the applicant identifies themselves as an industrial audiology aide, as defined in Section 1399.154, they must provide a copy of their Council for Accreditation in Occupational Hearing Conservation certification with their application.

(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).

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~~ the aide will be assisting the supervisor.

(f) Define the services ~~which~~ that 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 as a speech-language pathologist pursuant to Sections 2532 of the Code, and have at least two years of full-time experience 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 speech-language pathology 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 supervisor's continuing professional development requirement set forth in Section 1399.160.3. The supervisor shall maintain records of course completion in supervision training for a period of four (4) years after the renewal period in which it was earned.

(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 the speech-language pathology aide may have already received which may have already been received by the aide as a result of any prior education, training, and or 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, and that are within the scope of responsibility of a speech-language pathology aide.~~

(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 aide 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 Sections 2532.2(d) 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 supervisor's continuing professional development requirement set forth in Section 1399.160.3.

The supervisor shall maintain records of course completion in supervision training for a period of four (4) years after the renewal period in which it was earned

(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.

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

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

(2) “Medically fragile” means a client who is acutely ill and in an unstable condition.

(3) “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.

(4) “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.

(b) Immediate supervision shall be provided when an audiology aide performs any acts or services involving medically fragile patients.

(c) Immediate supervision shall be provided when an audiology aide performs any acts or services that the supervisor has trained the audiology aide to perform but the audiology aide has yet to perform the act or service in direct client care.

(d) Following initial registration, immediate supervision of an audiology aide shall be provided at all times during the first ninety (90) calendar days of work, except as provided in subsection (f). The supervisor shall maintain in the audiology aide’s personnel file a record that verifies the aide meets the requirements of this subsection.

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

(f) At a minimum, indirect supervision shall be provided when an industrial audiology aide, as defined in Section 1399.154, is performing duties for a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations.

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 the audiology aide may have already received as the result of any prior education, training, or 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 they have been provided training and demonstrated competency, and that are within the scope of responsibility of an audiology 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.

(d) A supervisor shall provide training to an industrial audiology aide, as defined in Section 1399.154, to perform the duties required for a hearing conservation program as described in Section 5097 of Article 105 of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations.

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 impedance test battery, 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.



MEMORANDUM

DATE	November 8, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 4: Review and Possible Approval of the September 5-6, 2024 Board Meeting Minutes

Background

Attached is a draft of the meeting minutes from the September 5-6, 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 September 5-6, 2024 Board Meeting minutes.

Attachment: September 5-6, 2024 Board Meeting Minutes

AUDIOLOGY PRACTICE COMMITTEE MEETING MINUTES - DRAFT
Walnut, CA
September 5, 2024

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

Dr. Amy White, Committee Chair, called the Audiology Practice Committee (Committee) meeting to order at 1:11 p.m. Dr. White called roll; four members of the Committee were present and thus a quorum was established.

Board Members Present

Amy White, Dispensing Audiologist, Chair
Karen Chang, Public Member
Charles Sanders, Dispensing Audiologist
Tamara Chambers, Otolaryngologist, Public Member

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Yuping Lin, DCA Legal Counsel

2. Public Comment for Items Not on the Agenda

Dr. White asked for public comment for items not on the agenda. There were no comments from the public, outside agencies, or associations.

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

Dr. White invited Maria Liranzo to provide an update on possible action to amend the regulations regarding audiology aides. Ms. Liranzo provided a background, summary of changes to the proposed regulatory language since the last committee meeting and issues the board should consider for Board discussion.

Dr. White provided a background on audiology aide, industrial audiology aide, and the Council of Accreditation in Occupational Hearing Conservation (CAOHC) certification. Dr. White commented on Department of Industrial Relations (DIR) responsibility of industrial audiology aides and asked if DIR has a registration process for industrial aides.

Ms. Liranzo replied that CAOHC has a provider list and stated that it doesn't appear there is a registration for industrial aides with DIR. Ms. Cherise Burns stated that the Board may want to revisit the exemption if there isn't a licensing or registration with the DIR.

Dr. Charles Sanders asked if anyone could identify themselves as an industrial audiology aide. Dr. White replied that her understanding is anyone can identify themselves as an industrial audiology aide.

Dr. Sanders asked if there is a regulatory body that looks into them. Ms. Burns replied that the Board is not aware of it. Ms. Liranzo replied that an audiologist might be part of a hearing conservation program and they might have an aide who helps them with the program.

Dr. White commented on audiologists running a hearing conservation program for Department of Defense and stated that she isn't familiar with hearing conservation programs in the private sector.

Dr. White commented on the level of supervision for an industrial audiology aide and how it is different from an audiology aide. Dr. White stated that their supervision has to allow them to perform tasks independently. Dr. White commented on audiology aides who are CAOHC certified and how regulations will apply to them.

Paul Sanchez stated that the Board is the only entity that licenses and registers audiology aides and read the Business and Professions Code section 2530.2 (m) which states 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." Mr. Sanchez asked what the criteria would be for exemption of industrial audiology aides and suggested that this can be certification or a work setting.

Dr. White asked if CAOHC certification is a requirement. Ms. Liranzo replied that it is not a requirement and stated that supervisors report to the Board the duties the aide will perform and training they will receive.

Dr. Sanders asked if there is a way to differentiate an industrial audiology aide from an audiology aide. Ms. Burns replied that they are all identified as an aide and stated that she hasn't seen many who identify as an industrial audiology aide. Mr. Sanchez stated that applicants may not know to tell the Board.

Mr. Sanchez asked if there are industrial audiology aide requirements in regulations and commented on the Board's statutory authority. Dr. White commented on clarifying what the requirements are for CAOHC certified audiology aides.

Dr. Sanders asked if CAOHC certification includes ear mold impression. Dr. White replied that an aide may be taking an impression of an ear to order and properly fit hearing protectors and commented that their day-to-day function is different from an audiology aide.

Ms. Liranzo suggested the Committee to review the definition of industrial audiology aide. Dr. White suggested if the definition can include that their primary role and duties of their position is being part of a hearing conservation program.

Dr. Sanders asked if this would include CAOHC certification. Dr. White replied that the proposed text already includes CAOHC certification and suggested that it includes the work setting.

Ms. Burns asked if the definition should include "under the supervision of an audiologist." Dr. White replied that it would be whoever is authorized to supervise.

Dr. White asked if the Board could require proof of CAOHC certification. Ms. Burns replied that it could be part of the application process.

Dr. White asked if changes have been made to require aides to renew. Ms. Liranzo said that this is the regulation that will implement that change. Dr. White suggested that their CAOHC certification should be reviewed. Ms. Burns stated the supervisors will have to provide the Board information on what the aide is doing at the time of renewal.

Dr. White recommended that industrial audiology aide should not be exempt from registration with the Board. Ms. Liranzo noted the change.

Ms. Liranzo asked if CAOHC certification is required for the hearing conservation program or just common practice to be certified and stated that a technician can be someone who satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and checking calibration and proper functioning of the audiometers being used. Dr. White and Dr. Sanders replied that it's their understanding that CAOHC certification is required for aides and not the audiologist.

Dr. White asked if the condition for specific supervision requirements for an industrial audiology aide would be the work setting. Ms. Liranzo replied that the text can say that indirect supervision can be provided when services are provided for a hearing conservation program.

Dr. Tamara Chambers asked if the Board registers those working under an otolaryngologist or physician for a hearing conservation program. Ms. Liranzo replied that it will only be aides under an audiologist. Dr. White replied that an aide working under an otolaryngologist or physician are not audiology aides but most likely medical assistants. Ms. Burns replied that the Board does not have jurisdiction over support personnel in other professions. Dr. Sanders commented on individuals in private practice who can work under a physician without registering or licensing.

Dr. White and Dr. Sanders commented that the Board may learn how many aides work this in setting from this regulation.

Ms. Liranzo suggested the Committee review the supervision of industrial audiology aide. Dr. White stated that supervision restrictions cannot be the same for industrial audiology aide and suggested if the DIR's regulation can be referenced in this section. Ms. Liranzo noted the changes.

Ms. Burns asked if the training of industrial audiology aides should be specified or is the certification sufficient. Dr. Sanders replied that it would be the completion of the CAOHC training and certification. Dr. White replied that the proposed text is already specific, and a list of criteria is not necessary.

Ms. Burns asked about the impedance battery tests. Ms. Liranzo commented that it was brought up at the last meeting and she wasn't sure how it was supposed to be used in 1399.154.11(a). Dr. White replied that tympanometry is one of multiple tests involved.

Ms. Liranzo asked if impedance battery test will replace tympanometry. Dr. Sanders replied that it would. Ms. Burns asked if it was battery testing. Dr. White replied that it would be impedance test battery. Ms. Liranzo noted the changes.

Dr. White asked for public comment for items not on the agenda. There were no comments from the public, outside agencies, or associations.

Dr. White asked if the Committee needs to make a motion. Ms. Burns replied that the Committee should look at it one more time as staff needs to draft language for items discussed today and stated that the Speech-Language Pathology Practice Committee may want to revisit the proposed text.

Board staff was directed to include today's discussion in the text and bring it back for discussion.

4. Future Agenda Items

Dr. White asked what the procedure is for committees to add items for a future agenda. Ms. Burns replied that it should be brought to the Board and the Board Chair delegates it to the Committee and it can also be emailed or the Board Chair. Mr. Sanchez stated that it can also be brought up during committee reports at a regular Board meeting.

5. Adjournment

The meeting adjourned at 1:52 p.m.

BOARD MEETING MINUTES - DRAFT

Walnut, CA

September 5-6, 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 on September 5, 2024, at 1:06 p.m. Ms. Dominguez called roll; seven 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

Tamara Chambers, Otolaryngologist, Public Member

Staff Present

Paul Sanchez, Executive Officer

Cherise Burns, Assistant Executive Officer

Maria Liranzo, Legislation/Regulation/Budget Analyst

Yuping Lin, DCA Legal Counsel

2. Swearing in New Board Member

Ms. Dominguez swore in Dr. Tamara Chambers as a member of the Board, whereupon Dr.

Chambers took the oath of office administered by Ms. Dominguez.

Dr. Chambers introduced herself to the Board and public.

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

Ms. Dominguez appointed Dr. Chambers to the Audiology Practice Committee.

3. Public Comment for Items Not on the Agenda

Ms. Dominguez asked for public comment for items not on the agenda.

There were no comments from the public, outside agencies, or associations.

The Board then recessed to the Audiology Practice Committee meeting.

4. Review and Possible Approval of the March 1, 2024, Hearing Minutes

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

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

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

Tod Borges moved to approve the March 1, 2024, Hearing minutes.

Amy White seconded the motion.

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

5. Review and Possible Approval of the June 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.

Charles Sanders moved to approve the June 2024, Board Meeting minutes.

Karen Chang seconded the motion.

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

6. Review and Possible Approval of the July 18, 2024, Board Meeting Minutes

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

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

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

John Dandurand moved to approve the July 18, 2024, Meeting minutes.

Tamara Chambers seconded the motion.

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

7. DCA Update – DCA Board and Bureau Relations

Ms. Dominguez invited staff from DCA Board and Bureau Relations to provide an update. Yvonne Dorantes welcomed Dr. Chambers to the Board and provided an update on Budget Letter 24-20 regarding vacancy savings and position elimination, Budget Letter 24-24 regarding government efficiencies reductions, and Best of California Award winner, Jason Piccione, for the implementation of the Federal Professional License Portability and State Registration.

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

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

8. Board Chair's Report

Ms. Dominguez reported the next Board meeting needs to be rescheduled and asked if November 15th and 16th would work for the Board and if it will be in-person. Paul Sanchez replied that in-person is preferred as there may be a petition hearing, but it may be remote if the budget doesn't allow it. Dr. Amy White and Yuping Lin replied that they are not available on November 15th and 16th.

Mr. Sanchez asked if November 12th and 13th. Karen Chang replied that she is not available that week. Cherise Burns stated that there will be a practical examination on November 22 and 23, 2024.

Ms. Burns suggested November 14th and 15th. Mr. Lin replied that he is not available on November 14th.

Ms. Burns suggested the first week of December. Board members expressed agreement to December 5th and 6th.

Ms. Dominguez invited Dr. White to provide a report on the discussion from the Audiology Practice Committee. Dr. White provided a report on what the Committee reviewed.

Ms. Dominguez commented on committee membership, appointments made, and vacancies.

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. Executive Officer's Report

Ms. Dominguez invited Mr. Sanchez to provide the Executive Officer's report.

Mr. Sanchez provided an administration update on in-person Board meetings, staff vacancies, and the filling of all vacancies. Mr. Sanchez commented on a new position to audit continuing education and a new licensing technician.

Mr. Sanchez reported on the budget including savings necessary to address the state deficit, 2023-2024 year-end budget report, and Board's surplus.

John Dandurand asked why the printing cost increased. Ms. Burns replied that this is the contract amount and not the actual amount the Board spent. Ms. Burns stated that Board recently changed vendors, therefore the projected amount includes contracted amount for both vendors but will not incur all those expenditures.

Mr. Sanchez commented on the Board's use of overtime. Ms. Burns stated that this line item also includes retirement payouts when applicable.

Mr. Sanchez commented on printing costs for renewals. Ms. Burns stated that it also includes initial license, wall certificate, and pocket license. Ms. Burns commented that the large number of printings is renewals that are done online and not mailed back to the Board.

Ms. Dominguez and Tod Borges asked if digital license could be an option. Ms. Burns replied that other boards and bureaus are looking into it. Mr. Borges stated that the laws and regulations would have to change regarding the display of license. Ms. Burns stated that other boards and bureaus are considering postcards for renewal reminders as a cost saving measure.

Mr. Sanchez reported the fund condition and highlighted the total revenue, total expenditures, fund balance, and months in reserves.

Mr. Sanchez reported on outreach efforts including a meeting with the California Speech-Language Hearing Association leadership, California Academy of Audiology (CAA) conference committee, and CAA Board of Directors.

Mr. Sanchez reported on licensing including processing times and practical examination results. Mr. Sanchez highlighted statistics on the number of licenses issued and the licensee population.

Mr. Sanchez reported on enforcement data including complaints, citations and fines, and formal discipline for the last twelve months.

Mr. Sanchez provided a brief report on the Board's regulations and deferred to the regulatory report. Mr. Sanchez highlighted the number of regulations the Board has completed in the last two years.

Mr. Borges asked about outreach with Hearing HealthCare Providers. Mr. Sanchez replied that he has heard back from them.

Ms. Dominguez and Mr. Borges commended Board staff efforts to reduce processing times.

Dr. Charles Sanders asked what month is processing the highest. Ms. Burns replied that the processing time peaks in July and August. Ms. Burns stated that she will provide more data at the next meeting.

Ms. Dominguez asked if there is an increase at the beginning of the year. Ms. Burns replied that there is a small increase in the beginning of the year for speech-language pathology assistants, off season graduates, and audiology required professional experience temporary licenses. Dr. Sanders commented on the delayed degree designation at California State University, Sacramento.

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

10. Board 2025 – 2028 Strategic Plan Review and Approval

Ms. Dominguez invited Mr. Sanchez and Ms. Burns to report on the draft strategic plan. Mr. Sanchez stated that the Board will review the goals to determine if they need revisions or to be numbered differently to identify priority levels of the goals. Ms. Burns stated that grammatical corrections should be identified as they can be changed.

Mr. Sanchez asked for comments or questions on the cover through page 3 and stated that Dr. Chambers is listed on page 3. No comments or questions from the Board.

Mr. Sanchez asked for comments or questions on page 3 through 6. No comments or questions from the Board.

Mr. Sanchez asked for comments or questions on page 7 and stated that the Board's values were narrowed down to: integrity, inclusion, efficiency, transparency, and accountability, and consumer protection on page 7. Mr. Sanchez also asked if there are any questions on how the vision is written. The Board expressed agreement with how the vision is written.

Ms. Burns asked for comments or questions on licensing goals and stated the statement to described was revised. Ms. Burns also stated that the goals should be listed in priority order and recommended that the Board review the order of goals. Dr. White suggested moving goal 1.4 toward the top of the list. Mr. Borges, Ms. Chang, and Mr. Dandurand suggested that it be goal 1.2. Dr. White suggested moving goal 1.6 higher to the list. Ms. Dominguez suggested switching goal 1.3 with 1.6. Ms. Dominguez suggested switching goal 1.1 with 1.3. Ms. Chang suggested that goal 1.1 be 1.3, goal 1.5 be goal 1.4, and 1.6 will be goal 1.5.

