



BOARD MEETING NOTICE AND AGENDA

Department of Consumer Affairs
2005 Evergreen Street, "Hearing Room"
Sacramento, CA 95815
(916) 263-2666

June 19, 2015 - 9:00 a.m. – 5:00 p.m. (or until completion of business)

(Alison Grimes, Board Chair-Dispensing Audiologist; Rodney Diaz-Otolaryngologist; Patti Solomon-Rice, Vice Chair-Speech-Language Pathologist; Dee Parker-Speech-Language Pathologist; Debbie Snow-Public Member; Jaime Lee-Public Member; Deane Manning-Hearing Aid Dispenser; Amnon Shalev-Hearing Aid Dispenser; Marcia Raggio-Dispensing Audiologist)

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items not on the Agenda
3. Approval of the March 11, 2015 Board Meeting Minutes
4. Consideration of Recommendations of Ad Hoc Committee regarding English-Language Competency and Foreign-Trained Applicants
5. Consideration of Recommendations of Ad Hoc Committee regarding Speech-Language Pathology Assistant Supervision Requirements and Audits
6. Update and Possible Action on Process Issues and Delays with California Children's Services
7. Update on Status of Request to the FDA for Exemption from Pre-Emption of Requirements - Mail Order and Catalog Hearing Aid Sales
8. Discussion and Possible Recommendation for an Increase in the Number of Self-Study Hours for Continuing Education
9. Proposed Regulations – Discussion and Possible Action
 - a. Title 16, CCR, Sections 1399.152, 1399.153, 1399.170, 1399.170.4, 1399.170.6, 1399.170.10, 1399.170.11, 1399.170.15 - Speech-Language Pathology Assistant/Supervised Clinical Experience
 - b. Title 16, CCR, Sections 1399.154.1-1399.154.8 - Speech-Language Pathology or Audiology Aides
 - c. Title 16, CCR, Section 1399.157 - Speech-Language Pathology and Audiology Fees
 - d. Title 16, CCR, Section 1399.129 - Hearing Aid Dispenser Examination and Licensing Fees
 - e. Title 16 CCR, Division 13.3 - Hearing Aid Dispensers - Non-substantive, Technical Changes
 - f. Title 16 CCR, Division 13.4 - Speech-Language Pathology and Audiology - Non-substantive, Technical Changes

10. Executive Officer's Report
 - a. Administration Update
 - b. Budget Report
 - c. Licensing Report
 - d. Practical Examination Report
 - e. Enforcement Report
11. Review and Approval of Proposed Board Manual
12. Legislation Update, Review, and Possible Action
 - a. AB 12 (Cooley) State Government: Administrative Regulations: Review
 - b. AB 85 (Wilk) Open Meetings
 - c. AB 259 (Dababneh) Personal Information: Privacy
 - d. AB 333 (Melendez) Healing Arts: Continuing Education
 - e. AB 483 (Patterson) Healing Arts: Initial License Fees: Proration
 - f. AB 507 (Olsen) Department of Consumer Affairs: BreEZe System: Annual Report
 - g. AB 750 (Low) Business and Professions: Licenses
 - h. AB 964 (Chau) Civil Law: Privacy
 - i. AB 1060 (Bonilla) Professions and Vocations: Licensure
 - j. SB 570 (Jackson) Personal Information: Privacy: Breach
 - k. SB 467 (Hill) Professions and Vocations
13. Election of Board Officers
14. Discussion of Executive Officer Evaluation Process
15. Future Agenda Items and Future Board Meeting Dates
 - a. August 20-21, 2015 - San Francisco
 - b. November 5-6, 2015 - San Diego
 - c. February 4-5, 2016 - Sacramento
 - d. May 11-12, 2016 (Location to be determined)

Closed Session

16. Pursuant to Government Code Section 11126 (c) (3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters

Return to Open Session

17. 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. The Board plans to webcast this meeting on its website at <https://thedcapage.wordpress.com/webcasts/>. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. 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) 263-2666 or making a written request to Breanne Humphreys, Board Operations Manager, 2005 Evergreen Street, Suite 2100, Sacramento, California 95815. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



MEETING MINUTES - DRAFT
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

March 11, 2015
Sacramento, CA

I. Call to Order

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:45a.m. Ms. Grimes called roll; nine members of the Board were present and thus a quorum was established.

Board Members Present

Alison Grimes, Board Chair
Patti Solomon-Rice, Vice Chair
Rodney Diaz, MD, Public Board Member
Jaime Lee, Public Board Member
Deane Manning, Board Member
Marcia Raggio, Board Member
Dee Parker, Board Member
Amnon Shalev, Board Member
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Lou Galiano, DCA Web Cast
Breanne Humphries, Program Manager
Sabina Knight, Legal Counsel
Anita Joseph, Enforcement Coordinator
Karen Robison, Enforcement Analyst

Guests Present

Sean O'Conner, Department of Consumer Affairs, Division Program and Policy Review
Becky Binge, California Academy of Audiology (CAA)
Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Bryce Docherty, HHP
Linda Gifford
Jean Jackson, EBS Healthcare
Jan Jones Wadsworth
Heidi Lincer-Hill, Office of Professional Examination Services (OPES)
Marcus McArthur, Department of Consumer Affairs, Executive Office
Karen Munoz, Department of Consumer Affairs, Budget Office
Carol Murphy

Randy Sager, HHP
Dave Valerio
Dennis VanVliet, CAA
Raul Villanueva, OPES
Dennis Zanchi, SOLID, Training Solutions

Deane Manning, Hearing Aid Dispenser, and Marcia Raggio, Audiologist, were sworn in by Ms. Grimes to a new term as Board members.

II. Review and Approval of the November 7, 2014 Board Meeting Minutes

M/S/C – Solomon-Rice/Parker

- **Approved the November 7, 2014, Board Meeting Minutes as amended. The motion carried 8-0 with Dr. Diaz abstaining.**

III. Discussion/Possible Action on Testing or Increasing Standards for Foreign - Trained Speech Pathology Candidates

Patti Solomon-Rice gave a brief overview of the report on foreign - trained applicants.

A. Background/Historical Report

Ms. Murphy read a letter submitted by Speech-Language Pathologists (SLP) from the West Contra Costa Unified School District to the Board, dated June 2007 about their concerns regarding English language proficiency and qualifications of foreign - trained SLP's. Ms. Murphy reported on the different English language proficiency exams such as the International English Language Testing System (ILETS) and Test of English for International Communication (TOEIC); including the standardization of the exams, security measures taken to ensure their examinations are not compromised, and what other countries and/or departments use each examination. Ms. Murphy recommended the Board use the ILETS, standardized by Cambridge University, as the English Language Competency of Foreign-Trained Speech-Language Pathology examination.

B. Report on Testing for English Language Competency of Foreign-Trained Speech-Language Pathology Candidates

Mr. Villanueva began by giving an overview of OPES's mission and purpose. Mr. Villanueva gave a presentation that highlighted the licensure exam requirements, the accepted professional standards and the current evaluation methods. He then reported on the conclusion OPES came to after they evaluated the ILETS English proficiency examination.

Discussion ensued among the Board and guests about what level of English proficiency is needed to ensure those working with children do not inhibit their becoming proficient in the English language. Topics that were discussed were graduate programs not accepting those who lack proficiency in English, matching proficiency standards to a specific job, English communication problems being

addressed by the supervisor during the Required Professional Experience (RPE) evaluation and that the English language proficiency standard should be set high enough to protect the public but not so it is too limiting.

In addition, referring to the Commission on Teacher Credentialing and their special education programs, determine what the language development needs and expectations in school age children are and including audiologists in English language proficiency were included in the discussion.

M/S/C Grimes/Solomon-Rice

- **Ms. Grimes requested Ms. Parker and Ms. Solomon-Rice work on proficiency examination requirements for English Language Competency of Foreign-Trained Speech-Language Pathology Candidates. The motion carried 9-0**

IV. Update on California Commission on Teacher Credentialing (CTC) Speech-Language Pathologist Variable Term Waiver (VTW)

Ms. Solomon-Rice informed the Board the CTC met on January 9, 2015 and February 13, 2015. The CTC addressed reissuance amendments to the VTW for Speech-Language Pathology Assistants (SLPA) such as approving reissuance as long as the SLPA is in an accredited graduate program. An update from CTC on the February meeting was requested however; the Board had not received a response.

V. Ad Hoc Committee Report on Auditing the Supervision of Speech-Language Pathology Assistants

Ms. Parker reported that audits are needed in order to reduce the occurrence of SLPA's performing services outside their scope of practice. California Speech Hearing Association (CASHA) volunteered to help with guidelines and work with the Board on school problems. It was noted that the Board has jurisdiction over licensed SLP's and SLPA's in school settings. Ms. Parker and Ms. Snow will be working jointly with CASHA on this issue in order to educate school districts.

VI. Executive Officer and Board Staff Reports

- A. Administration
 - 1. Personnel

Mr. Sanchez informed the Board that Breanne Humphreys has been able to keep the office running, although the Board recently lost two staff members to retirement, by finding creative ways to acquire temporary staff. Mr. Sanchez acknowledged Lisa Snelling, seasonal clerk, for the great work she has been doing handling the receptionist duties at the Board. In addition, he informed the Board of the hiring of Nguyet Pham to fill the Office Technician position vacated by Tim Yang.

2. Staffing

The Board is working on a contract with CPR-HR Consulting to analyze and evaluate the Board's workload to determine if staffing is adequate for the oversight of over 20,000 licensees. It was noted that the Board can increase staff if the Department of Finance (DOF) approves the funding. Mr. Sanchez has been looking into larger office space to accommodate future growth.

B. BreEZe Update

Mr. O'Connor gave an overview of the BreEZe system and how it will replace the Legacy systems currently in use. DCA learned lessons from the Phase 1 release in 2013 and came to the same findings as the Legislature did. At this time BreEZe Phase 3 transition, which SLPAHAD is a part of, is on hold. The estimated Phase 3 transition date is 2018, however; DCA will have a better timeline closer to the Phase 2 transition. Mr. Sanchez informed the Board that the conversion to BreEZe takes quite a bit of staff time and that putting the transition on hold was beneficial. However; the investment of staff and time the Board puts into the front end of the project will benefit the end product.

C. Budget

1. Proposed Fee Increase

Ms. Munoz and Mr. de los Reyes from the DCA Budget Office explained the budget fund condition. They spoke about the target reserve amount, how increasing fees affects the fund, and maintaining solvency within the Board. The Board discussed raising fees, the time frame of when the fee increase should be implemented, and Mr. Sanchez noted that licensees are typically supportive when fee increases were discussed.

M/S/C – Manning/Grimes

- **Delegate staff to work on regulatory language for fee increases, staff increases and revenue increases. The motion carried 9-0.**

D. Enforcement/Licensing/Examinations

Mr. Sanchez informed the Board that enforcement staff recently attended the Enforcement Training Academy conducted by SOLID. In addition, he updated the Board on the disciplinary actions and the probation monitoring staff is handling.

Application processing times have dropped over the past few weeks. This has been accomplished by implementing changes in procedures and staff. These changes included borrowing staff, application processing changes, supporting documentation tracking changes and transcript acceptance procedures.

It was noted that the practical examination pass/fail rate statistics seemed inconsistent. Mr. Sanchez stated the experience of the examinees at a particular examination will drive the statistics.

The Board has published a law book and the public can purchase it through the link on our website. The law book has three main sections, Statutes, Regulations and Related Laws.

E. Update on Proposed Regulation Packages

Ms. Robison updated the Board on the status of the proposed regulation packages.

F. Update on Hearing Aid Dispensers Practical Examination

VII. Discussion on Upcoming Strategic Planning

Mr. Zanchi presented an overview of the service SOLID will provide to assist the Board during their strategic planning session. Mr. Zanchi noted the process has changed from the service SOLID provided in the past. Strategic Planning is set for August 20-21, 2015, in San Francisco.

VIII. Legislation Update

A. Discussion on the Recent Changes to the Song-Beverly Act

Discussion among the Board about the recent changes to the Song-Beverly Act centered on the wording “warranty” instead of “right to return” and tolling time. Confusion between Song-Beverly warranty and manufacturer warranty ensued. Ms. Knight noted that “seller” means the “sellers warranty” and “under this section” refers to the “tolling section”. Ms. Knight informed the Board this section of law is a statute. HHP reported the intent of the law was to protect the hearing aid seller and purchaser but not infringe on the manufacturers responsibility and that the sellers warranty responsibility is limited to forty-five (45) days.

IX. Review/Discussion/Possible Action on the Proposed Regulatory Amendments for Audiology Aide Supervision Standards and Practice Limitations (16 CCR 1399.154-1399.154.4)

The Board discussed the changes made to the proposed regulatory amendments for Audiology Aide Supervision Standards and Practice Limitations. The Board was informed the language used to list the tasks Aids could perform however; the thought of the Board in 2010 was to list what tasks are outside the scope of practice. It was pointed out that a section of the proposed language conflicted with existing law and has been removed.

M/S/C Raggio/Grimes

- **Delegate to the EO to make any technical and non-substantive changes to the proposed language and move forward with the rulemaking package.**

X. Public Comment on Items Not on the Agenda

It is reported that there are issues with Child Care Services (CCS) and audiology access for children. The CAA has expressed concerns and requests a letter of recommendation. Mr. Sanchez noted letters have been written in the past.

XI. Agenda Items and Future Board Meetings Dates
A. Agenda Items for Next Meeting

Items to be included on the next Board meeting agenda are the issues with CCS, Foreign Educated SLP's, SLPA work tasks, and increasing self-study hours.

B. Board Calendar

Dates for future Board meetings were set through May 2016.

XII. Discussion and Information on Public Notification of Enforcement and Disciplinary Actions
A. Information on Role of Disciplinary Guidelines in Enforcement Actions

CLOSED SESSION

XIII. Pursuant to Government Code Section 11126 (c) (3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters

1I-2013-73
Stipulated Settlement - Adopted

RETURN TO OPEN SESSION

XIV. Adjournment

The Board meeting adjourned at 4:30 p.m.

**Speech-Language Pathology, Audiology and Hearing Aid Dispensers Board
Ad Hoc Committee Report
Foreign-Trained Speech-Language Pathology Applicants
June 18-19, 2015**

Patti Solomon-Rice
Dee Parker

Review of March 11, 2015 Presentations about Foreign-Trained Speech-Language Pathology Applicants

Carol Murphy, speech-language pathology member of SLPAHADB from 2004 – 2012, provided a historical report about standards for foreign-trained speech-language pathology candidates, which was previously addressed by the Board between 2008 and 2012. Ms. Murphy stated that in 2010, a speech-language pathology consultant was added to the application process to review applicant transcripts. Ms. Murphy also discussed various standardized tests that could be used to assess spoken English proficiency, in an effort to strengthen the spoken English proficiency standards.

Raul Villanueva, Office of Professional Examination Services with the Department of Consumer Affairs, discussed results from the 2014 Occupational Analysis of Speech-Language Pathologists that related to foreign-trained speech-language pathology applicants. Interview questions with practicing speech-language pathologists focused on accented speech, which was found to be acceptable for practicing as a speech-language pathologist, as opposed to the broader area of intelligibility. Speech-language pathologists also reported that minimum requirements for written English proficiency skills should be consistent across US trained and foreign-trained speech-language pathologists.

Board discussion concluded that a broad-based plan needed to be developed to address foreign-trained speech-language pathology applicants, including minimal standards, for:

- 1) Intelligibility
- 2) Oral and written English proficiency
- 3) Academic and clinical competencies

An *Ad Hoc Committee* consisting of speech-language pathology board members Patti Solomon-Rice and Dee Parker were to report to the Board with a summary statement and proposed next steps at the June Board meeting.

Intelligibility Standards

Summary Statement

Foreign-trained SLP applicants need to meet minimal standards of intelligibility when working with students, clients and patients. It should be noted that intelligibility is based on a number of factors including pronunciation, speech rate, clarity of production, intonation and stress (prosody), and naturalness of speech production. Accent is related to intelligibility but is one of a number of factors that contributes to intelligible speech.

Proposed Next Steps

It is recommended that the Board discuss how to assess intelligibility of foreign-trained SLPs and determine minimum intelligibility standards.

Questions to be answered:

- 1) Is it feasible for a panel of SLP experts to interview foreign-trained applicants, similar to how universities interview potential graduate applicants?
- 2) If yes:
 - a) Budget?
 - b) Process?
 - c) Scoring rubric?
 - d) Passing score?

Oral and Written English Proficiency Standards

Summary Statement

Foreign-trained SLP applicants need to meet minimal standards of oral and written English proficiency when working with students, clients and patients.

Proposed Next Steps

It is recommended that the Board determine a test to be used and a minimal cut-rate to assess oral and written English proficiency. The Physical Therapy licensing board uses the TOEFL. The minimal scores required are 89 for the total score; 63 for the reading comprehension, listening comprehension and writing score; and 26 for the speaking score.

Questions to be answered:

- 1) Which test should our licensing board use?
- 2) What should the minimal scores be for the test?
- 3) Can we require the test to be taken in the US?

Academic and Clinical Standards

Summary Statement

Foreign-trained SLP applicants need to meet minimal academic and clinical competencies to practice as SLPs in the state. Patti Solomon-Rice and Marcia Raggio completed a study of minimal academic and clinical requirements for foreign-trained SLPs in August, 2013.

Proposed Next Steps

It is recommended the Board adopt the August 2013 recommendations and revise current regulations.

Demonstration of completion of the following academic coursework and supervised clinical experience were recommended as meeting the minimal competencies required of foreign-trained speech-language pathologists who wish to be licensed in California. It was further recommended that the individual obtain an equivalent grade of C- or better in

each required course and an overall equivalent GPA of 3.00 when completing the following:

- 1) Biological science course
- 2) Physical science course
- 3) Social/behavioral science course
- 4) Statistics course
- 5) Minimum of 23 courses in speech-language pathology
- 6) Minimum of 69 units (converted to semester hours)
- 7) Course content must address those topics noted in the 90% of offered courses below.
- 8) Supervised clinical experience consisting of a minimum of 375 direct contact hours and 25 observation hours.
- 9) Supervisors who are licensed and/or certified or have the equivalent to practice as speech-language pathologists in their home country.
- 10) Pass the SLP praxis with the same minimum score as SLP applicants trained in the US.

Recommended course content included:

Anatomy and Physiology of Speech
Anatomy and Physiology of Swallowing
Anatomy and Physiology of Hearing
Neuroanatomy
Acoustics of Speech
Psychoacoustics of Hearing
Speech Development
Neurological Aspects of Language
Language Development
Phonetics
Articulation/Phonology
Motor Speech Disorders
Fluency
Voice and Resonance
Child Language: Receptive/Expressive Semantics/Syntax/Morphology/Phonology
Adult Language: Receptive/Expressive (aphasia/TBI)
Aural Rehabilitation
Swallowing
Communication Modalities (AAC)
Clinical Methods
Audiology/Audiometry

Questions to be answered:

- 1) Can we require the Praxis be taken in the US?

Additional Questions

- 1) How many foreign-trained SLPs apply for licensure each year?
- 2) Can we increase the budget for these new processes?

Summary of Proposed Next Steps

1. Answer above questions
2. Determine budget
3. Develop interview process
4. Identify English proficiency test and minimal passing score
5. Create academic regulations package



MEMORANDUM

| | |
|----------------|--|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Possible Recommendation for an Increase in the Number of Self-Study Hours for Continuing Education (CE) |

PURPOSE

The purpose of this item is to provide information and obtain direction from the Board on the issue of increasing the number of “self-study” hours that can be applied toward meeting the CE requirements for license renewal.

BACKGROUND

In November 2014, the Board requested staff to provide more information on the issue of self-study. There were two areas of concern: 1) the definition of self-study; and 2) the course approval being as rigorous as the other CE delivery methods.

CE and self-study are defined in the California Code of Regulations (CCR) 1399.160. These definitions apply to all CE delivery methods.

Definitions - CCR 1399.160

- (a) *A continuing professional development “course” means a form of systematic learning at least one hour (60 minutes) in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, and self-study courses.*
- (b) *A “self-study course” means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, viewing or listening to recorded courses, or participating in “self-assessment testing” (open-book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the provider was the correct answer). A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course offering affords participants the opportunity to interact with an instructor and/or other course participants.*

The Board limits the number of hours of self-study courses that can be applied to meet the CE requirements for renewal and the limitations are different for dual license holders.

| License(s) | Required CE Hrs/ Reporting Yrs | Self-study Hrs Limit | 2 year period |
|-----------------------------------|---|--|---------------|
| Speech-Language Pathologist (SPL) | 24/2 | 6 | 6 |
| Audiologist (AUD) | 24/2 | 6 | 6 |
| SPL & AUD | 32/2 | 5 | 5 |
| Dispensing Audiologist (DAU) | 12/1 | 1.5 | 3 |
| SPL & DAU | 16/2 SPL and 8/1 DAU | 2.5 SPL and 1 DAU | 4.5 |
| Hearing Aid Dispensers | 9/1 (proposed regulation - change 12/1) | No limit (proposed regulation - change to 3) | No limit |

The Board currently approves CE providers and has regulatory requirements for CE courses that include course content, hours, advertisement, and instructor qualifications.

Other States

ASHA's Director of Continuing Education attended the Board's November meeting and discussed self-study/CE data from all 50 states that included requirements, trends, and ASHA's course approval and peer review requirements on the self-study courses.

In reviewing the data provided, the following was discovered (see attached table – CE Requirements by State):

- 11 other states have self-study limitations for speech-language pathologists and audiologists;
- Of the 11 other states that limit self-study, 8 states allow 50 percent or more of the CE to be acquired through self-study;
- Only California, Indiana and South Carolina limit self-study by more than 50 percent.

Other California Boards

Other California healing arts boards have similar CE renewal requirements. The following table contains data that includes: CE requirements; self-study limitations; definitions; and date of last CE regulation from reviewing 10 other healing arts boards' that include the following professions: dentists, licensed clinical social workers, optometrists, pharmacists, physical therapists, physicians, physician assistants, psychologists, registered nurses, and respiratory care therapists.

| Profession | Required CE Hrs/ Reporting yrs | Self-study Hrs Limit | Definition | Regs Updated |
|--------------------------------|---|-------------------------|--|-----------------|
| Dentists | 50/2 (Min - add'l hrs for additional permits) | 25 | <i>Tape recorded courses, home study materials, video courses, and computer courses are considered correspondence courses.</i> | 2010 |
| Lic. Clinical Social Worker | 36/2 | No limit | | 2015 |

| | | | | |
|-----------------------------|--|----------|--|------|
| Optometrists | 40/2 (TPA Certified - 50) | 20 | <i>Review of written, audio, video material, or a combination.</i> | 2011 |
| Pharmacist | 30/2 | No limit | | 2010 |
| Physical Therapists | 30/2 | No limit | <i>Home and self study courses, approved through an agency recognized by the board.</i> | 2010 |
| Physicians | 50/2 (Min - add'l hrs for various disciplines) | No limit | <i>Print, recorded audio-visual and internet or computer-based enduring educational material that requires completing and passing an assessment or test, is sponsored by an IMQ/CMA or ACCME accredited CME provider, and provides AMA PRA Category 1 Credit(s)™.</i> | 2009 |
| Physician Assistants | 50/2 | No limit | | 2010 |
| Psychologists | 36/2 | 27 | <i>Independent learning means the variety of forms of organized and directed learning experiences that occur when the instructor and the student are not in direct visual or auditory contact. These include, but are not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence and home study.</i> | 2013 |
| Registered Nurses | 30/2 | No limit | <i>Independent/Home Study Courses means continuing education courses offered for individual study by an approved provider.</i> | 1998 |
| Respiratory Care Therapists | 15/2 | No limit | <i>Home study, internet courses, and workshops.</i> | 2015 |

The information collected revealed the following:

- 3 of the 10 boards limited self-study hours;
- 4 of the 10 boards defined self-study in their regulations;
- 9 of the 10 boards have revised its CE regulations within the past 5 years;
- None of the boards identified have different standards for approval of self-study courses

RECOMMENDATION

While it is not clear why this Board is more restrictive than other Boards with its CE/self-study course requirements, the Board's definition of self-study is similar to that of the other Boards that we reviewed. We are not aware of any information that suggests the CE content required for the Board's licensees cannot be delivered or attained appropriately through self-study. Increasing the number of self-study hours allowed for CE requirements for renewal would allow licensees greater options if they prefer this method of learning.

If the Board deems it necessary, it may want to add requirements that are specific to self-study CE.

Speech-Language Pathology and Audiology - CE Requirements by State

| Board/Profession | Required CE Hours/ Reporting Period (years) | Self Study Hours Limit |
|----------------------|--|--|
| Alabama | 12/1 | No limit |
| Alaska | 0 | n/a |
| Arizona | 10/1 | No limit |
| Arkansas | 10/1 | No limit |
| California | 24/2 | 6 |
| Colorado | 10/1 | 5 |
| Connecticut | 20/2 | No limit |
| Delaware | 30/2 | No limit |
| District of Columbia | 20/2 | No limit |
| Florida | 30/2 | No limit |
| Georgia | 20/2 | No limit |
| Hawaii | 0 | n/a |
| Idaho | 10/1 | No limit |
| Illinois | 20/2 | No limit |
| Indiana | 36/2 | 6 |
| Iowa | 30/2 | 16 |
| Kansas | 20/2 | No limit |
| Kentucky | 30/2 | No limit of total hours (10 hours per day) |
| Louisiana | 10/1 | 5 |
| Maine | 10/1 | 4 |
| Maryland | 30/2 | No limit |
| Massachusetts | 20/2 | No limit |
| Michigan | 20/2 | No limit |
| Minnesota | 30/2 | No limit |
| Mississippi | 20/2 | No limit |
| Missouri | 30/2 | No limit |

Speech-Language Pathology and Audiology - CE Requirements by State

| Board/Profession | Required CE Hours/ Reporting Period (years) | Self Study Hours Limit |
|------------------|--|------------------------|
| Montana | 40/2 | No limit |
| Nebraska | 20/2 | 10 |
| Nevada | 15/1 | No limit |
| New Hampshire | 30/2 | 15 |
| New Jersey | 20/2 | 16 |
| New Mexico | 20/2 | 0 |
| New York | 30/3 | 20 |
| North Carolina | 30/3 | No limit |
| North Dakota | 10/1 | No limit |
| Ohio | 20/2 | No limit |
| Oklahoma | 20/2 | No limit |
| Oregon | 30/2 | No limit |
| Pennsylvania | 20/2 | No limit |
| Rhode Island | 20/2 | No limit |
| South Carolina | 16/1 | 4 |
| South Dakota | 12/1 (Aud); 20/2 (SLP) | No limit |
| Tennessee | 10/1 | 5 |
| Texas | 20/2 | No limit |
| Utah | 20/2 | No limit |
| Vermont | 30/2 | No limit |
| Virginia | 30/2 | No limit |
| Washington | 30/3 | No limit |
| West Virginia | 20/2 | No limit |
| Wisconsin | 20/2 | No limit |
| Wyoming | 12/1 | No limit |



MEMORANDUM

| | |
|----------------|---|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Speech-Language Pathology Assistant SLPA /Supervised Clinical Experience |

BACKGROUND

In February 2014, the Board approved language for changes to the SLPA regulations. This regulatory package has not submitted to the Office of Administrative Law for public comment.

In January 2015, SB 1466 became effective which gave the Board authority to raise the minimum number of clinical clock hours required from 300 clock hours to 375 clock hours.

ACTION REQUESTED

Since we have not submitted the SLPA regulatory language to OAL, the Board can amend the previously approved regulatory language to implement the SB 1466 changes. Staff recommends that we review and approve the amended language and for submission to the Office of Administrative Law.

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

Title 16, Chapter 13.4

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Article 3. Qualifications for Licensure – Education and Clinical Experience

Proposed Language

Amend Section 1399.152.2 of Article 3 of Division 13.4 of Title 16 as follows:

1399.152.2. Supervised Clinical Experience.

(a) 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. 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 ~~the~~ Board, and who possesses at least two years of full-time experience providing services as a fully licensed speech-language pathologist, or if in a setting or state that does not require licensure, holds legal authorization to provide independent services. Audiology clinical experience shall be under the supervision of a licensed audiologist or an audiologist having qualifications deemed equivalent by the ~~the~~ Board, and who possesses at least two years of full-time experience providing services as a fully licensed audiologist or if in a setting or state that does not require licensure, holds legal authorization to provide independent services. "Qualifications deemed equivalent by the ~~the~~ Board" 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.

~~(b) 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.~~

~~(e b) Three hundred seventy-five (300375) clock hours of clinical experience in 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.~~

~~(d c) 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 (a).~~

NOTE: Authority cited: Section 2531.95, Business and Profession Code. Reference: Section 2532.2, Business and Profession Code.

Title 16, Chapter 13.4

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Article 4. Qualifications for Licensure – Required Professional Experience

Proposed Language

Amend Section 1399.153 of Article 4 of Division 13.4 of Title 16 as follows:

1399.153. Definitions.

As used in this article, the term:

(a) "Required professional experience" or "RPE" means the supervised practice of speech-language pathology or audiology for the purpose of meeting the requirements for licensure in accordance with Sections 2530.5, subdivision (f), and 2532.2, subdivision (d), of the code and these regulations.

(b) "Required professional experience supervisor" or "RPE supervisor" means a person who is licensed as a speech-language pathologist or audiologist in the field for which licensure is sought, or has qualifications deemed equivalent by the ~~h~~Board, and who possesses at least two years of full-time experience providing services as a fully licensed practitioner, or if in a setting or state that does not require licensure, holds legal authorization to provide independent services in the field for which licensure is sought. "Qualifications deemed equivalent by the board" include a supervisor who holds legal authorization to practice in the state where the experience is being obtained in the field for which licensure is sought if the required professional experience is obtained in a setting which is exempt from the licensure requirements of the Act or out of state.

(c) "Required professional experience temporary license holder" or "RPE temporary license holder" means a person who has complied with Section 1399.153.2 of these regulations.

NOTE: Authority cited for Article 4 (Sections 1399.160 - 1399.168): Section 2531.95, Business and Professions Code. Reference: Section 2532.2, Business and Professions Code.

Title 16, Chapter 13.4
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
Article 12. Speech-Language Pathology Assistants
Proposed Language

Amend Section 1399.170, 1399.170.4, 1399.170.6, 1399.170.10, 1399.170.11, and 1399.170.15 of Article 12 of Division 13.4 of Title 16 as follows:

1399.170. Definitions.

As used in this article:

(a) "Accountability" means being legally responsible and answerable for actions and inaction's of self or others during the performance of a task by the speech-language pathology assistant.

(b) "Client" shall have the same meaning and effect as the term "patient" and "student," when referring to services provided in a school setting, for purposes of interpreting the provisions in this Article.

(c) "Direct supervision" means ~~on-site~~ observation and guidance via on-site or live electronic means by the supervising speech-language pathologist, while a clinical activity is performed by the speech-language pathology assistant. Direct supervision performed by the supervising speech-language pathologist may include, but is not limited to, the following: observation of a portion of the screening or treatment procedures performed by the speech-language pathology assistant, coaching the speech-language pathology assistant, and modeling for the assistant.

(d) "Immediate supervision" means the supervising speech-language pathologist is physically present during services provided to the client by the speech-language pathology assistant.

(e) "Indirect supervision" means the supervising speech-language pathologist is not at the same facility or in close proximity to the speech-language pathology assistant, but is available to provide supervision by electronic means. Indirect supervision activities performed by the supervising speech-language pathologist may include, but are not limited to, demonstration, record review,

review, and evaluation of audio or video-taped sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail.

(f) "Medically fragile" is the term used to describe a client that is acutely ill and in an unstable condition and if treated by a speech-language pathology assistant, immediate supervision by a speech-language pathologist is required.

(g) "Screening" is a pass-fail procedure to identify, without interpretation, clients who may require further assessment following specified screening protocols developed by the supervising speech-language pathologist.