Mr. Sanchez stated that goal 1.1 was formerly goal 1.2, goal 1.2 was formerly goal 1.4, goal 1.3 was formerly goal 1.1, goal 1.4 was formerly goal 1.5, goal 1.5 was formerly goal 1.6, and goal 1.6 was formerly goal 1.3. Ms. Burns noted the changes.

Mr. Borges asked what the issue with increased access to the hearing aid dispensers practical examination. Mr. Sanchez replied the goal is broad, but one way would be to meet the capacity of those who want to take it or having the examination at locations outside of Sacramento. Mr. Borges commented on how the examination were twice a year, one in northern California and another in southern California.

Mr. Borges asked if access to the hearing aid dispensers practical examination is a higher priority than creating educational materials to explain the application and licensing process. Dr. White replied that it should be access to the hearing aid dispensers practical examination because it creates a barrier to licensure. Mr. Sanchez commented on the difference in impact with reducing barrier to licensure and creating educational materials. Ms. Burns commented on the number of people that would be impacted by the educational materials and the workload related to increasing access to the hearing aid dispensers practical examination. Dr. White commented on the problem of measuring the impact of people not entering the field because of the examinations.

Ms. Dominguez asked if the goals are completed one at a time or simultaneously. Mr. Sanchez and Ms. Burns replied that they are completed simultaneously, but sometimes have to be prioritized with limited resources.

Mr. Sanchez asked if there were additional questions regarding the order. Mr. Dandurand replied that the order is good. Dr. Chambers commented on being comfortable with leaving hearing aid dispensers practical examination a higher priority.

Mr. Sanchez asked for comments or questions on enforcement goals. Dr. White suggested moving goal 2.3 to the top. Mr. Sanchez commented on the goal to review and update of the Board's disciplinary guidelines. Ms. Burns commented on funding needs to complete goal 2.3 and current state budget conditions.

Mr. Sanchez commented on the overlapping expectations of goal 2.1 and goal 2.3. Mr. Borges expressed agreement with Mr. Sanchez's comment. Ms. Burns stated the goal 2.1 would be a temporary solution for goal 2.3. Mr. Sanchez suggested expanding it. Dr. White, Ms. Dominguez, and Mr. Borges suggested goal 2.2 should be goal 2.1. Mr. Borges suggested combining goal 2.1 with goal 2.3. Ms. Dominguez suggested that they should be separate so that other solutions are implemented for goal 2.1 while goal 2.3 is being worked on.

Ms. Dominguez asked for clarification of the word "expectations" in goal 2.1. Mr. Sanchez replied that it would be what the complainants expect from the Board such as a letter of acknowledgement or complaint outcome. Mr. Sanchez commented on the challenges of disclosing information when a complaint is opened. Ms. Burns suggested that it should include respondents. Dr. Sanders and Mr. Borges expressed agreement with Ms. Burns suggestion. Ms. Dominguez stated that the word "expectations" was still vague and suggested adding a word or phrase. Ms. Burns suggested replacing the word "expectations" with the words "enforcement process." The Board expressed agreement with Ms. Burns suggestion.

Ms. Burns noted the changes discussed and stated goal 2.1 was formerly goal 2.2, goal 2.2 was formerly goal 2.1 with amendments, and goal 2.3 remained the same.

Ms. Burns asked for comments or questions on outreach and communication goals. Ms. Chang asked about the issue or problem regarding caseloads in schools. Ms. Burns replied that it would be educating the public about the Board's jurisdiction in school settings and noted that the Board does not have jurisdiction in those settings. Ms. Chang suggested goal 3.2 to be goal 3.1. Dr. White stated that goals 3.2, 3.4, and 3.6 are related and important. Mr. Borges suggested goal 3.4 to be goal 3.1.

Mr. Borges asked how many comments were received regarding over-the-counter (OTC) hearing aids. Ms. Burns replied that it was identified as a threat. Mr. Borges suggested goal 3.1 should be goal 3.6. Ms. Chang and Dr. White expressed agreement with Mr. Borges' suggestion. Mr. Dandurand asked Dr. Chambers if she get questions about OTC hearing aids as an otolaryngologist. Dr. Chambers replied that she doesn't get questions. Ms. Burns stated that it might be helpful as a consumer protection agency to have information where people can go with their complaint. Mr. Dandurand suggested goal 3.4 and goal 3.2 to be either goal 3.1 or goal 3.2.

Ms. Burns asked about goal 3.6. Ms. Chang replied that it should stay there. Mr. Borges and Dr. White suggested that it should be moved higher.

Mr. Borges stated that goal 3.1 was formerly goal 3.2, goal 3.2 was formerly goal 3.4, goal 3.3 remained the same, goal 3.4 was formerly goal 3.5, goal 3.5 was formerly goal 3.6, and goal 3.6 was formerly goal 3.1. Ms. Burns noted the changes.

Mr. Sanchez commented on the issue of Board jurisdiction in school settings. Ms. Chang asked if there is a shortage of speech-language pathologists (SLP) in schools and speech-language pathology assistants (SLPA) are having too many students. Mr. Sanchez replied that he has heard that this is a problem, among other problems. Ms. Dominguez commented that she has heard that SLPAs are given caseloads when it should be the SLP. Ms. Chang asked if this issue comes to the Board. Ms. Burns replied that they do ask the question of the Board and commented that there could be a webpage that directs licensees where to go for different school issues.

Ms. Dominguez asked if the concerns are from members of the public or licensees. Ms. Burns replied they are from the licensees. Ms. Dominguez suggested to replace the word "public" with the word "licensees" in goal 3.5. Mr. Borges suggested keeping the word "public." Ms. Burns suggested the word "stakeholders." Ms. Dominguez and Mr. Borges expressed agreement with Ms. Burns suggestion. Mr. Sanchez stated that the Board doesn't deal with complaints on caseload because it is outside the Board's jurisdiction. Mr. Sanchez commented on unlicensed people working in schools for speech services and suggested expanding it to be more than caseload issues. Dr. Chambers asked if it's a caseload or case complexity. Mr. Sanchez replied that it is case load and also licensing issues. Ms. Liranzo commented on various inquiries received through emails and phone calls about caseloads and supervision issues.

Mr. Dandurand asked if this should be changed or removed. Ms. Liranzo replied that the Board directs caseload issues to the Department of Education but issues about SLPA supervision and what a SLPA can or cannot do are handled by the Board.

Mr. Dandurand asked if this should be directed to credentialing and not caseload. Mr. Sanchez replied that this should be an opportunity to educate stakeholders on what they can do with their license or in the practice of a SLPA. Ms. Burns suggested removing the word “caseloads.” Ms. Chang suggested moving it to goal 3.5. Mr. Dandurand expressed agreement with Ms. Chang’s suggestion.

Ms. Burns stated that goal 3.1 was formerly goal 3.2, goal 3.2 was formerly goal 3.4, goal 3.3 remained the same, goal 3.4 was formerly goal 3.6, goal 3.5 remained the same, and goal 3.6 was formerly goal 3.1.

Ms. Dominguez asked about the materials the Board currently has about the regulatory process. Ms. Burns replied that the Board has information on the stages of the regulatory process and not specifically on the public comment period. Ms. Burns commented on how comments for regulatory changes are different from legislative changes. Ms. Dominguez suggested revising the goal statement as the materials have already been developed. Mr. Borges suggested “develop further” or “continue to.” Ms. Burns noted that the statement will now say “continue to develop.” Ms. Burns suggested changing “increase engagement” to “get it at the right time.” Dr. Chambers suggested the word “timely.” Mr. Borges suggested the word “meaningful.” Ms. Burns noted the changes.

Ms. Dominguez suggested clarifying the Board’s jurisdiction in school settings and asked if most of the comments were about caseload issues. Ms. Burns replied they were. Ms. Dominguez stated that the Board should response to licensees concerns regarding caseloads. Ms. Burns stated that it was suggested earlier to remove the word “caseloads” so that it covers all school issues. Ms. Dominguez suggested keeping the word “caseload” since it was mentioned in the survey comments. Mr. Borges stated the Board doesn’t have jurisdiction. Ms. Dominguez replied that this could be information the Board publishes on its website and directs people to the Department of Education. Mr. Dandurand expressed agreement with Ms. Dominguez’s statement. Mr. Borges stated that caseload is one of the issues and other issues should also be included. Ms. Chang commented on issues of SLPAs in school setting. Mr. Sanchez suggested to include the words “ and other concerns.” Ms. Burns noted the changes.

Mr. Sanchez asked for comments or questions on laws and regulations goals. Mr. Borges asked what “balance in work settings for members of the Board” means in goal 4.5. Mr. Sanchez replied that it would be having Board members from different work settings where licensees are practicing. Ms. Burns stated that the Board doesn’t have authority in who the governor or legislature chooses but the Board can express their desire for future board members to be from a variety of work settings.

Dr. Chambers asked what it means to prioritize regulatory packages. Mr. Sanchez replied that the Board has several rulemaking files in the process which require prioritizing and commented on rulemaking files the Board has such as examination requirements for hearing aid dispensers and dispensing audiologists, and disciplinary guidelines. Ms. Burns commented on what is involved in a preparing rulemaking file and how they are prioritized. Mr. Sanchez commented on other board’s having an ad hoc committee for regulation and suggested expanding the legislative ad hoc to include regulations. Mr. Sanchez also commented on goal 4.1 and suggested being more specific with the goal.

Mr. Dandurand stated that the order of goals was fine. Ms. Chang suggested moving goal 4.2 because of its importance for licensees to know the recent changes to regulations. Ms. Chang

commented on goal 4.5 and suggested that it say, “advocate for different types of work settings for members of the board during the appointment process to achieve a more balanced input” with a recommendation to replace the words “work setting.”

Ms. Chang commented on goal 4.1 in regard to telehealth and artificial intelligence and suggested it say, “continue periodic review of Board regulations to reflect current professional practices and technology.” Ms. Burns asked if it should say, “use of technology.” Ms. Chang asked if hearing aids use apps. Mr. Borges replied that they are used.

Ms. Burns stated that she couldn’t find another word for “work setting.” Dr. White stated that “work setting” is commonly used by academic and training programs. Mr. Sanchez asked if it should specify speech language pathologist. Ms. Burns replied that it should apply to other board members. Mr. Borges and Ms. Dominguez expressed agreement with Ms. Burns comment.

Mr. Borges asked if goal 4.2 should be 4.1. Ms. Chang replied that the public should be educated on regulatory changes regarding continuing education and asked if there are email lists. Ms. Burns stated that the information is provided through emails and on the website and enforcement will educate the public when it begins auditing continuing education.

Ms. Chang asked about educating the public on how to comment on proposed regulations. Ms. Burns asked if it should be moved from outreach and communication goals to laws and regulation goals. Ms. Chang replied that it should be moved. Mr. Borges expressed agreement with Ms. Chang’s comments. Dr. White suggested replacing the words “work setting” with “specialty area.” Ms. Chang expressed agreement with the suggestion.

Ms. Chang suggested the creation of a list of speech language pathologists interested in being a board member to provide to the governor. Ms. Burns stated that they are directed to apply through the Governor’s website. Ms. Chang suggested providing information at conferences and asked if there is a separate contact for appointments. Mr. Sanchez replied that there is a contact for appointments in the Governor’s office and stated that those interested in being a board member are directed to apply through the Governor’s website. Ms. Chang asked who else appoints board members and stated that she was appointed by the Speaker’s Office. Mr. Sanchez and Ms. Burns replied that public members are appointed by the State Legislature. Mr. Sanchez stated that he recently contacted the Senate regarding a vacancy. Dr. Sanders stated that the Governor’s office reached out to him.

Mr. Sanchez asked for comments or questions on Board administration goals. Mr. Dandurand suggested moving goal 5.1. Mr. Sanchez commented on the difference between filling vacant positions and having enough positions. Ms. Burns commented on having authorized positions. Ms. Chang commented on the need for more positions which would require a budget change proposal (BCP). Mr. Sanchez commented on the BCP process.

Ms. Chang asked if goal 5.3 can be clarified. Mr. Sanchez replied that the Board has one person supervising most of the staff and the Board will need more managers to provide effective supervision. Ms. Chang asked if the extra managers would require BCP. Mr. Sanchez replied that it will. Ms. Chang asked if goal 5.1 and goal 5.3 go together. Ms. Burns replied that they are sometimes together, but they are separate items. Ms. Burns stated that often times outside studies are required to request supervisory or managerial positions and commented on what happens to boards as they grow in staff but not in managers. Ms. Chang asked if the managers would be staff

services managers (SSM) or executive officers. Mr. Sanchez replied that it depends on the level of staff and stated that it would mostly likely be SSM. Ms. Chang asked how associate governmental program analysts (AGPA) are requested. Ms. Burns replied that it doesn't need outside studies because they can be done by identifying the workload and cost for an analyst to complete the workload in BPC. Mr. Sanchez commented on how strategic plans help with the BPC process. Ms. Chang suggested specifying the positions needed at the end of goal 5.3.

Mr. Dandurand suggested moving goal 5.2 to the top of list. Mr. Borges asked about goal 5.2 regarding plain language and stated that he thinks user friendliness is a separate issue. Mr. Borges noted issues with the Board's website. Mr. Sanchez replied that this was to align with efforts throughout the state to use plain language and suggesting reversing the language so that it can also include issues with the website. Mr. Borges suggested it say, "improving the Board's website to make it more user friendly while using plain language to increase accessibility." Ms. Burns stated the Board is on the old website platform and could move to the new website platform. Ms. Dominguez suggested it say, "improve the Board's website to increase accessibility and users friendliness. Ms. Chang expressed agreement with Ms. Dominguez's suggestion.

Dr. Chambers suggested changing the goal statement to remove or modify the words "efficiently and effectively" so it's less quantifiable and add a reference to finance or budget. Dr. White stated that all the other goal statements are not all quantifiable. Mr. Borges suggested removing the words "efficiently and effectively." Mr. Sanchez and Mr. Burns commented on how goals can be quantified. Dr. White replied that the goal statement is a commitment to being efficient and effective. Ms. Dominguez stated that those are the Board's values and suggested that it remains.

Ms. Burns suggested moving the goal 5.2 to outreach and communications. The Board expressed agreement with the suggestion. Ms. Chang and Ms. Dominguez suggested adding it to the end of goal 3. Dr. White suggested that it shouldn't be the lowest priority. Ms. Chang asked if there is a need to communicate risks and limitations to OTC hearing aids to increase consumer awareness. Mr. Borges replied that there is some value to the information. Ms. Burns stated it could also include where consumer can complain. Dr. White stated that the website is related to goal 3.3 and goal 3.4. Ms. Chang suggested that it should be goal 3.5 with goals regarding school speech therapist as goal 3.6 and communication regarding OTC hearings aids as goal 3.7. The Board agreed with this prioritization.

Ms. Chang suggested goal 5.3 should specify management position. Mr. Sanchez suggested it say, "supervision of staff." Ms. Chang asked if AGPA's can supervise staff. Mr. Sanchez and Ms. Burns replied that AGPA's cannot supervise staff. Ms. Burns stated that most of the Board is made up of AGPA or staff services analysts. Ms. Chang asked if the Board would want another SSM. Ms. Burns replied that most boards of this board's size get to that level of organizational structure as they grow. Ms. Chang asked if BCP process should be specified in goal 5.1. Mr. Sanchez recommended specifying the budget process to distinguish it from temporary help. Ms. Burns noted the changes.

Mr. Sanchez stated that Board staff will present the strategic plan with revisions for Board approval at its next meeting. Ms. Dominguez requested the updated wording regarding the goal related to the Board's website. Ms. Chang commented on the changes to the language, Ms. Burns noted the changes.

Ms. Dominguez asked that the goals and numbers in Goal Area 5 be read. Mr. Sanchez read the priority order and language for the goals. Ms. Burns noted the changes.

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

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

A petition for reinstatement of revoked license was heard with Administrative Law Judge Thomas Heller presiding. The people were represented by Deputy Attorney General Brian Bill. The petitioner, Miriam (Blanchard) Ramirez, represented herself.

A written transcript of the proceeding was transcribed by a court reporter.

12. 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 met in closed session to discuss disciplinary matters.

13. Regulatory Report: Update, Review, Consideration and Possible Action on the Following Board Regulation Packages Regarding:

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

Mr. Dandurand commented on proposed regulations regarding hearing aid dispenser trainees and temporary licensee supervision and a letter he received from Dr. Thomas Tedeschi. Mr. Dandurand asked if he can submit it to the Board under items for future agenda. Ms. Burns replied that he can.

Ms. Dominguez invited Ms. Liranzo to present on proposed changes to regulations regarding processing times. Ms. Liranzo provided a background on the proposed changes and a summary of changes to the proposed text since it was last adopted.

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

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

Charles Sanders moved to approve the proposed 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.