(h) "Supervision" for the purposes of this article, means the provision of direction and evaluation of the tasks assigned to a speech-language pathology assistant. Methods for providing supervision include direct supervision, immediate supervision, and indirect supervision.

(i) "Support personnel" means individuals who, following academic and/or on-the-job training, perform tasks as prescribed, directed, and supervised by a speech-language pathologist. There are different levels of support personnel based on training and scope of responsibilities.

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

1399.170.4. Application for Approval of Speech-Language Pathology Assistant Training Programs.

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

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

(1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, who must hold a valid and clear license in speech-language pathology or equivalent credentials, of its intent to offer a new program.

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

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

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

NOTE: Authority Cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference Cited: Section 2538.1(b)(2), Business and Professions Code.

1399.170.6. Requirements of the Sponsoring Institution.

(a) Responsibilities of the sponsoring institution and of each field work site shall be clearly established by formal agreement or memorandum of understanding.

(b) The sponsoring institution shall assume primary responsibility for receiving and processing applications for student admissions, curriculum planning, selection of course content,

coordination of classroom teaching and supervised field work, appointment of faculty, and granting the completion certificate or degree, or otherwise documenting satisfactory completion of the program.

(c) Student records including admission, enrollment, academic performance directed observation, field work clock hours, and demonstration of field work competencies shall be maintained by the sponsoring institution according to its policies. Grades and credits for courses must be recorded on students' transcripts and shall be maintained by the sponsoring institution. Hours for field work experiences and supervision shall be recorded and documented by supervisory staff.

(d) The program director of the sponsoring institution shall be responsible for ensuring that the scope of responsibilities delegated to students during field work experiences are appropriate to the training received and the clients assigned, and consistent with the American Speech-Language-Hearing Association's ~~Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants (1996, Spring)~~, Speech-Language Pathology Assistant Scope of Practice (2013), incorporated herein by reference, and that all approved criteria for speech-language pathology assistant training has been met.

NOTE: Authority Cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference Cited: Section 2538.1(b)(2), Business and Professions Code.

1399.170.10. Required Curriculum.

(a) A program's curriculum shall not be implemented or revised until it has been approved by the Board.

(b) The curriculum shall be designed so that a speech-language pathology assistant who completes the program will have the knowledge and skills necessary to function in accordance with the minimum standards set forth in Section 2538.1(b)(3) of the Business and Professions Code.

(c) The curriculum shall consist of not less than sixty (60) semester units or ninety (90) quarter units, which shall include the following:

(1) Twenty (20) to thirty (30) semester units or thirty (30) to forty-five (45) quarter units in general education requirements, including but not limited to, basic communication skills, knowledge of mathematics, liberal arts, and biological, behavioral and health sciences.

(2) Thirty (30) to forty (40) semester units or forty-five (45) to sixty (60) quarter units in course work that satisfies the ~~competencies curriculum~~ defined in the American Speech-Language-Hearing Association's ~~Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants~~ Speech-Language Pathology Assistant Scope of Practice (2013), Appendix C B- Speech-Language Pathology Assistant Suggested Competencies Sample Course Work and Field Work for the Speech-Language Pathology Assistant (1996, Spring ASHA 2004) including the following observation and field work experiences:

(A) A minimum of fifteen (15) clock hours of directed observation; and

(B) A minimum of ~~seventy (70)~~ one-hundred (100) clock hours of field work experience.

(d) The course of instruction shall be presented in semester or quarter units under the following formula:

(1) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(2) Three (3) hours of field work practice each week throughout a semester or quarter equals one (1) unit.

NOTE: Authority Cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference Cited: Section 2538.1(b)(2), Business and Professions Code.

1399.170.11. Qualifications for Registration as a Speech-Language Pathology Assistant.

To be eligible for registration by the Board as a speech-language pathology assistant, the applicant must possess at least one of the following qualifications:

(a) An associate of arts or sciences degree from a speech-language pathology assistant program accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, and approved by the Board; or

(b) Evidence of completion of a bachelor's degree program in speech-language pathology or communication disorders from an institution listed in the "Accredited Institutions of Postsecondary Education" handbook issued by the American Council on Education, and completion of the field work experience as required in Section 1399.170.10(c)(2)(B) from a Board-approved program, or completion of a minimum of ~~seventy (70)~~ one-hundred (100) hours of field work experience or clinical experience equivalent to that required in Section 1399.170.10(c)(2)(B) in a bachelor's degree program as recognized in this subsection.

(1) The equivalent field work hours or clinical experience completed in a bachelor's degree program in speech-language pathology or communication disorders shall be evaluated for verification by the current training program director.

(2) In the event that the field work experience or clinical experience completed in the bachelor's degree program is deemed deficient by the authorized representative of a board-approved speech-language pathology assistant training program, the applicant may petition the Board for reconsideration.

(3) In lieu of completion of the ~~seventy (70)~~ one-hundred (100) hours of field work experience or clinical experience in a bachelor's degree program as defined in subsection (b) above, the Board may consider the completion of nine months of full-time work experience performing the duties of a speech-language pathology assistant enumerated in paragraph (4) of subsection (b) of Section 2538.1 of the Business and Professions Code as equivalent to the required clinical training.

(c) Evidence of completion of an equivalent speech-language pathology assistant associate of arts or science degree program, which includes the ~~competencies curriculum~~ in the American Speech-Language-Hearing Association's Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants Speech-Language Pathology Assistant Scope of Practice (2013), Appendix G B- Speech-Language Pathology Assistant Suggested Competencies Sample Course Work and Field Work for the Speech-Language Pathology Assistant (1996, Spring ASHA 2004).

NOTE: Authority Cited: Sections 2531.95 and 2538.1, Business and Professions Code. Reference Cited: Section 2538.1(b)(2) and 2538.3(a), Business and Professions Code.

1399.170.15. Requirements for the Supervision of the Speech Language Pathology Assistant.

(a) The supervising speech-language pathologist is responsible for designing and implementing a supervisory plan that protects client care and maintains the highest possible standards of quality. The amount and type of supervision required should be consistent with the skills and experience of the speech-language pathology assistant, the needs of the clients, the service setting, the tasks assigned, and the laws and regulations that govern speech-language pathology assistants. Treatment of the client remains the responsibility of the supervisor.

b) Any person supervising a speech-language pathology assistant registered with the Board ~~on or after April 10, 2004~~, (hereinafter called "supervisor") shall submit, within thirty (30) days of the commencement of such supervision, the "Responsibility Statement for Supervision of a Speech-Language Pathology Assistant" (~~77S-60, New 12/99~~ AST 110, rev. Jan 2012), which requires that:

(1) The supervisor shall possess and maintain a current valid California license as a speech-language pathologist as required in Section 2532 of the Code and Section 1399.160.3 of

California Code of Regulations or may hold a valid and current professional clear, clear, or life clinical or rehabilitative services credential in language, speech and hearing issued by the California Commission on Teacher Credentialing, and must have at least two years of full-time experience providing services as a speech-language pathologist.

(2) The supervisor shall immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure that affects the supervisor's ability or right to supervise.

(3) The supervisor shall ensure that the extent, kind and quality of the clinical work performed is consistent with the training and experience of the person being supervised, and shall be accountable for the assigned tasks performed by the speech-language pathology assistant. The supervisor shall review client/patient records, monitor and evaluate assessment and treatment decisions of the speech-language pathology assistant, and monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she will be practicing and to the particular clientele being treated, and ensure compliance with all laws and regulations governing the practice of speech-language pathology.

(4) During the first 90 days, the supervisor shall provide immediate supervision at least 20% per week of the work schedule.

(5) The supervisor shall complete not less than six (6) hours of continuing professional development in supervision training ~~in the initial two-year period from prior to~~ the commencement of supervision, and three (3) hours in supervision training of continuing professional development every ~~two~~ four (4) years thereafter. Continuing professional development training obtained by a Board-approved provider that meets the course content listed below, may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations. The content of such training shall include, but is not limited to:

(A) Familiarity with supervision literature through reading assignments specified by course instructors; and

(B) Improving knowledge and understanding of the relationship between the speech-language pathologist and the assistant, and the relationship between the speech-language pathologist and the client.

(C) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(D) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(E) The practice of clinical speech-language pathology including the mandated reporting laws and knowledge of ethical and legal issues.

(5) The supervisor shall maintain records of course completion for a period of two years from the speech-language pathology assistant's renewal date.

(6) The supervisor knows and understands the laws and regulations pertaining to supervision of speech-language pathology assistants.

(7) As the professional development advisor, the supervisor shall assist in the development of a plan for the speech-language pathology assistant to complete twelve (12) hours of continuing professional development every two years through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these concerning communication disorders.

(8) The supervisor shall communicate to the speech-language pathology assistant the manner in which emergencies will be handled.

(9) Upon written request of the Board, the supervisor shall provide the Board with any documentation which verifies the supervisor's compliance with the requirements set forth in this article.

NOTE: Authority Cited: Sections 2531.95 and 2538.1(a), Business and Professions Code.
Reference Cited: Sections 2530.2(f), 2538.1(b)(5), (6), (7), and (9), Business and Professions Code.

9.(b)

Audiology Aide

Handcarry



MEMORANDUM

| | |
|----------------|--|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Speech-Language Pathology and Audiology Fee Increase |

BACKGROUND

The Board must be appropriately staffed and have adequate resources to fulfill its mandate of consumer protection. In the 2012 Sunset Review of the Board, the Legislative Joint Committee recommended that the Board augment its staffing to reduce licensing timeframes. Since 2012, the Board has not increased its staffing while the workload and licensee population have continued to increase steadily.

The process for augmenting staff or programs is lengthy and detailed and must be started two years in advance. The Board submits a budget change proposal that requires approval from the Agency Secretary and the Department of Finance. One major consideration for approval is the Board's fiscal condition. Based on the Board's current revenue, there is a fiscal imbalance—the amount of revenue is less the amount budgeted for the Board's operations.

At the March 2015 meeting, the Department of Consumer Affairs budget staff discussed various Board fund condition scenarios that would be impacted by staff increases and future BreEZe costs. Budget staff recommended that the Board consider a fee increase to support any additional increase in staffing. The Board then voted to increase fees in most categories related to the speech-language pathology and audiology professions.

The last increase in renewal fees for speech-language pathologists and audiologists was in 2002.

ACTION REQUESTED

Review draft regulatory language and approve for submission to the Office of Administrative Law.

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Title 16, Chapter 13.4 Speech-Language Pathology and Audiology Regulations Article 8. Miscellaneous Proposed Language

Amend Section 1399.157, 1399.170.13 and 1399.170.14 of Article 8 of Division 13.4 of Title 16 as follows:

1399.157 Fees

(a) The application fee and biennial renewal fee for any person applying for a speech-language pathologistsy or and non-dispensing audiologistsy license shall be \$150.00~~\$60.00~~.

(b) The application fee and annual renewal fee for any person applying for a dispensing audiologistsy license shall be \$280.00.

(c) The application fee for speech-language pathology assistants shall be \$100.00. ~~The biennial renewal fee for licensed speech-language pathologists and non-dispensing audiologists shall be prior to January 1, 2002 shall be \$75.00. Effective January 1, 2002, the biennial renewal fee for licensed speech-language pathologists or non-dispensing audiologists 110.00.~~

(d) The initial registration fee and biennial renewal fee for speech-language pathology assistants shall be \$150.00. ~~The annual renewal fee for a licensed dispensing audiologist authorized to dispense hearing aids shall be \$280.00.~~

(e) The fee for registration of an aide shall be \$30.00~~40.00~~.

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

(g) The delinquent fee for renewing an expired license shall be \$25.00.

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

(i) The fee for issuance of a each license status and history certification letter shall be \$25.00~~40.00~~.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Sections 163.5, 2532.6(f), 2534.2(a)(1), 2534.2(a)(2), 2534.2(a)(2)(d), 2534.2(a)(2)(j) and 2532.6(f), Business and Professions Code.

Amend Sections 1399.170.13 and 1399.170.14 of Article 12 of Division 13.4 of Title 16 as follows:

1399.170.13. Application and Fees.

~~(a) Each person desiring registration as a speech-language pathology assistant shall file application forms (77A-60 New 08/04 AST 100, Rev. Jan 2012 and, if applicable, 77A-61 New 12/99 FEV 100, Rev. Sept. 2011) and any required supporting documentation with the Board as provided in Section 1399.151.1. Upon receipt of the speech-language pathology assistant application, the Board will review the application for registration and notify the applicant of its approval or disapproval.~~

~~(b) All applicants shall submit at the time of filing the speech-language pathology assistant application, a non-refundable fee of \$50.00, which includes a non-refundable \$25.00 application fee and a non-refundable \$25.00 registration fee pursuant to Section 2534.2 of the Code.~~

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections ~~2534.2(e) and (f)~~ and 2538.1(b)(1), Business and Professions Code.

1399.170.14. Requirements for Renewal.

~~(a) The renewal fee for registration as a speech-language pathology assistant is \$75.00 every two years pursuant to Section 2534.2 of the Code.~~

~~(b~~ a) When applying for renewal, a speech-language pathology assistant shall certify in writing, by signing a statement under penalty of perjury that, during the preceding two years, the speech-language pathology assistant has completed twelve (12) hours of continuing professional development through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these concerning communication disorders.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections ~~2534.2(f)~~, 2538.1(b)(1) and ~~(5)~~, Business and Professions Code.



MEMORANDUM

| | |
|----------------|---|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Hearing Aid Dispenser Examination and Licensing Fees |

BACKGROUND

Currently the Hearing Aid Dispenser Fees are identified in Business and Professions Code 2538.57. Based on Legal Counsel's recommendation, this section of the Hearing Aid Dispensers Regulations is being reestablished to identify the examination and licensing fees authorized by statute.

ACTION REQUESTED

Review draft regulatory language and approve for submission to the Office of Administrative Law.

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

**Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 5. Miscellaneous
Proposed Language**

Amend Section 1399.129 of Article 5 of Division 13.3 of Title 16 as follows:

§ 1399.129. ~~Application and Certificate Fees.~~ [Repealed] Fees.

- (a) The application fee for a hearing aid dispenser license shall be \$75.00.
- (b) The application fee is non-refundable, except to applicants who are found to be ineligible to take an examination for a license. Those applicants are entitled to a refund of \$50.00.
- (c) The fee for taking or retaking the written examination shall be \$225.00.
- (d) The fee for taking or retaking the practical examination shall be \$500.00.
- (e) The initial license fee and annual renewal fee for a hearing aid dispenser license or dispensing audiology license shall be \$280.00.
- (f) The initial license fee for a hearing aid dispenser temporary license shall be \$100.00.
- (g) The initial license fee and renewal fee for a hearing aid dispenser trainee temporary license shall be \$100.00. Hearing aid dispenser trainee temporary licenses are valid for six (6) months and may be renewed twice.
- (h) The initial branch office license fee and annual renewal fee for hearing aid dispensers and dispensing audiologists shall be \$25.00.
- (i) The delinquent fee to renew an expired license shall be \$25.00.
- (j) The replacement license fee shall be \$25.00.
- (k) The continuing education course approval application fee shall be \$50.00 per course, per calendar year.
- (l) The official certification of licensure fee shall be \$15.00.

Note: Authority cited: Section 3328 2531.06, 2531.95, Business and Professions Code.
Reference: Section 3456 2538.24, 2538.26, 2538.27, 2538.28, 2538.29, 2538.30, 2538.53, 2538.57, 2539.1, Business and Professions Code.



MEMORANDUM

| | |
|----------------|---|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Non-substantive, Technical Changes to Hearing Aid Dispensers Regulations |

BACKGROUND

In 2010 the Hearing Aid Dispensers Bureau was merged with the Speech-Language Pathology and Audiology Board to form the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The regulatory language that is being presented is to make non-substantive changes to the Hearing Aid Dispenser regulations.

ACTION REQUESTED

Review draft regulatory language and approve for submission to the Office of Administrative Law.

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Title 16, Chapter 13.3 Hearing Aid Dispensers Regulations Proposed Language

Amend Title of Division 13.3

~~Hearing Aid Dispensers Bureau~~ Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board of the Department of Consumer Affairs

Title 16, Chapter 13.3 Hearing Aid Dispensers Regulations Article 1. General Provisions Proposed Language

Amend Sections 1399.100, 1399.101 and 1399.105, of Article 1 of Division 13.3 of Title 16 as follows:

§ 1399.100. Citation.

This chapter may be cited and referred to as the "Hearing Aid Dispenser Regulations."

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Section ~~3328~~ 2531.06, Business and Professions Code.

§ 1399.101. Location of Offices.

The principal office of the Speech-Language Pathology and Audiology and ~~Hearing Aid Dispensers Bureau~~ Board of the Department of Consumer Affairs is located at ~~4625 N. Market Boulevard, Suite S-209~~ 2005 Evergreen Street Suite 2100, Sacramento, California ~~95834~~ 95815.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Section ~~3328~~ 2531.06, Business and Professions Code.

§ 1399.102. Definitions.

For the purpose of the regulations contained in this chapter, the term:

- (a) "Code" means the Business and Professions Code.
- (b) "Supervisor" means a person who holds a license issued pursuant to the provisions of Sections ~~3354~~ 2538.26 and ~~3356~~ 2538.27 of the eCode and who accepts responsibility for the supervision and training of a person issued a temporary license under Section ~~3357~~ of the eCode.
- (c) "Trainee-applicant" means a person holding a temporary license issued pursuant to Section ~~3357~~ 2538.28 of the eCode.
- (d) "Supervision" means adequate direction and inspection by a supervisor.
- (e) "Training" means the instruction of a trainee-applicant in the fitting or selling of hearing aids.

(f) "Trainee-applicant" means a temporary licensee authorized to fit or sell hearing aids under Section ~~3357~~ 2538.28 of the eCode under the supervision of a licensed hearing aid dispenser.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections ~~3328~~ 2531.06 and ~~3357~~ 2538.29, Business and Professions Code.

§ 1399.105. Filing of Addresses.

Each person holding a license shall file with the ~~bureau~~ Board his or her proper and current business address, and shall report immediately to the ~~bureau~~ Board at its principal office any and all changes of address, giving both his or her old and new address.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections ~~3326~~, ~~3362~~ 2538.33 and 3451, Business and Professions Code.

**Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 2. Applications
Proposed Language**

Amend Sections 1399.111 and 1399.113, of Article 2 of Division 13.3 of Title 16 as follows:

§ 1399.111. Abandonment of Application.

(a) An applicant whose application for license is incomplete shall be deemed to have abandoned the application if he/she does not submit all required documents, data and information within one year from the date of the letter notifying the applicant that the application is incomplete.

(b) An applicant whose application for examination has been accepted shall be deemed to have abandoned the application if the applicant:

(1) does not take the written examination within one year from the date an eligibility letter was issued or does not take the practical examination within one year from the date the applicant passed the written examination; or

(2) after failing any examination, fails to take a re-examination within one year of the date of the letter notifying the applicant of such failure.

(c) An application submitted subsequent to the abandonment of a former application shall be treated as a new application.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections ~~3326~~ 2538.17 and ~~3352~~ 2538.24, Business and Professions Code.

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

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

(b) The ~~bureau~~ Board shall inform an applicant for licensure as a hearing aid dispenser within 189 days after completion of the application of its decision whether the applicant meets the requirements

for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.

(c) The minimum, median and maximum processing times for an application for licensure as a hearing aid dispenser from the time of receipt of the initial application until the ~~bureau~~ Board makes a final decision on the application are:

- (1) Minimum -68 days
- (2) Median -236 days
- (3) Maximum -437 days

These processing times apply to those applicants who take and pass the first available licensing examination.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code; and Section 15376, Government Code. Reference: Section ~~3352~~ 2538.24, Business and Professions Code; Section 15376, Government Code.

Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 3. Temporary Licenses
Proposed Language

Amend Sections 1399.114, 1399.115, 1399.116, 1399.117, 1399.118, and 1399.119 of Article 3 of Division 13.3 of Title 16 as follows:

§ 1399.114. Temporary License Applications.

(a) Any applicant for a temporary license under section ~~3357~~ 2538.28 of the ~~eCode~~ shall provide the following information to the ~~bureau~~ Board in order to show satisfactory supervision and training:

- (1) Name, address, license number and the signature of his or her supervisor.
- (2) Identification of the supervisory facility by proprietary name and address.

(b) The supervisor shall file as an addendum to the application the following statements and information:

(1) A general description of the supervisor's facility which shall include the:

- (A) Equipment used in the fitting of hearing aids.
- (B) Training material.
- (C) Training space.
- (D) Area in which hearing tests are given.

(2) A description of the portable equipment and tools used outside the supervisory facility in the fitting or selling of hearing aids.

(3) Information that demonstrates adequate supervision and training will be provided in compliance with section 1399.118.

(c) Any person holding a temporary license issued pursuant to sections ~~3356 or 3357~~ 2538.27 or 2538.28 shall, upon passing the examination and receiving a license, surrender the temporary license to the ~~bureau~~ Board.

(d) An excessive number of trainee-applicants under the a supervisor may preclude a finding by the ~~bureau~~ Board that the trainee-applicants will be adequately supervised and trained.

Note: Authority cited: Section 3328 2531.06, Business and Professions Code. Reference: Sections 3352 2538.24 and 3357 2538.29, Business and Professions Code.

§ 1399.115. Denial, Suspension, or Revocation of Authority to Supervise.

(a) The ~~bureau~~ Board may refuse to approve or approve subject to terms and conditions a hearing aid dispenser's authority to supervise a trainee-applicant, or may suspend, revoke, or impose probationary conditions on a hearing aid dispenser's authority to supervise a trainee-applicant for any of the following causes:

(1) The failure to comply with section 3357 2538.28 of the ~~e~~Code or any of the regulations contained in this article which is a prima facie violation, or is confirmed by an internal investigation report signed by the ~~chief~~ Executive Officer, or by a formal investigation by the Division of Investigation of the department within the preceding 36 months. "Confirmed by formal investigation" means the investigator assigned the matter has written a final investigation report which has been countersigned by a Supervising Special Investigator.

(2) The violation of any provision of the Hearing Aid Dispensers Licensing Law or the regulations contained in this chapter which is confirmed by an internal investigation report signed by the ~~chief~~ Executive Officer, or by a formal investigation by the Division of Investigation of the department within the preceding 36 months. "Confirmed by formal investigation" means the investigator assigned the matter has written a final investigation report which has been countersigned by a Supervising Special Investigator.

(3) The dispenser's license has been revoked, suspended, or subject to any restrictions within the preceding 36 months.

(4) An Accusation has been filed against the dispenser under the Administrative Procedure Act by the Attorney General's office and the charges are pending.

(5) The provision of false or misleading information during the application process.

(6) The conviction of a crime involving fiscal dishonesty for which the dispenser has been on probation or parole within the preceding 36 months.

(b) The ~~bureau~~ Board shall refuse to approve a hearing aid dispenser's authority to supervise a trainee-applicant if the hearing aid dispenser has not possessed a valid, active license as a hearing aid dispenser in California for at least three (3) years preceding the date on which the application for approval was received by the ~~bureau~~ Board.

(c) A hearing aid dispenser may appeal the denial, suspension, revocation, or imposition of probationary conditions upon his or her authority to supervise a trainee-applicant by filing such an appeal in writing with the ~~bureau's~~ Board's office in Sacramento within 60 days of denial, suspension, revocation or imposition of probationary conditions. The appeal will be considered by ~~bureau~~ Board within 45 days of receipt of the appeal in the ~~bureau's~~ Board's office. If action under this section results in the termination of supervision and training of a trainee-applicant, then the supervising hearing aid dispenser shall so notify the ~~bureau~~ Board in accordance with section 1399.118, subsection (g).

Note: Authority cited: Section 3328 2531.06, Business and Professions Code. Reference: Sections 3330 2531.4 and 3357 2538.28, Business and Professions Code.

§ 1399.116. Supervision of Trainee-Applicants.

(a) A licensed hearing aid dispenser shall not supervise more than one trainee-applicant at any one time unless a specific waiver has been granted by the ~~bureau~~ Board. Criteria for such a waiver shall be:

(1) the supervising dispenser shall have possessed a valid license as a hearing aid dispenser and engaged in the practice of fitting and selling hearing aids for at least three (3) years;

- (2) the supervising dispenser has not been the subject of successful disciplinary action or of a complaint which has been investigated and verified by internal investigation report or the department's Division of Investigation within the preceding three (3) years; and
- (3) the supervising dispenser shall not have been found to be in violation of any of the regulations contained in this article within the preceding three (3) years.
- (b) A licensed hearing aid dispenser shall not in any circumstance supervise more than three (3) trainee-applicants at any one time.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections ~~3330~~ 2531.4 and ~~3357~~ 2538.28, Business and Professions Code.

§ 1399.117. Representation of Trainee-Applicant.

A trainee-applicant shall, when engaged in the fitting or selling of hearing aids, present himself or herself to the public as a hearing aid dispenser trainee. Trainee-applicants may not refer to themselves in any advertising or promotional literature as anything but a hearing aid dispenser trainee.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections ~~335~~ and ~~3404~~ 2533, Business and Professions Code.

§ 1399.118. Supervision and Training Required.

The supervision and training of a trainee-applicant under Section ~~3357~~ 2538.28 of the eCode engaged in the fitting or selling of hearing aids shall include the following:

- (a) Intervention into the fitting and selling process by the supervisor.
- (b) Inspection of the fitting and selling process by the supervisor.
- (c) Training consisting of the following:
 - (1) Review of the results of each fitting and sale of a hearing aid;
 - (2) Reevaluation of the fitting and selling techniques of the trainee-applicant at least weekly;
 - (3) Being readily available to the trainee-applicant to render advice and give instruction and assistance in the fitting and selling of hearing aids;
- (d) Instruction in the procedures for the fitting and selling of hearing aids required by Chapter 7.5, Division 2 of the cCode.
- (e) Training with instruments and equipment generally considered to produce valid hearing measurements necessary to the fitting and selling of hearing aids.
- (f) A statement that the supervisor has agreed to accept the responsibility for the supervision and training of the applicant as required by Section ~~3357~~ 2538.28 of the eCode.
- (g) The supervisor shall be responsible for providing supervision until whichever of the following first occurs:
 - (1) The trainee-applicant obtains a permanent license.
 - (2) The supervisor or trainee-applicant gives written notification to the ~~bureau~~ Board that he or she is terminating supervision and training.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Section ~~3357~~ 2538.28, Business and Professions Code.

§ 1399.119. Direct Supervision.

A trainee-applicant under Section ~~3357~~ 2538.28 of the cCode shall fit or sell hearing aids only under the direct supervision of the supervising licensed hearing aid dispenser. "Direct supervision" as used in this section means all of the following:

- (a) The supervising dispenser is present within the same work setting a minimum of 20 percent of the time in which the trainee-applicant is providing services.
- (b) The supervising dispenser shall approve the selection of a hearing aid by a trainee-applicant.
- (c) The supervising dispenser shall countersign the audiogram and all sales documents prepared and consummated by a trainee-applicant.
- (d) If a trainee-applicant fails the license examination, the supervising dispenser is required to be physically present at all fittings and sales made by the trainee-applicant regardless of whether these occur in or outside the supervising dispenser's business location.

Note: Authority cited: Section ~~3357~~ 2538.28, Business and Professions Code. Reference: Section ~~3357~~ 2538.28, Business and Professions Code.

**Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 4. Examinations
Proposed Language**

Amend Sections 1399.120, 1399.121, and 1399.122, of Article 4 of Division 13.3 of Title 16 as follows:

§ 1399.120. Examinations.

- (a) Either essay type or objective type examinations or both may be used in any one or more of the subject areas in which an applicant is to be examined.
- (b) Each applicant is forbidden to place any identification marks on or in any of the answer sheet or to reveal his or her name to any examiner.
- (c) The applicant is forbidden to take the questions from the examination room or make any record of the questions.
- (d) Anyone cheating will be removed from the examination room.
- (e) An applicant who wishes to take the practical examination shall file a completed application with the ~~bureau~~ Board not sooner than 51 days nor later than 30 days prior to the date set for the examination for which application is made. Applications will be accepted in the order received by the ~~bureau~~ Board, provided, however, that a maximum of fifty applicants will be scheduled for any administration of the practical examination. Applications will be returned to all those who are not within the first fifty applicants.
- (f) The practical examination shall cover the procedures and use of instruments and equipment commonly employed in the fitting and selling of hearing aids, including but not limited to:
 - (1) Otoscope for the visual examination of the entire ear canal;
 - (2) Pure tone discreet or sweep frequency threshold type audiometer with air and bone conduction and appropriate masking circuitry;
 - (3) Appropriate equipment for establishing speech reception threshold and speech discrimination scores through headphones and/or sound field media by recorded or live voice;
 - (4) Calibrated sound pressure instruments, master hearing aids, and any and all types of hearing aid simulators;

- (5) Equipment designed for the evaluation and testing of hearing aid performance;
- (6) Stethoscope or other listening device.
- (g) An applicant shall furnish all equipment and materials necessary for the practical examination, and shall either bring a subject for the ear impression and audiometric assessment portions of the practical examination, or shall serve as such a subject for a subsequent examinee.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Section ~~3353~~ 2538.25, Business and Professions Code.

§ 1399.121. Inspection of Examination Papers.

All written examination papers shall be retained by the ~~bureau~~ Board for a period of two years after the date of the examination.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Section ~~3353~~ 2538.25, Business and Professions Code.

§ 1399.122. Practical Examination Appeals.

(a) An applicant who has failed the practical examination may appeal to the ~~bureau~~ Board within sixty (60) days following receipt of his/her examination results. The bases for appeal are:

- (1) examiner misconduct, which means prejudice or bias as evidenced by the statements and/or actions of an examiner; and
 - (2) significant procedural error in the examination process.
- (b) The appeal shall be in writing and shall specify the grounds upon which the appeal is based.
- (c) An applicant will be notified in writing of the results of the appeal. In acting on appeals, the ~~bureau~~ Board may take such action as it deems appropriate.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Section ~~3353~~ 2538.25, Business and Professions Code.

**Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 5. Miscellaneous
Proposed Language**

Amend Sections 1399.126 and 1399.127, of Article 5 of Division 13.3 of Title 16 as follows:

§ 1399.126. Significant Air-Bone Gap.

- (a) For purposes of Section ~~3365.5~~ 2538.36 of the ~~eCode de~~, a significant air-bone gap is defined as a difference of 15 decibels or more between the higher air conduction and the lower bone conduction pure tone thresholds at 2 or more succeeding octave frequencies of 500 Hertz through and including 4000 Hertz.
- (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.

Note: Authority cited: Section 3328 2531.06, Business and Professions Code. Reference: Section ~~3365.5~~ 2538.36, Business and Professions Code.

§ 1399.127. Advertising.

(a) A licensed hearing aid dispenser may advertise any goods or services authorized to be provided by such license in a manner authorized by Section 651 of the eCode so long as such advertising does not promote the unnecessary or excessive use of such goods or services.

(b) An advertisement violates Section 651 of the eCode when it:

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

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

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

When advertising a specific hearing aid model:

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

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

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

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

| | |
|----------|--------------------------|
| Correct: | Delta Hearing Aid Center |
|----------|--------------------------|

| | |
|------------|----------------------|
| Incorrect: | Delta Hearing Center |
|------------|----------------------|

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

| | |
|----------|---|
| Correct: | Test to determine if you could be helped by a hearing aid |
|----------|---|

| | |
|------------|--------------|
| Incorrect: | Hearing test |
|------------|--------------|

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

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

| | | |
|----------|------------------------------|-----------------------------|
| Correct: | John Doe, Ph.D. in Audiology | Jane Doe, M.A. in Audiology |
|----------|------------------------------|-----------------------------|

| | | |
|--|-----------------------------|----------------------------|
| | John Doe, Ph.D. (Audiology) | Jack Doe, B.A. (Audiology) |
|--|-----------------------------|----------------------------|

| | | |
|------------|--------------|----------------|
| Incorrect: | Dr. John Doe | Jane Doe, M.A. |
|------------|--------------|----------------|

| | | |
|--|--------------------------|----------------|
| | Dr. John Doe (Audiology) | Jack Doe, B.A. |
|--|--------------------------|----------------|

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

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

| | |
|----------|---|
| Correct: | John Doe, Hearing Aid Dispenser Lic. No. HA-xxxx |
|----------|---|

| | |
|--|--|
| NB-HIS, Certified by the National Board of Certification in Hearing Instrument Sciences | |
|--|--|

| | |
|------------|------------------|
| Incorrect: | John Doe, NB-HIS |
|------------|------------------|

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

| | |
|----------|--|
| Correct: | Jane Doe, Hearing Aid Dispenser Lic. No. HA-xxxx |
|----------|--|

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

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

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections 651, 651.3 and ~~3404~~ 2533, Business and Professions Code.

Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 6. Enforcement
Proposed Language

Amend Sections 1399.132, 1399.133, 1399.134, 1399.135, 1399.136, 1399.137, 1399.138, and 1399.139, of Article 6 of Division 13.3 of Title 16 as follows:

§ 1399.132. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of a hearing aid dispenser's license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a hearing aid dispenser if to a substantial degree it evidences present or potential unfitness of a hearing aid dispenser to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to those involving the following:

- (a) Any violation of the provisions of Sections 650, 651, 651.3 and 655.2 of the eCode.
- (b) Any violation of the provisions of Chapter 7.5, Division 2 of the Business and Professions Code.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections 481, ~~3404~~ 2533 and ~~3403~~ 2533.1, Business and Professions Code.

§ 1399.133. Criteria for Rehabilitation - Denials and Reinstatements.

(a) When considering the denial of a license or a temporary license under Section 480 of the eCode, or the reinstatement of a license, the ~~bureau~~ Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for licensing, shall consider the following criteria:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections 482, 3404 2533 and 3403 2533.1, Business and Professions Code.

§ 1399.134. Criteria for Rehabilitation - Suspensions and Revocations.

When considering the suspension or revocation of a license or a temporary license on the grounds that the licensee has been convicted of a crime, the ~~bureau~~ Board, in evaluating the rehabilitation of such person and his present eligibility for a license or temporary license, will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) Extent of time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with any or all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (6) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Section ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections 482, 3404 2533 and 3403 2533.1, Business and Professions Code.

§ 1399.135. Authority to Issue Citations and Fines.

(a) The ~~chief Executive Officer~~ of the ~~bureau~~ Board is authorized to determine after due and reasonable examination of the alleged violation when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed hearing aid dispenser of the statutes and regulations referred to in this article. As used in this article, "licensed hearing aid dispenser" also includes one who holds a temporary license as a hearing aid dispenser.

(b) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

Note: Authority cited: Sections 125.9, 125.95 and ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

§ 1399.136. Amount of Fines.

The amount of any fine to be levied by the ~~chief~~ Executive Officer shall take into consideration the factors listed in subdivision (b)(3) of section 125.9 of the ~~e~~Code and shall be within the range set forth in each subsection below.

(a) The fine for a violation of the following provisions shall be from \$1100 to \$2500:

- (1) Business and Professions Code section ~~3350~~ 2538.20
- (2) Business and Professions Code section ~~3359~~ 2538.30, subdivision (a)
- (3) Business and Professions Code section ~~3364~~ 2538.34, subdivision (b)
- (4) Business and Professions Code section ~~3365.5~~ 2538.36
- (5) Business and Professions Code section ~~3365.6~~ 2538.37
- (6) Business and Professions Code section ~~3404~~ 2533, subdivision (f~~h~~)
- (7) Business and Professions Code section ~~3404~~ 2533, subdivision (h~~e~~)
- (8) Civil Code section 1689.6
- (9) Civil Code section 1793.02

(b) The fine for a violation of the following provisions shall be from \$100 to \$1000:

- (1) Business and Professions Code section 651
- (2) Business and Professions Code section ~~3357~~ 2538.28
- (3) Business and Professions Code section ~~3359~~ 2538.30, subdivision (b)
- (4) Business and Professions Code section ~~3362~~ 2538.33
- (5) Business and Professions Code section ~~3363~~ 2532.5
- (6) Business and Professions Code section ~~3364~~ 2538.34, subdivision (a)
- (7) Business and Professions Code section ~~3364~~ 2538.34, subdivision (c)
- (8) Business and Professions Code section ~~3365~~ 2538.35
- (9) Business and Professions Code section ~~3366~~ 2538.38
- (10) Business and Professions Code section ~~3404~~ 2533, subdivision (i)
- (11) Title 16 California Code of Regulation section 1399.116, subsection (a)
- (12) Title 16 California Code of Regulation section 1399.116, subsection (b)
- (13) Title 16 California Code of Regulation section 1399.117
- (14) Title 16 California Code of Regulation section 1399.119
- (15) Title 16 California Code of Regulation section 1399.142

(c) In her or his discretion, the ~~chief~~ Executive Officer may issue an order of abatement without levying a fine for the first violation of any provision set forth in subsection (b).

Note: Authority cited: Sections 125.9 and ~~3328~~ 2531.06, Business and Professions Code. Reference: Sections 125.9 and ~~3404~~ 2533, Business and Professions Code.

§ 1399.137. Compliance with Orders of Abatement.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the ~~chief~~ Executive Officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin when the order of abatement is final and has been served or received. Such failure may result in disciplinary action being taken by the ~~bureau~~ Board or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 125.95 and ~~3328~~ 2531.06, Business and Professions Code.
Reference: Sections 125.9 and 125.95, Business and Professions Code.

§ 1399.138. Citations for Unlicensed Practice.

The ~~chief Executive Officer~~ of the ~~bureau~~ Board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure as a hearing aid dispenser is required under the Hearing Aid Dispensers Licensing Law. Each citation issued shall contain an order of abatement. Where appropriate, the ~~chief Executive Officer~~ shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the Code. The provisions of sections 1399.135 and 1399.137 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 125.95 and ~~3328~~ 2531.06, Business and Professions Code.
Reference: Sections 125.9 and 125.95, Business and Professions Code.

§ 1399.139. Contest of Citations.

(a) In addition to requesting a hearing provided for in subdivision (b)(4) of section 125.9 of the ~~e~~Code, the person cited may, within ten (10) days after service or receipt of the citation, notify the ~~chief Executive Officer~~ in writing of his or her request for an informal conference with the ~~chief Executive Officer~~ regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served or received.

(b) The ~~chief Executive Officer~~ shall hold, within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the informal conference the ~~chief Executive Officer~~ may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The ~~chief Executive Officer~~ shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (b) of section 1399.137, a copy of his or her findings and decision to the person cited within ten days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the ~~chief Executive Officer~~. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of section 125.9.

Note: Authority cited: Sections 125.9, 125.95, and ~~3328~~ 2531.06, Business and Professions Code.
Reference: Sections 125.9 and 125.95, Business and Professions Code.

Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 7. Continuing Education
Proposed Language

Amend Sections 1399.140, 1399.141, 1399.142, 1399.43, and 1399.144, of Article 7 of Division 13.3 of Title 16 as follows:

§ 1399.140. Continuing Education Required.

- (a) Each dispenser is required to complete at least six (6) hours of continuing education from a provider approved under Section 1399.141 below during each calendar year. ~~For all licenses which expire on and after January 1, 1997, a~~All holders of licenses shall complete nine (9) hours of continuing education per year, and not more than three (3) hours of continuing education may be credited in any of the following areas related to hearing aids: ethics (including the ethics of advertising and marketing) or business practices.
- (b) Each dispenser renewing his or her license under the provisions of Section ~~3454~~ 2538.53 of the ~~e~~Code shall be required to submit proof satisfactory to the ~~bureau~~ Board of compliance with the provisions of this article.
- (c) Such proof shall be submitted at the time of license renewal on a form provided by the ~~bureau~~ Board.
- (d) Any dispenser who cannot complete the minimum hours required under subsection (a) may have his or her license renewed, but shall make up any deficiency during the following year. If the dispenser does not complete the deficient hours in addition to the minimum hours for the current year, he or she shall be ineligible for the next renewal of his or her license unless such dispenser applies for and obtains a waiver pursuant to Section 1399.144 below.
- (e) This article shall not apply to any dispenser who was issued a permanent license for the first time within the preceding calendar year.
- (f) Any person whose hearing aid dispenser's license has been expired for two years or more shall complete the required hours of approved continuing education for the prior two years before such license may be restored.

Note: Authority and reference cited: Section ~~3327.5~~ 2538.19, Business and Professions Code.

§ 1399.141. Approval of Continuing Education Providers.

- (a) In order to be approved by the ~~bureau~~ Board as a continuing education provider the following information shall be submitted with an application provided by the ~~bureau~~ Board:
- (1) Description of course content of all courses to be offered. The course content shall be current practices related to the fitting of hearing aids for aiding or compensating for impaired human hearing or any of the subjects listed in subsection (a) of section 1399.140. The course content shall be information related to the fitting of hearing aids, and this information shall be at a level above that basic knowledge required for licensure as set forth in Section ~~3353~~ 2538.25 of the Code, except that basic knowledge which would serve as a brief introduction to the course. The phrase "at a level above that basic knowledge" means any subjects, issues, topics, theories, or findings that are more

advanced than the entry level of knowledge described in those basic subjects listed in subdivision (b) of Section 3353 2538.25.

(2) Method of instruction for course(s) offered. Teaching methods for each course or program shall be described, e.g., lecture, seminar, audiovisual, simulation, etc.

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

(4) Qualifications of instructors. Instructors shall be qualified to teach the specified course content by virtue of their prior education, training and experience. A resume of each instructor shall be forwarded with the application for approval.

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

(6) Open to Licensees. Only those courses or programs which are open to all licensed hearing aid dispensers shall be approved by the ~~bureau~~ Board.

(b) Providers shall maintain a record of attendance of each participant who is licensed as a hearing aid dispenser and submit that record to the ~~bureau~~ Board no later than December 31 of each calendar year. The record shall indicate those dispensers who have complied with the requirements of the course or program offered.

(c) Applications for approval of a continuing education provider shall be submitted to the ~~bureau~~ Board at its Sacramento office at least 45 days before the date of the first course or program offering to be approved.

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

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

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

Note: Authority cited: Section 3327.5 2538.18, Business and Professions Code. Reference: Section 3327.5 2538.18, Business and Professions Code.

§ 1399.142. Sanctions for Noncompliance.

(a) Any dispenser who does not complete the required number of hours of continuing education will be required to make up any deficiency during the next calendar year and renewal cycle. Such dispenser shall document to the ~~bureau~~ Board the completion of any deficient hours. Any dispenser who fails to make up the deficient hours and the hours of required continuing education for the current year shall be ineligible for the next renewal of his or her license to dispense hearing aids until such time as the deficient hours of continuing education are documented to the ~~bureau~~ Board.

(b) Fraudulently misrepresenting compliance with the continuing education requirements of Section 3327.5 2538.18 of the eCode and this article shall constitute "obtaining a license by fraud or deceit" as those terms are used in Section 3404 2533, subd. (e), of the eCode.

Note: Authority cited: Sections 3327.5 2538.18 and 3328 2531.06, Business and Professions Code. Reference: Section 3327.5 2538.18, Business and Professions Code.

1399.143. Repetition of Courses.

Credit will not be given toward approved continuing education coursework which is substantially similar to coursework which was successfully completed within the preceding three (3) years and used to meet the continuing education requirements of this article and Section ~~3327.5~~ 2538.18 of the ~~Code~~.

Note: Authority and reference cited: Section ~~3327.5~~ 2538.18, Business and Professions Code.

§ 1399.144. Waiver of Requirement

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

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

Note: Authority and reference cited: Section ~~3327.5~~ 2538.18, Business and Professions Code.



MEMORANDUM

| | |
|----------------|--|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Non-substantive, Technical Changes to Speech-Language Pathology and Audiology Regulations |

BACKGROUND

In 2010 the Hearing Aid Dispensers Bureau was merged with the Speech-Language Pathology and Audiology Board to form the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The regulatory language that is being presented is to make non-substantive changes to the Speech-Language Pathology and Audiology regulations.

ACTION REQUESTED

Review draft regulatory language and approve for submission to the Office of Administrative Law.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Proposed Language

Amend Title of Division 13.4

~~Speech-Language Pathology and Audiology Board~~Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board of the Department of Consumer Affairs

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 1. General Provisions
Proposed Language

Amend Sections 1399.150 and 1399.150.3, of Article 1 of Division 13.4 of Title 16 as follows:

§ 1399.150.1. Location of Office.

The principal office of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board of the Department of Consumer Affairs is located at ~~1422 Howe Avenue, Suite 3, Sacramento, California 95825-3204~~ 2005 Evergreen Street, Suite 2100, Sacramento, CA 95815.

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

§ 1399.150.3. Delegation of Functions.

(a) Except for those powers reserved exclusively to the “agency itself” under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the ~~Board~~ delegates and confers upon the ~~Executive Officer of the Board~~ all functions necessary to the dispatch of the Board in connection with investigative and administrative proceedings under the jurisdiction of the ~~Board~~, including the ability to accept default decisions and to approve settlement agreements for the revocation, surrender or interim suspension of a license.

(b) The ~~Executive Officer~~ is further authorized to investigate and evaluate each applicant for licensure under the Act; and to issue a license in conformance with the provisions of the Act and this chapter.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2531.4 and 2533, Business and Professions Codes; and Section 11500, Government Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 2. Application
Proposed Language

Amend Sections 1399.151 and 1399.151.1 of Article 2 of Division 13.4 of Title 16 as follows:

§ 1399.151. Application for License.

- (a) An application for a license as a speech-language pathologist or audiologist shall be filed with the Board at its principal office.
- (b) Every application shall be typed or written in ink, signed under the penalty of perjury and accompanied by the appropriate application fee and by such evidence, statements, or documents as therein required.
- (c) The applicant shall be notified, in writing, of the results of the evaluation of the application for license if the application is rejected.
- (d) An applicant shall be deemed to have abandoned his or her licensure application if the requirements for licensure are not completed within two years from the date on which application was filed unless the applicant has requested extension by the Board. An application submitted subsequent to an abandoned application shall be treated as a new application.
- (e) In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to practice speech-language pathology or audiology safely because the applicant's ability to practice may be impaired due to mental or physical illness affecting competency, the Board may require the applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board. The Board shall pay the full cost of such examination. An applicant's failure to comply with the requirement shall render his or her application incomplete. The report of the evaluation shall be made available to the applicant. If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 475, 480, 820, 2531.02, 2531.4, 2532.1 and 2533, Business and Professions Code.

§ 1399.151.1. Review of Applications; Processing Time.

(a) Speech-Language Pathology Licenses.

- (1) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days whether the application is complete and accepted for filing or is deficient and what specific information is required.
- (2) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.
- (3) The minimum, median and maximum processing time for an application for licensure as a speech-language pathologist from the time of receipt of the initial application until the Board makes a final decision on the application was:
 - (A) Minimum -38 days
 - (B) Median -294 days
 - (C) Maximum -1078 days.

(b) Audiology Licenses.

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

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

(3) The minimum, median and maximum processing time for an application for licensure as an audiologist from the time of receipt of the initial application until the Board makes a final decision on the application was:

(A) Minimum -53 days

(B) Median -231 days

(C) Maximum -686 days.

(c) Aide Registrations.

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

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

(3) The minimum, median and maximum processing time for an application for registration as an aide from the time of receipt of the initial application until the Board makes a final decision on the application was:

(A) Minimum -15 days

(B) Median -85 days

(C) Maximum -264 days.

(d) Continuing Professional Development Provider Approvals.

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

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

(e) Continuing Professional Development Course Submissions.

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

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

(f) Speech-Language Pathology Assistant.

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

(2) The Board shall inform an applicant for approval as a speech-language pathology assistant within 85 days after completion of the application, of its decision whether the applicant meets the

requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.

(3) The minimum, median and maximum processing time for an application for registration as a speech-language pathology assistant from the time of receipt of the initial application until the bBoard makes a final decision on the application are:

- (A) Minimum - 40 days
- (B) Median - 127 days
- (C) Maximum - 166 days

Note: Authority cited: Sections 2531.95, 2532.6(a) and 2538.1(a), Business and Professions Code. Reference: Sections 2530.6, 2531.4, 2532.6(e), 2532.6(e)(2) and 2534.2(f), Business and Professions Code; and Section 15376, Government Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 3. Qualifications for Licensure – Education and Clinical Experience
Proposed Language

Amend Sections 1399.152, 1399.152.1, 1399.152.2, and 1399.152.3 of Article 3 of Division 13.4 of Title 16 as follows:

§ 1399.152. Approved Institutions.

(a) For the purposes of this Section, the term "institution" means the facility where a student attends and receives his or her primary academic and clinical preparation including the institution's satellite sites or campuses. The term "joint program" means a program wherein each of the member institutions is a separate degree-granting entity.

(b) An "institution approved by the bBoard" as used in Section 2532.2 of the eCode is defined as:

(1) An educational institution (or in the case of a joint program, educational institutions) that is accredited by a regional or national accrediting body recognized by the United States Department of Education, and

(2) Has program accreditation in the area for which licensure is sought by an accrediting body recognized by the United States Department of Education or the Council on Higher Education Accreditation (CHEA) or its predecessor, the Council on Postsecondary Accreditation (COPA), or a comparable accrediting body recognized by the Board.

(c) A graduate speech-language pathology or audiology program shall be accredited or shall be designated as a program in candidacy by the accrediting body authorized by the American Speech-Language-Hearing Association at the time of the applicant's graduation.

(d) A post-baccalaureate audiology doctoral program shall be accredited or shall be designated as a program in candidacy by the accrediting body authorized by the American Speech-Language-Hearing Association or shall be accredited or shall be designated as a program in candidacy by another accrediting body as specified in subsection (b) above.

(e) In its discretion the bBoard may approve after its review any educational program, with academic and clinical requirements equivalent to an accredited graduate or doctoral training program as provided for above, but, which is not accredited under one of the above-mentioned criteria.

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

§ 1399.152.1. Academic Requirements.

(a) As used in Section 2532.2, subd. (a) of the eCode, “qualifications deemed equivalent by the bBoard” means in lieu of a master’s degree an applicant may present evidence of completion of at least 30 semester units acceptable towards a master’s degree while registered as a graduate student in a degree program in speech-language pathology and/or audiology. At least 24 of the required semester units shall be completed at a single educational institution and shall be in speech-language pathology or audiology.

(b) Credits for extension courses shall be accepted toward the unit requirements of Section 2532.2 subd. (b) of the eCode only if they are a part of the regular graduate curriculum and are accepted toward a graduate degree by the educational institution attended.

(c) The “successful completion” of a course as these terms are used in Section 2532.2 subd. (b) of the eCode means the student earned a grade of “C” or better or its equivalent.

(d) If the content of a course is not adequately depicted within its title, the bBoard in its discretion may require additional course descriptions.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2532.2, Business and Professions Code.

§ 1399.152.2. Supervised Clinical Experience.

(a) Supervised clinical experience within the meaning of Section 2532.2, subdivision (c) of the eCode shall be in the area for which licensure is sought. 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 bBoard. Audiology clinical experience shall be under the supervision of a licensed audiologist or an audiologist having qualifications deemed equivalent by the bBoard. “Qualifications deemed equivalent by the bBoard” 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.

(b) 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.

(c) Three hundred (300) clock hours of clinical experience in 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.

(d) 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 (a).

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2532.2, Business and Professions Code.

§ 1399.152.3. Examination Requirement.

(a) Applicants shall be deemed to have satisfied the examination requirements of section 2532.2(e) of the eCode if they have taken the National Examination in Speech-Language Pathology or the

National Examination in Audiology administered by the Educational Testing Service of Princeton, New Jersey, within five years preceding the date on which their application is filed with the Board and have achieved a score on such examination which is acceptable to the Board.

(b)(1) Applicants who have taken and passed the National Examination; and

(2)(A) who are licensed in another state, or

(B) who hold a Certificate of Clinical Competence issued by the American Speech-Language-Hearing Association in the field for which licensure is sought, or

(C) who were previously licensed in this state, whose license has lapsed under section 2535.4 of the Code; and

(3) who provide proof of continuous employment, except for usual and customary absences for illness and vacation, in the field for which licensure is sought, for three years immediately prior to the date on which their application was filed with this Board, may be deemed to have satisfied the examination requirement referred to in subsection (a) even though the National Examination may have been taken more than five (5) years from the date on which their application was filed with the Board. Continuous employment in the field for which licensure is sought is defined as documented employment of not less than (15) hours per week during the (3) years specified above while maintaining a license in the state where the applicant was employed. The applicant may request to appear before the Board if his or her waiver application has been denied.

If an applicant has less employment experience than that required for a waiver of the examination, then the Board may also consider, on a case-by-case basis, any continuing education in the field the applicant may have obtained during the above-mentioned three-year period.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2531.3, 2531.4, 2532, 2532.2 and 2532.4, Business and Professions Code.

Title 16, Chapter 13.4

Speech-Language Pathology and Audiology Regulations

Article 4. Qualifications for Licensure – Required Professional Experience Proposed Language

Amend Sections 1399.153, 1399.153.2, and 1399.153.3, 1399.153.4, 1399.153.8, and 1399.154.9 of Article 4 of Division 13.4 of Title 16 as follows:

§ 1399.153. Definitions.

As used in this article, the term:

(a) "Required professional experience" or "RPE" means the supervised practice of speech-language pathology or audiology for the purpose of meeting the requirements for licensure in accordance with Sections 2530.5, subdivision (f), and 2532.2, subdivision (d), of the code and these regulations.

(b) "Required professional experience supervisor" or "RPE supervisor" means a person who is licensed as a speech-language pathologist or audiologist in the field for which licensure is sought, or has qualifications deemed equivalent by the Board. "Qualifications deemed equivalent by the Board" include a supervisor who holds legal authorization to practice in the state where the experience is being obtained in the field for which licensure is sought if the required professional experience is obtained in a setting which is exempt from the licensure requirements of the Act or out of state.

(c) "Required professional experience temporary license holder" or "RPE temporary license holder" means a person who has complied with Section 1399.153.2 of these regulations.

Note: Authority cited for Article 4 (Sections 1399.160-1399.168): Section 2531.95, Business and Professions Code. Reference: Section 2532.2, Business and Professions Code.

§ 1399.153.2. Application and Fees.

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

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

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

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

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

§ 1399.153.3. Responsibilities of RPE Supervisors.

An RPE supervisor's responsibilities shall include, but are not limited to:

(a) Legal responsibility for the health, safety and welfare of the patients treated by the RPE temporary license holder.

(b) Insuring that the extent, kind, and quality of functions performed by an RPE temporary license holder under the supervisor's supervision is in compliance with these regulations and is consistent with the RPE temporary license holder's education and training.

(c) Insuring that such supervision consists of direct monitoring for a minimum of eight hours per month for each full-time RPE temporary license holder and four hours per month for each part-time RPE temporary license holder.

(d) "Direct monitoring" of the RPE temporary license holder may consist of the personal observation of the following:

(1) evaluation and assessment procedures;

(2) treatment procedures;

(3) record keeping, evaluation or assessment reports, correspondence, plans for management, and summaries of case conferences;

(4) participation in case conferences.

At least 50% of the supervisor's observation shall be of the RPE temporary license holder's evaluation, assessment and treatment procedures.

(e) Reviewing and evaluating the RPE temporary license holder's performance on a monthly basis for the purpose of improving his or her professional expertise. The RPE supervisor shall discuss the evaluations with the RPE temporary license holder and maintain written documentation of these evaluations and reviews. The written evaluations shall be signed by both the RPE supervisor and the RPE temporary license holder. If the supervisor determines the RPE temporary license holder is not minimally competent for licensure, the RPE temporary license holder shall be so notified orally and in

writing. A written statement documenting the basis for the supervisor's determination shall be submitted with the final verification of experience to the bBoard.

(f) Reviewing and countersigning all evaluation and assessment reports, treatment plans, progress and discharge reports drafted by the RPE temporary license holder.

(g) A "Required professional experience supervisor" must have completed not less than six (6) hours of continuing professional development in supervision training prior to assuming responsibility as a RPE supervisor, and three (3) hours of continuing professional development in supervision training every four years thereafter. If the continuing professional development in supervision training is obtained from a bBoard-approved provider as defined in Section 2532.6 subdivision (e) of the eCode, the hours may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations.

Note: Authority cited: Sections 2531.95, 2532.2 and 2532.6, Business and Professions Code. Reference: Sections 2532.2 and 2532.6, Business and Professions Code.

§ 1399.153.4. Maximum Number of RPE Temporary License Holders.

An RPE supervisor shall not supervise more than three (3) RPE temporary license holders. The bBoard 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 RPE temporary license holders while maintaining the standards of experience required in this article.

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

§ 1399.153.8. Final Evaluation of Experience.

(a) In order for the RPE supervisor to evaluate the RPE temporary license holder for verification to the bBoard, each supervisor shall evaluate the following activities of the RPE temporary license holder:

- (1) evaluation and assessment procedures;
- (2) treatment procedures;
- (3) record keeping, evaluation and assessment reports, correspondence, plans for management and summaries of case conferences;
- (4) participation in case conferences;
- (5) professional meetings and publications.

(b) The monitoring of audio and video tape recordings is an acceptable method of evaluation provided that such monitoring shall not be substituted for direct observation and supervision of the RPE temporary license holder.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2532.2, Business and Professions Code.

§ 1399.153.9. Termination of RPE Supervision.

If the supervision of the RPE temporary license holder is terminated prior to the completion of the experience or if there is a change in the number of hours per week in which the RPE temporary

license holder is employed, the RPE supervisor shall notify the - in writing of such facts within ten (10) days.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2532.2, Business and Professions Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 5. Speech-Language Pathology or Audiology Aides
Proposed Language

Amend Sections 1399.154, 1399.154.1, and 1399.154.2, 1399.154.3, and 1399.154.5 of Article 5 of Division 13.4 of Title 16 as follows:

§ 1399.154. Definitions.

As used in this article, the term:

(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 ~~b~~Board and the registration is approved by the ~~b~~Board.

(b) "Audiology aide" means a person who

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

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

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

(d) "Industrial audiology aide" means 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.

Before allowing an aide to assist in the practice of speech-language pathology or audiology under his or her supervision, a supervisor shall register each aide with the ~~b~~Board on a form provided by the ~~b~~Board and pay the registration fee required in Section 1399.157. 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 ~~b~~Board. In the application for registration, the supervisor shall provide to the ~~b~~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. The Board shall review the application for compliance with the requirements of this article and notify the supervisor of its disposition of the application for registration and whether further information is required in order to complete its review.

Note: Authority cited: Section 2531.25, Business and Professions Code. Reference: Sections 2530.2, 2530.6 and 2532.4, Business and Professions Code.

§ 1399.154.2. Responsibilities of 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, manage 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 will be assisting the supervisor.
- (f) Define the services which may be provided by the speech-language pathology or audiology aide. Those services shall not exceed the competency of the aide as determined by his or her education, training and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

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.

§ 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.

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

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 6. Disciplinary Guidelines
Proposed Language

Amend Sections 1399.155 of Article 6 of Division 13.4 of Title 16 as follows:

§ 1399.155. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Section 11400 et seq. of the Government Code) the ~~h~~Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines July 16, 2004" that are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the ~~h~~Board, in its sole discretion, determines that the facts of the particular case warrant such a deviation -for example: the presence of mitigating factors; the age of the case and evidentiary problems.

Notwithstanding the disciplinary guidelines, any proposed decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c) of Section 729 of the Code, with a patient, or any finding that the licensee has committed a sex offense or been convicted of a sex offense, shall contain an order revoking the license. The proposed decision shall not contain any order staying the revocation of the license.

As used in this section, the term "sex offense" shall mean any of the following:

- (a) Any offense for which registration is required by Section 290 of the Penal Code or a finding that a person committed such an act.
- (b) Any offense defined in Section 261.5, 313.1, 647b, 243.4 (a)-(d), or 647 subsections (a) or (d) of the Penal Code or a finding that a person committed such an act.
- (c) Any attempt to commit any of the offenses specified in this section.
- (d) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punishable as one or more of the offenses specified in this section.

Note: Authority cited: Sections 2531.95, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 2533, 2533.1 and 2533.2, Business and Professions Code; and Sections 11400.20 and 11425.50(e), Government Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 7. Denial, Suspension and Revocation of Licensure
Proposed Language

Amend Sections 1399.156, 1399.156.2, 1399.156.3, and 1399.156.5 of Article 7 of Division 13.4 of Title 16 as follows:

§ 1399.156. Unprofessional Conduct.

Unprofessional conduct as set forth in Section 2533 of the eCode includes, but is not limited to the following:

- (a) Violating or conspiring to violate or aiding or abetting any person to violate the provisions of the Act or these regulations.
- (b) Committing any corrupt act, or any abusive act against a patient, which is substantially related to the qualifications, functions or duties of a speech-language pathologist or audiologist.
- (c) Incompetence or negligence in the practice of speech-language pathology or audiology which has endangered or is likely to endanger the health, welfare, or safety of the public.
- (d) Commission of an act prohibited by Section 1399.155.
- (e) On or after January 1, 2013, a violation of Section 143.5 of the Code.
- (f) Failure to provide to the bBoard, as directed, lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the documents in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to, and control over, the requested documents.
- (g) Failure to cooperate and participate in any bBoard investigation pending against the licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subsection shall not be construed to require a licensee to cooperate with a request that would require the licensee to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the licensee's practice. Any exercise by a licensee of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.
- (h) Failure to report to the bBoard within 30 days any of the following:
 - (1) The bringing of an indictment or information charging a felony against the licensee.
 - (2) The arrest of the licensee.
 - (3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.
 - (4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.
- (i) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the bBoard.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 143.5, 726, 2531.02 and 2533, Business and Professions Code.

§ 1399.156.2. Rehabilitation Criteria for Denial and Reinstatement.

When considering the denial of a license or registration under Section 480 of the eCode or a petition for reinstatement under Section 11522 of the Government Code, the bBoard, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the eCode.

- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (d) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2531.95, Business and Professions Code. Reference: Sections 482, 2533 and 2533.1, Business and Professions Code.

§ 1399.156.3. Rehabilitation Criteria for Suspensions or Revocations.

When considering the suspension or revocation of a license on the grounds that a person holding a license or registration under the Act has been convicted of a crime, the ~~b~~Board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:

- (a) Nature and severity of the act(s) or offense(s).
- (b) Total criminal record.
- (c) The time that has elapsed since commission of the act(s) or offense(s).
- (d) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (e) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (f) Evidence, if any, of rehabilitation submitted by licensee, certificate or permit holder.

Note: Authority cited: Sections 482 and 2531.95, Business and Professions Code. Reference: Sections 482, 2533 and 2533.1, Business and Professions Code.

§ 1399.156.5. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, if an individual is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, or military or federal law, the ~~b~~Board shall:

- (1) Deny an application by the individual for licensure, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
- (2) Promptly revoke the license of the individual, in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and shall not stay the revocation nor place the license on probation.
- (3) Deny any petition to reinstate or reissue the individual's license.

(b) This section shall not apply to any of the following:

- (1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that required registration.
- (2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code; provided, however, that nothing in this paragraph shall prohibit the ~~b~~Board from exercising its discretion to discipline a licensee under any other provision of state law based upon the licensee's conviction under section 314 of the Penal Code.

(3) Any administrative proceeding that is fully adjudicated prior to the effective date of this regulation. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition in subsection (a) against reinstating a license shall govern.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 475, 480, 2531.02 and 2533, Business and Professions Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 8. Miscellaneous
Proposed Language

Amend Sections 1399.157.2 of Article 8 of Division 13.4 of Title 16 as follows:

§ 1399.157.2. Filing of Change of Address.