Tamara Chambers seconded the motion.

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

14. 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, Board-sponsored legislation, and bills with recommended watch status.

Ms. Liranzo stated that five (5) bills died: Assembly Bill (AB) 1028, AB 2269, AB 2862, and AB 3127 and Senate Bill 802; three (3) bills were chaptered: AB 1900, 2011, and 2908; and all other bills were on their way to the governor.

Ms. Burns stated that SB 1451 was brought to Board staff attention regarding the use of the prefix "Dr." Dr. White stated the Board's advertising guidelines requires the use of educational degree when using the prefix "Dr." and suggested reviewing them. Ms. Burns expressed agreement with Dr. White's suggestion. Dr. White asked if the prohibited term is saying the word out loud or putting it in writing. Ms. Burns replied that the language specifically states that it is in signs, business cards, letterhead or advertisement and noted that there is an exception for other licensed professions. Mr. Dandurand asked if there was a way to reach out to other boards to see what they will do. Ms. Burns replied that there is an exception and stated that the Board staff will seek guidance from the Department of Consumers Affairs (DCA) legal office to ensure that the Board is in compliance with this law. Mr. Sanchez asked if this is a bill the governor is signing. Ms. Burns replied that it is at his office and stated that it is a business and profession bills with various boards. Ms. Dominguez asked if it is okay to say the word "doctor" in board meetings. Ms. Burns replied that Board staff will get further clarification from DCA.

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.

15. Legislative Items for Future Meeting

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

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

16. Future Agenda Items

Ms. Dominguez asked for future agenda items. Mr. Dandurand submitted Dr. Thomas Tedeschi's letter regarding hearing aid dispenser's trainees for a future agenda item.

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

agencies, or associations.

17. Adjournment

The meeting adjourned on September 6, 2024, at 2:20 p.m.

DRAFT



MEMORANDUM

DATE	November 4, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 5: Review and Possible Approval of the November 1, 2024 Board Meeting Minutes

Background

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

Action Requested

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

Attachment: November 1, 2024 Board Meeting Minutes



BOARD MEETING MINUTES – DRAFT
Teleconference – Sacramento, Glendora, Lodi,
City of Industry, Los Angeles, and French Camp, CA
November 1, 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 on November 1, 2024, at 12 Noon. 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
Tamara Chambers, Otolaryngologist, Public Member
Charles Sanders, Dispensing Audiologist

Staff Present

Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Brennan Meier, DCA Legal Counsel
Dao Choi, DCA Regulatory Counsel
Catherine Bachiller, DCA Office of Human Resources
Olivia Trejo, DCA Office of Human Resources
David Bouilly, DCA SOLID

2. Public Comment for Items Not on the Agenda

Ms. Dominguez asked for public comment for items not on the agenda.

Jody Winzelberg, Director of Clinical Education at San Jose State University, asked for recommendations when students should be submitting their application for a required professional experience license next year. Ms. Burns replied that she will send an email to her to share with other program directors.

3. Executive Officer (EO) Recruitment and Selection Process

Ms. Dominguez provided a background on the EO recruitment and selection process.

Ms. Dominguez invited Olivia Trejo and Catherine Bachiller of DCA Office of Human Resources to present to the Board on the EO recruitment and selection process.

Ms. Bachiller presented the EO recruitment process flowchart and asked if there were any questions regarding the process.

Tod Borges asked what happens if the Board is not satisfied with the applicants after the interviews. Ms. Bachiller replied that the final filing date can be extended. Ms. Trejo stated that a selection does not have to be made on the day of interviews if the Board is not satisfied with the applicants and the Board can vote to repost the announcement for additional candidates.

Ms. Dominguez asked if it was possible to reduce the final filing period. Ms. Bachiller replied that ten (10) days is the minimum requirement.

Mr. Borges asked if the applications are reviewed and screened at the same time and not as they come in. Ms. Bachiller replied that they are sent on a weekly basis and deferred to Ms. Trejo. Ms. Trejo replied that the EO Search Committee will decide how they want to review and screen applications either as they come in or at the same time.

Ms. Bachiller stated that a draft EO duty statement is included in the meeting materials and asked if there were edits or changes. Mr. Dominguez replied that she has no further changes from her initial changes which were to have the specific assignments to align with the aspects of the job contained in the DCA EO performance appraisal.

Ms. Bachiller stated that a draft EO recruitment announcement is included in the meeting materials and asked if there were any changes to the desirable qualifications. There was no Board discussion on changes to the desirable qualifications.

Ms. Bachiller stated that the announcement is typically advertised for at least thirty (30) days but that it can change and asked if there were any changes.

Ms. Dominguez asked the Board to consider fourteen (14) days instead of thirty (30) days. Dr. Amy White asked for her reason. Ms. Dominguez replied that she wants the Board to move forward quickly. Dr. White suggested fourteen (14) days may not be sufficient to prepare for the application and suggested it stay at thirty (30) days. Mr. Borges expressed agreement with Dr. White's suggestion. Dr. Charles Sanders stated that the Board may be criticized for moving away from the standard filing period.

Ms. Dominguez asked what the minimum filing period can be. Ms. Trejo replied that it is ten (10) business days.

Ms. Dominguez asked if it would be ten (10) business days in addition to the thirty (30) days. Ms. Trejo replied that it would be a total of thirty (30) days.

Ms. Dominguez asked if thirty (30) days was the law. Ms. Trejo replied that thirty (30) days is the standard for this type of recruitment.

Ms. Dominguez expressed agreement to keep the filing period as thirty (30) days.

Ms. Bachiller stated that the announcement directs applicants to submit a statement of qualification not to exceed three (3) pages and asked if the Board would like the change the number of pages.

Ms. Dominguez asked if what is being proposed is standard. Ms. Trejo replied that three (3) pages are typical and standard for this type of recruitment but the Board can increase or decrease the number of pages.

Mr. Borges stated that three (3) pages is not unreasonable for the type of position. Dr. White and Ms. Dominguez expressed agreement with Mr. Borges statement.

Ms. Bachiller stated that the announcement will be posted next week with the filing final date thirty (30) days from when the announcement is posted.

Ms. Dominguez asked for a volunteer to be part of the EO Selection Committee (Committee) and volunteered herself.

Ms. Dominguez asked how many members can be in the Committee. Ms. Bachiller replied that it is two (2) total members.

Mr. Borges recommend John Dandurand due to his experience in management with interviewing and recruiting as a multi-unit manager, and asked if it was appropriate to volunteer a member not in attendance. Karen Chang expressed agreement with the Mr. Borges recommendation. Brennan Meier, DCA Legal Counsel, replied that the Board can but suggested to recommend and appoint someone who is present and can agree to the time commitment and participation requirements of the Committee. Ms. Trejo expressed agreement with Legal Counsel's suggestion.

Ms. Chang asked if the Board could elect an alternate. Ms. Trejo deferred to Legal Counsel and stated two (2) members are allowed to avoid violations to the Bagley-Keene Act. Legal Counsel replied that there could be some Bagley-Keene Act issues if the information is accidentally shared with the alternate member.

Dr. White recommended Dr. Sanders and stated that he is very experienced in the formal process of interviewing at the Department of Veterans Affairs and would be a great asset to the Committee. Dr. Sanders accepted the recommendation.

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

Amy White moved to approve Gilda Dominguez and Charles Sanders to the EO Selection Committee.

Karen Chang seconded the motion.

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

4. The Board Will Meet in Closed Session Pursuant to Government Codes Section 11126(a)(1) to Discuss and Take Possible Action on the Selection Process and Appointment of an "Acting" or "Interim" EO.

The Board met in closed session to discuss and take possible action on the selection process and appointment of an "Acting" or "Interim" EO.

5. 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.

6. Report on Actions Taken During Closed Session Regarding Acting on an Interim EO Appointment

Ms. Dominguez reported on actions taken during closed session regarding acting on an Interim EO appointment. Ms. Dominguez stated that an interim officer has been selected and will be announced at a later date.

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

7. Discussion and Possible Action to Review, Consider and Ratify Amended Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR sections 1399.127

Ms. Dominguez invited Maria Liranzo to present proposed changes to regulations regarding advertising for hearing aid dispensing. Ms. Liranzo provided a background on the proposed regulation and a summary of changes made to the modified text. Ms. Liranzo noted that the modified text, public comments, draft board responses to the public comments, and Order of Adoption are included in the meeting materials.

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

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

Charles Sanders moved to ratify the modifications to the regulatory text noticed to the public for a second 15-day comment period between October 16-31, 2024, approve the proposed Board responses to comments as noticed/amended, and direct Board staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with OAL, authorize the Interim 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 section 1399.127, as noticed.

Tamara Chambers seconded the motion.

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

8. Adjournment

The meeting adjourned at 1:08 p.m.

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board - 0376

FY 2024-25 BUDGET REPORT

December 5-6, 2024 Board Meeting

FM 3

OBJECT DESCRIPTION	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25				
	ACTUAL EXPENDITURES (Prelim FM13)	ACTUAL EXPENDITURES (Prelim FM13)	ACTUAL EXPENDITURES (Prelim FM13)	ACTUAL EXPENDITURES (Prelim FM13)	GOVERNOR'S BUDGET 2024-25	CURRENT YEAR EXPENDITURES 09.30.2024	% SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONNEL SERVICES									
Salary & Wages (Staff)	599,726	746,598	842,376	809,790	983,000	228,641	23%	952,074	30,926
Statutory Exempt (EO)	92,318	106,164	114,225	111,479	82,000	29,898	36%	94,169	(12,169)
Temp Help	38,449	57,039	56,831	4,749	1,000	0	0%	0	1,000
Board Member Per Diem	1,700	5,100	5,600	2,400	6,000	0	0%	3,000	3,000
Overtime/Flex Elect/Lump Sum	54,620	67,286	67,655	75,927	5,000	5,800	116%	30,000	(25,000)
Staff Benefits	418,932	489,282	582,080	581,545	616,000	152,054	25%	615,324	676
TOTALS, PERSONNEL SVC	1,205,746	1,471,470	1,668,767	1,585,890	1,693,000	416,393	25%	1,694,567	(1,567)
OPERATING EXPENSE AND EQUIPMENT									
General Expense	67,144	74,273	59,288	54,010	83,000	9,839	12%	51,182	31,818
Printing	19,251	40,231	42,470	86,218	27,000	1,267	5%	44,341	(17,341)
Communication	7,482	3,518	3,158	1,725	13,000	621	5%	3,017	9,983
Postage	1,725	6,407	4,232	4,943	15,000	0	0%	4,000	11,000
Insurance	158	22	17	23	0	0	0%	23	(23)
Travel In State	9,148	11,088	15,381	15,534	39,000	2,324	6%	20,000	19,000
Training	0	175	2,845	0	12,000	0	0%	1,500	10,500
Facilities Operations	82,568	126,495	140,624	143,422	120,000	34,405	29%	148,536	(28,536)
Utilities			420	605	0	0	0%	605	(605)
C & P Services - Interdept.	70	82	83	0	24,000	0	0%	0	24,000
Attorney General	298,782	200,014	86,055	151,478	143,000	48,875	34%	205,857	(62,857)
Office Admin. Hearings	128,785	38,496	30,808	24,708	61,000	0	0%	25,927	35,073
C & P Services - External	79,957	64,415	73,311	103,164	108,000	9,693	9%	97,634	10,366
DCA Pro Rata	355,665	463,371	138,234	441,400	817,000	408,500	50%	817,000	0
DOI - Investigations	32,198	96,124	58,523	7,262	8,000	4,000	50%	8,000	0
Interagency Services	2,196	118	621	633	29,000	112	0%	112	28,888
IA w/ OPES	24,264	47,009	17,086	46,414	60,000	0	0%	61,923	(1,923)
Consolidated Data Center	14,553	20,198	23,753	23,517	29,000	0	0%	6,197	22,803
Information Technology	5,210	4,171	5,115	8,928	17,000	1,829	11%	9,951	7,049
Equipment	30,670	1,193	2,236	1,239	0	213	21300%	4,060	(4,060)
Other Items of Expense	2,553	1,746	2,076	462	0	0	0%	470	(470)
TOTALS, OE&E	1,117,103	1,194,721	706,337	1,115,687	1,605,000	520,410	32%	1,510,333	94,667
TOTAL EXPENSE	2,322,849	2,666,191	2,375,104	2,630,237	3,324,000	936,804	28%	3,204,900	93,100
SURPLUS/(DEFICIT):									2.80%

0376 - Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund
Analysis of Fund Condition
(Dollars in Thousands)
2024 Budget Act w/ FM 3 Projections

Prepared 11.19.2024

	Actuals 2023-24	CY 2024-25	BY 2025-26	BY +1 2026-27	BY +2 2027-28
BEGINNING BALANCE					
Prior Year Adjustment	\$ 1,634	\$ 1,928	\$ 2,257	\$ 2,309	\$ 2,259
Adjusted Beginning Balance	\$ -39	\$ -	\$ -	\$ -	\$ -
	<u>\$ 1,595</u>	<u>\$ 1,928</u>	<u>\$ 2,257</u>	<u>\$ 2,309</u>	<u>\$ 2,259</u>
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 34	\$ 35	\$ 35	\$ 35	\$ 35
4127400 - Renewal fees	\$ 2,370	\$ 2,651	\$ 2,651	\$ 2,651	\$ 2,651
4129200 - Other regulatory fees	\$ 59	\$ 59	\$ 59	\$ 59	\$ 59
4129400 - Other regulatory licenses and permits	\$ 730	\$ 808	\$ 808	\$ 808	\$ 808
4163000 - Income from surplus money investments	\$ 87	\$ 120	\$ 34	\$ 33	\$ 31
4171400 - Escheat of unclaimed checks and warrants	\$ 6	\$ 6	\$ 6	\$ 6	\$ 6
Totals, Revenues	<u>\$ 3,286</u>	<u>\$ 3,679</u>	<u>\$ 3,593</u>	<u>\$ 3,592</u>	<u>\$ 3,590</u>
Totals, Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	<u>\$ 3,286</u>	<u>\$ 3,679</u>	<u>\$ 3,593</u>	<u>\$ 3,592</u>	<u>\$ 3,590</u>
TOTAL RESOURCES	<u>\$ 4,881</u>	<u>\$ 5,607</u>	<u>\$ 5,850</u>	<u>\$ 5,901</u>	<u>\$ 5,849</u>
Expenditures:					
1111 Department of Consumer Affairs (State Operations)	\$ 2,647	\$ 3,172	\$ 3,391	\$ 3,492	\$ 3,597
9892 Supplemental Pension Payments (State Operations)	\$ 38	\$ 28	\$ -	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 268	\$ 150	\$ 150	\$ 150	\$ 150
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	<u>\$ 2,953</u>	<u>\$ 3,350</u>	<u>\$ 3,541</u>	<u>\$ 3,642</u>	<u>\$ 3,747</u>
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,928	\$ 2,257	\$ 2,309	\$ 2,259	\$ 2,101
Months in Reserve	6.9	7.6	7.6	7.2	6.5

NOTES:

1. Assumes workload and revenue projections are realized in CY and ongoing
2. Expenditure growth projected at 3% beginning BY.