Each person holding or having a license, registration, or application on file with the ~~h~~Board shall notify the ~~h~~Board in writing within thirty (30) calendar days of any change of mailing address, giving both the old and new address.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2532.1, 2535.1 and 2536.3, Business and Professions Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 10. Citations and Fines
Proposed Language

Amend Sections 1399.159, 1399.159.01, 1399.159.1, 1399.159.2, and 1399.159.3 of Article 10 of Division 13.4 of Title 16 as follows:

§ 1399.159. Citations -Content and Service.

(a) The ~~e~~Executive ~~o~~Officer of the ~~h~~Board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and/or fines for violations by any licensee or registrant of the ~~h~~Board of the statutes and regulations referred to in this article.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the statute or regulation alleged to have been violated.

(c) The citation may contain an assessment of an administrative fine, an order of abatement fixing a reasonable time for abatement of the violation, or both.

(d) The citation shall inform the cited person of the right to a citation review conference concerning the matter and of the right to an administrative hearing.

(e) The citation shall be served upon the licensee personally or by certified mail, return receipt requested.

Note: Authority cited: Sections 125.9, 148 and 2531.95, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§ 1399.159.01. Office Mediation.

(a) Prior to issuing any citation, the eExecutive officer shall provide notice of a probable violation and offer the individual who is the subject of the notice an opportunity to resolve the matter through office mediation.

(b) A request for office mediation must be made within fourteen (14) calendar days after the notice of probable violation was mailed.

(c) Within thirty (30) calendar days from the receipt of any such request, the eExecutive officer shall conduct office mediation with the individual or his or her legal counsel or authorized representative.

(d) At or before the office mediation, the eExecutive officer shall provide the individual or his or her representative with a notice informing him or her of the right to request copies of all relevant non-privileged documents pertaining to the matter. The notice will further inform the individual or his or her representative that these copies will be provided by the Board upon receipt of a written request. Disclosure of these documents shall not constitute a waiver of any exemption under the Public Records Act that permits the Board to withhold disclosure of these documents from inquiring members of the general public.

(e) Within fourteen (14) calendar days from the date of the office mediation, the eExecutive officer will determine whether to proceed with the service of a citation pursuant to Section 1399.159.2. Alternately, the Executive Officer shall have the authority to enter into a settlement agreement with the individual.

(f) If no settlement agreement is reached and the eExecutive officer decides to go forward with a formal citation, the person cited shall not waive the right to request a formal hearing under the Administrative Procedures Act pursuant to subdivision (b)(4) of Section 125.9 of the Business and Professions Code by virtue of the fact that he or she previously requested office mediation.

(g) In any settlement agreement entered into between the Board and the individual, the individual shall not be asked to waive or give up any future appeal rights he or she may have under the Administrative Procedures Act or any other law.

Note: Authority cited: Sections 125.9, 148 and 2531.95, Business and Professions Code. Reference: Sections 125.9, 148 and 149 Business and Professions Code.

§ 1399.159.1. Violations and Fines.

(a) The eExecutive officer shall consider the factors listed in subdivision (b)(3) of section 125.9 of the eCode in determining the amount of the fine to be assessed or the terms of the order of abatement in any citation.

(b) The eExecutive officer may, in his or her discretion, assess a fine not to exceed \$5,000 for each investigation, and issue an order of abatement for any violation of the eCode or regulations governing the practices of speech-language pathology and audiology;

(c) Notwithstanding the administrative fine amount specified in subsection (b), a citation may include a fine between \$2501 and \$5,000 if one or more of the following circumstances apply:

- (1) The citation involves a violation that has an immediate relationship to the health and safety of another person.
- (2) The cited person has a history of two or more prior citations of the same or similar violations.
- (3) The citation involves multiple violations that demonstrate willful disregard of the law.
- (4) The citation involves a violation or violations perpetrated against a minor, a senior citizen, or disabled person.

Note: Authority cited: Sections 125.5, 148 and 2531.95, Business and Professions Code. Reference: Sections 125.9, 148 and 149, Business and Professions Code.

§ 1399.159.2. Citations for Unlicensed Practice.

- (a) The eExecutive eOfficer of the bBoard may issue citations, in accordance with section 148 of the eCode, against any person, partnership, corporation, association or other group however organized who is performing or who has performed services for which licensure is required under the act or regulations governing the practices of speech-language pathology or audiology.
- (b) Each citation issued under this section shall contain an order of abatement.
- (c) The eExecutive eOfficer, in his or her discretion, may assess a fine for the unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the eCode.
- (d) Each citation shall be in writing and shall describe with particularity the nature and facts of each violation specified in the citation, including a reference to the statute or regulation alleged to have been violated.
- (e) The citation shall be served upon the person personally or by certified mail, return receipt requested.
- (f) The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedy.

Note: Authority cited: Sections 125.9, 148, and 2531.95, Business and Professions Code. Reference: Section 125.9, 148, and 149, Business and Professions Code.

§ 1399.159.3. Compliance with Citation/Order of Abatement.

- (a) Orders of abatement may be extended for good cause. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her control after the exercise of reasonable diligence, then he/she may request from the eExecutive eOfficer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.
- (b) If a citation is not contested, or if the citation is appealed and the person cited does not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.
- (c) Failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the bBoard or other appropriate judicial relief being taken against the person cited.
- (d) If a fine is not paid after a citation has become final, the fine shall be added to the cited person's license renewal fee. A license shall not be renewed without payment of the renewal fee and fine.

Note: Authority cited: Section 125.9, 148 and 2531.95, Business and Professions Code. Reference: Section 125.9, 148, and 149, Business and Professions Code.

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 11. Continuing Professional Development
Proposed Language

Amend Sections 1399.160.1, 1399.160.2, 1399.160.3, 1399.160.7, 1399.160.8, 1399.160.9, 1399.160.10, 1399.160.12, and 1399.160.1 of Article 11 of Division 13.4 of Title 16 as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, a licensee whose license expires in the year 2001, shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twelve (12) hours of continuing professional development courses.

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

(c) Except as provided in Section 1399.160.2, a licensee shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee has completed twenty-four (24) hours of continuing professional development courses.

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

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

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

§ 1399.160.2. Exemptions from Continuing Professional Development.

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

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

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

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

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

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

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

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

(A) the nature and extent of the disability;

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

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

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

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee, whose license expires in the year 2001, shall accrue at least twelve (12) hours of continuing professional development courses as defined in Section 1399.160.4. A licensee may accrue no more than four (4) hours of continuing professional development courses through self-study courses during this renewal period.

(b) A licensee who holds both a speech-language pathology license and an audiology license that expire in the year 2001, shall accrue at least eight (8) hours of continuing professional development courses as defined in Section 1399.160.4 for each license. A licensee may accrue no more than two (2) hours of continuing professional development courses through self-study courses for each license.

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

(1) No more than six (6) hours of self-study activities,

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

(3) Not more than 50% of the continuing professional development hours required of a licensed non-dispensing audiologist, may be in hearing aid courses, but shall not be obtained from courses where the content focuses on equipment, devices, or other products of a particular publisher, company or corporation.

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

(1) No more than two and one-half (2.5) hours of self-study activities,

(2) No more than two and one-half (2.5) hours from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

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

(1) No more than one and a half (1.5) hours of self-study activities,

(2) No more than one and a half (1.5) hours from courses related to the discipline of audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing but shall not be obtained from courses where the content focuses on the equipment, devices, or other products of a particular manufacturer or company. The remaining 50% of the continuing professional development hours required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) and shall not be obtained from hearing aid dispensing courses as provided for in this section.

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

(1) At least sixteen (16) hours of continuing professional development courses in speech-language pathology biennially, of which no more than four (4) hours of the continuing professional development may be accrued through the following activities during a single renewal period:

(A) No more than two and one-half (2.5) hours of self-study activities,

(B) No more than two and one-half (2.5) hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(2) At least eight (8) hours of continuing professional development courses in dispensing audiology as defined in Section 1399.160.4 and 1399.160.3(e)(3) annually, of which no more than two (2) hours of continuing professional development courses may be accrued through the following activities during a single renewal period:

(A) No more than one (1) hour of self-study activities,

(B) No more than one (1) hour from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

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

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

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

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

§ 1399.160.7. Board-Approved Providers.

(a) A continuing professional development provider shall meet the Board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a Board-approved provider.

(b) An applicant for continuing professional development provider shall submit a completed Continuing Professional Development Provider Application (form no. 77A-50, new 1/99), hereby incorporated by reference, remit the appropriate fees, submit a complete operational plan, and obtain a continuing professional provider number from the Board to become a Board-approved provider.

(c) A provider approval issued under this section shall expire twenty-four months after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the biennial renewal fee set forth in Section 1399.157 of these regulations.

(d) A provider approval that is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.

(e) Board-approved provider status is not transferable.

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

§ 1399.160.8. Revocation and Denial of Board-Approved Provider Status.

(a) The Board may revoke its approval of a provider or deny a provider application for good cause. Good cause includes, but is not limited to, the following:

(1) a provider is convicted of a felony or misdemeanor offense substantially related to the activities of a Board-approved provider;

(2) a provider, who is a licensee of the Board, fails to comply with any provisions of the Speech-Language Pathologists and Audiologists Licensure Act (Business and Professions Code Sections 2530 et seq.) or Title 16, Division 13.4 of the California Code of Regulations (Sections 1399.150 et seq.); or

(3) a provider makes a material misrepresentation of fact in information submitted to the Board.

(4) a provider fails to comply with any provisions of the Speech-Language Pathologists and Audiologists Licensure Act (Business and Professions Code Section 2530 et seq.) or Title 16, Division 13.4 of the California Code of Regulations; (Sections 1399.150 et seq.); applicable to continuing professional development providers.

(b) After a thorough case review, should the Board decide to revoke or deny its approval of a provider, it shall give the provider written notice setting forth its reasons for revocation or denial. The provider may appeal the revocation or denial in writing, within fifteen (15) days after receipt of the revocation or denial notice, and request a hearing with the Board's designee. The revocation is stayed at this point.

Should the bBoard's designee decide to uphold the revocation or denial, the provider may appeal the decision of the bBoard 's designee in writing, within seven (7) days after receipt of the decision of the bBoard 's designee, and request a hearing with a continuing education appeals committee appointed by the bBoard chairperson. The hearing will take place at the next regularly scheduled bBoard meeting, provided the appeal is received before the meeting is noticed to the public. It is at the discretion of the bBoard's designee whether to stay the revocation further.

The continuing professional development appeals committee shall contain three bBoard members, one public bBoard member and two members representing both license types regulated by the bBoard. The decision of the continuing professional development appeals committee is final.

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

§ 1399.160.9. Course Advertisement.

A provider shall ensure that information publicizing a continuing professional development course is accurate and includes the following:

- (a) the provider's name;
- (b) the provider's approval number from the bBoard;
- (c) the statement "Course meets the qualifications for _____ hours of continuing professional development credit for (Speech-Language Pathologists or Audiologists as the case may be) as required by the California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board";
- (d) the provider's policy on refunds in cases of non-attendance by the registrant or cancellation by the provider;
- (e) a clear, concise description of the course content and learning outcomes;
- (f) a statement describing the level of the course content; and
- (g) a personal disclosure statement if either the instructor or provider has a personal financial interest in the course content.

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

§ 1399.160.10. Course Instructor Qualifications.

A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

- (a) a license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by this bBoard or any other health care regulatory agency;
- (b) a valid, current certification in the subject area issued by the American Speech-Language-Hearing Association or the American Board of Audiology;
- (c) training, certification, or experience in teaching courses in the subject matter; or
- (d) at least two years' experience in an area related to the subject matter of the course.

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

§ 1399.160.12. Licensee and Provider Course Records.

- (a) A licensee shall maintain records of course completion for a period of at least two (2) years from the date of license renewal for which the course was completed.
- (b) A provider shall maintain records related to continuing professional development courses for a period of at least four (4) years. Records shall include:
- (1) syllabi for all courses;
 - (2) the time and location of all courses;
 - (3) course advertisements;
 - (4) course instructor's vitae or resumes;
 - (5) attendance rosters with the names and license numbers of licensees who attended the courses;
 - (6) sign-in sheets; and
 - (7) records of course completion issued to licensees who attended the courses.
- (c) The ~~h~~Board may audit the course records of a licensee or a provider to ensure compliance with the ~~h~~Board's continuing professional development requirements.

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

Title 16, Chapter 13.4
Speech-Language Pathology and Audiology Regulations
Article 12. Continuing Professional Development
Proposed Language

Amend Sections 1399.170.13, 1399.170.15 and 1399.170.181 of Article 12 of Division 13.4 of Title 16 as follows:

§ 1399.170.13. Application and Fees.

- (a) Each person desiring registration as a speech-language pathology assistant shall file application forms (77A-60 New 08/01 and, if applicable, 77A-61 New 12/99) and any required supporting documentation with the Board as provided in Section 1399.151.1. Upon receipt of the speech-language pathology assistant application, the Board will review the application for registration and notify the applicant of its approval or disapproval.
- (b) All applicants shall submit at the time of filing the speech-language pathology assistant application, a non-refundable fee of \$50.00, which includes a non-refundable \$25.00 application fee and a non-refundable \$25.00 registration fee pursuant to Section 2534.2 of the Code.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2534.2(e) and (f) and 2538.1(b)(1), Business and Professions Code.

§ 1399.170.15. Requirements for the Supervision of the Speech-Language Pathology Assistant.

- (a) The supervising speech-language pathologist is responsible for designing and implementing a supervisory plan that protects client care and maintains the highest possible standards of quality. The amount and type of supervision required should be consistent with the skills and experience of the

speech-language pathology assistant, the needs of the clients, the service setting, the tasks assigned, and the laws and regulations that govern speech-language pathology assistants. Treatment of the client remains the responsibility of the supervisor.

(b) Any person supervising a speech-language pathology assistant registered with the Board on or after April 10, 2001, (hereinafter called "supervisor") shall submit, within thirty (30) days of the commencement of such supervision, the "Responsibility Statement for Supervision of a Speech-Language Pathology Assistant" (77S-60, New 12/99), which requires that:

(1) The supervisor shall possess and maintain a current valid California license as a speech-language pathologist as required in Section 2532 of the Code and Section 1399.160.3 of California Code of Regulations or may hold a valid and current professional clear, clear, or life clinical or rehabilitative services credential in language, speech and hearing issued by the California Commission on Teacher Credentialing.

(2) The supervisor shall immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) The supervisor shall ensure that the extent, kind and quality of the clinical work performed is consistent with the training and experience of the person being supervised, and shall be accountable for the assigned tasks performed by the speech-language pathology assistant. The supervisor shall review client/patient records, monitor and evaluate assessment and treatment decisions of the speech-language pathology assistant, and monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she will be practicing and to the particular clientele being treated, and ensure compliance with all laws and regulations governing the practice of speech-language pathology.

(4) The supervisor shall complete not less than six (6) hours of continuing professional development in supervision training in the initial two year period from the commencement of supervision, and three (3) hours in supervision training of continuing professional development every two years thereafter. Continuing professional development training obtained by a Board-approved provider that meets the course content listed below, may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations. The content of such training shall include, but is not limited to:

(A) Familiarity with supervision literature through reading assignments specified by course instructors; and

(B) Improving knowledge and understanding of the relationship between the speech-language pathologist and the assistant, and the relationship between the speech-language pathologist and the client.

(C) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(D) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(E) The practice of clinical speech-language pathology including the mandated reporting laws and knowledge of ethical and legal issues.

(5) The supervisor shall maintain records of course completion for a period of two years from the speech-language pathology assistant's renewal date.

(6) The supervisor knows and understands the laws and regulations pertaining to supervision of speech-language pathology assistants.

(7) As the professional development advisor, the supervisor shall assist in the development of a plan for the speech-language pathology assistant to complete twelve (12) hours of continuing professional development every two years through state or regional conferences, workshops, formal in-service presentations, independent study programs, or any combination of these concerning communication disorders.

(8) The supervisor shall communicate to the speech-language pathology assistant the manner in which emergencies will be handled.

(9) Upon written request of the Board, the supervisor shall provide the Board with any documentation which verifies the supervisor's compliance with the requirements set forth in this article.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2530.2(f), 2538.1(b)(5), (6), (7) and (9), Business and Professions Code.

§ 1399.170.18. Notice of Termination.

At the time of termination of supervision, the supervisor shall complete the "Termination of Supervision" form (77S-61 New 12/99). This original signed form shall be submitted to the Board by the supervisor within fourteen (14) days of termination of supervision.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2530.2(f) and 2538.1(b)(5-9), Business and Professions Code.

Title 16, Chapter 13.4 Speech-Language Pathology and Audiology Regulations Article 13. Information disclosure Proposed Language

Amend Sections 1399.180 and 1399.182 of Article 13 of Division 13.4 of Title 16 as follows:

§ 1399.180. Statement of Policy.

(a) It is the policy of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to permit the maximum public access to information in its possession consistent with the requirements of the California Public Records Act (Govt. Code § 6250 et seq.), the Information Practices Act (Civ. Code § 1798 et seq.), and the individual's right of privacy guaranteed by the California Constitution (Art. I, § 1).

(b) In addition, because protection of the public is the highest priority for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, and because its licensees provide vital services that have a direct impact on the health and well-being of the general public, the Board has determined as a matter of general policy that information pertaining to consumer complaints has a direct and immediate relationship to the health and safety of the public.

(c) The information regarding speech-language pathologists and audiologists which the Board will disclose under the public information system set forth in this Article does not constitute an exclusive list of information regarding licensees which may be available to the public. In the event of a request for other or additional records, the Board will consider that request in accordance with the California Public Records Act, the Information Practices Act, and any other applicable law.

(d) In disclosing information under this Article, the Board will omit personal information in the event disclosure would violate the Information Practices Act or any other applicable law.

Note: Authority cited: Sections 129 and 2531.95, Business and Professions Code; and Section 6253, Government Code. Reference: Section 2531.02, Business and Professions Code; and Sections 6250, 6252 and 6253, Government Code. Authority cited: Sections 129 and 2531.95, Business and Professions Code; and Section 6253, Government Code. Reference: Section 2531.02, Business and Professions Code; and Sections 6250, 6252 and 6253, Government Code.

§ 1399.182. Requirements for Information Disclosure.

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board will disclose the following information, if known, upon any request regarding any speech-language pathologist or audiologist licensed in California:

- (a) Current status of a license, issuance and expiration date of a license, and the identity and date of all undergraduate and graduate degrees awarded.
- (b) Any public action or administrative decision against any speech-language pathologist or audiologist, and any disposition thereof, taken by the Board, another state or the Federal Government including, but not limited to:
 - (1) the filing of an accusation;
 - (2) licensure revocations;
 - (3) denial of an application for licensure;
 - (4) temporary restraining orders;
 - (5) interim suspension orders;
 - (6) citations, infractions, or fines imposed;
 - (7) limitations on practice ordered by the Board including those made part of a probationary order or stipulated agreement; and
 - (8) public letters of reprimand.

The following disclaimer shall be included with these disclosures:

“Any adverse judgment or administrative order is subject to appeal or challenge by the speech-language pathologist or audiologist. For example, if an order revoking the license of a speech-language pathologist or audiologist is adopted by the Board, he or she can challenge that order by filing a petition for a writ of mandamus in superior court. If this court determines the order was issued contrary to law, it can vacate the Board's action and order that the speech-language pathologist or audiologist be reinstated.”

(c) Accusations which have been filed and later withdrawn shall be retained in the Board's files for a period of one year after the accusation is withdrawn.

(d) Civil judgments in any amount of a claim or action for damages for death or personal injury caused by the negligence, error, or omission in practice by a speech-language pathologist or audiologist, or by his or her rendering unauthorized professional services, whether or not vacated by a settlement after entry of the judgment, that have not been reversed on appeal, including the date and amount of judgment, the court and case number, a brief summary of the circumstances as provided by the court, plus any information the Board possesses pertaining to the disposition of the case following entry of judgment. The Board shall also include the following disclaimer with such disclosures:

“Any civil judgment is subject to appeal by the losing party. For example, if a judgment is entered against a speech-language pathologist or audiologist, he or she can appeal to a higher court. If this court determines the judgment was entered in error, it can either vacate it or reduce the amount of any money damages awarded against the speech-language pathologist or audiologist.”

(e) Arbitration awards in any amount of a claim or action for damages for death or personal injury caused by the negligence, error, or omission in practice of the speech-language pathologist or audiologist or by his or her rendering unauthorized professional services.

(f) California felony convictions reported to the Board on or after January 1, 1991, including the nature of the conviction, the date of conviction, the sentence, if known, the court of jurisdiction, and an appropriate disclaimer including, but not limited to, the accuracy of the information provided.

(g) Summaries of any disciplinary actions taken at a hospital or any other type of health care facility that result in the termination or revocation of staff privileges of a speech-language pathologist or audiologist for medical disciplinary cause or reason.

(h) Matters that have been referred to the Attorney General for the filing of an accusation or statement of issues; provided that:

(1) The matter has not been rejected by the Attorney General; and

(2) The following disclaimer accompanies the disclosure:

“Referral of a matter to the Attorney General for the filing of an accusation or statement of issues only occurs after an investigation has been conducted by the Board and a determination has been made that the actions of the speech-language pathologist or audiologist are of a nature that should warrant disciplinary action. In some instances, however, the Attorney General may determine that disciplinary action is not warranted. Such cases will normally not result in the filing of a formal accusation. When an accusation is filed, the speech-language pathologist or audiologist will be given notice and the right to request a hearing before an independent administrative law judge. At such a hearing, the Board has the burden of proving the allegations contained in the accusation. Unless a legal determination is made that the Board has sustained this burden, no disciplinary action may be taken against the speech-language pathologist or audiologist.”

Note: Authority cited: Sections 129 and 2531.95, Business and Professions Code; and Section 6253, Government Code. Reference: Section 129, Business and Professions Code; and Sections 6250, 6252 and 6253, Government Code. Authority cited: Sections 129 and 2531.95, Business and Professions Code; and Section 6253, Government Code. Reference: Section 129, Business and Professions Code; and Sections 6250, 6252 and 6253, Government Code.

Administration Report

Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board - 0376
BUDGET REPORT
FY 2014-15 EXPENDITURE PROJECTION

FISCAL MONTH 10

| OBJECT DESCRIPTION | FY 2013-14 | | FY 2014-15 | | | | |
|---|--------------------------------------|---|----------------------------|---|------------------|----------------------------|-------------------------|
| | ACTUAL EXPENDITURES (MONTH 13) | PRIOR YEAR EXPENDITURES 4/30/2014 | BUDGET STONE 2014-15 | CURRENT YEAR EXPENDITURES 4/30/2015 | PERCENT SPENT | PROJECTIONS TO YEAR END | UNENCUMBERED BALANCE |
| PERSONNEL SERVICES | | | | | | | |
| Salary & Wages (Staff) | 350,858 | 238,481 | 444,656 | 315,942 | 71% | 382,688 | 61,968 |
| Statutory Exempt (EO) | 79,405 | 53,966 | 79,524 | 67,600 | 85% | 81,120 | (1,596) |
| Temp Help Reg (Seasonals) | 3,316 | | 876 | 47,423 | 5414% | 72,971 | (72,095) |
| Temp Help (Exam Proctors) | 475 | 475 | | 4,399 | | 6,000 | (6,000) |
| Board Member Per Diem | | | 5,854 | | 0% | | 5,854 |
| Committee Members (DEC) | 5,100 | 1,900 | | 4,100 | | 5,000 | (5,000) |
| Overtime | 12,235 | 8,024 | | 16,947 | | 23,000 | (23,000) |
| Staff Benefits | 182,185 | 123,184 | 243,165 | 184,665 | 76% | 225,242 | 17,923 |
| TOTALS, PERSONNEL SVC | 633,574 | 426,030 | 774,075 | 641,076 | 83% | 796,021 | (21,946) |
| OPERATING EXPENSE AND EQUIPMENT | | | | | | | |
| General Expense | 11,356 | 6,222 | 47,627 | 14,851 | 31% | 18,000 | 29,627 |
| Fingerprint Reports | 13,696 | 8,355 | 28,439 | 13,694 | 48% | 18,524 | 9,915 |
| Minor Equipment | 8,234 | 877 | 3,050 | 3,406 | 112% | 3,406 | (356) |
| Printing | 8,653 | 4,688 | 24,393 | 3,181 | 13% | 9,000 | 15,393 |
| Communication | 5,043 | 2,808 | 17,027 | 1,680 | 10% | 5,200 | 11,827 |
| Postage | 24,062 | 15,601 | 23,340 | 15,794 | 68% | 25,750 | (2,410) |
| Insurance | | | 144 | 0 | 0% | | 144 |
| Travel In State | 16,196 | 4,967 | 24,162 | 19,349 | 80% | 24,349 | (187) |
| Travel, Out-of-State | | | 0 | 0 | | | 0 |
| Training | | | 5,802 | 465 | 8% | 750 | 5,052 |
| Facilities Operations | 60,083 | 64,298 | 77,569 | 65,245 | 84% | 66,400 | 11,169 |
| Utilities | | | 0 | | | | 0 |
| C & P Services - Interdept. | | | 23,890 | 0 | 0% | | 23,890 |
| C & P Services - External | 363 | 13,763 | 0 | 0 | | | 0 |
| DEPARTMENTAL SERVICES: | | | | | | | |
| Departmental Pro Rata | 171,051 | 129,641 | 183,036 | 160,299 | 88% | 183,036 | 0 |
| Admin/Exec | 87,432 | 65,967 | 98,058 | 98,480 | 100% | 98,480 | (422) |
| Interagency Services | | | 29,093 | | 0% | 29,000 | 93 |
| IA w/ OPES | 67,996 | 34,610 | 60,000 | 35,480 | 59% | 60,000 | 0 |
| DOI-ProRata Internal | 2,780 | 2,096 | 3,066 | 3,105 | 101% | 3,105 | (39) |
| Public Affairs Office | 3,241 | 2,971 | 2,997 | 3,109 | 104% | 3,109 | (112) |
| CCED | 35,893 | 28,568 | 3,259 | 3,099 | 95% | 3,099 | 160 |
| INTERAGENCY SERVICES: | | | | | | | |
| Consolidated Data Center | 193 | 131 | 8,932 | 161 | 2% | 500 | 8,432 |
| DP Maintenance & Supply | 3,902 | 2,626 | 17,077 | 2,901 | 17% | 4,000 | 13,077 |
| Central Admin Svc-ProRata | 59,269 | 44,452 | 79,026 | 59,270 | 75% | 79,026 | 0 |
| EXAM EXPENSES: | | | | | | | |
| Exam Supplies | | | | | | | 0 |
| Exam Freight | | | | | | | 0 |
| Exam Site Rental | 2,232 | 2,232 | 7,663 | 4,149 | 54% | 4,149 | 3,514 |
| C/P Svcs-External Expert Administrative | 9,995 | 8,870 | 23,455 | 8,870 | 38% | 10,000 | 13,455 |
| C/P Svcs-External Expert Examiners | | | 40,000 | | 0% | | 40,000 |
| C/P Svcs-External Subject Matter | 40,079 | 26,046 | | 54,726 | | 54,726 | (54,726) |
| ENFORCEMENT: | | | | | | | |
| Attorney General | 84,005 | 47,619 | 90,567 | 125,063 | 138% | 150,076 | (59,509) |
| Office Admin. Hearings | 16,021 | 10,270 | 21,749 | 14,424 | 66% | 23,000 | (1,251) |
| Court Reporters | 1,202 | 394 | | 758 | | 1,500 | (1,500) |
| Evidence/Witness Fees | 19,153 | 9,200 | 7,428 | 4,750 | 64% | 11,000 | (3,572) |
| DOI - Investigations | 214,031 | 160,736 | 291,649 | 291,358 | 100% | 291,649 | 0 |
| Major Equipment | | | | | | | 0 |
| Other - Clothing & Pers Supp | | | | | | | 0 |
| Special Items of Expense | | | | | | | 0 |
| Other (Vehicle Operations) | | | 0 | | | | 0 |
| TOTALS, OE&E | 966,161 | 698,008 | 1,242,498 | 1,007,667 | 81% | 1,180,834 | 61,664 |
| TOTAL EXPENSE | 1,599,735 | 1,124,038 | 2,016,573 | 1,648,743 | 82% | 1,976,855 | 39,718 |
| Sched. Reimb. - Fingerprints | (16,635) | (7,938) | (31,000) | (13,279) | 43% | (26,000) | (5,000) |
| Sched. Reimb. - Other | (5,415) | (3,290) | (2,000) | (3,525) | 176% | (2,000) | 0 |
| Distributed | | | | | | | 0 |
| Unsched. Reimb. - Other | (32,613) | (27,672) | | (7,833) | | | 0 |
| NET APPROPRIATION | 1,545,072 | 1,085,138 | 1,983,573 | 1,624,106 | 82% | 1,948,855 | 34,718 |
| SURPLUS/(DEFICIT): | | | | | | | 1.8% |

HADB

Month:

Apr

Month Number:

10

Revenue Projection

Mos. Remaining:

2

2014-15

DO NOT INPUT DATA ON THIS SPREADSHEET!