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

LICENSES ISSUED	FY	FY	FY	FY	FY	FY	FY	FY
	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
								QTR 1
AIDE	33	32	44	22	44	52	60	13
AU	77	63	63	71	79	51	89	40
DAU	30	35	31	23	28	26	33	11
AUT	2	4	3	1	4	1	0	1
PDP	20	15	5	13	14	10	29	6
RPE	945	977	1,059	1,039	1,177	1,095	1,469	658
SLP	1,482	1,446	1,444	1,621	1,782	1,664	2,129	639
SPT	0	0	0	0	1	1	4	1
SLPA	558	602	615	505	649	640	914	259
HAD Permanent	137	135	95	55	108	83	145	30
HAD Trainee	169	156	116	93	124	142	173	53
HAD Licensed in Another State	20	17	12	11	22	7	13	4
HAD Branch	341	333	312	249	263	162	256	50
TSA (Military Temporary)	N/A	N/A	N/A	N/A	N/A	N/A	2	0
TSP (Military Temporary)	N/A	N/A	N/A	N/A	N/A	N/A	6	0
TOTAL LICENSES ISSUED	3,781	3,783	3,755	3,681	4,251	3,934	5,322	1,765

LICENSEE POPULATION	FY	FY	FY	FY	FY	FY	FY	FY
	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
								QTR 1
AIDE	216	245	273	290	306	310	344	285
AU	720	831	837	830	869	840	869	882
DAU	1,246	1,334	1,384	1,375	1,416	1,453	1,487	1,508
<i>Both License Types</i>	<i>1,966</i>	<i>2,165</i>	<i>2,221</i>	<i>2,205</i>	<i>2,285</i>	<i>2,293</i>	<i>2,356</i>	<i>2,390</i>
AUT	2	4	7	8	8	7	7	7
PDP	177	178	165	160	152	141	160	157
RPE	1,232	1,364	1,595	1,626	1,740	1,871	2,304	1,821
SLP	19,161	21,374	22,527	23,309	24,894	25,929	27,403	27,708
SPT	0	0	0	0	1	1	5	4
SLPA	4,118	4,822	5,297	5,538	5,962	6,260	6,825	6,895
HAD Permanent	1,266	1,380	1,407	1,398	1,439	1,399	1,429	1,422
HAD Trainees	204	214	237	243	267	297	314	188
HAD Licensed in Another State	28	31	42	47	66	59	66	67
HAD Branch Office	1,297	1,347	1,401	1,411	1,429	1,267	1,297	1,260
TSA (Military Temporary)	N/A	N/A	N/A	N/A	N/A	N/A	2	2
TSP (Military Temporary)	N/A	N/A	N/A	N/A	N/A	N/A	4	1
TOTAL LICENSEES	29,451	32,879	34,899	35,945	38,243	39,834	42,516	42,207

* Data as of October 1, 2024

Legend:

AID = Speech-Language Pathology/Audiology Aide

HTL = Hearing Aid Dispenser Temporary (1-year)

AU = Audiologist
DAU = Dispensing Audiologist
AUT = Audiologist (6-month Temporary)
PDP = Continuing Education Provider
RPE = Required Professional Experience
SP = Speech-Language Pathologist
SPT = Speech-Language Pathologist (6-Month Temporary)
SPA = Speech-Language Pathology Assistant
HA = Hearing Aid Dispenser
HT = Hearing Aid Dispenser Trainee
BR = Hearing Aid Dispenser Branch
TIA = Military Spouse/Domestic Partner 1- Year Temporary AID
TAU = Military Spouse/Domestic Partner 1- Year Temporary AU
TRP = Military Spouse/Domestic Partner 1- Year Temporary RPE
TSP = Military Spouse/Domestic Partner 1- Year Temporary SP
TSA = Military Spouse/Domestic Partner 1- Year Temporary SPA
THA = Military Spouse/Domestic Partner 1- Year Temporary HAD
THT = Military Spouse/Domestic Partner 1- Year Temporary HT

Hand Carry Item

Agenda Item 8(g):

Executive Officer's Report

Enforcement Report



MEMORANDUM

DATE	November 25, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Interim Executive Officer
SUBJECT	Agenda Item 9: Board 2025 – 2028 Strategic Plan Review and Approval

Background

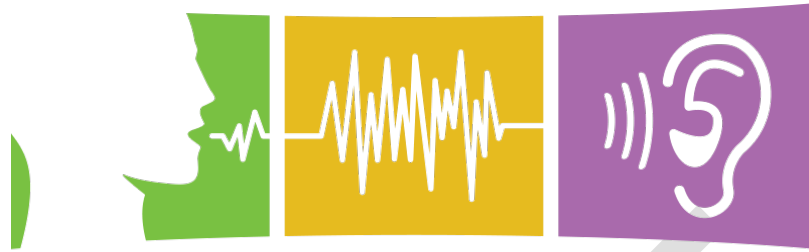
Attached is the proposed 2025 – 2028 Board Strategic Plan that was developed by the Board during its June 12, 2024 Strategic Planning Session and amended at its Board meeting on September 5-6, 2024.

This plan outlines the Board's strategic objectives towards fulfilling its missions for the next four years.

Action Requested

Staff recommends the Board review and discuss the provided materials and 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

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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.

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Message from the Chair

On behalf of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, I am pleased to present our 2025-2028 Strategic Plan.

The Board carries out its Mission of consumer protection by promoting standards and enforcing the laws and regulations that address the qualifications and competence of providers of speech-language pathology, audiology and hearing aid dispensing services. The Board carries out its Vision ensuring that every person in the State of California has access to diagnosis, treatment of communication disorders, and related services of the highest quality. The Values of Consumer Protection, Integrity, Efficiency, Accountability, Transparency, and Inclusion are sustained through the work of its Executive Director, Office Staff, Board Members, and its Standing and Ad Hoc Committees.

The Board's strategic planning process and goals are guided by our Mission, Vision, and Values. Input for the 2025-2028 Strategic Plan was obtained from stakeholders, as consideration for the future direction and focus of the Board. Stakeholders included our California consumers, licensees, Board members, and office staff. Stakeholders were asked to provide feedback, via a survey about the Board, pertaining to each of its focus areas. This feedback provided insight as to how the Board is doing by identifying strengths, weaknesses, opportunities and threats in five (5) focus areas: Licensing, Enforcement, Outreach and Communications, Laws and Regulations, and Program Administration. In addition, a public planning session with the Board was facilitated by the Department of Consumer Affairs Office of Strategic Organization, Leadership, and Individual Development (SOLID) to establish key goals and activities that were to be included in the revised Strategic Plan.

Goals have been established in each of the five (5) aforementioned focus areas to ensure effective board operations aligned with our Mission, Vision, and Values. In the Strategic Plan document, specific activities are outlined that are considered to be vital to the fulfillment of the Board's function. Our 2025-2028 Strategic Plan expands upon previous goals achieved and continues to support our Mission of consumer protection.

We invite all stakeholders to review this strategic plan and support its goals, activities, and progress by participating in Board meetings, rulemakings, and other activities presented. We also encourage stakeholders to remain abreast of regulations and information available for the respective disciplines of practice. Information can be found on the Board's website at: <https://www.speechandhearing.ca.gov/>.

Board Mission, Vision, and Values

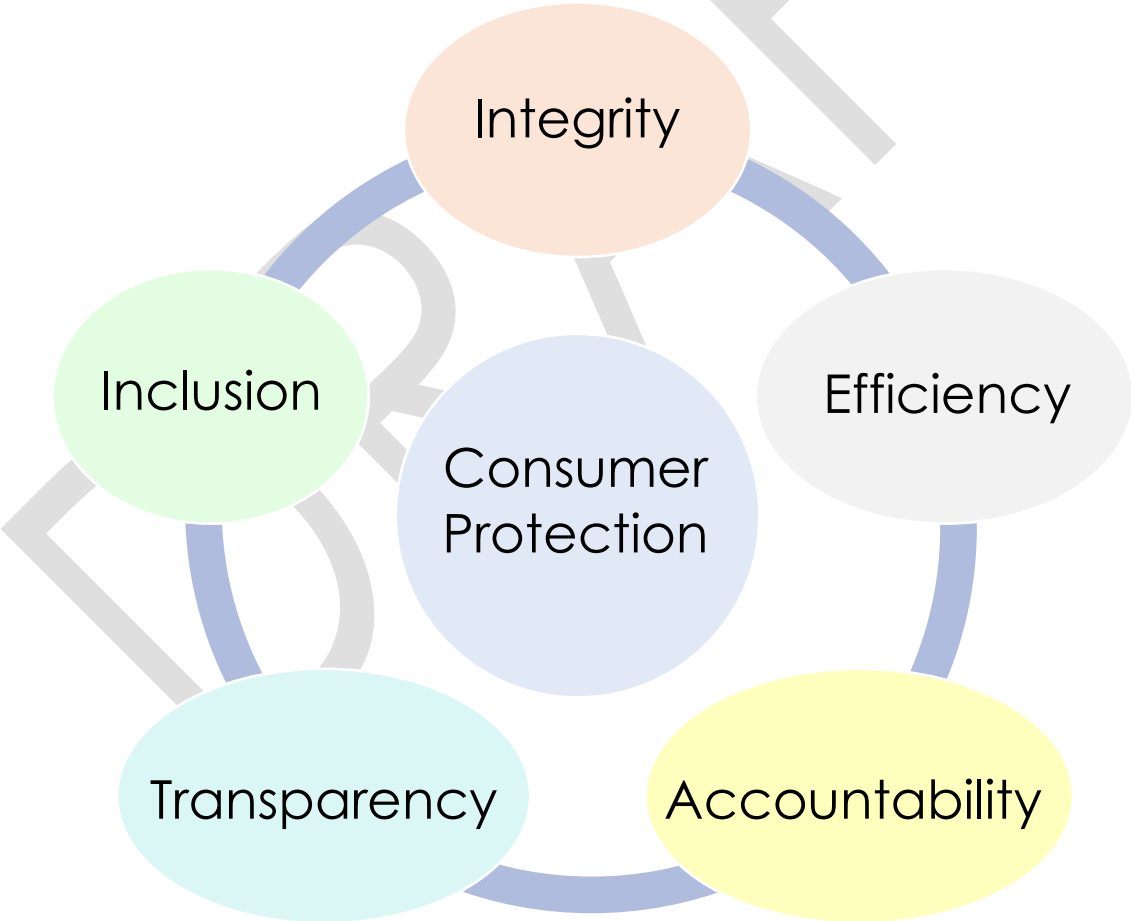
Mission

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

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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 Review and update the Board's disciplinary guidelines to ensure more consistent disciplinary actions for similar violations.
- 2.2 Improve communication with complainants and respondents to clarify the enforcement process and promote consumer satisfaction.
- 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.

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

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 Communicate and educate licensees about the recently changed continuing education regulations to keep licensees informed.
- 4.2 Continue periodic reviews of Board regulations, and update, if necessary, to ensure clarity and understanding, and to reflect current professional practices and their use of technologies.
- 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 of specialty areas during the appointment process 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 through the budget process to achieve the Board's goals and mission.
- 5.2 Review the organizational structure to ensure appropriate oversight of Board's operations and supervision of staff.

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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

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Sacramento, CA 95815
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<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	November 14, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 10: Update, Review, and Possible Action on Board Regulation Packages

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

a) Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, California Code of Regulations (CCR) sections 1399.140, 1399.140.1, and 1399.144

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal was approved and filed with the Secretary of State by OAL on August 14, 2024. These regulations became effective on October 1, 2024. For more information, visit, 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.

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

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal was approved and filed with the Secretary of State by OAL on September 6, 2024. These regulations will become effective on January 1, 2025. For more information, visit, https://www.speechandhearing.ca.gov/board_activity/lawsregs/cpd_requirements.shtml

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.

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

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal was initially noticed to the public on November 17, 2023, and submitted to OAL for review on August 28, 2024. The Board withdrew it on October 8, 2024, and noticed it for public comment. The Board approved final responses to public comment on November 1, 2024, and resubmitted to OAL for review on November 13, 2024. Board staff expects a response from OAL by December 31, 2024, and if approved will become effective April 1, 2025.

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.

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

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on September 24, 2024. As of October 9, 2024, Board staff is preparing the regulatory package for Departmental Review.

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

e) 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
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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 codify the number of clock hours of supervised clinical practice required for audiology licensure applicants who have completed an audiology doctoral program.

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

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. As of May 1, 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.

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

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

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

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. As of August 13, 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.

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

Regulation Development	Preparing Regulatory Package	Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on May 13, 2022. As of September 9, 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.

Attachment: Stages of the Regulatory Process

Stages of the Regulatory Process

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

(1) CONCEPT PHASE

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

(2) PRODUCTION PHASE

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

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

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

(3) INITIAL PHASE

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

(4) FINAL PHASE

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

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

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

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

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

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



MEMORANDUM

DATE	October 16, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 10(e): Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend Regulations Regarding Audiology Supervised Clinical Experience as Stated in Title 16, CCR Section 1399.152.2

Background

This proposed regulatory action will amend the regulation to state the number of clock hours of supervised clinical practice required for audiology licensure applicants who completed an audiology doctoral program before and after January 1, 2008.

Senate Bill 821 (Committee on Business, Professions and Economic Development; Chapter 307, Statutes of 2009) changed the entry level licensing requirements for audiologists from at least a master's degree to a doctoral degree to reflect updated industry and educational standards. However, regulations were not promulgated to specifically state the number of clock hours of supervised clinical practice required for audiology licensure applicants who have completed an audiology doctoral program.

On February 23, 2023, the Audiology Practice Committee (Committee) concluded that it remained appropriate to require applicants who completed an audiology doctoral program on or after January 1, 2008, to complete 300 clock hours of supervised clinical practice, the same number of clock hours presently required for applicants who have completed at least a master's degree on or before December 31, 2007, as set forth in 16 California Code of Regulations (CCR) section 1399.152.2.

The Board first adopted the proposed text on December 1, 2023. In preparing the documents for the rulemaking process, Board staff and DCA Legal identified additional changes.

Summary of Changes

The following are the changes made to the proposed regulations since December 1, 2023:

- Add subsection (a) to define supervised clinical practice.
- Re-letter subsections (a) through (d).
- Amended subsection (b) to create paragraphs (1) through (3) from existing text.

- Amend subsection (d) to change “after December 31, 1992” to “on or after January 1, 1993.”
- Amend subsection (e) to change “after December 31, 1992” to “on or after January 1, 1993.”
- Amend subsection (g) to change subsection (a) to subsection (b)

Discussion

1. Should “master's degree” be specified in subsection (e) instead of mirroring subsections (c) and (d) (see Attachment)? The rationale is that a graduate program is traditionally understood to include both a master’s and doctorate degree so having two subsections with the same requirements is not necessary unless we specify the degree type.

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 rescind the prior proposed text and approve the proposed regulatory changes for 16 CCR section 1399.152.2, as provided in the materials and 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 and adopt the proposed regulations at 16 CCR section 1399.152.2 as noticed/amended.

Attachment: Audiology Supervised Clinical Experience Proposed Text as drafted
 October 16, 2024

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

PROPOSED REGULATORY LANGUAGE
Audiology Supervised Clinical Experience
As Drafted October 16, 2024

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend section 1399.152.2 of Article 3 or Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.152.2. Supervised Clinical Experience.

(a) When interpreting the provisions of this section, “supervised clinical experience,” “clinical experience,” or “clinical practicum” shall have the same meaning and effect as the terms “supervised clinical practice” or “clinical practice” as used in Sections 2532.2 and 2532.25 of the Code.

~~(ab) Supervised clinical experience within the meaning of Section 2532.2, subdivision (c) of the Code shall be in the area for which licensure is sought.~~

(1) Speech-language pathology clinical experience shall be under the supervision of a licensed speech-language pathologist or a speech-language pathologist having qualifications deemed equivalent by the Board.

(2) Audiology clinical experience shall be under the supervision of a licensed audiologist, licensed dispensing audiologist, or an audiologist having qualifications deemed equivalent by the Board.

(3) “Qualifications deemed equivalent by the Board” as used in this section ~~means~~ includes a supervisor who holds the legal authorization to practice in the field for which licensure is sought in the state where the experience is being obtained, if the supervised clinical experience is obtained in a setting which is exempt from the licensure requirements of the Act or out of state.

~~(bc) A total of t~~Two hundred seventy-five (275) clock hours of clinical experience shall be required for licensure as a speech-language pathologist or audiologist for applicants who completed their graduate program on or before December 31, 1992.

~~(ed)~~ A total of three hundred (300) clock hours of clinical experience in across three (3) different clinical settings shall be required for licensure as a speech-language pathologist or audiologist for applicants who completed their graduate program after December 31, 1992 on or after January 1, 1993.

(e) A total of three hundred (300) clock hours of clinical experience across three (3) different clinical settings shall be required for licensure as an audiologist for applicants who completed at least a master's program on or after January 1, 1993, and on or before December 31, 2007.

(f) A total of three hundred (300) clock hours of clinical experience across three (3) different clinical settings shall be required for licensure as an audiologist for applicants who completed their doctoral program on or after January 1, 2008.

(dg) Twenty-five (25) hours of the required clinical experience may be in the field other than that for which the applicant is seeking licensure (speech-language pathology for an audiologist or audiology for a speech-language pathologist) if such clinical experience is under a supervisor who is qualified in the minor field as provided in subsection ~~(ab)~~.

NOTE: Authority cited: Section 2531.95, Business and Professions Code.
Reference: Sections 2532.2 and 2532.25, Business and Professions Code.



MEMORANDUM

DATE	November 25, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Interim Executive Officer
SUBJECT	Agenda Item 11: Discussion and Possible Action to Review and Revise the Board's Administrative Procedure Manual

Background

Boards and bureaus at Department of Consumer Affairs (DCA) adopt Administrative Procedure Manuals to provide guidance to Board Members regarding the roles and responsibilities of their position, rules of conduct, and the general processes and procedures to be followed in completing Board business. The Administrative Procedure Manual also provides transparency to the public on the Board's governance and administrative structure and the way the Board operates.

The Board reviewed and approved revisions to the 2016 Board Member Manual at its February 2023 Board meeting.

Action Requested

Staff recommends the Board review and discuss the current Board Administrative Procedure Manual and provide any additional edits for adoption to the updated manual.

- Attachment A: Board Administrative Procedure Manual, January 2023
- Attachment B: California Department of Justice Bagley-Keene Open Meeting Act Guide 2024
- Attachment C: DCA Travel Guide October 2024



Board Administrative Procedure Manual

January 2023

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ATTACHMENTS

- Attachment A: Guide to the Bagley-Keene Open Meeting Act
- Attachment B: Department of Consumer Affairs Travel Guide
- Attachment C: Sunset Review Report
- Attachment D: Strategic Plan
- Attachment E: Law Book

CHAPTER 1. INTRODUCTION

Overview

In 1973, the Legislature established the Speech-Language Pathology and Audiology Board (SLPAB) to protect the public from the unauthorized and unqualified practice of speech-language pathology and audiology. The SLPAB licensed speech-language pathologists and audiologists. A speech-language pathologist provides services in the areas of speech, language, voice, cognition, fluency, and swallowing disorders to individuals across the lifespan. They see individuals who may have language difficulties with verbal expression, auditory comprehension, reading comprehension, and/or written expression. A speech-language pathologist also provides 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. An audiologist provide services for individuals with hearing loss and balance (vestibular) disorders across the lifespan.

In 2001, the Legislature created the Hearing Aid Dispensers Bureau (HADB) within the Department of Consumer Affairs as the licensing and regulatory agency for hearing aid dispensers, defined in statute as individuals engaged in the fitting or selling of hearing aids to an individual with impaired hearing. The HADB was charged with the education and protection of consumers in the purchase of hearing aids by ensuring the competency of hearing aid dispensers.

In 2010 the SLPAB and HADB were merged to create a new entity, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board). It also changed the governance structure of the Board to the following: two speech-language pathologists, two audiologists (one of whom must be a dispensing audiologist), and two hearing aid dispensers, all to be appointed by the Governor. The Governor also has the appointing authority for a public member seat to be occupied by a licensed physician and surgeon, certified in otolaryngology. Two other public member seats are to be appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively. Board members may serve up to two, four-year terms. Board members are paid \$100 for each day actually spent in the discharge of official duties and are reimbursed travel expenses.

The Board is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and initiates its own regulations.

Protection of the public is the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount (Business and Professions Code (BPC) §2531.02.)

The purpose of this handbook is to provide guidance to Board members regarding general processes and procedures involved with their position on the Board. It also serves as a useful source of information for new Board members as part of the induction process.

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 diagnosis, treatment of communication disorders, and related services of the highest quality.

Values

- Consumer protection: We make effective and informed decisions in the best interest of and for the health and safety of Californians.
- Efficiency: We diligently identify the best ways to deliver high-quality services with the most efficient use of our resources.
- Integrity: We are committed to honesty, ethical conduct and responsibility.
- Professionalism: We ensure that qualified, proficient and skilled staff provide services to Californians.
- Accountability: We accept personal responsibility for our actions, exemplifying high ethical standards and always striving to improve our effectiveness.
- Effectiveness: We make informed decisions that make a difference and have a positive, measurable impact.
- Service: We acknowledge all stakeholders, listen to them, and take their needs into account.

Board Function

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board regulates the practices of speech-language pathology, audiology, and hearing aid dispensing in California by licensing those who meet minimum standards of competency. Among its functions, the Board promulgates laws and regulations; issues, renews, suspends, and revokes licenses; and imposes disciplinary sanctions, when necessary.

General Rules of Conduct

The following rules of conduct detail expectations of Board members. The Board is comprised of both public and professional members with the intention that, together, the Board can collectively protect the public and regulate the Speech-Language Pathology, Audiology and Hearing Aid Dispensing professions.

- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall adequately prepare for Board responsibilities.
- Board members shall not speak or act for the Board without proper authorization.
- Board members shall maintain the confidentiality of non-public documents and information.
- Board members shall act fairly, be nonpartisan, impartial and unbiased in their role of protecting the public.
- Board members shall treat all applicants and licensees in a fair and impartial manner.
- Board members shall not use their positions on the Board for personal, familial or financial gain.

CHAPTER 2. BOARD MEETING PROCEDURES

All healing arts boards under the DCA, including the Board must meet in accordance with the provisions set forth by the Bagley-Keene Open Meeting Act. The Board will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting the meetings.

Bagley-Keene Open Meetings Act

The Bagley-Keene Act of 1967, officially known as the Bagley-Keene Open Meeting Act, implements a provision of the California Constitution which declares that "the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny", and explicitly mandates open meetings for California State agencies, Boards, and commissions. The act facilitates accountability and transparency of government activities and protects the rights of citizens to participate in State government deliberations. Similarly, California's Brown Act of 1953 protects citizen rights with regard to open meetings at the county and local government level.

The Bagley-Keene Act stipulates that the Board is to provide adequate notice of meetings to be held to the public as well as provide an opportunity for public comment. The meeting is to be conducted in an open session, except where closed session is specifically noted.

The Bagley-Keene Act also stipulates that a majority of the Board members cannot participate in a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as email) to discuss, deliberate, or take action on any matter within the subject matter of the Board's jurisdiction outside of the Board meetings.

To learn all of the provisions set forth by the Bagley-Keene Open Meeting Act, see **Attachment A** entitled *Guide to the Bagley-Keene Open Meeting Act*.

Frequency of Meetings

The Board is mandated to hold one meeting annually (BPC section 2531.7) but generally meets four times annually to make policy decisions and review committee recommendations. Additional meetings may be called by the Chair or by written request of any two members of the Board. The Board endeavors to hold meetings in different geographic locations throughout the state when possible as a convenience to the public and licensees. To enhance opportunities for public participation, web-based teleconference is offered at all meetings, when available.

Board Member Attendance at Board Meetings

Board members must attend each meeting of the Board. Meeting dates are approved by the Board at the last Board meeting of the calendar year.

If a member is unable to attend, they are asked to contact the Board Chair and the Executive Officer and provide a reason to be excused from the meeting.

Quorum

Five Board members constitute a quorum of the Board for the transaction of business. Either having members physically in attendance or by teleconference, with proper notice, can meet the requirement for a quorum. The concurrence of a majority of those members of the Board present and voting at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board.

Agenda Items (Government Code (GC) § 11125 et seq.)

Any Board members may submit items for a Board Meeting agenda to the Board Chair with a copy to the Executive Officer six to eight weeks prior to the meeting. Members may also recommend agenda items for a future meeting agenda during a meeting under Future Agenda Items. A motion and vote may be taken but is not necessary. The Board Chair will confer with the Executive Officer and Board Legal Counsel regarding the future agenda items. It will be a standing item to review the status of future agenda items that have been recommend by Board members that may not have made the current Board Meeting agenda.

Staff maintains a list of action items to research and bring back to a future Board Meeting. Staff may recommend the issue be referred to a Committee first to be vetted. Prior to items being placed on the agenda, staff conducts research to determine if an item is appropriate for Board discussion. This research starts with identifying how the item meets our mandate to protect the health and safety of California consumers. In addition, staff researches potential benefits to the State, identifies the current professional trends and what other states are doing. For items requiring legislative and/or regulatory changes, staff identifies potential concerns by anticipating who would be in support of or in opposition to the bill/rulemaking.

No item shall be added to the agenda subsequent to the provision of the meeting notice.

If the agenda contains matters that are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

Items not included on the agenda may not be discussed

Notice of Meetings (GC § 11120 et seq.)

The minutes are a summary, not a transcript, of each Board Meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board Meeting. Board Minutes shall be approved at the next scheduled meeting of the

Board. When approved, the minutes shall serve as the official record of the meeting and be made available to the public on the Board's website.

Recording of Meetings

The meetings are recorded and available to the public on the Board's website.

Use of Electronic Devices During Meetings

Members should not text or email each other during an open meeting on any matter within the Board's jurisdiction.

Use of electronic devices, including laptops, during the meetings is solely limited to access the Board Meeting materials that are in electronic format or to participate in web-based teleconference meetings.

Making a Motion at Meetings

When new business is to be introduced or a decision or action is to be proposed, Board members should make a motion to introduce a new piece of business or to propose a decision or action. All motions must reflect the content of the meeting's agenda – the Board cannot act on business that is not listed on the agenda.

Upon making a motion, Board members must speak slowly and clearly as the motion is being recorded. Members who opt to second a motion simply say, "I second the motion," "I second it," or "Second." Additionally, it is important to remember that once a motion has been made and seconded, it is inappropriate to make a second motion until the initial one has been resolved or withdrawn.

The basic process of a motion is as follows:

1. An agenda item has been thoroughly discussed and reviewed. If it is a new piece of business, see step 2.
2. The Board Chair opens a forum for a member to make a motion to adopt or reject the discussed item.
3. A member makes a motion before the Board.
4. Another member seconds this motion.
5. The Board Chair solicits additional comment from the Board and then the public.
6. The Board Chair puts forth the motion to a vote.

7. The vote of each Board member shall be recorded via rollcall vote. Members in favor of the motions say “aye” and say “no” if they oppose. Members may also vote to “abstain”, meaning a non-vote. No vote will be recorded for a member who has been “recused” for a particular item, meaning to disqualify from participation in a decision on grounds such as prejudice or personal involvement. Recusal is the proper response to a conflict of interest. A member who is recused for an item must leave the room and not participate in discussion or voting on the item.
8. Upon completion of the voting, the result of the vote will be announced (e.g., “the ayes have it and the motion is adopted” or “the no’s have it and the motion fails”).

CHAPTER 3. TRAVEL & SALARY POLICIES & PROCEDURES

Travel Approval (DCA Travel Guide)

Board members shall have the Executive Officer's approval for travel except for regularly scheduled Board and Committee Meetings to which the Board member is assigned.

Travel Arrangements

Board staff will assist Board members in making travel arrangements for each Board member as required. These arrangements will be made through the appropriate State employee systems for booking travel.

Out-of-State Travel (State Administrative Manual § 700 et seq.)

For out-of-state travel, Board members will be reimbursed for actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and must be approved by the Governor's Office and the Department of Consumer Affairs. *Note: There are states subject to prohibition on state-funded and state-sponsored travel, a current list of states can be found at <https://oag.ca.gov/ab1887>.*

Travel Claims (State Administrative Manual § 700 et seq. and DCA Travel Guide)

Rules governing reimbursement of travel expenses for Board members are the same as for management-level state staff. All expenses shall be claimed on the appropriate travel expense claim forms. Board members will be provided with completed travel claim forms submitted on their behalf. Board staff maintains these forms and completes them as needed. It is advisable for Board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Travel Guide provided as Attachment B.

Salary Per Diem (BPC § 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board members is regulated by BPC § 103.

In relevant part, this section provides for the payment of salary per diem for Board members "for each day actually spent in the discharge of official duties," and provides that the Board members "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

For Board -specified work, Board members will be compensated for time spent performing work authorized by the Board Chair. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences, and committee work. That work includes review of enforcement cases to submit a ballot vote on a Proposed Decision, Proposed Stipulation, and Default Decision, preparation time for Board or Committee Meetings and time spent traveling to and from a Board or Committee Meeting.

CHAPTER 4. SELECTION OF OFFICERS AND COMMITTEES

Officers of the Board

The Board shall elect from its members a Chair and Vice-Chair, to hold office for one year or until their successors are duly elected and qualified.

Roles and Responsibilities of Board Officers

Chair

- **Board Business:** Conducts the Board's business in a professional manner and with appropriate transparency, adhering to the highest ethical standards. Shall use Roberts Rules of Order as a guide and the Bagley-Keene Open Meetings Act during all Board Meetings.
- **Board Vote:** Conducts rollcall vote or delegates it to a staff.
- **Board Affairs:** Ensures that Board matters are handled properly, including preparation of pre-meeting materials, committee functioning, and orientation of new Board members.
- **Governance:** Ensures the prevalence of Board governance policies and practices, acting as a representative of the Board as a whole.
- **Board Meeting Agendas:** Develops agendas for meetings with the Executive Officer and Legal Counsel. Presides at Board Meetings.
- **Executive Officer:** Establishes search and selection committee for hiring an Executive Officer. The committee will work with the DCA on the search. Convenes Board discussions for the annual performance appraisal of the Executive Officer each calendar year.
- **Board Committees:** Seeks volunteers for committees and coordinates individual Board members assignments. Makes sure each committee has a chairperson, and stays in touch with chairpersons to be sure that their work is carried out. Obtains a debrief from each Board Committee chairperson at the next Board Meeting.
- **Yearly Board Officers Elections:** Notify members of Board Officers election prior to the last Board meeting of the calendar year.
- **Community and Professional Representation:** Represents the Board in the community on behalf of the organization as does the Executive Officer.

- **Sunset:** Develops, along with the Vice Chair and staff, for the Board's review the Board's Sunset Review Report to the California Legislature.

Vice Chair

- **Board Business:** Performs the duties and responsibilities of the Chair when the Chair is absent.
- **Board Budget:** Serves as the Board's budget liaison with staff and may assist staff in the monitoring and reporting of the budget to the Board. Review budget change proposals with staff.
- **Strategic Plan:** Serves as the Board's strategic planning liaison with staff and may assist staff in the monitoring and reporting of the strategic plan to the Board.
- **Board Member On-Boarding:** Welcomes new members to the Board and is available to answer questions. May participate in on-Boarding meeting with staff and new members.
- **Sunset:** Develops, with the Chair and staff, for the Board's review, the Board's Sunset Review Report to the California Legislature.

Election of Board Officers

The Board elects Board Officers at the last meeting of the calendar year. Officers serve a term of one-year, beginning January 1 of the next calendar year. All officers may be elected on one motion as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

Board Officer Vacancies

If an office becomes vacant during the year, an election shall be held at the next Board meeting. If the office of the Chair becomes vacant, the Vice Chair shall assume the office of the Chair until the election for Chair is held. Elected officers shall then serve the remainder of the term.

Committees and Creation of Committees

The Chair shall establish committees, whether standing or special, as necessary.

The following committees have been created by the Board, and consist of Board members, that meet on a regular basis, for the purpose of discussing specific issues in depth, and providing feedback and any recommendations to the full Board:

- Hearing Aid Dispensing Committee – Provides policy and regulatory guidance with respect to HAD practices and recommends scope of practice amendments for consideration.
- Audiology Practice Committee – Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.
- Hearing Aid Dispensing Practice Committee – Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.
- Speech-Language Pathology Practice Committee – Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.
- Sunset Review Ad Hoc Committee – Develop for the Board's review the Board's Sunset Review Report to the California Legislature. See Attachment C for the Sunset Review Report.
- 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.
- 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

Committee Appointments

The composition of the committees and the appointment of the members shall be determined by the Board Chair in consultation with the Vice Chair and the Executive Officer. In determining the composition of each committee, the Chair shall solicit interest from the Board members during a public meeting. The Chair shall strive to give each Board member an opportunity to serve on at least one committee. Appointment of non-Board members to a committee is subject to the approval of the Board.

CHAPTER 5. BOARD ADMINISTRATION AND STAFF

Board Administration

Board members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for Board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs, operations and staff shall be the responsibility of the Executive Officer. Board members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

Board Staff

The Board's essential functions are comprised of ensuring speech-language pathologists, audiologist, and hearing aid dispensers licensed in the State of California meet professional licensure and examination requirements and follow legal, legislative and regulatory mandates. The Board is also responsible for enforcement of State of California requirements and regulations as they pertain to licensure and the professions.

Appointment of Executive Officer

The Board shall employ an Executive Officer and other necessary assistance in the carrying out of the provisions of the Board's Practice Act.

The Executive Officer serves at the pleasure of the Board members who provide direction to the Executive Officer in the areas of program administration, budget, strategic planning, and coordination of meetings. The Executive Officer's salary is based on pay scales set by California Department of Human Resources (Cal HR). The Executive Officer shall be entitled to traveling and other necessary expenses in the performance of their duties as approved by the Board.

Executive Officer Performance Appraisal

Board members shall conduct an appraisal of the performance of the Executive Officer on an annual basis using the forms created by DCA Office of Human Resources.

Legal Counsel

The Board's Legal Counsel provides "in-house" counsel. Opinions and counsel provided by the Board's Legal Counsel is protected from public disclosure by the attorney-client privilege.

Strategic Planning

The Board should update the strategic plan periodically every three to five years, with the option to use a facilitator to conduct the plan update. At the end of the calendar year, an annual review conducted by the Board will evaluate the progress toward strategic goal achievement as stated in the strategic plan and identify any areas that may require amending. See Attachment D for the Strategic Plan.