| | | FY 12/13 | | FY 13/14 | | FY 14/15 | | | Projection Formulas | |
|------------------------------|--|-------------|------------|-------------|------------|----------|-------------|------------|---------------------|---------------|
| Revenue Code: | | 4/30/13 YTD | Month 13 | 4/30/14 YTD | Month 13 | Budgeted | 4/30/15 YTD | Projection | PY Ratio | SL Projection |
| HADB Reimbursements: | | | | | | | | | | |
| 991913 | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 991913 00 | Scheduled Interdepartmental | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 991937 | | \$ 147 | \$ 147 | \$ 416 | \$ 465 | \$ - | \$ 343 | \$ 500 | \$ - | \$ - |
| 991937 01 | Fingerprint Reports | \$ 147 | \$ 147 | \$ 416 | \$ 465 | | \$ 343 | \$ 500 | \$ 383 | \$ 412 |
| 991937 02 | Scheduled Reimbursements/External | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 995988 | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 2,025 | \$ 2,430 | \$ - | \$ 2,430 |
| 995988 01 | Unsch - Investigative Cost Recovery | \$ - | \$ - | \$ - | \$ - | | \$ 2,025 | \$ 2,430 | \$ - | \$ 2,430 |
| Total Reimbursements: | | \$ 147 | \$ 147 | \$ 416 | \$ 465 | \$ - | \$ 2,368 | \$ 2,930 | \$ - | \$ 2,430 |
| HADB Revenue: | | | | | | | | | | |
| 125600 | | \$ 9,475 | \$ 10,887 | \$ 9,003 | \$ 10,470 | \$ - | \$ 10,730 | \$ 12,474 | \$ 12,884 | \$ 12,876 |
| 125600 00 | Other Regulatory Fees | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125600 F2 | Replacement Lic \$25 | \$ 475 | \$ 575 | \$ 700 | \$ 850 | | \$ 900 | \$ 1,080 | \$ 1,093 | \$ 1,080 |
| 125600 3N | Official Lic cert \$15 | \$ 300 | \$ 465 | \$ 495 | \$ 675 | | \$ 2,430 | \$ 2,916 | \$ 3,314 | \$ 2,916 |
| 125600 3R | License Confirmation Letter \$10 | \$ 10 | \$ 10 | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125600 5X | Cite and Fine | \$ 8,690 | \$ 9,837 | \$ 7,808 | \$ 8,945 | | \$ 7,400 | \$ 8,478 | \$ 8,478 | \$ 8,880 |
| 125600 92 | Prior Year Adj | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 | | \$ 172,280 | \$ 202,815 | \$ 163,930 | \$ 194,060 | \$ - | \$ 226,633 | \$ 252,522 | \$ 261,033 | \$ 271,960 |
| 125700 00 | Other Fees | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 F2 | HAD Acct-Written Exam Fee \$225 | \$ 51,350 | \$ 65,300 | \$ 61,425 | \$ 79,650 | | \$ 63,675 | \$ 76,410 | \$ 82,568 | \$ 76,410 |
| 125700 F3 | HAD Acct-Practical Exam Fee \$500 | \$ 60,275 | \$ 60,275 | \$ 36,000 | \$ 36,000 | | \$ 76,000 | \$ 76,000 | \$ 76,000 | \$ 91,200 |
| 125700 3N | Initial App Fee - \$75 | \$ 9,075 | \$ 11,250 | \$ 13,500 | \$ 17,700 | | \$ 15,600 | \$ 18,720 | \$ 20,453 | \$ 18,720 |
| 125700 3P | Initial License - \$280 | \$ 14,840 | \$ 23,520 | \$ 6,160 | \$ 6,440 | | \$ 24,975 | \$ 26,110 | \$ 26,110 | \$ 29,970 |
| 125700 3S | CE Provider App - \$50 | \$ 24,890 | \$ 27,340 | \$ 23,450 | \$ 25,500 | | \$ 20,250 | \$ 24,300 | \$ 22,020 | \$ 24,300 |
| 125700 38 | Initial Temp Lic \$100 | \$ 800 | \$ 1,000 | \$ 700 | \$ 900 | | \$ 1,600 | \$ 2,057 | \$ 2,057 | \$ 1,920 |
| 125700 39 | Initial Branch Lic \$25 | \$ 3,500 | \$ 4,375 | \$ 6,125 | \$ 7,100 | | \$ 9,675 | \$ 11,610 | \$ 11,215 | \$ 11,610 |
| 125700 42 | Initial Trainee License - Hearing Aid Disp | \$ 7,900 | \$ 10,100 | \$ 11,500 | \$ 15,700 | | \$ 13,900 | \$ 16,680 | \$ 18,977 | \$ 16,680 |
| 125700 56 | Practical Exam - HAD \$285 | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 59 | Written Exam - HAD \$100 | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 8V | App Fee-Dispensing Audiologist \$2 | \$ - | \$ - | \$ 4,760 | \$ 4,760 | | \$ 560 | \$ 560 | \$ 560 | \$ 672 |
| 125700 90 | Over/Short Fees | \$ - | \$ 5 | \$ 5 | \$ 5 | | \$ 8 | \$ 10 | \$ 8 | \$ 10 |
| 125700 91 | Suspended Revenue | \$ - | \$ - | \$ 305 | \$ 305 | | \$ 1,065 | \$ 1,065 | \$ 1,065 | \$ 1,278 |
| 125700 92 | Prior Year Adj | \$ (350) | \$ (350) | \$ - | \$ - | | \$ (675) | \$ (1,000) | \$ - | \$ (810) |
| 125800 | | \$ 453,789 | \$ 487,989 | \$ 512,063 | \$ 551,788 | \$ - | \$ 524,780 | \$ 612,937 | \$ 565,360 | \$ 629,736 |
| 125800 00 | Renewal Fees | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 3M | Temp Lic Renewal - \$100 | \$ 9,425 | \$ 10,425 | \$ 10,800 | \$ 12,200 | | \$ 17,700 | \$ 19,578 | \$ 19,578 | \$ 21,240 |
| 125800 3P | Annual Renewal - HAD \$280 | \$ 227,335 | \$ 245,255 | \$ 234,160 | \$ 254,040 | | \$ 231,520 | \$ 249,770 | \$ 249,770 | \$ 277,824 |
| 125800 3T | Branch Lic Renewal - \$25 | \$ 12,225 | \$ 12,875 | \$ 12,425 | \$ 12,950 | | \$ 13,575 | \$ 14,297 | \$ 14,297 | \$ 16,290 |
| 125800 3Y | Bien Ren - P&S - One Time Credit | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 8V | Bien Ren - Dispensing Audiologist | \$ 30,264 | \$ 36,314 | \$ 41,840 | \$ 50,800 | | \$ 44,935 | \$ 53,922 | \$ 53,918 | \$ 53,922 |
| 125800 8V | Ann Ren-Dispensing Audiologist | \$ 174,440 | \$ 183,120 | \$ 212,838 | \$ 221,798 | | \$ 217,000 | \$ 275,320 | \$ 227,798 | \$ 260,400 |
| 125800 90 | Over/Short Fees | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 C1 | Automated Revenue Refund Claim | \$ 100 | \$ - | \$ - | \$ - | | \$ 50 | \$ 50 | \$ - | \$ 60 |

| | | FY 12/13 | | FY 13/14 | | FY 14/15 | | | Projection Formulas | |
|-----------------|------------------------------------|-------------|------------|-------------|------------|----------|-------------|------------|---------------------|---------------|
| Revenue Code: | | 4/30/13 YTD | Month 13 | 4/30/14 YTD | Month 13 | Budgeted | 4/30/15 YTD | Projection | PY Ratio | SL Projection |
| 125900 | | \$ 3,350 | \$ 4,125 | \$ 3,025 | \$ 3,725 | \$ - | \$ 3,975 | \$ 4,770 | \$ 4,859 | \$ 4,770 |
| 125900 00 | Deliq. Fees | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125900 3J | Delq. Ren - HAD \$25 | \$ 1,825 | \$ 2,175 | \$ 1,475 | \$ 1,775 | | \$ 1,475 | \$ 1,770 | \$ 1,775 | \$ 1,770 |
| 125900 3K | Delq. Ren - Temp Lic HAD \$25 | \$ 300 | \$ 350 | \$ 225 | \$ 350 | | \$ 325 | \$ 390 | \$ 506 | \$ 390 |
| 125900 3L | Delq. Ren - Branch Lic \$25 | \$ 525 | \$ 575 | \$ 550 | \$ 625 | | \$ 1,300 | \$ 1,560 | \$ 1,477 | \$ 1,560 |
| 125900 8V | Delq. Ren - Dispensing Audiologist | \$ 700 | \$ 1,025 | \$ 775 | \$ 975 | | \$ 875 | \$ 1,050 | \$ 1,101 | \$ 1,050 |
| 142500 | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 142500 90 | Misc Services to the Public | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 150300 | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 150300 00 | Income from Surplus Invest. | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 160400 | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 160400 00 | Sale of Fixed Assets | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 161000 | | \$ 125 | \$ 125 | \$ 510 | \$ 610 | \$ - | \$ - | \$ - | \$ - | \$ - |
| 161000 02 | Revenue Canceled Warrants | \$ 125 | \$ 125 | \$ 510 | \$ 610 | | \$ - | \$ - | \$ - | \$ - |
| 161400 | | \$ 162 | \$ 187 | \$ 100 | \$ 110 | \$ - | \$ 50 | \$ 60 | \$ 50 | \$ 60 |
| 161400 FT | Misc Revenue FTB Collection | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 161400 TB | Misc Revenue FTB | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 161400 00 | Misc Revenue | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 161400 90 | Misc Income | \$ 27 | \$ 27 | \$ - | \$ 10 | | \$ - | \$ - | \$ - | \$ - |
| 161400 91 | Dishonored Check Fee | \$ 135 | \$ 160 | \$ 100 | \$ 100 | | \$ 50 | \$ 60 | \$ 50 | \$ 60 |
| 302080 | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 302080 00 | Tr From Hearing Aid Dispensers' | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| Totals Revenue: | | \$ 639,181 | \$ 706,128 | \$ 688,631 | \$ 760,763 | \$ - | \$ 766,168 | \$ 882,762 | \$ 844,186 | \$ 919,402 |
| Total: | | \$ 639,328 | \$ 706,275 | \$ 689,047 | \$ 761,228 | \$ - | \$ 768,536 | \$ 885,692 | \$ 844,186 | \$ 921,832 |

Speech

Month:

Apr

Month Number:

10

Revenue Projection

Mos. Remaining:

2

2014-15

Input in Blue Shaded Cells Only

DO NOT INPUT DATA ON THIS SPREADSHEET!

| | | FY 12-13 | | FY 13-14 | | FY 14-15 | | | Projection Formulas | |
|-------------------------------|--------------------------------------|-------------|------------|-------------|------------|--------------|--------------|------------|---------------------|---------------|
| | | 4/30/13 YTD | Month 13 | 4/30/14 YTD | Month 13 | Budgeted | 4/30/15 YTD | Projection | PY Ratio | SL Projection |
| Speech Reimbursements: | | | | | | | | | | |
| 991937 | | \$ 15,995 | \$ 24,245 | \$ 14,726 | \$ 21,585 | \$ 33,000 | \$ 16,461 | \$ 24,271 | \$ 24,271 | \$ 19,753 |
| 991937 01 | Scheduled Reimbursements/Fingerprin | \$ 12,000 | \$ 15,920 | \$ 10,731 | \$ 16,170 | | \$ 12,936 | \$ 19,493 | \$ 19,493 | \$ 15,523 |
| 991937 02 | Scheduled Reimbursements/External | \$ 3,995 | \$ 8,325 | \$ 3,995 | \$ 5,415 | | \$ 3,525 | \$ 4,778 | \$ 4,778 | \$ 4,230 |
| 995988 | | \$ 8,089 | \$ 11,474 | \$ 31,065 | \$ 32,613 | \$ - | \$ 5,808 | \$ 6,097 | \$ 6,097 | \$ 6,970 |
| 995988 00 | Unsch - External/Other | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 995988 01 | Unsch - Investigative Cost Recovery | \$ 8,089 | \$ 11,474 | \$ 31,065 | \$ 32,613 | | \$ 5,808 | \$ 6,097 | \$ 6,097 | \$ 6,970 |
| Total Reimbursements: | | \$ 24,084 | \$ 35,719 | \$ 45,791 | \$ 54,198 | \$ 33,000 | \$ 22,269 | \$ 30,368 | \$ 30,368 | \$ 26,723 |
| Speech Revenue: | | | | | | | | | | |
| 125600 | | \$ 11,849 | \$ 19,714 | \$ 10,950 | \$ 13,665 | \$ 25,000 | \$ 13,920 | \$ 16,704 | \$ 14,900 | \$ 16,704 |
| 125600 SD | *Letter of Good Standing | \$ 3,999 | \$ 5,389 | \$ 4,050 | \$ 5,440 | \$ - | \$ 4,570 | \$ 5,484 | \$ 6,138 | \$ 5,484 |
| 125600 5H | Citation and Fine | \$ 2,000 | \$ 7,000 | \$ - | \$ - | \$ - | \$ 2,000 | \$ 2,400 | \$ - | \$ 2,400 |
| 125600 5T | Duplicate Renewal License | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| 125600 5W | Duplicate License | \$ 5,850 | \$ 7,325 | \$ 6,900 | \$ 8,225 | \$ - | \$ 7,350 | \$ 8,820 | \$ 8,761 | \$ 8,820 |
| 125700 | | \$ 72,264 | \$ 94,286 | \$ 70,328 | \$ 97,219 | \$ 291,000 | \$ 85,662 | \$ 118,464 | \$ 118,022 | \$ 102,794 |
| 125700 D8 | Cont. Prof. Develop Provider | \$ 1,800 | \$ 2,000 | \$ 3,800 | \$ 4,400 | | \$ 3,600 | \$ 4,320 | \$ 4,168 | \$ 4,320 |
| 125700 H2 | Temporary License- SP | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 H3 | Temporary License- AU | \$ 120 | \$ 120 | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 N1 | **Speech Assistant App. Fee | \$ 15,600 | \$ 20,600 | \$ 13,850 | \$ 19,500 | | \$ 20,200 | \$ 28,440 | \$ 28,440 | \$ 24,240 |
| 125700 01 | Refunded Reimbursements | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 5S | Application Fee - Speech | \$ 29,890 | \$ 38,605 | \$ 28,910 | \$ 39,585 | | \$ 34,055 | \$ 46,630 | \$ 46,630 | \$ 40,866 |
| 125700 5T | Initial License Fee - Speech | \$ 22,235 | \$ 28,510 | \$ 20,175 | \$ 27,725 | | \$ 23,750 | \$ 32,638 | \$ 32,638 | \$ 28,500 |
| 125700 5U | Aide Registration | \$ 460 | \$ 630 | \$ 380 | \$ 510 | | \$ 460 | \$ 552 | \$ 617 | \$ 552 |
| 125700 5V | Application Fee - Audiology | \$ 1,610 | \$ 2,590 | \$ 1,995 | \$ 3,325 | | \$ 1,960 | \$ 3,267 | \$ 3,267 | \$ 2,352 |
| 125700 5W | Initial License Fee - Audiology | \$ 1,300 | \$ 2,000 | \$ 1,425 | \$ 2,375 | | \$ 1,400 | \$ 2,333 | \$ 2,333 | \$ 1,680 |
| 125700 8V | App Fee - Dispensing Audiologist \$2 | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125700 90 | Over/Short Fees | \$ 54 | \$ 61 | \$ 11 | \$ 17 | | \$ 47 | \$ 56 | \$ 73 | \$ 56 |
| 125700 91 | Suspended Revenue | \$ 75 | \$ 75 | \$ - | \$ - | | \$ 335 | \$ 402 | \$ - | \$ 402 |
| 125700 92 | Prior Year Revenue Adjustment | \$ (880) | \$ (905) | \$ (218) | \$ (218) | | \$ (145) | \$ (174) | \$ (145) | \$ (174) |
| 125800 | | \$ 697,942 | \$ 750,072 | \$ 711,860 | \$ 780,195 | \$ 1,332,000 | \$ (606,373) | \$ 772,133 | \$ (735,483) | \$ (802,888) |
| 125800 A2 | Temp Lic Renewal - SP | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 A3 | Renewal-Temporary License AU | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 A6 | SPA Assistant Renewal | \$ 49,050 | \$ 54,300 | \$ 49,270 | \$ 56,025 | | \$ 62,700 | \$ 75,240 | \$ 71,296 | \$ 75,240 |
| 125800 BJ | Biennial Renewal Fee - SP | \$ 570,630 | \$ 616,610 | \$ 622,065 | \$ 681,795 | | \$ (738,119) | \$ 616,610 | \$ (808,992) | \$ (885,743) |
| 125800 BK | Biennial Renewal Fee - AU | \$ 66,120 | \$ 67,550 | \$ 27,390 | \$ 29,370 | | \$ 58,190 | \$ 67,550 | \$ 62,397 | \$ 69,828 |
| 125800 RM | Continuing Prof. Devel. Renew | \$ 10,800 | \$ 11,600 | \$ 12,400 | \$ 13,000 | | \$ 10,600 | \$ 12,720 | \$ 11,113 | \$ 12,720 |
| 125800 8V | Biennial Renewal - DAU | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 8W | Ann Ren-Dispensing Audiologist | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 125800 90 | Over/Short Fees | \$ 12 | \$ 12 | \$ - | \$ 5 | | \$ 11 | \$ 13 | \$ - | \$ 13 |
| 125800 C1 | Automated Revenue Refund Claim | \$ 1,330 | \$ - | \$ 735 | \$ - | | \$ 245 | \$ - | \$ - | \$ 294 |
| 125900 | | \$ 12,650 | \$ 15,250 | \$ 11,650 | \$ 14,325 | \$ 18,000 | \$ 13,725 | \$ 16,470 | \$ 17,042 | \$ 16,470 |
| 125900 DE | Delinq. Renewal - SPA | \$ 2,150 | \$ 2,725 | \$ 1,225 | \$ 1,675 | | \$ 2,450 | \$ 2,940 | \$ 3,350 | \$ 2,940 |
| 125900 5U | Delinq. Renewal - SP | \$ 10,025 | \$ 11,875 | \$ 9,925 | \$ 12,100 | | \$ 10,825 | \$ 12,990 | \$ 13,197 | \$ 12,990 |
| 125900 5V | Delinq. Renewal - AU | \$ 475 | \$ 650 | \$ 500 | \$ 550 | | \$ 450 | \$ 540 | \$ 495 | \$ 540 |
| 125900 8V | Delinq. Renewal - DAU | \$ - | \$ - | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - |
| 142500 | | \$ 15 | \$ 15 | \$ 626 | \$ 626 | \$ 1,000 | \$ - | \$ - | \$ - | \$ - |
| 142500 | Misc. Services to the Public | \$ 15 | \$ 15 | \$ 626 | \$ 626 | | \$ - | \$ - | \$ - | \$ - |

| | | FY 12-13 | | FY 13-14 | | FY 14-15 | | | Projection Formulas | |
|----------------|-----------------------------------|-------------|------------|-------------|------------|--------------|--------------|--------------|---------------------|---------------|
| | | 4/30/13 YTD | Month 13 | 4/30/14 YTD | Month 13 | Budgeted | 4/30/15 YTD | Projection | PY Ratio | SL Projection |
| 150300 | | \$ 2,124 | \$ 2,823 | \$ 1,651 | \$ 2,374 | \$ 5,000 | \$ 2,335 | \$ 2,802 | \$ 3,358 | \$ 2,802 |
| 150300 00 | Income from Surplus Money Invest. | \$ 2,124 | \$ 2,823 | \$ 1,651 | \$ 2,374 | | \$ 2,335 | \$ 2,802 | \$ 3,358 | \$ 2,802 |
| 161000 | | \$ 995 | \$ 1,230 | \$ 679 | \$ 704 | \$ 1,000 | \$ 335 | \$ 347 | \$ 347 | \$ 402 |
| 161000 02 | Revenue Cancelled Warrants | \$ 995 | \$ 1,230 | \$ 679 | \$ 704 | | \$ 335 | \$ 347 | \$ 347 | \$ 402 |
| 161400 | | \$ 400 | \$ 525 | \$ 425 | \$ 682 | \$ 1,000 | \$ 525 | \$ 630 | \$ 450 | \$ 630 |
| 161400 91 | Dishonored Check Fee | \$ 400 | \$ 525 | \$ 425 | \$ 547 | | \$ 350 | \$ 420 | \$ 450 | \$ 420 |
| 161400 FT | Misc Revenue FTB Collection | \$ - | \$ - | \$ - | \$ 135 | | \$ 175 | \$ 210 | \$ - | \$ 210 |
| Total Revenue: | | \$ 798,239 | \$ 883,915 | \$ 808,169 | \$ 909,790 | \$ 1,674,000 | \$ (489,871) | \$ 927,551 | \$ (581,364) | \$ (663,085) |
| Total Speech: | | \$ 822,323 | \$ 919,634 | \$ 853,960 | \$ 963,989 | \$ 1,707,000 | \$ (467,602) | \$ 957,919 | \$ (550,996) | \$ (636,362) |
| Total Hearing: | | | | | | | \$ 768,536 | \$ 885,692 | | |
| Total SLPAHAD | | | | | | \$ 1,707,000 | \$ 300,934 | \$ 1,843,611 | | |

*SB 2021, Statutes of 2002, Effective January 1, 2003 provided the Board the authority to collect fees for issuing Letters of Good Standing. The fee was established by regulation CCR Section 1399.157(e)

**Significant spike in speech assistant applications in 02/03 due to expiration of grandfathering clause as of June 1, 2003. Number of applications drastically decreased in FY 03/04 and will level off in future

**0376 - Speech-Language Pathology and
Audiology and Hearing Aid Dispensers Board
Analysis of Fund Condition**

Prepared 2-10-15

2015-16 Governor's Budget w / BreZE SPR 3.1

NOTE: \$1.15 Million Dollar General Fund Repayment

| | ACTUAL 2013-14 | CY 2014-15 | Gov Budget BY 2015-16 | BY+1 2016-17 | BY+2 2017-18 |
|---|-------------------|---------------|--------------------------------|-----------------|-----------------|
| BEGINNING BALANCE | \$ 780 | \$ 1,215 | \$ 1,344 | \$ 1,473 | \$ 1,120 |
| Prior Year Adjustment | \$ 16 | \$ - | \$ - | \$ - | \$ - |
| Adjusted Beginning Balance | \$ 796 | \$ 1,215 | \$ 1,344 | \$ 1,473 | \$ 1,120 |
| REVENUES AND TRANSFERS | | | | | |
| Revenues: | | | | | |
| 125600 Other regulatory fees | \$ 25 | \$ 25 | \$ 25 | \$ 25 | \$ 25 |
| 125700 Other regulatory licenses and permits | \$ 291 | \$ 311 | \$ 312 | \$ 312 | \$ 312 |
| 125800 Renewal fees | \$ 1,332 | \$ 1,325 | \$ 1,383 | \$ 1,383 | \$ 1,383 |
| 125900 Delinquent fees | \$ 18 | \$ 19 | \$ 19 | \$ 19 | \$ 19 |
| 141200 Sales of documents | \$ 1 | \$ - | \$ - | \$ - | \$ - |
| 142500 Miscellaneous services to the public | \$ - | \$ - | \$ - | \$ - | \$ - |
| 150300 Income from surplus money investments | \$ 2 | \$ 3 | \$ 3 | \$ 3 | \$ 2 |
| 150500 Interest income from interfund loans | \$ 3 | \$ 3 | \$ 3 | \$ - | \$ - |
| 160400 Sale of fixed assets | \$ - | \$ - | \$ - | \$ - | \$ - |
| 161000 Escheat of unclaimed checks and warrants | \$ 1 | \$ 1 | \$ 1 | \$ 1 | \$ 1 |
| 161400 Miscellaneous revenues | \$ 1 | \$ 1 | \$ 1 | \$ 1 | \$ 1 |
| 164300 Penalty Assessments | \$ - | \$ - | \$ - | \$ - | \$ - |
| Totals, Revenues | \$ 1,674 | \$ 1,688 | \$ 1,747 | \$ 1,744 | \$ 1,743 |
| Transfers from Other Funds | | | | | |
| Proposed FY 11-12 GF Loan Repay | \$ 300 | \$ 400 | \$ 450 | \$ - | \$ - |
| Transfer from Hearing Aid Dispensers | | | | | |
| Transfers to Other Funds | | | | | |
| T00001 GF loan per Item 1450-011-0310, BA of 2002 | \$ - | \$ - | \$ - | \$ - | \$ - |
| GF loan per item 1110-011-0376 BA of 2011 | | | | | |
| Totals, Revenues and Transfers | \$ 1,974 | \$ 2,088 | \$ 2,197 | \$ 1,744 | \$ 1,743 |
| Totals, Resources | \$ 2,770 | \$ 3,303 | \$ 3,541 | \$ 3,217 | \$ 2,863 |
| EXPENDITURES | | | | | |
| Disbursements: | | | | | |
| 8860 FSCU (State Operations) | \$ - | \$ - | \$ - | \$ - | \$ - |
| 0840 State Controller (State Operations) | \$ - | \$ - | \$ - | \$ - | \$ - |
| 8880 Financial Information System for CA (State Operations) | \$ 9 | \$ 2 | \$ 4 | \$ - | \$ - |
| HR Mod Project | | | | | |
| 1110 Program Expenditures (State Operations) - | \$ 1,546 | \$ 1,984 | \$ 2,012 | \$ 2,052 | \$ 2,093 |
| 1111 Program Expenditures (State Operations) - | | | | | |
| 2015-16 BreZE SFL | \$ - | \$ -27 | \$ 52 | \$ 45 | \$ - |
| Total Disbursements | \$ 1,555 | \$ 1,959 | \$ 2,068 | \$ 2,097 | \$ 2,093 |
| FUND BALANCE | | | | | |
| Reserve for economic uncertainties | \$ 1,215 | \$ 1,344 | \$ 1,473 | \$ 1,120 | \$ 770 |
| Months in Reserve | 7.3 | 8.0 | 8.6 | 6.4 | 4.3 |

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

As of March 31, 2015

Licenses Issued

| LICENSES ISSUED | FY10/11 | FY11/12 | FY12/13 | FY13/14 | FY14/15 Qtr 1-3 |
|-------------------------------|-------------|-------------|-------------|-------------|--------------------|
| AU | 57 | 55 | 76 | 57 | 73 |
| AUT | 2 | 1 | 1 | 0 | 0 |
| DAU | 78 | 20 | 19 | UA | UA |
| SLP | 734 | 911 | 1056 | 974 | 797 |
| SPT | 1 | 0 | 0 | 0 | 0 |
| SLPA | 312 | 346 | 407 | 325 | 428 |
| RPE'S | 513 | 667 | 727 | 702 | 718 |
| AIDES | 52 | 44 | 51 | 40 | 41 |
| CPD PROVIDERS | 15 | 16 | 9 | 15 | 15 |
| HAD Permanent | 50 | 91 | 84 | 49 | 91 |
| HAD Trainees | 77 | 94 | 95 | 139 | 106 |
| HAD Licensed in Another State | 12 | 6 | 7 | 5 | 5 |
| HAD Branch Office | 205 | 192 | 132 | 282 | 363 |
| TOTAL LICENSES ISSUED | 2108 | 2443 | 2664 | 2588 | 2637 |

Licensing Population

| POPULATION | FY10/11 | FY11/12 | FY12/13 | FY13/14 | FY14/15 As of 03/31/15 |
|-------------------------------|---------------|---------------|---------------|---------------|------------------------------|
| AU | 622 | 595 | 609 | UA | UA |
| DAU | 911 | 930 | 942 | UA | UA |
| Both License Types | 1,533 | 1,525 | 1,551 | 1,555 | 1585 |
| AUT | 0 | 0 | 0 | 0 | 0 |
| SLP | 11,349 | 12,020 | 12,696 | 13,285 | 13,697 |
| SPT | 0 | 0 | 0 | 0 | 0 |
| SLPA | 1,304 | 1,529 | 1,771 | 1,969 | 2233 |
| RPE'S | 608 | 665 | 682 | 768 | 865 |
| AIDES | 215 | 181 | 120 | 119 | 135 |
| HAD | 932 | 938 | 946 | 913 | 943 |
| HAD Trainees | 83 | 97 | 95 | 145 | 132 |
| HAD Licensed in Another State | 12 | 6 | 9 | 8 | 8 |
| HAD Branch Office | 601 | 627 | 653 | 710 | 808 |
| TOTAL LICENSEES | 18,170 | 19,113 | 20,074 | 19,472 | 20,406 |

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

Hearing Aid Dispensers Practical Examination

Sacramento, California 16-May-2015

| Candidate Type | # of Canididates | Passed | Percentages | Failed | Percentages |
|----------------|------------------|--------|-------------|--------|-------------|
| HA Applicants | 6 | 3 | 50% | 3 | 50% |
| AU Applicants | 4 | 3 | 75% | 1 | 25% |
| RPE Applicants | 1 | | | 1 | 100% |

| | | | | | |
|--------------------------|----|----|------|---|-----|
| HA Trainee | 25 | 17 | 68% | 8 | 32% |
| HA Trainee (licensed AU) | 1 | 1 | 100% | | |

| | | | | | |
|------------------------------|---|--|--|---|------|
| HA Licensed in another State | 1 | | | 1 | 100% |
| AU Licensed in another State | 1 | | | 1 | 100% |

| | # of Canididates | Passed | Percentages | Failed | Percentages |
|---------------|------------------|--------|-------------|--------|-------------|
| TOTAL: | 39 | 24 | 61.5% | 15 | 38.5% |

Speech-Language Pathology Audiology Hearing Aid Dispensers Board

ENFORCEMENT STATISTICS

| | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|---------------------------------------|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| COMPLAINTS AND CONVICTIONS | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Complaints Received | 71 | 28 | 86 | 41 | 36 | 28 |
| Convictions Received | 7 | 41 | 6 | 29 | 4 | 12 |
| Average Days to Intake | 1 | 2 | 2 | 2 | 31 | 39 |
| Closed | 103 | 87 | 104 | 69 | 85 | 24 |
| Pending | 111 | 29 | 100 | 30 | 57 | 50 |

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator. DCA Performance Measure: Target 5 Days.

| | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|--------------------------------|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| INVESTIGATIONS Desk | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Assigned | 98 | 69 | 91 | 68 | 32 | 40 |
| Closed | 91 | 80 | 84 | 63 | 71 | 22 |
| Average Days to Complete | 360 | 220 | 458 | 128 | 322 | 190 |
| Pending | 84 | 27 | 80 | 28 | 38 | 46 |

| | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|-------------------------------|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| INVESTIGATIONS DOI | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Assigned | 25 | 0 | 12 | 5 | 1 | 0 |
| Closed | 6 | 6 | 20 | 5 | 13 | 2 |
| Average Days to Complete | 758 | 697 | 451 | 503 | 665 | 527 |
| Pending | 27 | 1 | 19 | 2 | 7 | 0 |

| | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|--|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| ALL TYPES OF INVESTIGATIONS | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Closed Without Discipline | 94 | 77 | 93 | 60 | 67 | 21 |
| Cycle Time - No Discipline | 383 | 243 | 470 | 152 | 386 | 168 |

*Average cycle time from complaint receipt to closure of the investigation process.
Does not include cases sent to the AG or other forms of formal discipline.
DCA Performance Measure: Target 90 Days.*

| | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|-----------------------------------|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| CITATIONS/Cease&Desist | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Issued | 6 | 3 | 7 | 3 | 1 | 7 |
| Avg Days to Complete Cite | 654 | 794 | 358 | 453 | 848 | 116 |
| Cease & Desist Letter | 26 | 0 | 9 | 0 | 5 | 0 |

Speech-Language Pathology Audiology Hearing Aid Dispensers Board

ENFORCEMENT STATISTICS

| ATTORNEY GENERAL CASES | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|---------------------------------------|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Pending at the AG | 12 | 12 | 9 | 13 | 16 | 12 |
| Accusations Filed | 1 | 3 | 3 | 6 | 2 | 5 |
| SOI Withdrawn, Dismissed, Declined | 0 | 0 | 0 | 0 | 0 | 0 |
| Acc Withdrawn, Dismissed, Declined | 0 | 4 | 2 | 1 | 1 | 1 |
| Average Days to Discipline | 606 | 1013 | 703 | 617 | 1833 | 1326 |

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG.) DCA Performance Measure: Target 540 Days

| ATTORNEY GENERAL TYPE OF PENALTIES | FISCAL YEAR 2012 - 2013 | | FISCAL YEAR 2013 - 2014 | | FISCAL YEAR 14-15 QTR 1-3 | |
|---|----------------------------|-------|----------------------------|-------|------------------------------|-------|
| | HAD | SP/AU | HAD | SP/AU | HAD | SP/AU |
| Probation | | 4 | 4 | | | 1 |
| Surrender of License | | 1 | 1 | 1 | | |
| Conditional License | | | 1 | 3 | | |
| License Denied (SOI) | 1 | | | | | |
| Revocation-No Stay of Order | | | | 1 | 1 | 2 |
| Petition for Modification of Probation | | | | 1 | | |
| Petition for Reinstatement Denied | | | 1 | | | |

OUTLINE FOR BOARD MANUAL



California LEGISLATIVE INFORMATION

AB-12 State government: administrative regulations: review. (2015-2016)

Senate: 1st

Assembly: 1st Cmt 2nd 3rd Pass

| Bill Status | |
|------------------------|--|
| Measure: | AB-12 |
| Lead Authors: | Cooley (A) |
| Principal Coauthors: | - |
| Coauthors: | Chang (A), Daly (A), Wilk (A) |
| Topic: | State government: administrative regulations: review. |
| 31st Day in Print: | 01/01/15 |
| Title: | An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, of the Government Code, relating to state agency regulations. |
| House Location: | Senate |
| Last Amended Date: | 04/22/15 |
| Committee Location: | Asm Appropriations |
| Committee Action Date: | 05/28/15 |
| Committee Motion: | Do pass. |
| Committee Vote Result: | (PASS) » Ayes: 17; Noes: 0; Abstain: 0; |

| Type of Measure |
|----------------------------------|
| Active Bill - Pending Referral |
| Majority Vote Required |
| Non-Appropriation |
| Fiscal Committee |
| Non-State-Mandated Local Program |
| Non-Urgency |
| Non-Tax levy |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 06/01/15 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 06/01/15 | Read third time, Passed, Ordered to the Senate. |
| 05/28/15 | Read second time. Ordered to third reading. |
| 05/28/15 | From committee: Do pass. (Ayes 17, Nces 0.) (May 28). |
| 05/13/15 | In committee: Set, first hearing. Referred to APPR. suspense file. |

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Cooley
(Coauthors: Assembly Members Chang, Daly, and Wilk)

December 1, 2014

An act to amend Section 11349.1.5 of, and to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of, of the Government Code, relating to state agency regulations.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Cooley. State government: administrative regulations: review.