Legislation

In the event that time constraints preclude Board action on legislation, the Board delegates to the Executive Officer and the Board Chair and Vice Chair the authority to take action on legislation that would affect the Board. The Board shall be notified of such action as soon as possible.

CHAPTER 6. OTHER POLICIES AND PROCEDURES

Board Member Orientation and Training (BPC § 453, GC § 11121.9, GC § 12950.1)

Newly appointed and re-appointed members shall complete a training and orientation program provided by DCA within one year of assuming office. This one-day class will discuss Board member obligations and responsibilities.

All Board members shall complete all required training and submit compliance documentation, including but not limited to, the documents specified below:

- Board Member Orientation Training (BMOT) provided by the DCA (complete within one (1) year of assuming office).
- Ethics Training provided by the Office of the Attorney General (complete within first six (6) months of assuming office) and every two (2) years thereafter).
- Conflict of Interest Filing, *Form 700 – Statement of Economic Interests*, provided by the DCA (submit annually) and within thirty (30) days of assuming office), every April 1st thereafter, and within thirty (30) days of leaving the Board.
- Sexual Harassment Prevention Training provided by the DCA (complete within thirty (30) days of assuming office) and every two (2) years thereafter on odd numbered years).
- Defensive Driver Training provided by Department of General Services (complete once every four years).

Upon assuming office, members will receive a copy of the Bagley-Keene Open Meetings Act, which lists public meeting laws that provide the guidelines for Board Meetings (see Attachment A). The current version of this Act can also be found at the following: https://www.dca.ca.gov/about_us/board_members/resources.shtml.

Members will also receive a Law book, which includes a copy of the Board's practice act, regulations, disciplinary guidelines, and other related statutes (see Attachment E). Additional Board member resources can be found at https://www.dca.ca.gov/about_us/board_members/.

Business cards can be provided to each Board member with the Board's name, address, telephone, and website address. A Board member's business address, telephone, and email address may be listed on the card at the member's request.

Board Member Disciplinary Actions

The Board may censure a member if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner. The Chair of the

Board shall sit as chair of the hearing unless the censure involves the Chair's own actions, in which case the Vice Chair of the Board shall sit as chair. In accordance with the Bagley-Keene Open Meetings Act, the censure hearing shall be conducted in open session.

Removal of Board Members (BPC §§ 106 and 106.5)

The Governor has the power to remove from office at any time any member of any Board appointed by him or her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a Board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Resignation of Board Members (GC § 1750)

In the event that it becomes necessary for a Board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the director of DCA, the Board Chair, and the Executive Officer.

Conflict of Interest (GC § 87100)

No Board member may make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Any Board member who has a financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision. Any Board member who believes they are entering into a situation where there is a potential for a conflict of interest should immediately consult the Board's Legal Counsel.

Contact with Candidates, Applicants and Licensees

Board members should not intervene on behalf of a candidate or an applicant for licensure for any reason. Nor should they intervene on behalf of a licensee. All inquiries regarding licensees, applications and enforcement matters should be referred to the Executive Officer.

Communication with Other Organizations and Individuals

Any and all representations made on behalf of the Board must be made by the Executive Officer or Board Chair, unless approved otherwise. All correspondence shall be issued on the Board's standard letterhead or email and will be created and disseminated by the Executive Officer, or their designee.

Gifts from Candidates

Gifts of any kind to Board members or the staff from candidates for licensure with the Board is not permitted and will be promptly returned unless they are perishable goods that cannot effectively be returned to the sender.

Request for Records Access

Board member may not access the file of a licensee or candidate without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's Office.

Ex Parte Communications (GC § 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An ex parte communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of GC § 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending. Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the Board member should read only far enough to determine the nature of the communication. Once they realize it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Officer.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, they should immediately tell the person they cannot speak to them about the matter. If the person insists on discussing the case, the person should be told that the Board member will be required to recuse themselves from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that they have received an unlawful ex parte communication, they should contact the Board's Legal Counsel for further guidance.

CHAPTER 7. COMPLAINT AND DISCIPLINARY PROCESS

The Board conducts disciplinary proceedings in accordance with the Administrative Procedure Act, GC § 11370, and those sections that follow. The Board conducts investigations and hearings pursuant to Government Code §§ 11180 through 11191. The Board also uses its Disciplinary Guidelines and Uniform Standards Related to Substance Abuse, once effective, as a guide when determining appropriate levels of discipline.

Disciplinary Options

The Board has two options available to impose discipline against a licensee. In cases in which the violations do not warrant the revocation of a license or terms and conditions of probation, a citation and fine is issued. In cases in which the violations are egregious and warrant revocation of the license, the Board forwards the matter to the Attorney General's office to pursue formal disciplinary action. Each decision is made in consultation with the Executive Officer.

Citation and Fine

A citation and fine issued to the licensee is considered an administrative action and is subject to public disclosure. The fines range from \$100 to a maximum of \$2,500 for each investigation. In specified circumstances, a fine up to a maximum of \$5,000 may be issued. All citation and fines issued include an order of abatement in which the licensee must provide information or documentation that the violation has been corrected. The licensee is afforded the opportunity to appeal the issuance of the citation and fine.

Formal Disciplinary Actions

If after the completion of an investigation, evidence substantiates gross negligence, incompetence, or unprofessional conduct, the enforcement analyst, in consultation with the Enforcement Coordinator and Executive Officer, determines whether the case should be forwarded to the Attorney General's Office for disciplinary action.

Attorney General Role

The Attorney General's Office is responsible for prosecuting the administrative case against licensees and registrants (respondents). A respondent might be suspended from practice, have their license revoked, or be placed on terms and conditions of probation, or an applicant may be denied licensure or licensed with probation. A Deputy Attorney General (DAG) in the Attorney General's Office Licensing Unit is assigned to these cases. The DAG work with the Board's enforcement staff to determine whether the necessary evidence exists for a successful prosecution. The burden of proof in these matters is clear and convincing evidence. Based on the evidence, the DAG

makes recommendations regarding prosecution. Although the Board generally takes the advice of counsel, the Board has the discretion to take other action.

Filing Formal Charges

Formal charges are almost always filed in cases in which the health and safety of the consumer has been compromised, and in which supporting evidence can be established. The Board's Executive Officer determines whether to file formal charges for any violation of the Board's licensing laws. These formal charges are referred to as pleadings. In each pleading, the Executive Officer of the Board is the complainant.

Pleadings are:

- **Accusation:** A written statement of charges against the holder of a license or privilege, to revoke, suspend or limit the license, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- **Statement of Issues:** A written statement of the reasons for denial of an application for a license or privilege, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- **Petition for reinstatement or reduction of penalty:** A person whose license was revoked, suspended or placed on probation can petition for that license to be reinstated, to have the penalty reduced, or for the probation to be terminated.

Many boards have specific regulations relating to these petitions. Hearings on these petitions usually take place before the Board itself at a scheduled board meeting, with an Administrative Law Judge (ALJ) presiding. The Board usually goes into closed session after the hearing to deliberate and decide the outcome. The ALJ usually prepares the Decision, for signature of the Board Chair. Some boards prefer to have the ALJ, sitting alone, hear petitions and render a proposed decision to the board. This may also happen when the Board does not have a quorum at a board meeting.

Actions Preceding an Administrative Hearing

Once an Accusation or Statement of Issues has been filed and the respondent has been served, the respondent may file a notice of defense and request an administrative hearing. All hearings are held before an ALJ from the Office of Administrative Hearings.

During this process, several outcomes may occur. The respondent may fail to respond to the accusation and file a notice of defense. The respondent may wish to settle the manner prior to a formal hearing. The case may proceed to a formal hearing. At any stage of this process, the Board may withdraw the Accusation or Statement of Issues for any reason or enter into a stipulated settlement with the respondent. If the respondent fails to respond within fifteen (15) days of receiving the accusation or

statement of issues, a Default Decision is issued. Defaults result in the revocation or denial of a license.

Stipulation

The licensee/applicant and Board may decide to settle at any time during the administrative process. Usually, stipulation, or negotiated settlements, are entered into before an administrative hearing is held to avoid the expense of the hearing. The settlement is reduced to a written stipulation and order which sets forth the settlement terms and proposed disciplinary order. The written stipulation and order is forwarded to the Board for its consideration.

During the settlement process the DAG has been advised by the Executive Officer or through enforcement staff regarding acceptable terms. The DAG may advocate before the Board for approval of the settlement. The Board may accept the settlement and issue its decision and order based on the settlement. If the Board rejects the settlement, a new settlement may be submitted to the Board at a later time, or the case may proceed to an administrative hearing before an ALJ.

Stipulations prior to an administrative hearing eliminate the six months to one-year delay that may result from attempting to schedule a mutually agreeable hearing date. The public is often better served because the resolution time is reduced and lengthy appeals are avoided, and the Board and respondent save time and money. Further, a licensee on probation is monitored closely by the Board.

Determining Settlement Terms

Stipulations are negotiated and drafted by the DAG, the respondent, and the respondent's legal counsel. Stipulation terms are given to the DAG representing the Board by the enforcement staff with approval of the Executive Officer, utilizing the Board's Disciplinary Guidelines.

The Disciplinary Guidelines were established in an effort to provide consistency in determining penalties. Enforcement staff considers the disciplinary guidelines when determining whether to seek revocation, suspension, and/or probation of a license. Board members use them when considering cases during hearings. The guidelines are updated when necessary and are distributed to DAGs and ALJs who work on cases with the Board. Disciplinary Guidelines can be found in the Law Book provided as Attachment E.

In negotiating a stipulation, the DAG works closely with the Board's Executive Officer and Enforcement Coordinator to arrive at a stipulation that will be acceptable to the Board. Pre-hearing conferences are a more formal method for developing a stipulated agreement. These hearings involve the Executive Officer and/or the Enforcement Coordinator, the respondent, respondent's attorney, and an ALJ.

Office of Administrative Hearings

The Office of Administrative Hearings (OAH) consists of two divisions located in six regional offices at major population centers throughout the State. The General Jurisdiction Division conducts hearings, mediations, and settlement conferences for more than 1,000 state, local, and county agencies. This is the division that conducts the hearings for the Board. The Special Education Division conducts special education due process hearings and mediations for school districts and parents of children with special education needs throughout the State.

The ALJ presides over the hearing; an attorney (DAG) represents the Board and presents the case; and the respondent or the respondent's representative/attorney presents its case. Testimony and evidence are presented and there is a transcript of the proceedings. Upon the conclusion of the administrative hearing, the ALJ will consider all of the testimony and evidence and will prepare a Proposed Decision. Once the hearing is finished, the ALJ has thirty (30) days to prepare the proposed decision and send it to the Board. The Proposed Decision is submitted to the Board for consideration. Board Review of Stipulations, Proposed Decisions, and Default Decisions.

The Board members review and vote on each case where the matter is either settled prior to hearing or the ALJ issues a proposed decision. In all cases, the Board member has the option to adopt, reject, or hold for discussion (adopt, reject, or modify the decision).

Board Review of Stipulations, Proposed Decisions, and Default Decisions

The Board members review and vote on each case where the matter is either settled prior to hearing or the ALJ issues a proposed decision. In all cases, the Board member has the option to adopt, reject or hold for discussion (adopt, reject, or modify the decision).

Stipulations – Negotiated Settlements

- **Adopt** – If the decision of the Board is to adopt the terms proposed in the stipulation, the decision becomes effective within thirty (30) days and the respondent is notified.
- **Reject**– If the Board decides to reject the stipulation, the respondent is notified, and the matter resumes the process for a formal administrative hearing before an ALJ. A new settlement may be submitted to the Board at a later date.
- **Hold for Discussion** – A Board member may be unable to decide due to concerns or for further clarification. (Note: A Board member may seek procedural clarification from the Board's Legal Counsel.) In this situation, the Board member may choose to hold the case for discussion. If one (1) Board member votes to

hold the case for discussion, the case is discussed in the next available meeting during a closed session.

Proposed Decisions – Decision from the ALJ following a formal hearing:

- Adopt – If the decision of the Board is to adopt the proposed decision, the decision becomes effective within thirty (30) days and the respondent is notified.
- Reduce – The Board may reduce or mitigate the proposed penalty and adopt the rest of the proposed decision.
- Reject – If the Board decides to reject the proposed decision, the respondent is notified. Transcripts from the administrative hearing are requested. Board members review the transcripts and evidence and meet during a closed session to write their decision.
- Make technical or other minor changes – If the Board decides that there are technical changes or minor changes that do not affect the factual or legal base of the decision, they may make those changes and adopt the rest of the proposed decision.

The Board then has one hundred (100) days to take action to either adopt or reject. If no action is taken within one hundred (100) days the proposed decision becomes effective by operation of law.

Ballot Procedure

Proposed Decisions, Proposed Stipulations, and Default Decisions are usually presented to the Board for its consideration by ballot. Ballot is done by electronic mail. Ballot packet materials are confidential and include the following:

- Memo from enforcement staff listing the cases for review and decision
- Ballot
- Legal documents (Proposed Decision, Proposed Stipulation or Default Decision, and Accusation or Statement of Issues)
- Memo from the assigned Deputy Attorney General (Proposed Stipulated Settlement cases only)

Deliberation and decision-making should be done independently and confidentially by each Board member. Voting members may not communicate with each other, and may not contact the DAG, the respondent, anyone representing the respondent, any witnesses, the “complainant”, the ALJ, or anyone else associated with the case.

Additionally, Board members should not discuss pending cases with staff, except as to questions of procedure or to ask whether additional information is available, and whether the Board may properly consider such information. If a Board member has any procedural questions not specific to evidence, or any question specifically related to the cases, the questions should be directed to the Board's Legal Counsel.

Completed ballots are due at the Board office no later than the due date indicated in the ballot package. The due dates are established in accordance with the timelines indicated in Administrative Procedure Act. It may be your vote that is deciding vote in the outcome of a case. Therefore, it is critical that Board members return their votes timely.

Ballot materials should be retained until notification by enforcement staff that the cases have been adopted. Once a decision is final, the ballot packet materials must be confidentially destroyed.

Ballot Vote Definitions

- **Adopt/Accept:** A vote to adopt the proposed action means that you agree with the action as written.
- **Reject:** A vote to reject the proposed action means that you disagree with one or more portions of the proposed action and do not want it adopted as the Board's decision. However, a majority vote to adopt will prevail over a minority vote to reject.
- **Hold for Discussion:** A vote to hold for discussion may be made if you wish to have some part of the action changed in some way (increase penalty, reduce penalty, etc.) For example, you may believe an additional or a different term or condition of probation should be added, or that a period of suspension should be longer. At least one (1) vote in this category must be received to stop the process until the Board can consider the case in closed session at the board meeting.

Disqualification

With some limited exception, a Board member cannot decide a case if that Board member investigated, prosecuted or advocated in the case or is subject to the authority of someone who investigated, prosecuted or advocated in the case. A Board member may be disqualified for bias, prejudice, financial interest or other interest in the case.

Board Administrative Procedure Manual Attachments

Attachment B: Guide to the Bagley-Keene Open Meeting Act

Attachment C: Department of Consumer Affairs Travel Guide

All documents can be requested by sending an email to speechandhearing@dca.ca.gov.



MEMORANDUM

DATE	November 25, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Interim Executive Officer
SUBJECT	Agenda Item 12: Overview of the Process and Schedule for the Board's 2025 Sunset Review Report and the 2026 Joint Sunset Review Oversight Hearings

Overview

Each year, the Assembly Business and Professions Committee and the Senate Business, Professions, and Economic Development Committee hold joint Sunset Review oversight hearings to review the boards and bureaus under the Department of Consumer Affairs (DCA). The sunset review process provides an opportunity for DCA, the Legislature, the boards and bureaus, and stakeholders to discuss the performance of the boards and bureaus, make recommendations for improvements, and extend the sunset date of a board or bureau.

The sunset date of a board or bureau is decided by the Legislature. Typically, if there aren't any major concerns or deficiencies with a board or bureau, the Legislature will set a four-year sunset date. The Board's sunset date and provisions can be found in Business and Professions Code section 2531. The Board's sunset date is January 1, 2027, which puts our Sunset Review oversight hearing in Spring of 2026.