~~(1) Existing~~

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, ~~and after a noticed public hearing, review and revise that agency's regulations to eliminate any inconsistencies, overlaps, or outdated provisions in the regulations, adopt the revisions as emergency regulations, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided,~~ and report to the Legislature and Governor, as specified. ~~The bill would further~~

~~require each agency to, on or before January 1, 2017, compile an overview of the statutory law that agency administers.~~

~~(2) The act requires a state agency proposing to adopt, amend, or repeal a major regulation, as defined, to prepare a standardized regulatory impact analysis of the proposed change. The act requires the office and the Department of Finance to, from time to time, review the analyses for compliance with specific department regulations. The act further requires the office to, on or before November 1, 2015, submit a report on the analyses to the Senate and Assembly Committees on Governmental Organization, as specified.~~

~~This bill would instead require the office and department to annually review the analyses. The bill would also require the office to annually submit a report on the analyses to the Senate Committee on Governmental Organization and the Assembly Committee on Accountability and Administrative Review.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11349.1.5 of the Government Code is~~
2 ~~amended to read:~~
3 ~~11349.1.5. (a) The Department of Finance and the office shall~~
4 ~~annually review the standardized regulatory impact analyses~~
5 ~~required by subdivision (c) of Section 11346.3 and submitted to~~
6 ~~the office pursuant to Section 11347.3, for adherence to the~~
7 ~~regulations adopted by the department pursuant to Section~~
8 ~~11346.36.~~
9 ~~(b)(1) On or before November 1, 2015, and annually thereafter,~~
10 ~~the office shall submit to the Senate Committee on Governmental~~
11 ~~Organization and the Assembly Committee on Accountability and~~
12 ~~Administrative Review a report describing the extent to which~~
13 ~~submitted standardized regulatory impact analyses for proposed~~
14 ~~major regulations for the fiscal year ending in June 30, of that year~~
15 ~~adhere to the regulations adopted pursuant to Section 11346.36.~~
16 ~~The report shall include a discussion of agency adherence to the~~
17 ~~regulations as well as a comparison between various state agencies~~
18 ~~on the question of adherence. The report shall also include any~~
19 ~~recommendations from the office for actions the Legislature might~~
20 ~~consider for improving state agency performance and compliance~~

1 in the creation of the standardized regulatory impact analyses as
2 described in Section 11346.3.

3 ~~(2) The report shall be submitted in compliance with Section~~
4 ~~9795 of the Government Code.~~

5 ~~(c) In addition to the annual report required by subdivision (b),~~
6 ~~the office shall notify the Legislature of noncompliance by a state~~
7 ~~agency with the regulations adopted pursuant to Section 11346.36;~~
8 ~~in any manner or form determined by the office and shall post the~~
9 ~~report and notice of noncompliance on the office's Internet Web~~
10 ~~site.~~

11 ~~SEC. 2.~~

12 *SECTION 1.* Chapter 3.6 (commencing with Section 11366)
13 is added to Part 1 of Division 3 of Title 2 of the Government Code,
14 to read:

15
16 CHAPTER 3.6. REGULATORY REFORM

17
18 Article 1. Findings and Declarations

19
20 11366. The Legislature finds and declares all of the following:

21 (a) The Administrative Procedure Act (Chapter 3.5 (commencing
22 with Section 11340), Chapter 4 (commencing with Section 11370),
23 Chapter 4.5 (commencing with Section 11400), and Chapter 5
24 (commencing with Section 11500)) requires agencies and the
25 Office of Administrative Law to review regulations to ensure their
26 consistency with law and to consider impacts on the state's
27 economy and businesses, including small businesses.

28 (b) However, the act does not require agencies to individually
29 review their regulations to identify overlapping, inconsistent,
30 duplicative, or out-of-date regulations that may exist.

31 (c) At a time when the state's economy is slowly recovering,
32 unemployment and underemployment continue to affect all
33 Californians, especially older workers and younger workers who
34 received college degrees in the last seven years but are still awaiting
35 their first great job, and with state government improving but in
36 need of continued fiscal discipline, it is important that state
37 agencies systematically undertake to identify, publicly review, and
38 eliminate overlapping, inconsistent, duplicative, or out-of-date
39 regulations, both to ensure they more efficiently implement and

1 enforce laws and to reduce unnecessary and outdated rules and
2 regulations.

3 ~~(d) The purpose of this chapter is to require each agency to~~
4 ~~compile an overview of the statutory law that agency oversees or~~
5 ~~administers in its regulatory activity that includes a synopsis of~~
6 ~~key programs, when each key program was authorized or instituted,~~
7 ~~and any emerging challenges the agency is encountering with~~
8 ~~respect to those programs.~~

9
10 Article 2. Definitions

11
12 11366.1. For the purpose ~~purposes~~ of this chapter, the following
13 definitions shall apply:

14 (a) "State agency" means a state agency, as defined in Section
15 11000, except those state agencies or activities described in Section
16 11340.9.

17 (b) "Regulation" has the same meaning as provided in Section
18 11342.600.

19
20 Article 3. State Agency Duties

21
22 11366.2. On or before January 1, 2018, each state agency shall
23 do all of the following:

24 (a) Review all provisions of the California Code of Regulations
25 applicable to, or adopted by, that state agency.

26 (b) Identify any regulations that are duplicative, overlapping,
27 inconsistent, or out of date.

28 (c) Adopt, amend, or repeal regulations to reconcile or eliminate
29 any duplication, overlap, inconsistencies, or out-of-date ~~provisions.~~
30 ~~provisions, and shall comply with the process specified in Article~~
31 ~~5 (commencing with Section 11346) of Chapter 3.5, unless the~~
32 ~~addition, revision, or deletion is without regulatory effect and may~~
33 ~~be done pursuant to Section 100 of Title 1 of the California Code~~
34 ~~of Regulations.~~

35 (d) Hold at least one noticed public hearing, that shall be noticed
36 on the Internet Web site of the state agency, for the purposes of
37 accepting public comment on proposed revisions to its regulations.

38 (e) Notify the appropriate policy and fiscal committees of each
39 house of the Legislature of the revisions to regulations that the
40 state agency proposes to make at least 90 days prior to a noticed

1 public hearing pursuant to subdivision (d) and at least 90 days
2 prior to the proposed adoption, amendment, or repeal of the
3 regulations pursuant to subdivision (f), for the purpose of allowing
4 those committees to review, and hold hearings on, the proposed
5 revisions to the regulations.

6 ~~(f) Adopt as emergency regulations, consistent with Section~~
7 ~~11346.1, those changes, as provided for in subdivision (c), to a~~
8 ~~regulation identified by the state agency as duplicative,~~
9 ~~overlapping, inconsistent, or out of date, least 30 days prior to~~
10 ~~initiating the process under Article 5 (commencing with Section~~
11 ~~11346) of Chapter 3.5 or Section 100 of Title 1 of the California~~
12 ~~Code of Regulations.~~

13 (g) (1) Report to the Governor and the Legislature on the state
14 agency's compliance with this chapter, including the number and
15 content of regulations the state agency identifies as duplicative,
16 overlapping, inconsistent, or out of date, and the state agency's
17 actions to address those regulations.

18 (2) The report shall be submitted in compliance with Section
19 9795 of the Government Code.

20 11366.3. (a) On or before January 1, 2018, each agency listed
21 in Section 12800 shall notify a department, board, or other unit
22 within that agency of any existing regulations adopted by that
23 department, board, or other unit that the agency has determined
24 may be duplicative, overlapping, or inconsistent with a regulation
25 adopted by another department, board, or other unit within that
26 agency.

27 (b) A department, board, or other unit within an agency shall
28 notify that agency of revisions to regulations that it proposes to
29 make at least 90 days prior to a noticed public hearing pursuant to
30 subdivision (d) of Section 11366.2 and at least 90 days prior to
31 adoption, amendment, or repeal of the regulations pursuant to
32 subdivision (f) of subdivision (c) of Section 11366.2. The agency
33 shall review the proposed regulations and make recommendations
34 to the department, board, or other unit within 30 days of receiving
35 the notification regarding any duplicative, overlapping, or
36 inconsistent regulation of another department, board, or other unit
37 within the agency.

38 11366.4. An agency listed in Section 12800 shall notify a state
39 agency of any existing regulations adopted by that agency that

1 may duplicate, overlap, or be inconsistent with the state agency's
2 regulations.

3 ~~11366.43. On or before January 1, 2017, each state agency~~
4 ~~shall compile an overview of the statutory law that state agency~~
5 ~~oversees or administers. The overview shall include a synopsis of~~
6 ~~the state agency's key programs, when each program was~~
7 ~~authorized or instituted, when any statute authorizing a program~~
8 ~~was significantly revised to alter, redirect, or extend the original~~
9 ~~program and the reason for the revision, if known, and an~~
10 ~~identification of any emerging challenges the state agency is~~
11 ~~encountering with respect to the programs.~~

12 11366.45. This chapter shall not be construed to weaken or
13 undermine in any manner any human health, public or worker
14 rights, public welfare, environmental, or other protection
15 established under statute. This chapter shall not be construed to
16 affect the authority or requirement for an agency to adopt
17 regulations as provided by statute. Rather, it is the intent of the
18 Legislature to ensure that state agencies focus more efficiently and
19 directly on their duties as prescribed by law so as to use scarce
20 public dollars more efficiently to implement the law, while
21 achieving equal or improved economic and public benefits.

22

23 Article 4. Chapter Repeal

24

25 11366.5. This chapter shall remain in effect only until January
26 1, 2019, and as of that date is repealed, unless a later enacted
27 statute, that is enacted before January 1, 2019, deletes or extends
28 that date.



California

LEGISLATIVE INFORMATION

AB-85 Open meetings. (2015-2016)

Senate: 1st

Assembly: 1st Cmt 2nd Cmt 2nd 3rd Pass

| Bill Status | |
|------------------------|--|
| Measure: | AB-85 |
| Lead Authors: | Wilk (A) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Open meetings. |
| 31st Day In Print: | 02/06/15 |
| Title: | An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately. |
| House Location: | Senate |
| Last Amended Date: | 04/15/15 |
| Committee Location: | Asm Appropriations |
| Committee Action Date: | 05/28/15 |
| Committee Motion: | Do pass. |
| Committee Vote Result: | (PASS) » Ayes: 17; Noes: 0; Abstain: 0; |

| Type of Measure | |
|----------------------------------|--|
| Active Bill - Pending Referral | |
| Two Thirds Vote Required | |
| Non-Appropriation | |
| Fiscal Committee | |
| Non-State-Mandated Local Program | |
| Urgency | |
| Non-Tax Levy | |

| Last 5 History Actions | |
|------------------------|---|
| Date | Action |
| 06/01/15 | In Senate, Read first time, To Com. on RLS, for assignment. |
| 06/01/15 | Read third time, Urgency clause adopted, Passed, Ordered to the Senate. |
| 05/28/15 | Read second time, Ordered to third reading. |
| 05/28/15 | From committee: Do pass, (Ayes 17, Noes 0.) (May 28). |
| 04/22/15 | In committee: Set, first hearing. Referred to APPR. suspense file. |

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 85

Introduced by Assembly Member Wilk

January 6, 2015

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 85, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

~~This bill would make legislative findings and declarations, including, but not limited to, a statement of the Legislature's intent that this bill is declaratory of existing law.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) The unpublished decision of the Third District Court of~~
4 ~~Appeals in Funeral Security Plans v. State Board of Funeral~~
5 ~~Directors (1994) 28 Cal. App. 4th 1470 is an accurate reflection of~~
6 ~~legislative intent with respect to the applicability of the~~
7 ~~Bagley-Keene Open Meeting Act (Article 9 (commencing with~~
8 ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~
9 ~~the Government Code) to a two-member standing advisory~~
10 ~~committee of a state body.~~

11 ~~(b) A two-member committee of a state body, even if operating~~
12 ~~solely in an advisory capacity, already is a "state body," as defined~~
13 ~~in subdivision (d) of Section 11121 of the Government Code, if a~~
14 ~~member of the state body sits on the committee and the committee~~
15 ~~receives funds from the state body.~~

16 ~~(c) It is the intent of the Legislature that this bill is declaratory~~
17 ~~of existing law.~~

18 ~~SEC. 2.~~

19 ~~SECTION 1.~~ Section 11121 of the Government Code is
20 ~~amended to read:~~

21 ~~11121. As used in this article, "state body" means each of the~~
22 ~~following:~~

23 ~~(a) Every state board, or commission, or similar multimember~~
24 ~~body of the state that is created by statute or required by law to~~
25 ~~conduct official meetings and every commission created by~~
26 ~~executive order.~~

27 ~~(b) A board, commission, committee, or similar multimember~~
28 ~~body that exercises any authority of a state body delegated to it by~~
29 ~~that state body.~~

30 ~~(c) An advisory board, advisory commission, advisory~~
31 ~~committee, advisory subcommittee, or similar multimember~~
32 ~~advisory body of a state body, if created by formal action of the~~
33 ~~state body or of any member of the state body, and if the advisory~~

1 body so created consists of three or more persons, except as in
2 subdivision (d).

3 (d) A board, commission, committee, or similar multimember
4 body on which a member of a body that is a state body pursuant
5 to this section serves in his or her official capacity as a
6 representative of that state body and that is supported, in whole or
7 in part, by funds provided by the state body, whether the
8 multimember body is organized and operated by the state body or
9 by a private corporation.

10 ~~SEC. 3.~~

11 *SEC. 2.* This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to avoid unnecessary litigation and ensure the people's
16 right to access the meetings of public bodies pursuant to Section
17 3 of Article 1 of the California Constitution, it is necessary that
18 *this act take effect immediately- immediately.*



California

LEGISLATIVE INFORMATION

AB-259 Personal information: privacy. (2015-2016)

Senate: 1st

Assembly: 1st Cmt 2nd 3rd Pass

| Bill Status | |
|------------------------|--|
| Measure: | AB-259 |
| Lead Authors: | Debabneh (A) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Personal Information: privacy. |
| 31st Day in Print: | 03/12/15 |
| Title: | An act to amend Section 1798.29 of the Civil Code, relating to personal information privacy. |
| House Location: | Senate |
| Introduced Date: | 02/09/15 |
| Committee Location: | Asm Appropriations |
| Committee Action Date: | 05/28/15 |
| Committee Motion: | Do pass. |
| Committee Vote Result: | (FASS) » Ayes: 17; Noes: 0; Abstain: 0; |

| Type of Measure |
|----------------------------------|
| Active Bill - Pending Referral |
| Majority Vote Required |
| Non-Appropriation |
| Fiscal Committee |
| Non-State-Mandated Local Program |
| Non-Urgency |
| Non-Tax levy |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 06/01/15 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 06/01/15 | Read third time. Passed. Ordered to the Senate. |
| 05/28/15 | Read second time. Ordered to third reading. |
| 05/28/15 | From committee: Do pass. (Ayes 17, Noes 0.) (May 28). |
| 03/25/15 | In committee: Set, first hearing. Referred to suspense file. |

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Dababneh

February 9, 2015

An act to amend Section 1798.29 of the Civil Code, relating to personal information privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as introduced, Dababneh. Personal information: privacy.

Existing law requires an agency that owns or licenses computerized data that includes personal information, as defined, to provide notification of any breach in the security of that data to any California resident whose personal information may have been compromised by the breach, as specified. Existing law requires the notification to be written in plain language and contain specified information, including, but not limited to, the agency's contact information and a list of the types of personal information that were or are reasonably believed to have been the subject of the breach.

This bill would additionally require an agency, if the agency was the source of the breach and the breach compromised a person's social security number, driver's license number, or California identification card number, to offer to provide the person with identity theft prevention and mitigation services at no cost for not less than 12 months, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.29 of the Civil Code is amended
2 to read:

3 1798.29. (a) ~~Any~~*An* agency that owns or licenses
4 computerized data that includes personal information shall disclose
5 ~~any a~~ breach of the security of the system following discovery or
6 notification of the breach in the security of the data to ~~any a~~
7 resident of California whose unencrypted personal information
8 was, or is reasonably believed to have been, acquired by an
9 unauthorized person. The disclosure shall be made in the most
10 expedient time possible and without unreasonable delay, consistent
11 with the legitimate needs of law enforcement, as provided in
12 subdivision (c), or any measures necessary to determine the scope
13 of the breach and restore the reasonable integrity of the data system.

14 (b) ~~Any~~*An* agency that maintains computerized data that
15 includes personal information that the agency does not own shall
16 notify the owner or licensee of the information of ~~any the~~ breach
17 of the security of the data immediately following discovery, if the
18 personal information was, or is reasonably believed to have been,
19 acquired by an unauthorized person.

20 (c) The notification required by this section may be delayed if
21 a law enforcement agency determines that the notification will
22 impede a criminal investigation. The notification required by this
23 section shall be made *promptly* after the law enforcement agency
24 determines that it will not compromise the investigation.

25 (d) ~~Any~~*An* agency that is required to issue a security breach
26 notification pursuant to this section shall meet all of the following
27 requirements:

28 (1) The security breach notification shall be written in plain
29 language.

30 (2) The security breach notification shall include, at a minimum,
31 the following information:

32 (A) The name and contact information of the reporting agency
33 subject to this section.

34 (B) A list of the types of personal information that were or are
35 reasonably believed to have been the subject of a breach.

36 (C) If the information is possible to determine at the time the
37 notice is provided, then any of the following: (i) the date of the
38 breach, (ii) the estimated date of the breach, or (iii) the date range

1 within which the breach occurred. The notification shall also
2 include the date of the notice.

3 (D) Whether the notification was delayed as a result of a law
4 enforcement investigation, if that information is possible to
5 determine at the time the notice is provided.

6 (E) A general description of the breach incident, if that
7 information is possible to determine at the time the notice is
8 provided.

9 (F) The toll-free telephone numbers and addresses of the major
10 credit reporting agencies, if the breach exposed a social security
11 number or a driver's license or California identification card
12 number.

13 (G) *If the agency providing the notification was the source of*
14 *the breach, an offer to provide appropriate identity theft prevention*
15 *and mitigation services, if any, shall be provided at no cost to the*
16 *affected person for not less than 12 months, along with all*
17 *information necessary to take advantage of the offer to any person*
18 *whose information was or may have been breached if the breach*
19 *exposed or may have exposed personal information defined in*
20 *subparagraphs (A) and (B) of paragraph (1) of subdivision (g).*

21 (3) At the discretion of the agency, the security breach
22 notification may also include any of the following:

23 (A) Information about what the agency has done to protect
24 individuals whose information has been breached.

25 (B) Advice on steps that the person whose information has been
26 breached may take to protect himself or herself.

27 (4) In the case of a breach of the security of the system involving
28 personal information defined in paragraph (2) of subdivision (g)
29 for an online account, and no other personal information defined
30 in paragraph (1) of subdivision (g), the agency may comply with
31 this section by providing the security breach notification in
32 electronic or other form that directs the person whose personal
33 information has been breached to promptly change his or her
34 password and security question or answer, as applicable, or to take
35 other steps appropriate to protect the online account with the
36 agency and all other online accounts for which the person uses the
37 same user name or email address and password or security question
38 or answer.

39 (5) In the case of a breach of the security of the system involving
40 personal information defined in paragraph (2) of subdivision (g)

1 for login credentials of an email account furnished by the agency,
2 the agency shall not comply with this section by providing the
3 security breach notification to that email address, but may, instead,
4 comply with this section by providing notice by another method
5 described in subdivision (i) or by clear and conspicuous notice
6 delivered to the resident online when the resident is connected to
7 the online account from an Internet Protocol address or online
8 location from which the agency knows the resident customarily
9 accesses the account.

10 (e) ~~Any~~ An agency that is required to issue a security breach
11 notification pursuant to this section to more than 500 California
12 residents as a result of a single breach of the security system shall
13 electronically submit a single sample copy of that security breach
14 notification, excluding any personally identifiable information, to
15 the Attorney General. A single sample copy of a security breach
16 notification shall not be deemed to be within subdivision (f) of
17 Section 6254 of the Government Code.

18 (f) For purposes of this section, "breach of the security of the
19 system" means unauthorized acquisition of computerized data that
20 compromises the security, confidentiality, or integrity of personal
21 information maintained by the agency. Good faith acquisition of
22 personal information by an employee or agent of the agency for
23 the purposes of the agency is not a breach of the security of the
24 system, provided that the personal information is not used or
25 subject to further unauthorized disclosure.

26 (g) For purposes of this section, "personal information" means
27 either of the following:

28 (1) An individual's first name or first initial and last name in
29 combination with any one or more of the following data elements,
30 when either the name or the data elements are not encrypted:

31 (A) Social security number.

32 (B) Driver's license number or California identification card
33 number.

34 (C) Account number, credit or debit card number, in
35 combination with any required security code, access code, or
36 password that would permit access to an individual's financial
37 account.

38 (D) Medical information.

39 (E) Health insurance information.

1 (2) A user name or email address, in combination with a
2 password or security question and answer that would permit access
3 to an online account.

4 (h) (1) For purposes of this section, "personal information"
5 does not include publicly available information that is lawfully
6 made available to the general public from federal, state, or local
7 government records.

8 (2) For purposes of this section, "medical information" means
9 any information regarding an individual's medical history, mental
10 or physical condition, or medical treatment or diagnosis by a health
11 care professional.

12 (3) For purposes of this section, "health insurance information"
13 means an individual's health insurance policy number or subscriber
14 identification number, any unique identifier used by a health insurer
15 to identify the individual, or any information in an individual's
16 application and claims history, including any appeals records.

17 (i) For purposes of this section, "notice" may be provided by
18 one of the following methods:

19 (1) Written notice.

20 (2) Electronic notice, if the notice provided is consistent with
21 the provisions regarding electronic records and signatures set forth
22 in Section 7001 of Title 15 of the United States Code.

23 (3) Substitute notice, if the agency demonstrates that the cost
24 of providing notice would exceed two hundred fifty thousand
25 dollars (\$250,000), or that the affected class of subject persons to
26 be notified exceeds 500,000, or the agency does not have sufficient
27 contact information. Substitute notice shall consist of all of the
28 following:

29 (A) Email notice when the agency has an email address for the
30 subject persons.

31 (B) Conspicuous posting of the notice on the agency's Internet
32 Web site page, if the agency maintains one.

33 (C) Notification to major statewide media and the Office of
34 Information Security within the Department of Technology.

35 (j) Notwithstanding subdivision (i), an agency that maintains
36 its own notification procedures as part of an information security
37 policy for the treatment of personal information and is otherwise
38 consistent with the timing requirements of this part shall be deemed
39 to be in compliance with the notification requirements of this

- 1 section if it notifies subject persons in accordance with its policies
 - 2 in the event of a breach of security of the system.
 - 3 (k) Notwithstanding the exception specified in paragraph (4) of
 - 4 subdivision (b) of Section 1798.3, for purposes of this section,
 - 5 “agency” includes a local agency, as defined in subdivision (a) of
 - 6 Section 6252 of the Government Code.
-



California

LEGISLATIVE INFORMATION

AB-333 Healing arts: continuing education. (2015-2016)

Senate: 1st Cmt

Assembly: 1st Cmt 2nd Cmt 2nd Pass

| Bill Status | |
|-------------------------|---|
| Measure: | AB-333 |
| Lead Authors: | Malendez (A) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Healing arts: continuing education. |
| 31st Day In Print: | 03/19/15 |
| Title: | An act to add Section 656 to the Business and Professions Code, relating to healing arts. |
| House Location: | Senate |
| Last Amended Date: | 04/30/15 |
| Committee Location: | Sen Business, Professions and Economic Development |
| Committee Hearing Date: | 06/22/15 |

| Type of Measure | |
|------------------------------------|--|
| Active Bill - In Committee Process | |
| Majority Vote Required | |
| Non-Appropriation | |
| Fiscal Committee | |
| Non-State-Mandated Local Program | |
| Non-Urgency | |
| Non-Tax levy | |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 06/04/15 | Referred to Com. on B., P. & E.D. |
| 05/22/15 | In Senate. Read first time. To Com. on RLS, for assignment. |
| 05/22/15 | Read third time. Passed. Ordered to the Senate. (Ayes 74, Noes 0.) |
| 05/14/15 | Read second time. Ordered to Consent Calendar. |
| 05/13/15 | From committee: Do pass. To Consent Calendar. (Ayes 17, Noes 0.) (May 13). |

AMENDED IN ASSEMBLY APRIL 30, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 333

Introduced by Assembly Member Melendez

February 13, 2015

An act to add Section 856 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Melendez. Healing arts: continuing education. Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs and imposes various continuing education requirements for license renewal.

This bill would allow specified healing arts licensees to apply one unit, as defined, of continuing education credit *once per renewal cycle* towards any required continuing education units for attending a course *certain courses* that ~~results~~ *result* in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator ~~(AED)~~; *(AED)*, and would allow specified healing arts licensees to apply up to 2 units of continuing education credit *once per renewal cycle* towards any required continuing education units for conducting *board-approved* CPR or AED training sessions for employees of school districts and community college districts in the state. *The bill would specify that these provisions would not apply if a licensing board's laws or regulations establishing*

continuing education requirements exclude the courses or activities mentioned above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 856 is added to the Business and
2 Professions Code, to read:

3 856. (a) (1) A person licensed pursuant to this division who
4 is required to complete continuing education units as a condition
5 of renewing his or her license ~~may~~ *may, once per renewal cycle,*
6 apply one unit of continuing education ~~credit~~ *credit, pursuant to*
7 *paragraph (2), towards that requirement for attending a course*
8 *that results in the licensee becoming a certified instructor of*
9 *cardiopulmonary resuscitation (CPR) or the proper use of an*
10 *automated external defibrillator (AED).*

11 (2) *A licensee may only apply continuing education credit for*
12 *attending one of the following courses:*

13 (A) *An instructional program developed by the American Heart*
14 *Association.*

15 (B) *An instructional program developed by the American Red*
16 *Cross.*

17 (C) *An instructional program that is nationally recognized and*
18 *based on the most current national evidence-based emergency*
19 *cardiovascular care guidelines for the performance of CPR and*
20 *the use of an AED.*

21 (b) (1) A person licensed pursuant to this division who is
22 required to complete continuing education units as a condition of
23 renewing his or her license ~~may~~ *may, once per renewal cycle,*
24 apply up to two units of continuing education ~~credit~~ *credit,*
25 *pursuant to paragraph (2), towards that requirement for conducting*
26 *CPR or AED training sessions for employees of school districts*
27 *and community college districts in the state.*

28 (2) *A licensee may only apply continuing education credit for*
29 *holding a training session if the training session is approved by*
30 *the applicable licensing board.*

31 (c) For purposes of this section, "unit" means any measurement
32 for continuing education, such as hours or course credits.

1 *(d) This section shall not apply to a person licensed under this*
2 *division if the applicable licensing board's laws or regulations*
3 *establishing continuing education requirements exclude the courses*
4 *or activities described in subdivisions (a) and (b).*

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California

LEGISLATIVE INFORMATION

AB-483 Healing arts: initial license fees: proration. (2015-2016)

Senate: 1st

Assembly: 1st Cmt 2nd 3rd Pass

| Bill Status | |
|------------------------|---|
| Measure: | AB-483 |
| Lead Authors: | Patterson (A) |
| Principal Coauthors: | Gordon (A) |
| Coauthors: | Anderson (S) , Chang (A) , Chávez (A) , Grove (A) , Obernolte (A) , Weldron (A) , Wilk (A) |
| Topic: | Healing arts: Initial license fees: proration. |
| 31st Day in Print: | 03/26/15 |
| Title: | An act to amend Sections 1724, 1944, 2435 , 2455.1, 2538.57, 2570.16, 2688, 4842.5, 4905, 4970, and 5604 of the Business and Professions Code, relating to healing arts. |
| House Location: | Senate |
| Last Amended Date: | 05/28/15 |
| Committee Location: | Asm Appropriations |
| Committee Action Date: | 05/28/15 |
| Committee Motion: | Do pass as amended. |
| Committee Vote Result: | (PASS) » Ayes: 17; Noes: 0; Abstain: 0; |

| Type of Measure | |
|----------------------------------|--|
| Active Bill - Pending Referral | |
| Majority Vote Required | |
| Non-Appropriation | |
| Fiscal Committee | |
| Non-State-Mandated Local Program | |
| Non-Urgency | |
| Non-Tax Levy | |

| Last 5 History Actions | |
|------------------------|---|
| Date | Action |
| 06/02/15 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 06/02/15 | Read third time. Passed. Ordered to the Senate. |
| 06/01/15 | Read second time. Ordered to third reading. |
| 05/28/15 | Read second time and amended. Ordered returned to second reading. |
| 05/28/15 | From committee: Amend, and do pass as amended. (Ayes 17, Noes 0.) (May 28). |

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 483

**Introduced by Assembly Member Patterson
(Principal coauthor: Assembly Member Gordon)
(Coauthors: Assembly Members Chang, Chávez, Grove, O'Brien, Waldron, and Wilk)
(Coauthor: Senator Anderson)**

February 23, 2015

An act to amend Sections 1724, 1944, ~~2435~~, 2456.1, 2538.57, 2570.16, 2688, 4842.5, 4905, 4970, and 5604 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 483, as amended, Patterson. Healing arts: initial license fees: proration.

Existing law provides for the regulation and licensure of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes fees for initial licenses, initial temporary and permanent licenses, and original licenses for those various professions and vocations. Existing law requires that licenses issued to certain licensees, including, among others, architects, acupuncturists, dental hygienists, dentists, *hearing aid dispensers*, occupational therapists, osteopathic physicians and surgeons, physical therapists, physicians and surgeons, and veterinarians, expire at 12 a.m. on either the last day of the birth month of the licensee or at 12 a.m. of the legal

birth date of the licensee during the 2nd year of a 2-year term, if not renewed.

This bill would require that the fees imposed by these provisions on these licensees for an initial license, an initial temporary or permanent license, or an original license, or a renewal license be prorated on a monthly basis. *The bill would require that the fee assessed an osteopathic physician and surgeon for license renewal be prorated on a monthly basis.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1724 of the Business and Professions
- 2 Code is amended to read:
- 3 1724. The amount of charges and fees for dentists licensed
- 4 pursuant to this chapter shall be established by the board as is
- 5 necessary for the purpose of carrying out the responsibilities
- 6 required by this chapter as it relates to dentists, subject to the
- 7 following limitations:
- 8 (a) The fee for application for examination shall not exceed five
- 9 hundred dollars (\$500).
- 10 (b) The fee for application for reexamination shall not exceed
- 11 one hundred dollars (\$100).
- 12 (c) The fee for examination and for reexamination shall not
- 13 exceed eight hundred dollars (\$800). Applicants who are found to
- 14 be ineligible to take the examination shall be entitled to a refund
- 15 in an amount fixed by the board.
- 16 (d) The fee for an initial license and for the renewal of a license
- 17 is five hundred twenty-five dollars (\$525). The fee for an initial
- 18 license fee shall be prorated on a monthly basis.
- 19 (e) The fee for a special permit shall not exceed three hundred
- 20 dollars (\$300), and the renewal fee for a special permit shall not
- 21 exceed one hundred dollars (\$100).
- 22 (f) The delinquency fee shall be the amount prescribed by
- 23 Section 163.5.
- 24 (g) The penalty for late registration of change of place of
- 25 practice shall not exceed seventy-five dollars (\$75).
- 26 (h) The application fee for permission to conduct an additional
- 27 place of practice shall not exceed two hundred dollars (\$200).

1 (i) The renewal fee for an additional place of practice shall not
2 exceed one hundred dollars (\$100).

3 (j) The fee for issuance of a substitute certificate shall not exceed
4 one hundred twenty-five dollars (\$125).

5 (k) The fee for a provider of continuing education shall not
6 exceed two hundred fifty dollars (\$250) per year.