Sunset Review Timeline

- Summer 2025 – Board staff receive Sunset Review questions from Legislature
- Fall 2025 –
 - Sunset Review Ad Hoc Committee and Board leadership develop Sunset Review Report for Board consideration
 - Board reviews and approves Sunset Review Report by November
- Winter 2026 – Board leadership and Board Members meet with Legislative Offices
- Spring 2026 – Sunset Review Oversight Hearings – Board Chair, Board Vice-Chair, and Executive Officer speak on the Board's behalf
- Summer 2026 – Sunset Bills make their way through the Legislature
- Fall 2026 – Sunset Bills are approved by the Legislature and signed by the Governor
- January 1, 2027 – Board's new sunset date becomes effective

Sunset Review Process

The Board will be tasked with completing a Sunset Review Report, based on questions provided by the Assembly Business and Professions and Senate Business, Professions, and Economic Development Committees, these questions are typically provided by the end of Summer and are due back to the committees by December of the same year (for our Board that will be December 2025). The Sunset Review Report will review the Board's performance and accomplishments since the prior sunset report as well as provide the Board with an opportunity to bring up new policy issues and suggest non-controversial legislative changes to our Practice Act.

For context, in 2024, boards and bureaus were requested to provide data for the prior four years in relating to licensing, enforcement, continuing education, budgets and more, as well as answer in narrative form 64 questions in eight (8) different subject areas and detail prior Sunset issues as well as identify new issues. In 2022, there were 71 questions, and our Sunset Review Report was 209 pages of narrative and data. The collection and verification of data and content for the report takes considerable staff time to prepare for the Sunset Review Ad Hoc Committee's consideration.

The Sunset Review Report will be drafted by the Board's leadership in coordination with the Sunset Review Ad Hoc Committee before it is presented to the full Board for review and approval at the Fall 2025 Board Meeting.

In the Winter of 2025, Board staff will schedule meetings with Assembly Business and Professions and Senate Business, Professions, and Economic Development Committee members to discuss our Sunset Review Report and answer any preliminary questions or concerns regarding our Sunset Review Report.

In the Spring of 2026, the Board will be scheduled to attend a Sunset Review oversight hearing. This hearing is usually attended by the Board Chair, Vice Chair, and Executive Officer. The Board will be asked various questions by legislators on the committees based on issues raised in the Sunset Review Report.

Following the Sunset Review oversight hearing, Board staff will work with the staff of the Assembly Business and Professions and Senate Business, Professions, and Economic Development Committees to address any issues raised by the legislators. The Committees will then draft and introduce Sunset Bills that will make any necessary legislative changes that the Committees agree to include as well as set the Board's new sunset date.

After the Sunset Bills have been approved by both houses of the legislature and signed by the Governor, the Board's new sunset date and changes to its Practice Act will go into effect on January 1, 2027.

Action Requested

This item is for informational purposes only, no action is required.



MEMORANDUM

DATE	November 25, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 13: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

a. Legislative Calendar and Deadlines

- 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, unless stated otherwise in the statute.

b. 2024 Board-Sponsored Legislation

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

Status: This bill was chaptered by Secretary of State on September 22, 2024 (Chapter 497, Statutes of 2024.)

Summary: This bill requires 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.”

c. Bills with Active Position Taken by the Board

i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists

Status: This bill died in the Assembly Appropriations Committee on January 31, 2024. It failed to meet the house of origin deadline in the second calendar year. Summary: This bill would have deleted the provision specifying that services as an occupational therapist or physical therapist are not health services and authorize the Commission on Teacher Credentialing to issue health services credential to occupational therapists or physical therapists.

Current law specifies that services as an occupational therapist, a physical therapist or an audiometrists are not health services for purposes of a health services credential.

Board Position: Neutral if Amended

d. Bills with Recommended Watch Status

ii. AB 477 (Waldron R) Legislative review of state boards.

Status: This bill died in the Assembly Business and Professions Committee on January 31, 2024. It failed to meet the house of origin deadline in the second calendar year.

Summary: This bill would have required the report prepared by the Board for its Sunset Review available to the public and the Legislature, including posting it online.

Current law requires the report is available to the public and the Legislature.

iii. 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.

iv. AB 1816 (Schiavo D) Deceptive practices.

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

Summary: This bill would have made grammatical corrections.

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

v. 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.

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

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

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

Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. A person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. Specified occupations and business relationships are exempted from the application of the ABC test and, instead, are governed by the multifactor test previously adopted in the case of *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d.

vii. 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 was vetoed by the Governor on September 28, 2024.

Summary: This bill would have prohibited 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 have required 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 have also required 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.

Veto Message: This bill would amend the California Consumer Privacy Act (CCPA) to prohibit sale, sharing, disclosure, or use of minors' personal information, unless the minor's parent or guardian (for those under 13) or the minor themselves (for those aged 13-18) consents.

I thank the author for her demonstrated commitment to ensuring children's wellbeing and safety online. I previously signed AB 2273 (Wicks, 2023), the Age Appropriate Design Code Act, which would have required businesses to address children's privacy as part of a comprehensive approach to designing online products and services for use by minors. I continue to support thoughtful approaches to protect minors and limit the collection and use of their personal information, while ensuring they are able to avail themselves of the benefits of internet use.

However, this bill would fundamentally alter the structure of the CCPA to require businesses, at the point of collection, to distinguish between consumers who are adults and minors. I am concerned that making such a significant change to the CCPA would have unanticipated and potentially adverse effects on how businesses and consumers interact with each other, with unclear effects on children's privacy.

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

Status: This bill was chaptered by Secretary of State on September 22, 2024 (Chapter 369, Statutes of 2024.)

Summary: This bill requires 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.

ix. 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.

x. 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.

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

Status: This bill was vetoed by the Governor on September 20, 2024.

Summary: This bill would have expanded the definition of "asynchronous store and forward" to include asynchronous electronic transmission initiated directly by patients, including through mobile telephone applications. This bill would have also expanded 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 have authorized 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 have also removed 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.

Veto Message: This bill would authorize Medi-Cal providers to establish a new patient using an asynchronous store-and-forward interaction, including through a mobile application, when the visit is related to sensitive services.

My Administration, in collaboration with the Legislature and the Telehealth Advisory Workgroup, worked to develop and implement one of the strongest telehealth policies in the country. Under the current Medi-Cal telehealth policy, licensed providers have substantial flexibility to make clinically appropriate decisions regarding the use of both synchronous and asynchronous telehealth modalities, and Medi-Cal pays the same rate for services provided via telehealth as services provided in-person.

I believe that robust telehealth policies increase access and reduce barriers to health care, including the use of asynchronous telehealth. However, there are details of a patient's medical history and personal health information that are best gathered during a synchronous appointment. For example, this bill would allow a patient to receive treatment and medications for reproductive and behavioral health services without ever seeing or talking directly to a provider. I believe that there are consumer protections provided through a live interaction between a patient and provider.

xii. 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.

xiii. 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.

xiv. 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.

xv. SB 763 (Durazo D) Criminal records.

Status: This bill died in the Senate Appropriations Committee on January 31, 2024. It failed to meet the house of origin deadline in the second calendar year.

Summary: This bill would have extended the conviction record relief to apply to convictions of a felony that occurred on or after January 1, 1973.

Current law requires DOJ to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief on a monthly basis. A person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, or if on or after January 1, 2005, they were convicted of a felony, except as specified, for which they did not complete probation without revocation if they appear to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which they were not convicted of a new felony offense.

xvi. 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.

xvii. SB 1451 (Ashby) Professions and vocations.

Status: This bill was chaptered by Secretary of State on September 22, 2024 (Chapter 481, Statutes of 2024.)

Summary: This bill adds the initials “D.O.” to the list of prohibited terms under the Medical Practice Act and prohibits 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.”. 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.

Impact on Licensees: The Board already prohibits licensees from using “Dr.” without disclosing the discipline in which the degree was earned when advertising. To comply with this statutory change, licensees would additionally be prohibited from using “D.O.” unless they are licensed by the Osteopathic Medical Board of California. The following is an example of the correct and incorrect way to advertise:

Correct:	John Doe, Doctor of Audiology
	John Doe, Au.D.
Incorrect:	Dr. John Doe
	Dr. John Doe (Audiology)

SB 1526 - (C) Amends the Law

SECTION 1.

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

144.

(a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) Dental Board of California.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) *California* Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians of the State of California.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.
- (12) Physician Assistant Board.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (14) Medical Board of California.
- (15) California State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors State License Board.
- (24) ~~Naturopathic Medicine Committee.~~ *California Board of Naturopathic Medicine.*
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Podiatric Medical Board of California.
- (28) Osteopathic Medical Board of California.
- (29) California Architects Board, beginning January 1, 2021.
- (30) Landscape Architects Technical Committee, beginning January 1, 2022.
- (31) Bureau of Household Goods and Services with respect to household movers as described in Chapter 3.1 (commencing with Section 19225) of Division 8.

(c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

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:

205.

(a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) Home Furnishings and Thermal Insulation Fund.
- (9) California Architects Board-Landscape Architects Fund.
- (10) Contingent Fund of the Medical Board of California.
- (11) Optometry Fund.
- (12) Pharmacy Board Contingent Fund.
- (13) Physical Therapy Fund.
- (14) Private Security Services Fund.
- (15) Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund.
- (16) Consumer Affairs Fund.
- (17) Behavioral Sciences Fund.
- (18) Licensed Midwifery Fund.
- (19) Court Reporters’ Fund.
- (20) *California* Veterinary Medical Board Contingent Fund.
- (21) Vocational Nursing and Psychiatric Technicians Fund.
- (22) Electronic and Appliance Repair Fund.
- (23) Acupuncture Fund.
- (24) Physician Assistant Fund.
- (25) Board of Podiatric Medicine Fund.
- (26) Psychology Fund.
- (27) Respiratory Care Fund.
- (28) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (29) Board of Registered Nursing Fund.
- (30) Animal Health Technician Examining Committee Fund.
- (31) State Dental Hygiene Fund.
- (32) Structural Pest Control Fund.
- (33) Structural Pest Control Education and Enforcement Fund.
- (34) Structural Pest Control Research Fund.
- (35) Household Movers Fund.

(36) Household Goods and Services Fund.

(37) Naturopathic Doctor's Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall remain in effect only until July 1, 2026, and as of that date is repealed.

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:

205.

(a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Architects Board Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery and Funeral Fund.
- (6) Contractors License Fund.
- (7) State Dentistry Fund.
- (8) California Architects Board-Landscape Architects Fund.
- (9) Contingent Fund of the Medical Board of California.
- (10) Optometry Fund.
- (11) Pharmacy Board Contingent Fund.
- (12) Physical Therapy Fund.
- (13) Private Security Services Fund.
- (14) Professional Engineer's, Land Surveyor's, and Geologist's Fund.
- (15) Consumer Affairs Fund.
- (16) Behavioral Sciences Fund.
- (17) Licensed Midwifery Fund.
- (18) Court Reporters' Fund.
- (19) *California* Veterinary Medical Board Contingent Fund.
- (20) Vocational Nursing and Psychiatric Technicians Fund.
- (21) Acupuncture Fund.
- (22) Physician Assistant Fund.
- (23) Board of Podiatric Medicine Fund.
- (24) Psychology Fund.
- (25) Respiratory Care Fund.
- (26) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
- (27) Board of Registered Nursing Fund.
- (28) Animal Health Technician Examining Committee Fund.
- (29) State Dental Hygiene Fund.

(30) Structural Pest Control Fund.

(31) Structural Pest Control Education and Enforcement Fund.

(32) Structural Pest Control Research Fund.

(33) Household Goods and Services Fund.

(34) Naturopathic Doctor's Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) This section shall become operative on July 1, 2026.

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:

208.

(a) Beginning April 1, 2023, a Controlled Substance Utilization Review and Evaluation System (CURES) fee of nine dollars (\$9) shall be assessed annually on each of the licensees specified in subdivision (b) to pay the reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees. The fee assessed pursuant to this subdivision shall be billed and collected by the regulating agency of each licensee at the time of the licensee's license renewal. If the reasonable regulatory cost of operating and maintaining CURES is less than nine dollars (\$9) per licensee, the Department of Consumer ~~Affairs may,~~ *Affairs,* by regulation, *may* reduce the fee established by this section to the reasonable regulatory cost.

(b) (1) Licensees authorized pursuant to Section 11150 of the Health and Safety Code to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances or pharmacists licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2.

(2) Licensees issued a license that has been placed in a retired or inactive status pursuant to a statute or regulation are exempt from the CURES fee requirement in subdivision (a). This exemption shall not apply to licensees whose license has been placed in a retired or inactive status if the licensee is at any time authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances.

(3) Wholesalers, third-party logistics providers, nonresident wholesalers, and nonresident third-party logistics providers of dangerous drugs licensed pursuant to Article 11 (commencing with Section 4160) of Chapter 9 of Division 2.

(4) Nongovernmental clinics licensed pursuant to Article 13 (commencing with Section 4180) and Article 14 (commencing with Section 4190) of Chapter 9 of Division 2.

(5) Nongovernmental pharmacies licensed pursuant to Article 7 (commencing with Section 4110) of Chapter 9 of Division 2.

(c) The funds collected pursuant to subdivision (a) shall be deposited in the CURES Fund, which is hereby created within the State Treasury. Moneys in the CURES ~~Fund shall,~~ *Fund,* upon appropriation by the Legislature, *shall* be available to the

Department of Consumer Affairs to reimburse the Department of Justice for costs to operate and maintain CURES for the purposes of regulating the licensees specified in subdivision (b).

(d) The Department of Consumer Affairs shall contract with the Department of Justice on behalf of the Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Registered Nursing, the Physician Assistant Board, the Osteopathic Medical Board of California, the ~~Naturopathic Medicine Committee of the Osteopathic Medical Board,~~ ~~the~~ *California Board of Naturopathic Medicine,* the State Board of Optometry, and the Podiatric Medical Board of California to operate and maintain CURES for the purposes of regulating the licensees specified in subdivision (b).

(e) This section shall become operative on April 1, 2023.

(f) This section shall become inoperative on April 1, 2025, and, as of January 1, 2026, is repealed.

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:

208.

(a) Beginning April 1, 2025, a Controlled Substance Utilization Review and Evaluation System (CURES) fee of fifteen dollars (\$15) shall be assessed annually on each of the licensees specified in subdivision (b) to pay the reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees. The fee assessed pursuant to this subdivision shall be billed and collected by the regulating agency of each licensee at the time of the licensee's license renewal. If the reasonable regulatory cost of operating and maintaining CURES is less than fifteen dollars (\$15) per licensee, the Department of Consumer ~~Affairs may,~~ *Affairs,* by regulation, *may* reduce the fee established by this section to the reasonable regulatory cost.

(b) (1) Licensees authorized pursuant to Section 11150 of the Health and Safety Code to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances or pharmacists licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2.

(2) Licensees issued a license that has been placed in a retired or inactive status pursuant to a statute or regulation are exempt from the CURES fee requirement in subdivision (a). This exemption shall not apply to licensees whose license has been placed in a retired or inactive status if the licensee is at any time authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances.

(3) Wholesalers, third-party logistics providers, nonresident wholesalers, and nonresident third-party logistics providers of dangerous drugs licensed pursuant to Article 11 (commencing with Section 4160) of Chapter 9 of Division 2.

(4) Nongovernmental clinics licensed pursuant to Article 13 (commencing with Section 4180) and Article 14 (commencing with Section 4190) of Chapter 9 of Division 2.

(5) Nongovernmental pharmacies licensed pursuant to Article 7 (commencing with Section 4110) of Chapter 9 of Division 2.

(c) The funds collected pursuant to subdivision (a) shall be deposited in the CURES Fund, which is hereby created within the State Treasury. Moneys in the CURES ~~Fund~~ *shall, Fund*, upon appropriation by the Legislature, *shall* be available to the Department of Consumer Affairs to reimburse the Department of Justice for costs to operate and maintain CURES for the purposes of regulating the licensees specified in subdivision (b).

(d) The Department of Consumer Affairs shall contract with the Department of Justice on behalf of the Medical Board of California, the Dental Board of California, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Registered Nursing, the Physician Assistant Board, the Osteopathic Medical Board of California, the ~~Naturopathic Medicine Committee of the Osteopathic Medical Board,~~ *the California Board of Naturopathic Medicine,* the State Board of Optometry, and the Podiatric Medical Board of California to operate and maintain CURES for the purposes of regulating the licensees specified in subdivision (b).

(e) This section shall become operative on April 1, 2025.

SEC. 6.

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

SEC. 7.

Section 1910.5 of the Business and Professions Code is amended to read:

SEC. 8.

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

SEC. 9.

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

2538.3.

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

SEC. 10.

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

2538.10.

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

(a) "Advertise" and its variants include the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio, or television announcement, or any

other means or methods now or hereafter employed to bring to the attention of the public the practice of fitting or selling of hearing aids.

(b) "License" means a hearing aid ~~dispenser's~~ *dispenser* license issued pursuant to this article and includes a temporary or trainee license.

(c) "Licensee" means a person holding a license.

(d) "Hearing aid" means any wearable instrument or device designed for, or offered for the purpose of, aiding or compensating for impaired human hearing.

(e) "Fund" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.

SEC. 11.

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

2538.25.

(a) The board shall prepare, approve, grade, and conduct examinations of applicants for a hearing aid ~~dispenser's~~ *dispenser* license. The board may provide that the preparation and grading of the examination be conducted by a competent person or organization other than the board, provided, however, that the board shall establish the guidelines for the examination and shall approve the actual examination.

(b) Each applicant shall take and pass a written examination and a practical examination compiled at the direction of the board covering the critical tasks involved in the practice of fitting and selling hearing aids and the knowledge, skills, and abilities needed to perform those tasks safely and competently.

SEC. 12.

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

2538.27.

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

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

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

SEC. 13.

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

2539.1.

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

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

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

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

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

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

SEC. 14.

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

SEC. 15.

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

SEC. 16.

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

SEC. 16.5.

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

SEC. 17.

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

SEC. 18.

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

SEC. 19.

Section 3531 of the Business and Professions Code is amended to read:

SEC. 20.

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

SEC. 21.

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

SEC. 22.

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

SEC. 23.

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

SEC. 24.

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

SEC. 25.

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

SEC. 26.

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

SEC. 27.

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

SEC. 28.

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

SEC. 29.

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

SEC. 30.

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

SEC. 31.

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

SEC. 32.

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

SEC. 33.

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

SEC. 34.

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

SEC. 35.

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

SEC. 36.

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

SEC. 37.

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

SEC. 38.

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

SEC. 39.

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

SEC. 40.

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

SEC. 41.

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

SEC. 42.

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

SEC. 43.

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

SEC. 44.

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

SEC. 45.

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

SEC. 46.

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

SEC. 47.

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

SEC. 48.

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

SEC. 49.

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

SEC. 50.

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

SEC. 51.

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

SEC. 52.

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

SEC. 53.

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

SEC. 54.

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

SEC. 55.

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

SEC. 56.

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

SEC. 57.

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

SEC. 58.

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

SEC. 59.

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

SEC. 60.

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

SEC. 61.

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

SEC. 62.

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

SEC. 63.

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

SEC. 64.

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

SEC. 65.

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

SEC. 66.

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

SEC. 67.

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

SEC. 68.

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

SEC. 69.

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

SEC. 70.

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

SEC. 71.

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

SEC. 72.

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

SEC. 73.

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

SEC. 74.

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

SEC. 75.

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

SEC. 75.1.

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

SEC. 75.2.

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

SEC. 75.3.

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

SEC. 76.

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

SEC. 77.

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

SEC. 78.

Section 94816 of the Education Code is amended to read:

SEC. 79.

Section 94850 of the Education Code is amended to read:

SEC. 80.

Section 94856 of the Education Code is amended to read:

SEC. 81.

Section 94876 of the Education Code is amended to read:

SEC. 82.

Section 94883 of the Education Code is amended to read:

SEC. 83.

Section 94897 of the Education Code is amended to read:

SEC. 84.

Section 94899.5 of the Education Code is amended to read:

SEC. 85.

Section 94901 of the Education Code is amended to read:

SEC. 86.

Section 94906 of the Education Code is amended to read:

SEC. 87.

Section 94907 of the Education Code is amended to read:

SEC. 88.

Section 94913 of the Education Code is amended to read:

SEC. 89.

Section 94947 of the Education Code is repealed.

SEC. 90.

Section 94949.71 of the Education Code is amended to read:

SEC. 91.

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

SEC. 92.

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

SEC. 93.

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

SEC. 94.

(a) Section 75.1 of this bill incorporates amendments to Section 4980.54 of the Business and Professions Code proposed by both this bill and Assembly Bill 2270. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 4980.54 of the Business and Professions Code, (3) Assembly Bill 2581 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2270, in which case Sections 75, 75.2, and 75.3 of this bill shall not become operative.

(b) Section 75.2 of this bill incorporates amendments to Section 4980.54 of the Business and Professions Code proposed by both this bill and Assembly Bill 2581. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 4980.54 of the Business and Professions Code, (3) Assembly Bill 2270 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2581 in which case Sections 75, 75.1, and 75.3 of this bill shall not become operative.

(c) Section 75.3 of this bill incorporates amendments to Section 4980.54 of the Business and Professions Code proposed by this bill, Assembly Bill 2270, and Assembly Bill 2581. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2025, (2) all three bills amend Section 4980.54 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2270 and Assembly Bill 2581, in which case Sections 75, 75.1, and 75.2 of this bill shall not become operative.

SEC. 95.

Section 16.5 of this bill incorporates amendments to Section 2816 of the Business and Professions Code proposed by both this bill and Assembly Bill 2471. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 2816 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2471, in which case Section 16 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 1991 - (C) 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 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 - (C) 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.

SEC. 6.

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

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.,"~~ *or any other terms or letters indicating or implying that the person is 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.*

(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 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. 9.

Section 2837.101 of the Business and Professions Code is amended to read:

SEC. 10.

Section 2837.103 of the Business and Professions Code is amended to read:

SEC. 11.

Section 2837.104 of the Business and Professions Code is amended to read:

SEC. 12.

Section 2837.105 of the Business and Professions Code is amended to read:

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. 18.

Section 7423 of the Business and Professions Code is amended to read:

SEC. 19.

Section 8593 of the Business and Professions Code is amended to read:

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.



MEMORANDUM

DATE	November 1, 2024
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 14: Discussion and Possible Action to Adopt a Legislative Proposal for an Omnibus Bill to Amend Business and Professions Code (BPC) sections 2531.3, 2532.2., 2532.3, 2532.4, 2532.6, 2532.7, 2536, and 2538.53; Education Code Section 44831; and Welfare and Institutions Code Section 14132.55.

Background

The Senate Committee on Business, Professions and Economic Development (BP&ED) intends to introduce a technical, non-substantive committee bill during the 2025 legislative year which will revise provisions of the Business and Professions Code.

The Board can submit a proposal for consideration of any statutory changes to the Board’s Practice Act that are non-controversial, non-substantive and are intended to clarify, update, or strengthen existing law.

Board staff recommends the Board to submit a proposal which is found in the Attachment.

Summary of Changes

- Replace gendered pronouns with non-gendered pronouns in BPC sections 2531.3, 2532.2., 2532.3, 2532.4, 2532.6, and 2532.7
- Replace the words “Speech-Language Pathology and Audiology Board” with the words “Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board” in BPC sections 2532.6 and 2536, Education Code section 44831, and Welfare and Institutions Code section 14132.55.
- Correct a statutory citation in BPC Section 2538.53 to replace the words “temporary license holders” with the words “trainee licensees,” replace the cited statute “2538.27” with “2538.28,” and replace the word “temporary” with the word “trainee.”

Action Requested

Staff recommends the Board review the legislative proposal. The Board may wish to determine whether or not to approve the legislative proposal and direct Board Staff to proceed with the process to submit the proposal.

Suggested Motion Language

Move to adopt the legislative proposal as noticed, direct staff to take all steps necessary to submit the proposal, and authorize the Executive Officer, or their designee, to take all steps necessary to complete the process for the legislative proposal.

Attachment: 2025 Legislative Proposal

2025 Legislative Proposal

Business and Professions Code section 2531.3

The board shall examine every applicant for a speech-language pathology license or an audiology license at the time and place designated by the board in its discretion, but at least once in each year; and for that purpose may appoint qualified persons to give the whole or any portion of the examination, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the board, but shall be subject to the same rules and regulations and shall be entitled to the same fee as if ~~he or she~~ they were a member of the board.

The board shall perform all examination functions, including but not limited to, participation in uniform examination systems.

Business and Professions Code section 2532.2.

Except as required by Section 2532.25, to be eligible for licensure by the board as a speech-language pathologist or audiologist, the applicant shall possess all of the following qualifications:

(a) Possess at least a master's degree in speech-language pathology or audiology from an educational institution approved by the board or qualifications deemed equivalent by the board.

(b) (1) Submit evidence of the satisfactory completion of supervised clinical practice with individuals representative of a wide spectrum of ages and communication disorders. The board shall establish by regulation the required number of clock hours, not to exceed 375 clock hours, of supervised clinical practice necessary for the applicant.

(2) The clinical practice shall be under the direction of an educational institution approved by the board.

(c) Submit evidence of no less than 36 weeks of satisfactorily completed supervised professional full-time experience or 72 weeks of professional part-time experience obtained under the supervision of a licensed speech-language pathologist or audiologist or a speech-language pathologist or audiologist having qualifications deemed equivalent by the board. This experience shall be evaluated and approved by the board. The required professional experience shall follow completion of the requirements listed in subdivisions (a) and (b). Full time is defined as at least 36 weeks in a calendar year and a minimum of 30 hours per week. Part time is defined as a minimum of 72 weeks and a minimum of 15 hours per week.

(d) (1) Pass an examination or examinations approved by the board. The board shall determine the subject matter and scope of the examinations and may waive the examination upon evidence that the applicant has successfully completed an examination approved by the board. Written examinations may be supplemented by oral examinations as the board shall determine. An applicant who fails ~~his or her~~ their

examination may be reexamined at a subsequent examination upon payment of the reexamination fee required by this chapter.

(2) A speech-language pathologist or audiologist who holds a license from another state or territory of the United States or who holds equivalent qualifications as determined by the board and who has completed no less than one year of full-time continuous employment as a speech-language pathologist or audiologist within the past three years is exempt from the supervised professional experience in subdivision (c).

(e) As applied to licensure as an audiologist, this section shall apply to applicants who graduated from an approved educational institution on or before December 31, 2007.

Business and Professions Code section 2532.3

(a) Upon approval of an application filed pursuant to Section 2532.1, and upon the payment of the fee prescribed by subdivision (i) of Section 2534.2, the board may issue a temporary license for a period of six months from the date of issuance to a speech-language pathologist or audiologist who holds an unrestricted license from another state or territory of the United States or who holds equivalent qualifications as determined by the board and has made application to the board for a license in this state.

(b) A temporary license shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(c) Upon written application, the board may reissue a temporary license to any person who has applied for a regular renewable license pursuant to Section 2532.1, and who, in the judgment of the board, has been excusably delayed in completing ~~his or her~~ their application or the minimum requirements for a regular license. The board may not reissue a temporary license more than twice to any one person.

Business and Professions Code section 2532.4

(a) The board may direct applicants to be examined for knowledge in whatever theoretical or applied fields in speech-language pathology or audiology it deems appropriate. It may examine the applicant with regard to ~~his or her~~ their professional skills and ~~his or her~~ their judgment in the utilization of speech-language pathology or audiology techniques and methods.

(b) The examination may be written or oral or both. The examination shall be given at least once a year at the time and place and under such supervision as the board may determine. The board shall determine what shall constitute a passing grade.

(c) The board shall keep an accurate recording of any oral examination and keep the recordings as well as any written examination as part of its records for at least two years following the date of examination.

Business and Professions Code section 2532.6

(a) The Legislature recognizes that the education and experience requirements of this chapter constitute only minimal requirements to assure the public of professional competence. The Legislature encourages all professionals licensed and registered by the board under this chapter to regularly engage in continuing professional development and learning that is related and relevant to the professions of speech-language pathology and audiology.

(b) The board shall not renew any license or registration pursuant to this chapter unless the applicant certifies to the board that ~~he or she has~~ they have completed in the preceding two years not less than the minimum number of continuing professional development hours established by the board pursuant to subdivision (c) for the professional practice authorized by ~~his or her~~ their license or registration.

(c) (1) The board shall prescribe the forms utilized for and the number of hours of required continuing professional development for persons licensed or registered under this chapter.

(2) The board shall have the right to audit the records of any applicant to verify the completion of the continuing professional development requirements.

(3) Applicants shall maintain records of completion of required continuing professional development coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(d) The board shall establish exceptions from the continuing professional development requirements of this section for good cause as defined by the board.

(e) (1) The continuing professional development services shall be obtained from accredited institutions of higher learning, organizations approved as continuing education providers by either the American Speech-Language Hearing Association or the American Academy of Audiology, the California Medical Association's Institute for Medical Quality Continuing Medical Education Program, or other entities or organizations approved as continuing professional development providers by the board, in its discretion.

(2) No hours shall be credited for any course enrolled in by a licensee that has not first been approved and certified by the board, if the board has sufficient funding and staff resources to implement the approval and certification process.

(3) The continuing professional development services offered by these entities may, but are not required to, utilize pretesting and posttesting or other evaluation techniques to measure and demonstrate improved professional learning and competency.

(4) An accredited institution of higher learning, an organization approved as continuing education providers by either the American Speech-Language Hearing Association or the American Academy of Audiology, and the California Medical Association's Institute for Medical Quality Continuing Education Program shall be exempt from any application or registration fees that the board may charge for continuing education providers.

(5) Unless a course offered by entities listed in paragraph (4) meets the requirements established by the board, the course may not be credited towards the continuing professional development requirements for license renewal.

(6) The licensee shall be responsible for obtaining the required course completion documents for courses offered by entities specified in paragraph (1).

(f) The board, by regulation, shall fund the administration of this section through professional development services provider and licensing fees to be deposited in the ~~Speech-Language Pathology and Audiology Board~~ [Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board](#) Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section.

(g) The continuing professional development requirements adopted by the board shall comply with any guidelines for mandatory continuing education established by the Department of Consumer Affairs.

Business and Professions Code section 2532.7

(a) Upon approval of an application filed pursuant to Section 2532.1, and upon payment of the fee prescribed by Section 2534.2, the board may issue a required professional experience (RPE) temporary license for a period to be determined by the board to an applicant who is obtaining the required professional experience specified in subdivision (c) of Section 2532.2 or paragraph (2) of subdivision (b) of Section 2532.25.

(b) Effective July 1, 2003, no person shall obtain the required professional experience for licensure in either an exempt or nonexempt setting, as defined in Section 2530.5, unless ~~he or she is~~ [they are](#) licensed in accordance with this section or is completing the final clinical externship of a board-approved audiology doctoral training program in accordance with paragraph (2) of subdivision (b) of Section 2532.25 in another state.

(c) A person who obtains an RPE temporary license outside the State of California shall not be required to hold a temporary license issued pursuant to subdivision (a) if the

person is completing the final clinical externship of an audiology doctoral training program in accordance with paragraph (2) of subdivision (b) of Section 2532.25.

(d) Any experience obtained in violation of this act shall not be approved by the board.

(e) An RPE temporary license shall terminate upon notice thereof by certified mail, return receipt requested, if it is issued by mistake or if the application for permanent licensure is denied.

(f) Upon written application, the board may reissue an RPE temporary license for a period to be determined by the board to an applicant who is obtaining the required professional experience specified in subdivision (c) of Section 2532.2 or paragraph (2) of subdivision (b) of Section 2532.25.

Business and Professions Code section 2536

A speech-language pathology corporation or an audiology corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are speech-language pathologists or audiologists are in compliance with the Moscone-Knox Professional Corporation Act, this article, and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to a speech-language pathology corporation or an audiology corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the ~~Speech-Language Pathology and Audiology Board~~ [Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board](#).

Business and Professions Code section 2538.53.

(a) A license issued under this article expires at midnight on its assigned renewal date.

(b) To renew an unexpired license, the licensee shall, on or before the date of expiration of the license, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee.

(c) [Trainee licensees](#) ~~Temporary license holders~~ shall renew their licenses in accordance with Section ~~2538.28~~ [2538.27](#), and apply for that renewal on a form provided by the board, accompanied by the prescribed renewal fee for temporary licenses.

(d) Each duplicate license issued for a branch office shall expire on the same date as the permanent license of the hearing aid dispenser to whom the duplicate license was issued. These duplicate licenses shall be renewed according to subdivision (b).

Education Code Section 44831.

The governing board of a school district shall employ persons in public school service requiring certification qualifications as provided in this code, except that the governing board or a county office of education may contract with or employ an individual who holds a license issued by the ~~Speech-Language Pathology and Audiology Board~~ [Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board](#) and has earned a ~~masters~~master's degree in communication disorders to provide speech and language services if that individual meets the requirements of Section 44332.6 before employment or execution of the contract.

Welfare And Institutions Code Section 14132.55.

For the purposes of reimbursement under the Medi-Cal program, a speech pathologist or audiologist shall be licensed by the ~~Speech-Language Pathology and Audiology Examining Committee of the Medical Board of California~~ [Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board](#) or similarly licensed by a comparable agency in the state in which he or she practices. Licensed speech-language pathologists or licensed audiologists are authorized to utilize and shall be reimbursed for the services of those personnel in the process of completing requirements under the provisions of subdivision (c) of Section 2532.2 of the Business and Professions Code.