7 (l) The fee for application for a referral service permit and for
8 renewal of that permit shall not exceed twenty-five dollars (\$25).

9 (m) The fee for application for an extramural facility permit
10 and for the renewal of a permit shall not exceed twenty-five dollars
11 (\$25).

12 The board shall report to the appropriate fiscal committees of
13 each house of the Legislature whenever the board increases any
14 fee pursuant to this section and shall specify the rationale and
15 justification for that increase.

16 SEC. 2. Section 1944 of the Business and Professions Code is
17 amended to read:

18 1944. (a) The committee shall establish by resolution the
19 amount of the fees that relate to the licensing of a registered dental
20 hygienist, a registered dental hygienist in alternative practice, and
21 a registered dental hygienist in extended functions. The fees
22 established by board resolution in effect on June 30, 2009, as they
23 relate to the licensure of registered dental hygienists, registered
24 dental hygienists in alternative practice, and registered dental
25 hygienists in extended functions, shall remain in effect until
26 modified by the committee. The fees are subject to the following
27 limitations:

28 (1) The application fee for an original license and the fee for
29 the issuance of an original license shall not exceed two hundred
30 fifty dollars (\$250). The fee for the issuance of an original license
31 shall be prorated on a monthly basis.

32 (2) The fee for examination for licensure as a registered dental
33 hygienist shall not exceed the actual cost of the examination.

34 (3) For third- and fourth-year dental students, the fee for
35 examination for licensure as a registered dental hygienist shall not
36 exceed the actual cost of the examination.

37 (4) The fee for examination for licensure as a registered dental
38 hygienist in extended functions shall not exceed the actual cost of
39 the examination.

1 (5) The fee for examination for licensure as a registered dental
2 hygienist in alternative practice shall not exceed the actual cost of
3 administering the examination.

4 (6) The biennial renewal fee shall not exceed one hundred sixty
5 dollars (\$160).

6 (7) The delinquency fee shall not exceed one-half of the renewal
7 fee. Any delinquent license may be restored only upon payment
8 of all fees, including the delinquency fee, and compliance with all
9 other applicable requirements of this article.

10 (8) The fee for issuance of a duplicate license to replace one
11 that is lost or destroyed, or in the event of a name change, shall
12 not exceed twenty-five dollars (\$25) or one-half of the renewal
13 fee, whichever is greater.

14 (9) The fee for certification of licensure shall not exceed one-half
15 of the renewal fee.

16 (10) The fee for each curriculum review and site evaluation for
17 educational programs for dental hygienists who are not accredited
18 by a committee-approved agency shall not exceed two thousand
19 one hundred dollars (\$2,100).

20 (11) The fee for each review or approval of course requirements
21 for licensure or procedures that require additional training shall
22 not exceed seven hundred fifty dollars (\$750).

23 (12) The initial application and biennial fee for a provider of
24 continuing education shall not exceed five hundred dollars (\$500).

25 (13) The amount of fees payable in connection with permits
26 issued under Section 1962 is as follows:

27 (A) The initial permit fee is an amount equal to the renewal fee
28 for the applicant's license to practice dental hygiene in effect on
29 the last regular renewal date before the date on which the permit
30 is issued.

31 (B) If the permit will expire less than one year after its issuance,
32 then the initial permit fee is an amount equal to 50 percent of the
33 renewal fee in effect on the last regular renewal date before the
34 date on which the permit is issued.

35 (b) The renewal and delinquency fees shall be fixed by the
36 committee by resolution at not more than the current amount of
37 the renewal fee for a license to practice under this article nor less
38 than five dollars (\$5).

1 (c) Fees fixed by the committee by resolution pursuant to this
2 section shall not be subject to the approval of the Office of
3 Administrative Law.

4 (d) Fees collected pursuant to this section shall be collected by
5 the committee and deposited into the State Dental Hygiene Fund,
6 which is hereby created. All money in this fund shall, upon
7 appropriation by the Legislature in the annual Budget Act, be used
8 to implement this article.

9 (e) No fees or charges other than those listed in this section shall
10 be levied by the committee in connection with the licensure of
11 registered dental hygienists, registered dental hygienists in
12 alternative practice, or registered dental hygienists in extended
13 functions.

14 (f) The fee for registration of an extramural dental facility shall
15 not exceed two hundred fifty dollars (\$250).

16 (g) The fee for registration of a mobile dental hygiene unit shall
17 not exceed one hundred fifty dollars (\$150).

18 (h) The biennial renewal fee for a mobile dental hygiene unit
19 shall not exceed two hundred fifty dollars (\$250).

20 (i) The fee for an additional office permit shall not exceed two
21 hundred fifty dollars (\$250).

22 (j) The biennial renewal fee for an additional office as described
23 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

24 (k) The initial application and biennial special permit fee is an
25 amount equal to the biennial renewal fee specified in paragraph
26 (6) of subdivision (a).

27 (l) The fees in this section shall not exceed an amount sufficient
28 to cover the reasonable regulatory cost of carrying out this article.

29 ~~SEC. 3. Section 2435 of the Business and Professions Code is~~
30 ~~amended to read:~~

31 ~~2435. The following fees apply to the licensure of physicians~~
32 ~~and surgeons:~~

33 ~~(a) Each applicant for a certificate based upon a national board~~
34 ~~diplomat certificate, each applicant for a certificate based on~~
35 ~~reciprocity, and each applicant for a certificate based upon written~~
36 ~~examination, shall pay a nonrefundable application and processing~~
37 ~~fee, as set forth in subdivision (b), at the time the application is~~
38 ~~filed.~~

39 ~~(b) The application and processing fee shall be fixed by the~~
40 ~~board by May 1 of each year, to become effective on July 1 of that~~

1 year. The fee shall be fixed at an amount necessary to recover the actual costs of the licensing program as projected for the fiscal year commencing on the date the fees become effective.

(c) Each applicant who qualifies for a certificate, as a condition precedent to its issuance, in addition to other fees required herein, shall pay an initial license fee, if any, in an amount fixed by the board consistent with this section. The initial license fee shall not exceed seven hundred ninety dollars (\$790). The initial license fee shall be prorated on a monthly basis. An applicant enrolled in an approved postgraduate training program shall be required to pay only 50 percent of the initial license fee.

(d) The biennial renewal fee shall be fixed by the board consistent with this section and shall not exceed seven hundred ninety dollars (\$790).

(e) Notwithstanding subdivisions (c) and (d), and to ensure that subdivision (k) of Section 125.3 is revenue neutral with regard to the board, the board, by regulation, may increase the amount of the initial license fee and the biennial renewal fee by an amount required to recover both of the following:

(1) The average amount received by the board during the three fiscal years immediately preceding July 1, 2006, as reimbursement for the reasonable costs of investigation and enforcement proceedings pursuant to Section 125.3.

(2) Any increase in the amount of investigation and enforcement costs incurred by the board after January 1, 2006, that exceeds the average costs expended for investigation and enforcement costs during the three fiscal years immediately preceding July 1, 2006. When calculating the amount of costs for services for which the board paid an hourly rate, the board shall use the average number of hours for which the board paid for those costs over these prior three fiscal years, multiplied by the hourly rate paid by the board for those costs as of July 1, 2005. Beginning January 1, 2009, the board shall instead use the average number of hours for which it paid for those costs over the three-year period of fiscal years 2005-06, 2006-07, and 2007-08, multiplied by the hourly rate paid by the board for those costs as of July 1, 2005. In calculating the increase in the amount of investigation and enforcement costs, the board shall include only those costs for which it was eligible to obtain reimbursement under Section 125.3 and shall not include probation monitoring costs and disciplinary costs, including those

1 associated with the citation and fine process and those required to
2 implement subdivision (d) of Section 12529 of the Government
3 Code.

4 (f) ~~Notwithstanding Section 163.5, the delinquency fee shall be~~
5 ~~10 percent of the biennial renewal fee.~~

6 (g) ~~The duplicate certificate and endorsement fees shall each~~
7 ~~be fifty dollars (\$50), and the certification and letter of good~~
8 ~~standing fees shall each be ten dollars (\$10).~~

9 (h) ~~It is the intent of the Legislature that, in setting fees pursuant~~
10 ~~to this section, the board shall seek to maintain a reserve in the~~
11 ~~Contingent Fund of the Medical Board of California in an amount~~
12 ~~not less than two nor more than four months' operating~~
13 ~~expenditures.~~

14 (i) ~~Not later than January 1, 2012, the Office of State Audits~~
15 ~~and Evaluations within the Department of Finance shall commence~~
16 ~~a preliminary review of the board's financial status, including, but~~
17 ~~not limited to, its projections related to expenses, revenues, and~~
18 ~~reserves, and the impact of the loan from the Contingent Fund of~~
19 ~~the Medical Board of California to the General Fund made pursuant~~
20 ~~to the Budget Act of 2008. The office shall make the results of this~~
21 ~~review available upon request by June 1, 2012. This review shall~~
22 ~~be funded from the existing resources of the office during the~~
23 ~~2011-12 fiscal year.~~

24 **SEC. 4.**

25 **SEC. 3.** Section 2456.1 of the Business and Professions Code
26 is amended to read:

27 2456.1. (a) All osteopathic physician's and surgeon's
28 certificates shall expire at 12 midnight on the last day of the birth
29 month of the licensee during the second year of a two-year term
30 if not renewed on or before that day.

31 (b) The board shall establish by regulation procedures for the
32 administration of a birth date renewal program, including, but not
33 limited to, the establishment of a system of staggered license
34 expiration dates such that a relatively equal number of licenses
35 expire monthly.

36 (c) To renew an unexpired license, the licensee shall, on or
37 before the dates on which it would otherwise expire, apply for
38 renewal on a form prescribed by the board and pay the prescribed
39 renewal fee.

1 (d) The fee assessed pursuant to this section shall be prorated
2 on a monthly basis.

3 ~~SEC. 5.~~

4 *SEC. 4.* Section 2538.57 of the Business and Professions Code
5 is amended to read:

6 2538.57. The amount of fees and penalties prescribed by this
7 article shall be those set forth in this section unless a lower fee is
8 fixed by the board:

9 (a) The fee for applicants applying for the first time for a license
10 is seventy-five dollars (\$75), which shall not be refunded, except
11 to applicants who are found to be ineligible to take an examination
12 for a license. Those applicants are entitled to a refund of fifty
13 dollars (\$50).

14 (b) The fees for taking or retaking the written and practical
15 examinations shall be amounts fixed by the board, which shall be
16 equal to the actual cost of preparing, grading, analyzing, and
17 administering the examinations.

18 (c) The initial temporary license fee is one hundred dollars
19 (\$100). The fee for an initial temporary license shall be prorated
20 on a monthly basis. The fee for renewal of a temporary license is
21 one hundred dollars (\$100) for each renewal.

22 (d) The initial permanent license fee is two hundred eighty
23 dollars (\$280). The fee for an initial permanent license shall be
24 prorated on a monthly basis. The fee for renewal of a permanent
25 license is not more than two hundred eighty dollars (\$280) for each
26 renewal.

27 (e) The initial branch office license fee is twenty-five dollars
28 (\$25). The fee for renewal of a branch office license is twenty-five
29 dollars (\$25) for each renewal.

30 (f) The delinquency fee is twenty-five dollars (\$25).

31 (g) The fee for issuance of a replacement license is twenty-five
32 dollars (\$25).

33 (h) The continuing education course approval application fee
34 is fifty dollars (\$50).

35 (i) The fee for official certification of licensure is fifteen dollars
36 (\$15).

37 ~~SEC. 6.~~

38 *SEC. 5.* Section 2570.16 of the Business and Professions Code
39 is amended to read:

1 2570.16. Initial license and renewal fees shall be established
2 by the board in an amount that does not exceed a ceiling of one
3 hundred fifty dollars (\$150) per year. The initial license fee shall
4 be prorated on a monthly basis. The board shall establish the
5 following additional fees:

- 6 (a) An application fee not to exceed fifty dollars (\$50).
- 7 (b) A late renewal fee as provided for in Section 2570.10.
- 8 (c) A limited permit fee.
- 9 (d) A fee to collect fingerprints for criminal history record
10 checks.

11 ~~SEC. 7.~~

12 *SEC. 6.* Section 2688 of the Business and Professions Code is
13 amended to read:

14 2688. The amount of fees assessed in connection with licenses
15 issued under this chapter is as follows:

16 (a) (1) The fee for an application for licensure as a physical
17 therapist submitted to the board prior to March 1, 2009, shall be
18 seventy-five dollars (\$75). The fee for an application submitted
19 under Section 2653 to the board prior to March 1, 2009, shall be
20 one hundred twenty-five dollars (\$125).

21 (2) The fee for an application for licensure as a physical therapist
22 submitted to the board on or after March 1, 2009, shall be one
23 hundred twenty-five dollars (\$125). The fee for an application
24 submitted under Section 2653 to the board on or after March 1,
25 2009, shall be two hundred dollars (\$200).

26 (3) Notwithstanding paragraphs (1) and (2), the board may
27 decrease or increase the amount of an application fee under this
28 subdivision to an amount that does not exceed the cost of
29 administering the application process, but in no event shall the
30 application fee amount exceed three hundred dollars (\$300).

31 (b) The examination and reexamination fees for the physical
32 therapist examination, physical therapist assistant examination,
33 and the examination to demonstrate knowledge of the California
34 rules and regulations related to the practice of physical therapy
35 shall be the actual cost to the board of the development and writing
36 of, or purchase of the examination, and grading of each written
37 examination, plus the actual cost of administering each
38 examination. The board, at its discretion, may require the licensure
39 applicant to pay the fee for the examinations required by Section
40 2636 directly to the organization conducting the examination.

- 1 (c) (1) The fee for a physical therapist license issued prior to
2 March 1, 2009, shall be seventy-five dollars (\$75).
- 3 (2) The fee for a physical therapist license issued on or after
4 March 1, 2009, shall be one hundred dollars (\$100).
- 5 (3) Notwithstanding paragraphs (1) and (2), the board may
6 decrease or increase the amount of the fee under this subdivision
7 to an amount that does not exceed the cost of administering the
8 process to issue the license, but in no event shall the fee to issue
9 the license exceed one hundred fifty dollars (\$150).
- 10 (4) The fee assessed pursuant to this subdivision for an initial
11 physical therapist license issued on or after January 1, 2016, shall
12 be prorated on a monthly basis.
- 13 (d) (1) The fee to renew a physical therapist license that expires
14 prior to April 1, 2009, shall be one hundred fifty dollars (\$150).
- 15 (2) The fee to renew a physical therapist license that expires on
16 or after April 1, 2009, shall be two hundred dollars (\$200).
- 17 (3) Notwithstanding paragraphs (1) and (2), the board may
18 decrease or increase the amount of the renewal fee under this
19 subdivision to an amount that does not exceed the cost of the
20 renewal process, but in no event shall the renewal fee amount
21 exceed three hundred dollars (\$300).
- 22 (e) (1) The fee for application and for issuance of a physical
23 therapist assistant license shall be seventy-five dollars (\$75) for
24 an application submitted to the board prior to March 1, 2009.
- 25 (2) The fee for application and for issuance of a physical
26 therapist assistant license shall be one hundred twenty-five dollars
27 (\$125) for an application submitted to the board on or after March
28 1, 2009. The fee for an application submitted under Section 2653
29 to the board on or after March 1, 2009, shall be two hundred dollars
30 (\$200).
- 31 (3) Notwithstanding paragraphs (1) and (2), the board may
32 decrease or increase the amount of the fee under this subdivision
33 to an amount that does not exceed the cost of administering the
34 application process, but in no event shall the application fee amount
35 exceed three hundred dollars (\$300).
- 36 (f) (1) The fee to renew a physical therapist assistant license
37 that expires prior to April 1, 2009, shall be one hundred fifty dollars
38 (\$150).

1 (2) The fee to renew a physical therapist assistant license that
2 expires on or after April 1, 2009, shall be two hundred dollars
3 (\$200).

4 (3) Notwithstanding paragraphs (1) and (2), the board may
5 decrease or increase the amount of the renewal fee under this
6 subdivision to an amount that does not exceed the cost of the
7 renewal process, but in no event shall the renewal fee amount
8 exceed three hundred dollars (\$300).

9 (g) Notwithstanding Section 163.5, the delinquency fee shall
10 be 50 percent of the renewal fee in effect.

11 (h) (1) The duplicate wall certificate fee shall be fifty dollars
12 (\$50). The duplicate renewal receipt fee amount shall be fifty
13 dollars (\$50).

14 (2) Notwithstanding paragraph (1), the board may decrease or
15 increase the amount of the fee under this subdivision to an amount
16 that does not exceed the cost of issuing duplicates, but in no event
17 shall that fee exceed one hundred dollars (\$100).

18 (i) (1) The endorsement or letter of good standing fee shall be
19 sixty dollars (\$60).

20 (2) Notwithstanding paragraph (1), the board may decrease or
21 increase the amount of the fee under this subdivision to an amount
22 that does not exceed the cost of issuing an endorsement or letter,
23 but in no event shall the fee amount exceed one hundred dollars
24 (\$100).

25 ~~SEC. 8.~~

26 *SEC. 7.* Section 4842.5 of the Business and Professions Code
27 is amended to read:

28 4842.5. The amount of fees prescribed by this article is fixed
29 by the following schedule:

30 (a) The fee for filing an application for examination shall be set
31 by the board in an amount it determines is reasonably necessary
32 to provide sufficient funds to carry out the purposes of this chapter,
33 not to exceed three hundred fifty dollars (\$350).

34 (b) The fee for the California registered veterinary technician
35 examination shall be set by the board in an amount it determines
36 is reasonably necessary to provide sufficient funds to carry out the
37 purposes of this chapter, not to exceed three hundred dollars (\$300).

38 (c) The initial registration fee shall be set by the board at not
39 more than three hundred fifty dollars (\$350) and shall be prorated
40 on a monthly basis. The board may adopt regulations to provide

1 for the waiver or refund of the initial registration fee when the
2 registration is issued less than 45 days before the date on which it
3 will expire.

4 (d) The biennial renewal fee shall be set by the board at not
5 more than three hundred fifty dollars (\$350).

6 (e) The delinquency fee shall be set by the board at not more
7 than fifty dollars (\$50).

8 (f) Any charge made for duplication or other services shall be
9 set at the cost of rendering the services.

10 (g) The fee for filing an application for approval of a school or
11 institution offering a curriculum for training registered veterinary
12 technicians pursuant to Section 4843 shall be set by the board at
13 an amount not to exceed three hundred dollars (\$300). The school
14 or institution shall also pay for the actual costs of an onsite
15 inspection conducted by the board pursuant to Section 2065.6 of
16 Title 16 of the California Code of Regulations, including, but not
17 limited to, the travel, food, and lodging expenses incurred by an
18 inspection team sent by the board.

19 (h) The fee for failure to report a change in the mailing address
20 is twenty-five dollars (\$25).

21 ~~SEC. 9.~~

22 *SEC. 8.* Section 4905 of the Business and Professions Code is
23 amended to read:

24 4905. The following fees shall be collected by the board and
25 shall be credited to the Veterinary Medical Board Contingent Fund:

26 (a) The fee for filing an application for examination shall be set
27 by the board in an amount it determines is reasonably necessary
28 to provide sufficient funds to carry out the purpose of this chapter,
29 not to exceed three hundred fifty dollars (\$350).

30 (b) The fee for the California state board examination shall be
31 set by the board in an amount it determines is reasonably necessary
32 to provide sufficient funds to carry out the purpose of this chapter,
33 not to exceed three hundred fifty dollars (\$350).

34 (c) The fee for the Veterinary Medicine Practice Act
35 examination shall be set by the board in an amount it determines
36 reasonably necessary to provide sufficient funds to carry out the
37 purpose of this chapter, not to exceed one hundred dollars (\$100).

38 (d) The initial license fee shall be set by the board not to exceed
39 five hundred dollars (\$500) and shall be prorated on a monthly
40 basis. The board, by appropriate regulation, may provide for the

1 waiver or refund of the initial license fee when the license is issued
2 less than 45 days before the date on which it will expire.

3 (e) The renewal fee shall be set by the board for each biennial
4 renewal period in an amount it determines is reasonably necessary
5 to provide sufficient funds to carry out the purpose of this chapter,
6 not to exceed five hundred dollars (\$500).

7 (f) The temporary license fee shall be set by the board in an
8 amount it determines is reasonably necessary to provide sufficient
9 funds to carry out the purpose of this chapter, not to exceed two
10 hundred fifty dollars (\$250).

11 (g) The delinquency fee shall be set by the board, not to exceed
12 fifty dollars (\$50).

13 (h) The fee for issuance of a duplicate license is twenty-five
14 dollars (\$25).

15 (i) Any charge made for duplication or other services shall be
16 set at the cost of rendering the service, except as specified in
17 subdivision (h).

18 (j) The fee for failure to report a change in the mailing address
19 is twenty-five dollars (\$25).

20 (k) The initial and annual renewal fees for registration of
21 veterinary premises shall be set by the board in an amount not to
22 exceed four hundred dollars (\$400) annually.

23 (l) If the money transferred from the Veterinary Medical Board
24 Contingent Fund to the General Fund pursuant to the Budget Act
25 of 1991 is redeposited into the Veterinary Medical Board
26 Contingent Fund, the fees assessed by the board shall be reduced
27 correspondingly. However, the reduction shall not be so great as
28 to cause the Veterinary Medical Board Contingent Fund to have
29 a reserve of less than three months of annual authorized board
30 expenditures. The fees set by the board shall not result in a
31 Veterinary Medical Board Contingent Fund reserve of more than
32 10 months of annual authorized board expenditures.

33 ~~SEC. 10.~~

34 *SEC. 9.* Section 4970 of the Business and Professions Code is
35 amended to read:

36 4970. The amount of fees prescribed for licensed acupuncturists
37 shall be those set forth in this section unless a lower fee is fixed
38 by the board in accordance with Section 4972.

39 (a) The application fee shall be seventy-five dollars (\$75).

1 (b) The examination and reexamination fees shall be the actual
2 cost to the Acupuncture Board for the development and writing
3 of, grading, and administering of each examination.

4 (c) The initial license fee shall be three hundred twenty-five
5 dollars (\$325) and shall be prorated on a monthly basis.

6 (d) The renewal fee shall be three hundred twenty-five dollars
7 (\$325) and in the event a lower fee is fixed by the board, shall be
8 an amount sufficient to support the functions of the board in the
9 administration of this chapter. The renewal fee shall be assessed
10 on an annual basis until January 1, 1996, and on and after that date
11 the board shall assess the renewal fee biennially.

12 (e) The delinquency fee shall be set in accordance with Section
13 163.5.

14 (f) The application fee for the approval of a school or college
15 under Section 4939 shall be three thousand dollars (\$3,000). This
16 subdivision shall become inoperative on January 1, 2017.

17 (g) The duplicate wall license fee is an amount equal to the cost
18 to the board for the issuance of the duplicate license.

19 (h) The duplicate renewal receipt fee is ten dollars (\$10).

20 (i) The endorsement fee is ten dollars (\$10).

21 (j) The fee for a duplicate license for an additional office
22 location as required under Section 4961 shall be fifteen dollars
23 (\$15).

24 ~~SEC. 11.~~

25 *SEC. 10.* Section 5604 of the Business and Professions Code
26 is amended to read:

27 5604. The fees prescribed by this chapter for architect
28 applicants or architect licenseholders shall be fixed by the board
29 as follows:

30 (a) The application fee for reviewing a candidate's eligibility
31 to take any section of the examination shall not exceed one hundred
32 dollars (\$100).

33 (b) The fee for any section of the examination administered by
34 the board shall not exceed one hundred dollars (\$100).

35 (c) The fee for an original license at an amount equal to the
36 renewal fee in effect at the time the license is issued. The fee for
37 an original license shall be prorated on a monthly basis. The board,
38 by appropriate regulation, may provide for the waiver or refund
39 of the fee for an original license if the license is issued less than
40 45 days before the date on which it will expire.

- 1 (d) The fee for an application for reciprocity shall not exceed
- 2 one hundred dollars (\$100).
- 3 (e) The fee for a duplicate license shall not exceed twenty-five
- 4 dollars (\$25).
- 5 (f) The renewal fee shall not exceed four hundred dollars (\$400).
- 6 (g) The delinquency fee shall not exceed 50 percent of the
- 7 renewal fee.
- 8 (h) The fee for a retired license shall not exceed the fee
- 9 prescribed in subdivision (c).



California LEGISLATIVE INFORMATION

AB-507 Department of Consumer Affairs: BreEZe system: annual report. (2015-2016)

Senate: 1st

Assembly: 1st Cmt 2nd 3rd Pass

| Bill Status | |
|------------------------|--|
| Measure: | AB-507 |
| Lead Authors: | Olsen (A) |
| Principal Coauthors: | Gray (A) |
| Coauthors: | Bates (S) , Chang (A) , Dodd (A) |
| Topic: | Department of Consumer Affairs: BreEZe system: annual report. |
| 31st Day In Print: | 03/26/15 |
| Title: | An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer Affairs, and declaring the urgency thereof, to take effect immediately. |
| House Location: | Senate |
| Last Amended Date: | 06/01/15 |
| Committee Location: | Asm Appropriations |
| Committee Action Date: | 05/28/15 |
| Committee Motion: | Do pass. |
| Committee Vote Result: | (PASS) » Ayes: 17; Noes: 0; Abstain: 0; |

| Type of Measure |
|----------------------------------|
| Active Bill - Pending Referral |
| Two Thirds Vote Required |
| Non-Appropriation |
| Fiscal Committee |
| Non-State-Mandated Local Program |
| Urgency |
| Non-Tax Levy |

| Last 5 History Actions | |
|------------------------|---|
| Date | Action |
| 06/03/15 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 06/03/15 | Read third time. Urgency clause adopted. Passed. Ordered to the Senate. |
| 06/01/15 | Read third time and amended. Ordered to third reading. |
| 05/28/15 | Read second time. Ordered to third reading. |
| 05/28/15 | From committee: Do pass. (Ayes 17. Noes 0.) (May 28). |

AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Olsen
(Principal coauthor: Assembly Member Gray)
(Coauthors: Assembly Members Chang and Dodd)
(Coauthor: Senator Bates)

February 23, 2015

An act to add Section 210.5 to the Business and Professions Code, relating to the Department of Consumer Affairs, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as amended, Olsen. Department of Consumer Affairs: BreEZe system: annual report.

Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

This bill would, on and after ~~January 31, 2016~~, *October 1, 2015*, require the department to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the

department's plans for implementing the BreEZe system at specified regulatory entities included in the department's 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: majority $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 210.5 is added to the Business and
- 2 Professions Code, immediately following Section 210, to read:
- 3 210.5. (a) On and after ~~January 31, 2016~~, *October 1, 2015*,
- 4 the department shall submit an annual report to the Legislature
- 5 and the Department of Finance that includes all of the following:
- 6 (1) The department's plan for implementing the BreEZe system
- 7 at the regulatory entities in the department's third phase of the
- 8 implementation project, including, but not limited to, a timeline
- 9 for implementation.
- 10 (2) The total estimated costs of implementation of the BreEZe
- 11 system at the regulatory entities in the department's third phase
- 12 of the implementation project and the results of any cost-benefit
- 13 analysis the department conducted for the third phase of the
- 14 implementation project.
- 15 (3) A description of whether and to what extent the BreEZe
- 16 system will achieve any operational efficiencies resulting from
- 17 implementation by the boards and regulatory entities within the
- 18 department's jurisdiction.
- 19 (b) The report described in subdivision (a) shall be submitted
- 20 in compliance with Section 9795 of the Government Code.
- 21 (c) For purposes of this section, "the regulatory entities in the
- 22 department's third phase of the implementation project" includes
- 23 all of the following:
- 24 (1) Acupuncture Board.
- 25 (2) Board for Professional Engineers, Land Surveyors, and
- 26 Geologists.
- 27 (3) Bureau of Automotive Repair.
- 28 (4) Bureau of Electronic and Appliance Repair, Home
- 29 Furnishings, and Thermal Insulation.

- 1 (5) Bureau for Private Postsecondary Education.
- 2 (6) California Architects Board.
- 3 (7) California Board of Accountancy.
- 4 (8) California State Board of Pharmacy.
- 5 (9) Cemetery and Funeral Bureau.
- 6 (10) Contractors' State License Board.
- 7 (11) Court Reporters Board of California.
- 8 (12) Landscape Architects Technical Committee.
- 9 (13) Professional Fiduciaries Bureau.
- 10 (14) Speech-Language Pathology and Audiology and Hearing
- 11 Aid Dispensers Board.
- 12 (15) State Athletic Commission.
- 13 (16) State Board of Chiropractic Examiners.
- 14 (17) State Board of Guide Dogs for the Blind.
- 15 (18) Structural Pest Control Board.
- 16 (19) Telephone Medical Advice Services Bureau.
- 17 *SEC. 2. This act is an urgency statute necessary for the*
- 18 *immediate preservation of the public peace, health, or safety within*
- 19 *the meaning of Article IV of the Constitution and shall go into*
- 20 *immediate effect. The facts constituting the necessity are:*
- 21 *Because of the circumstances surrounding the implementation*
- 22 *of the BreEZe system, and in order to ensure that healing arts and*
- 23 *other professionals are licensed in a timely and efficient manner,*
- 24 *it is necessary that this act take effect immediately.*



California

LEGISLATIVE INFORMATION

AB-750 Business and professions: retired category: licenses. (2015-2016)

Senate:

Assembly: 1st Cmt 2nd Cmt

| Bill Status | |
|----------------------|---|
| Measure: | AB-750 |
| Lead Authors: | Low (A) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Business and professions: retired category: licenses. |
| 31st Day In Print: | 03/28/15 |
| Title: | An act to add Section 463 to the Business and Professions Code, relating to business and professions. |
| House Location: | Assembly |
| Last Amended Date: | 04/16/15 |
| Committee Location: | Asm Appropriations |

| Type of Measure | |
|------------------------------------|--|
| Active Bill - In Committee Process | |
| Majority Vote Required | |
| Non-Appropriation | |
| Fiscal Committee | |
| Non-State-Mandated Local Program | |
| Non-Urgency | |
| Non-Tax levy | |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 05/28/15 | In committee: Held under submission. |
| 04/29/15 | In committee: Set, first hearing. Referred to APPR. suspense file. |
| 04/20/15 | Re-referred to Com. on APPR. |
| 04/16/15 | Read second time and amended. |
| 04/15/15 | From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (April 14). |

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 750

Introduced by Assembly Member Low

February 25, 2015

An act to add Section 463 to the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 750, as amended, Low. Business and professions: retired category: licenses.

Existing law provides for numerous boards, bureaus, commissions, or programs within the Department of Consumer Affairs that administer the licensing and regulation of various businesses and professions. Existing law authorizes any of the boards, bureaus, commissions, or programs within the department, except as specified, to establish by regulation a system for an inactive category of license for persons who are not actively engaged in the practice of their profession or vocation. Under existing law, the holder of an inactive license is prohibited from engaging in any activity for which a license is required. Existing law defines "board" for these purposes to include, unless expressly provided otherwise, a bureau, commission, committee, department, division, examining committee, program, and agency.

This bill would additionally authorize any of the boards, bureaus, commissions, or programs within the department to establish by regulation a system for a retired category of license for persons who are not actively engaged in the practice of their profession or vocation,

and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 463 is added to the Business and
2 Professions Code, to read:
3 463. (a) Any of the boards, bureaus, commissions, or programs
4 within the department may establish, by regulation, a system for
5 a retired category of licensure for persons who are not actively
6 engaged in the practice of their profession or vocation.
7 (b) The regulation shall contain the following:
8 (1) The holder of a retired license issued pursuant to this section
9 shall not engage in any activity for which a license is required,
10 unless the board, by regulation, specifies the criteria for a retired
11 licensee to practice his or her profession or vocation.
12 (2) The holder of a retired license shall not be required to renew
13 that license.
14 (3) In order for the holder of a retired license issued pursuant
15 to this section to restore his or her license to an active status, the
16 holder of that license shall meet all the following:
17 (A) Pay a fee established by regulation.
18 (B) ~~Not have~~ *Certify, in a manner satisfactory to the board, that*
19 *he or she has not* committed an act or crime constituting grounds
20 for denial of licensure.
21 (C) Comply with the fingerprint submission requirements
22 established by regulation.
23 (D) If the board requires completion of continuing education
24 for renewal of an active license, complete continuing education
25 equivalent to that required for renewal of an active license, unless
26 a different requirement is specified by the board.
27 (E) Complete any other requirements as specified by the board
28 by regulation.

1 (c) A board may upon its own determination, and shall upon
2 receipt of a complaint from any person, investigate the actions of
3 any licensee, including a person with a license that either restricts
4 or prohibits the practice of that person in his or her profession or
5 vocation, including, but not limited to, a license that is retired,
6 inactive, canceled, revoked, or suspended.

O



California

LEGISLATIVE INFORMATION

AB-964 Civil law: privacy. (2015-2016)

Senate: 1st

Assembly: 1st Cmt 2nd Cmt 2nd 3rd Pass

| Bill Status | |
|------------------------|--|
| Measure: | AB-964 |
| Lead Authors: | Chau (A) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Civil law: privacy. |
| 31st Day in Print: | 03/29/15 |
| Title: | An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to civil law. |
| House Location: | Senate |
| Last Amended Date: | 05/26/15 |
| Committee Location: | Asm Appropriations |
| Committee Action Date: | 05/20/15 |
| Committee Motion: | Do pass. |
| Committee Vote Result: | (PASS) >> Ayes: 11; Noes: 4; Abstain: 0; |

| Type of Measure |
|----------------------------------|
| Active Bill - Pending Referral |
| Majority Vote Required |
| Non-Appropriation |
| Non-Fiscal Committee |
| Non-State-Mandated Local Program |
| Non-Urgency |
| Non-Tax levy |

| Last 5 History Actions | |
|------------------------|---|
| Date | Action |
| 06/03/15 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 06/03/15 | Read third time. Passed. Ordered to the Senate. |
| 05/28/15 | Read third time and amended. Ordered to third reading. |
| 05/21/15 | Read second time. Ordered to third reading. |
| 05/20/15 | From committee: Do pass. (Ayes 11. Noes 4.) (May 20). |

AMENDED IN ASSEMBLY MAY 28, 2015
AMENDED IN ASSEMBLY MAY 13, 2015
AMENDED IN ASSEMBLY MAY 5, 2015
AMENDED IN ASSEMBLY APRIL 23, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 964

Introduced by Assembly Member Chau

February 26, 2015

An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

AB 964, as amended, Chau. Civil law: privacy.

Existing law requires a person or business conducting business in California, or any state or local agency, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, a breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Existing law requires the disclosure to be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

This bill would define "encrypted" for purpose of these provisions to mean rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information technology.

~~Existing law requires a person, business, or a state or local agency, that is required to issue a security breach notification to more than 500 California residents as a result of a single breach of the security system to electronically submit a single sample copy of that security breach notification to the Attorney General.~~

~~This bill would also require a person or business, or state or local agency that is required to issue a security breach notification under these circumstances to inform the Attorney General of the date of the discovery of the breach.~~

Vote: majority. Appropriation: no. Fiscal committee: yes/no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1798.29 of the Civil Code is amended
- 2 to read:
- 3 1798.29. (a) Any agency that owns or licenses computerized
- 4 data that includes personal information shall disclose any breach
- 5 of the security of the system following discovery or notification
- 6 of the breach in the security of the data to any resident of California
- 7 whose unencrypted personal information was, or is reasonably
- 8 believed to have been, acquired by an unauthorized person. The
- 9 disclosure shall be made in the most expedient time possible and
- 10 without unreasonable delay, consistent with the legitimate needs
- 11 of law enforcement, as provided in subdivision (c), or any measures
- 12 necessary to determine the scope of the breach and restore the
- 13 reasonable integrity of the data system.
- 14 (b) Any agency that maintains computerized data that includes
- 15 personal information that the agency does not own shall notify the
- 16 owner or licensee of the information of any breach of the security
- 17 of the data immediately following discovery, if the personal
- 18 information was, or is reasonably believed to have been, acquired
- 19 by an unauthorized person.
- 20 (c) The notification required by this section may be delayed if
- 21 a law enforcement agency determines that the notification will
- 22 impede a criminal investigation. The notification required by this

1 section shall be made after the law enforcement agency determines
2 that it will not compromise the investigation.

3 (d) Any agency that is required to issue a security breach
4 notification pursuant to this section shall meet all of the following
5 requirements:

6 (1) The security breach notification shall be written in plain
7 language.

8 (2) The security breach notification shall include, at a minimum,
9 the following information:

10 (A) The name and contact information of the reporting agency
11 subject to this section.

12 (B) A list of the types of personal information that were or are
13 reasonably believed to have been the subject of a breach.

14 (C) If the information is possible to determine at the time the
15 notice is provided, then any of the following: (i) the date of the
16 breach, (ii) the estimated date of the breach, or (iii) the date range
17 within which the breach occurred. The notification shall also
18 include the date of the notice.

19 (D) Whether the notification was delayed as a result of a law
20 enforcement investigation, if that information is possible to
21 determine at the time the notice is provided.

22 (E) A general description of the breach incident, if that
23 information is possible to determine at the time the notice is
24 provided.

25 (F) The toll-free telephone numbers and addresses of the major
26 credit reporting agencies, if the breach exposed a social security
27 number or a driver's license or California identification card
28 number.

29 (3) At the discretion of the agency, the security breach
30 notification may also include any of the following:

31 (A) Information about what the agency has done to protect
32 individuals whose information has been breached.

33 (B) Advice on steps that the person whose information has been
34 breached may take to protect himself or herself.

35 (4) In the case of a breach of the security of the system involving
36 personal information defined in paragraph (2) of subdivision (g)
37 for an online account, and no other personal information defined
38 in paragraph (1) of subdivision (g), the agency may comply with
39 this section by providing the security breach notification in
40 electronic or other form that directs the person whose personal

1 information has been breached to promptly change his or her
2 password and security question or answer, as applicable, or to take
3 other steps appropriate to protect the online account with the
4 agency and all other online accounts for which the person uses the
5 same user name or email address and password or security question
6 or answer.

7 (5) In the case of a breach of the security of the system involving
8 personal information defined in paragraph (2) of subdivision (g)
9 for login credentials of an email account furnished by the agency,
10 the agency shall not comply with this section by providing the
11 security breach notification to that email address, but may, instead,
12 comply with this section by providing notice by another method
13 described in subdivision (i) or by clear and conspicuous notice
14 delivered to the resident online when the resident is connected to
15 the online account from an Internet Protocol address or online
16 location from which the agency knows the resident customarily
17 accesses the account.

18 (e) Any agency that is required to issue a security breach
19 notification pursuant to this section to more than 500 California
20 residents as a result of a single breach of the security system shall
21 ~~inform the Attorney General of the date of the discovery of the~~
22 ~~breach, and~~ electronically submit a single sample copy of that
23 security breach notification, excluding any personally identifiable
24 information, to the Attorney General. A single sample copy of a
25 security breach notification shall not be deemed to be within
26 subdivision (f) of Section 6254 of the Government Code.

27 (f) For purposes of this section, "breach of the security of the
28 system" means unauthorized acquisition of computerized data that
29 compromises the security, confidentiality, or integrity of personal
30 information maintained by the agency. Good faith acquisition of
31 personal information by an employee or agent of the agency for
32 the purposes of the agency is not a breach of the security of the
33 system, provided that the personal information is not used or
34 subject to further unauthorized disclosure.

35 (g) For purposes of this section, "personal information" means
36 either of the following:

37 (1) An individual's first name or first initial and last name in
38 combination with any one or more of the following data elements,
39 when either the name or the data elements are not encrypted:

40 (A) Social security number.

1 (B) Driver's license number or California identification card
2 number.

3 (C) Account number, credit or debit card number, in
4 combination with any required security code, access code, or
5 password that would permit access to an individual's financial
6 account.

7 (D) Medical information.

8 (E) Health insurance information.

9 (2) A user name or email address, in combination with a
10 password or security question and answer that would permit access
11 to an online account.

12 (h) (1) For purposes of this section, "personal information"
13 does not include publicly available information that is lawfully
14 made available to the general public from federal, state, or local
15 government records.

16 (2) For purposes of this section, "medical information" means
17 any information regarding an individual's medical history, mental
18 or physical condition, or medical treatment or diagnosis by a health
19 care professional.

20 (3) For purposes of this section, "health insurance information"
21 means an individual's health insurance policy number or subscriber
22 identification number, any unique identifier used by a health insurer
23 to identify the individual, or any information in an individual's
24 application and claims history, including any appeals records.

25 (4) For purposes of this section, "encrypted" means rendered
26 unusable, unreadable, or indecipherable to an unauthorized person
27 through a security technology or methodology generally accepted
28 in the field of information security.

29 (i) For purposes of this section, "notice" may be provided by
30 one of the following methods:

31 (1) Written notice.

32 (2) Electronic notice, if the notice provided is consistent with
33 the provisions regarding electronic records and signatures set forth
34 in Section 7001 of Title 15 of the United States Code.

35 (3) Substitute notice, if the agency demonstrates that the cost
36 of providing notice would exceed two hundred fifty thousand
37 dollars (\$250,000), or that the affected class of subject persons to
38 be notified exceeds 500,000, or the agency does not have sufficient
39 contact information. Substitute notice shall consist of all of the
40 following:

1 (A) Email notice when the agency has an email address for the
2 subject persons.

3 (B) Conspicuous posting of the notice on the agency's Internet
4 Web site page, if the agency maintains one.

5 (C) Notification to major statewide media and the Office of
6 Information Security within the Department of Technology.

7 (j) Notwithstanding subdivision (i), an agency that maintains
8 its own notification procedures as part of an information security
9 policy for the treatment of personal information and is otherwise
10 consistent with the timing requirements of this part shall be deemed
11 to be in compliance with the notification requirements of this
12 section if it notifies subject persons in accordance with its policies
13 in the event of a breach of security of the system.

14 (k) Notwithstanding the exception specified in paragraph (4) of
15 subdivision (b) of Section 1798.3, for purposes of this section,
16 "agency" includes a local agency, as defined in subdivision (a) of
17 Section 6252 of the Government Code.

18 SEC. 2. Section 1798.82 of the Civil Code is amended to read:

19 1798.82. (a) A person or business that conducts business in
20 California, and that owns or licenses computerized data that
21 includes personal information, shall disclose a breach of the
22 security of the system following discovery or ~~notification~~, pursuant
23 ~~to subdivision (b)~~; *notification* of the breach in the security of the
24 data to a resident of California whose unencrypted personal
25 information was, or is reasonably believed to have been, acquired
26 by an unauthorized person. The disclosure shall be made in the
27 most expedient time possible and without unreasonable delay,
28 consistent with the legitimate needs of law enforcement, as
29 provided in subdivision (c), or any measures necessary to determine
30 the scope of the breach and restore the reasonable integrity of the
31 data system.

32 (b) A person or business that maintains computerized data that
33 includes personal information that the person or business does not
34 own shall notify the owner or licensee of the information of the
35 breach of the security of the data immediately following discovery,
36 if the personal information was, or is reasonably believed to have
37 been, acquired by an unauthorized person.

38 (c) The notification required by this section may be delayed if
39 a law enforcement agency determines that the notification will
40 impede a criminal investigation. The notification required by this

1 section shall be made promptly after the law enforcement agency
2 determines that it will not compromise the investigation.

3 (d) A person or business that is required to issue a security
4 breach notification pursuant to this section shall meet all of the
5 following requirements:

6 (1) The security breach notification shall be written in plain
7 language.

8 (2) The security breach notification shall include, at a minimum,
9 the following information:

10 (A) The name and contact information of the reporting person
11 or business subject to this section.

12 (B) A list of the types of personal information that were or are
13 reasonably believed to have been the subject of a breach.

14 (C) If the information is possible to determine at the time the
15 notice is provided, then any of the following: (i) the date of the
16 breach, (ii) the estimated date of the breach, or (iii) the date range
17 within which the breach occurred. The notification shall also
18 include the date of the notice.

19 (D) Whether notification was delayed as a result of a law
20 enforcement investigation, if that information is possible to
21 determine at the time the notice is provided.

22 (E) A general description of the breach incident, if that
23 information is possible to determine at the time the notice is
24 provided.

25 (F) The toll-free telephone numbers and addresses of the major
26 credit reporting agencies if the breach exposed a social security
27 number or a driver's license or California identification card
28 number.

29 (G) If the person or business providing the notification was the
30 source of the breach, an offer to provide appropriate identity theft
31 prevention and mitigation services, if any, shall be provided at no
32 cost to the affected person for not less than 12 months, along with
33 all information necessary to take advantage of the offer to any
34 person whose information was or may have been breached if the
35 breach exposed or may have exposed personal information defined
36 in subparagraphs (A) and (B) of paragraph (1) of subdivision (h).

37 (3) At the discretion of the person or business, the security
38 breach notification may also include any of the following:

39 (A) Information about what the person or business has done to
40 protect individuals whose information has been breached.

1 (B) Advice on steps that the person whose information has been
2 breached may take to protect himself or herself.

3 (4) In the case of a breach of the security of the system involving
4 personal information defined in paragraph (2) of subdivision (h)
5 for an online account, and no other personal information defined
6 in paragraph (1) of subdivision (h), the person or business may
7 comply with this section by providing the security breach
8 notification in electronic or other form that directs the person whose
9 personal information has been breached promptly to change his
10 or her password and security question or answer, as applicable, or
11 to take other steps appropriate to protect the online account with
12 the person or business and all other online accounts for which the
13 person whose personal information has been breached uses the
14 same user name or email address and password or security question
15 or answer.

16 (5) In the case of a breach of the security of the system involving
17 personal information defined in paragraph (2) of subdivision (h)
18 for login credentials of an email account furnished by the person
19 or business, the person or business shall not comply with this
20 section by providing the security breach notification to that email
21 address, but may, instead, comply with this section by providing
22 notice by another method described in subdivision (j) or by clear
23 and conspicuous notice delivered to the resident online when the
24 resident is connected to the online account from an Internet
25 Protocol address or online location from which the person or
26 business knows the resident customarily accesses the account.

27 (e) A covered entity under the federal Health Insurance
28 Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d
29 et seq.) will be deemed to have complied with the notice
30 requirements in subdivision (d) if it has complied completely with
31 Section 13402(f) of the federal Health Information Technology
32 for Economic and Clinical Health Act (Public Law 111-5).
33 However, nothing in this subdivision shall be construed to exempt
34 a covered entity from any other provision of this section.

35 (f) A person or business that is required to issue a security breach
36 notification pursuant to this section to more than 500 California
37 residents as a result of a single breach of the security system shall
38 inform the Attorney General of the date of the discovery of the
39 breach, and electronically submit a single sample copy of that
40 security breach notification, excluding any personally identifiable

1 information, to the Attorney General. A single sample copy of a
2 security breach notification shall not be deemed to be within
3 subdivision (f) of Section 6254 of the Government Code.

4 (g) For purposes of this section, "breach of the security of the
5 system" means unauthorized acquisition of computerized data that
6 compromises the security, confidentiality, or integrity of personal
7 information maintained by the person or business. Good faith
8 acquisition of personal information by an employee or agent of
9 the person or business for the purposes of the person or business
10 is not a breach of the security of the system, provided that the
11 personal information is not used or subject to further unauthorized
12 disclosure.

13 (h) For purposes of this section, "personal information" means
14 either of the following:

15 (1) An individual's first name or first initial and last name in
16 combination with any one or more of the following data elements,
17 when either the name or the data elements are not encrypted:

18 (A) Social security number.

19 (B) Driver's license number or California identification card
20 number.

21 (C) Account number, credit or debit card number, in
22 combination with any required security code, access code, or
23 password that would permit access to an individual's financial
24 account.

25 (D) Medical information.

26 (E) Health insurance information.

27 (2) A user name or email address, in combination with a
28 password or security question and answer that would permit access
29 to an online account.

30 (i) (1) For purposes of this section, "personal information" does
31 not include publicly available information that is lawfully made
32 available to the general public from federal, state, or local
33 government records.

34 (2) For purposes of this section, "medical information" means
35 any information regarding an individual's medical history, mental
36 or physical condition, or medical treatment or diagnosis by a health
37 care professional.

38 (3) For purposes of this section, "health insurance information"
39 means an individual's health insurance policy number or subscriber
40 identification number, any unique identifier used by a health insurer

1 to identify the individual, or any information in an individual's
2 application and claims history, including any appeals records.

3 (4) For purposes of this section, "encrypted" means rendered
4 unusable, unreadable, or indecipherable to an unauthorized person
5 through a security technology or methodology generally accepted
6 in the field of information security.

7 (j) For purposes of this section, "notice" may be provided by
8 one of the following methods:

9 (1) Written notice.

10 (2) Electronic notice, if the notice provided is consistent with
11 the provisions regarding electronic records and signatures set forth
12 in Section 7001 of Title 15 of the United States Code.

13 (3) Substitute notice, if the person or business demonstrates that
14 the cost of providing notice would exceed two hundred fifty
15 thousand dollars (\$250,000), or that the affected class of subject
16 persons to be notified exceeds 500,000, or the person or business
17 does not have sufficient contact information. Substitute notice
18 shall consist of all of the following:

19 (A) Email notice when the person or business has an email
20 address for the subject persons.

21 (B) Conspicuous posting of the notice on the Internet Web site
22 page of the person or business, if the person or business maintains
23 one.

24 (C) Notification to major statewide media.

25 (k) Notwithstanding subdivision (j), a person or business that
26 maintains its own notification procedures as part of an information
27 security policy for the treatment of personal information and is
28 otherwise consistent with the timing requirements of this part, shall
29 be deemed to be in compliance with the notification requirements
30 of this section if the person or business notifies subject persons in
31 accordance with its policies in the event of a breach of security of
32 the system.



California

LEGISLATIVE INFORMATION

AB-1060 Professions and vocations: licensure. (2015-2016)

Senate: 1st Cmt

Assembly: 1st Cmt 2nd Pass

| Bill Status | |
|----------------------|--|
| Measure: | AB-1060 |
| Lead Authors: | Bonilla (A) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Professions and vocations: licensure. |
| 31st Day in Print: | 03/29/15 |
| Title: | An act to amend Section 491 of the Business and Professions Code, relating to professions and vocations. |
| House Location: | Senate |
| Last Amended Date: | 03/26/15 |
| Committee Location: | Sen Business, Professions and Economic Development |

| Type of Measure | |
|------------------------------------|--|
| Active Bill - In Committee Process | |
| Majority Vote Required | |
| Non-Appropriation | |
| Fiscal Committee | |
| Non-State-Mandated Local Program | |
| Non-Urgency | |
| Non-Tax Levy | |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 05/21/15 | Referred to Com. on B., P. & E.D. |
| 05/07/15 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 05/07/15 | Read third time. Passed. Ordered to the Senate. |
| 04/30/15 | Read second time. Ordered to Consent Calendar. |
| 04/29/15 | From committee: Do pass. To Consent Calendar. (Ayes 17, Noes 0.) (April 29). |

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1060

Introduced by Assembly Member Bonilla

February 26, 2015

An act to amend Section 491 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as amended, Bonilla. Professions and vocations: licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law requires the board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or reduction of penalty, as specified.

This bill would ~~authorize~~ *require* the board to provide that information through first-class mail and by ~~electronic means~~ *email if the board has an email address on file for the ex-licensee*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 491 of the Business and Professions Code
- 2 is amended to read:

- 1 491. (a) Upon suspension or revocation of a license by a board
2 on one or more of the grounds specified in Section 490, the board
3 shall:
- 4 (1) Send a copy of the provisions of Section 11522 of the
5 Government Code to the ex-licensee.
- 6 (2) Send a copy of the criteria relating to rehabilitation
7 formulated under Section 482 to the ex-licensee.
- 8 (b) Subdivision (a) ~~may~~ *shall* be satisfied through first-class
9 mail and by ~~electronic means~~ *email if the board has an email*
10 *address on file for the ex-licensee.*



California LEGISLATIVE INFORMATION

SB-570 Personal information: privacy: breach. (2015-2016)

Senate: 1st Cmt 2nd 3rd 2nd 3rd Pass
 Assembly: 1st

| Bill Status | |
|------------------------|---|
| Measure: | SB-570 |
| Lead Authors: | Jackson (S) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Personal information: privacy: breach. |
| 31st Day In Print: | 03/29/15 |
| Title: | An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information. |
| House Location: | Assembly |
| Last Amended Date: | 05/21/15 |
| Committee Location: | Sen Appropriations |
| Committee Action Date: | 05/11/15 |
| Committee Motion: | Do pass |
| Committee Vote Result: | (PASS) »» Ayes: 5; Noes: 2; Abstain: 0; |

| Type of Measure |
|----------------------------------|
| Active Bill - Pending Referral |
| Majority Vote Required |
| Non-Appropriation |
| Fiscal Committee |
| Non-State-Mandated Local Program |
| Non-Urgency |
| Non-Tax levy |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 05/28/15 | In Assembly. Read first time. Held at Desk. |
| 05/28/15 | Read third time. Passed. (Ayes 27, Noes 11, Page 1119.) Ordered to the Assembly. |
| 05/22/15 | Read second time. Ordered to third reading. |
| 05/21/15 | Ordered to second reading. |
| 05/21/15 | Read third time and amended. |

AMENDED IN SENATE MAY 21, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 570

Introduced by Senator Jackson

February 26, 2015

An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, Jackson. Personal information: privacy: breach. Existing law requires a person or business conducting business in California and any agency, as defined, that owns or licenses computerized data that includes personal information, as defined, to disclose a breach of the security of the system in the most expedient time possible and without unreasonable delay, as specified. Existing law requires a person, business, or agency that is required to issue a security breach notification to meet specific requirements, *including that the notification be written in plain language.*

This bill would additionally require ~~that the security breach notification include a one-page notice containing specified information:~~ *to be titled "Notice of Data Breach," to present the content under prescribed headings, and, in the case of written notices, to present the information on one page. The bill would prescribe a model security breach notification form.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.29 of the Civil Code is amended
2 to read:

3 1798.29. (a) Any agency that owns or licenses computerized
4 data that includes personal information shall disclose any breach
5 of the security of the system following discovery or notification
6 of the breach in the security of the data to any resident of California
7 whose unencrypted personal information was, or is reasonably
8 believed to have been, acquired by an unauthorized person. The
9 disclosure shall be made in the most expedient time possible and
10 without unreasonable delay, consistent with the legitimate needs
11 of law enforcement, as provided in subdivision (c), or any measures
12 necessary to determine the scope of the breach and restore the
13 reasonable integrity of the data system.

14 (b) Any agency that maintains computerized data that includes
15 personal information that the agency does not own shall notify the
16 owner or licensee of the information of any breach of the security
17 of the data immediately following discovery, if the personal
18 information was, or is reasonably believed to have been, acquired
19 by an unauthorized person.

20 (c) The notification required by this section may be delayed if
21 a law enforcement agency determines that the notification will
22 impede a criminal investigation. The notification required by this
23 section shall be made after the law enforcement agency determines
24 that it will not compromise the investigation.

25 (d) Any agency that is required to issue a security breach
26 notification pursuant to this section shall meet all of the following
27 requirements:

28 (1) The security breach notification shall be written in plain
29 ~~language and shall include a one page notice~~ *language, shall be*
30 ~~titled "Notice of Data Breach," in which the content is presented~~
31 *and shall present the content* under the following headings: "What
32 Happened," "What Information Was Involved," "What We Are
33 Doing," "What You Can Do," and "For More Information." *In the*
34 *case of written notices, as specified in paragraph (1) of subdivision*
35 *(i), the information shall be presented on one page.* Additional
36 information may be provided as a supplement to the one page
37 notice.

(A) The format of the one page notice shall be designed to call attention to the nature and significance of the information it contains.

(B) The title and headings in the one page notice shall be clearly and conspicuously displayed.

(C) The text of the one page notice and any other notice provided pursuant to this section shall be no smaller than 10-point type.

(D) Use of the model security breach notification form prescribed below shall constitute compliance with this paragraph, although use of the model security breach notification form is not required.

| | | |
|--------------------------------|--|---------------------|
| [NAME OF INSTITUTION / LOGO] | | Date: [insert date] |
| NOTICE OF DATA BREACH | | |
| What Happened? | | |
| What Information Was Involved? | | |
| What We Are Doing. | | |
| | | |

| | | |
|---------------------------------|--|--|
| 1 2 3 4 5 | <i>What You Can Do.</i> | |
| 6 7 8 | <i>Other Important Information.</i> <i>[insert other important information]</i> | |
| 9 10 11 12 13 14 | | |
| 15 16 17 18 19 | <i>For More Information.</i> | <i>Call [telephone number] or go to [Web site]</i> |

(2) The security breach notification shall include, at a minimum, the following information:

(A) The name and contact information of the reporting agency subject to this section.

(B) A list of the types of personal information that were or are reasonably believed to have been the subject of a breach.

(C) If the information is possible to determine at the time the notice is provided, then any of the following: (i) the date of the breach, (ii) the estimated date of the breach, or (iii) the date range within which the breach occurred. The notification shall also include the date of the notice.

(D) Whether the notification was delayed as a result of a law enforcement investigation, if that information is possible to determine at the time the notice is provided.

(E) A general description of the breach incident, if that information is possible to determine at the time the notice is provided.

(F) The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a social security

1 number or a driver's license or California identification card
2 number.

3 (3) At the discretion of the agency, the security breach
4 notification may also include any of the following:

5 (A) Information about what the agency has done to protect
6 individuals whose information has been breached.

7 (B) Advice on steps that the person whose information has been
8 breached may take to protect himself or herself.

9 (4) ~~In the case of a breach of the security of the system involving~~
10 ~~personal information defined in paragraph (2) of subdivision (g)~~
11 ~~for an online account, and no other personal information defined~~
12 ~~in paragraph (1) of subdivision (g), the agency may comply with~~
13 ~~this section by providing the security breach notification in~~
14 ~~electronic or other form that directs the person whose personal~~
15 ~~information has been breached to promptly change his or her~~
16 ~~password and security question or answer, as applicable, or to take~~
17 ~~other steps appropriate to protect the online account with the~~
18 ~~agency and all other online accounts for which the person uses the~~
19 ~~same user name or email address and password or security question~~
20 ~~or answer.~~

21 (5) ~~In the case of a breach of the security of the system involving~~
22 ~~personal information defined in paragraph (2) of subdivision (g)~~
23 ~~for login credentials of an email account furnished by the agency,~~
24 ~~the agency shall not comply with this section by providing the~~
25 ~~security breach notification to that email address, but may, instead,~~
26 ~~comply with this section by providing notice by another method~~
27 ~~described in subdivision (i) or by clear and conspicuous notice~~
28 ~~delivered to the resident online when the resident is connected to~~
29 ~~the online account from an Internet Protocol address or online~~
30 ~~location from which the agency knows the resident customarily~~
31 ~~accesses the account.~~

32 (e) Any agency that is required to issue a security breach
33 notification pursuant to this section to more than 500 California
34 residents as a result of a single breach of the security system shall
35 electronically submit a single sample copy of that security breach
36 notification, excluding any personally identifiable information, to
37 the Attorney General. A single sample copy of a security breach
38 notification shall not be deemed to be within subdivision (f) of
39 Section 6254 of the Government Code.

1 (f) For purposes of this section, "breach of the security of the
2 system" means unauthorized acquisition of computerized data that
3 compromises the security, confidentiality, or integrity of personal
4 information maintained by the agency. Good faith acquisition of
5 personal information by an employee or agent of the agency for
6 the purposes of the agency is not a breach of the security of the
7 system, provided that the personal information is not used or
8 subject to further unauthorized disclosure.

9 (g) For purposes of this section, "personal information" means
10 either of the following:

11 (1) An individual's first name or first initial and last name in
12 combination with any one or more of the following data elements,
13 when either the name or the data elements are not encrypted:

14 (A) Social security number.

15 (B) Driver's license number or California identification card
16 number.

17 (C) Account number, credit or debit card number, in
18 combination with any required security code, access code, or
19 password that would permit access to an individual's financial
20 account.

21 (D) Medical information.

22 (E) Health insurance information.

23 (2) A user name or email address, in combination with a
24 password or security question and answer that would permit access
25 to an online account.

26 (h) (1) For purposes of this section, "personal information"
27 does not include publicly available information that is lawfully
28 made available to the general public from federal, state, or local
29 government records.

30 (2) For purposes of this section, "medical information" means
31 any information regarding an individual's medical history, mental
32 or physical condition, or medical treatment or diagnosis by a health
33 care professional.

34 (3) For purposes of this section, "health insurance information"
35 means an individual's health insurance policy number or subscriber
36 identification number, any unique identifier used by a health insurer
37 to identify the individual, or any information in an individual's
38 application and claims history, including any appeals records.

39 (i) For purposes of this section, "notice" may be provided by
40 one of the following methods:

1 (1) Written notice.

2 (2) Electronic notice, if the notice provided is consistent with
3 the provisions regarding electronic records and signatures set forth
4 in Section 7001 of Title 15 of the United States Code.

5 (3) Substitute notice, if the agency demonstrates that the cost
6 of providing notice would exceed two hundred fifty thousand
7 dollars (\$250,000), or that the affected class of subject persons to
8 be notified exceeds 500,000, or the agency does not have sufficient
9 contact information. Substitute notice shall consist of all of the
10 following:

11 (A) Email notice when the agency has an email address for the
12 subject persons.

13 (B) Conspicuous posting, for a minimum of 30 days, of the
14 notice on the agency's Internet Web site page, if the agency
15 maintains one. For purposes of this subparagraph, conspicuous
16 posting on the agency's Internet Web site means providing a link
17 to the notice on the home page that is in larger type than the
18 surrounding text, or in contrasting type, font, or color to the
19 surrounding text of the same size, or set off from the surrounding
20 text of the same size by symbols or other marks that call attention
21 to the link.

22 (C) Notification to major statewide media and the Office of
23 Information Security within the Department of Technology.

24 (4) *In the case of a breach of the security of the system involving*
25 *personal information defined in paragraph (2) of subdivision (g)*
26 *for an online account, and no other personal information defined*
27 *in paragraph (1) of subdivision (g), the agency may comply with*
28 *this section by providing the security breach notification in*
29 *electronic or other form that directs the person whose personal*
30 *information has been breached to promptly change his or her*
31 *password and security question or answer, as applicable, or to*
32 *take other steps appropriate to protect the online account with the*
33 *agency and all other online accounts for which the person uses*
34 *the same user name or email address and password or security*
35 *question or answer.*

36 (5) *In the case of a breach of the security of the system involving*
37 *personal information defined in paragraph (2) of subdivision (g)*
38 *for login credentials of an email account furnished by the agency,*
39 *the agency shall not comply with this section by providing the*
40 *security breach notification to that email address, but may, instead,*

1 *comply with this section by providing notice by another method*
2 *described in this subdivision or by clear and conspicuous notice*
3 *delivered to the resident online when the resident is connected to*
4 *the online account from an Internet Protocol address or online*
5 *location from which the agency knows the resident customarily*
6 *accesses the account.*

7 (j) Notwithstanding subdivision (i), an agency that maintains
8 its own notification procedures as part of an information security
9 policy for the treatment of personal information and is otherwise
10 consistent with the timing requirements of this part shall be deemed
11 to be in compliance with the notification requirements of this
12 section if it notifies subject persons in accordance with its policies
13 in the event of a breach of security of the system.

14 (k) Notwithstanding the exception specified in paragraph (4) of
15 subdivision (b) of Section 1798.3, for purposes of this section,
16 “agency” includes a local agency, as defined in subdivision (a) of
17 Section 6252 of the Government Code.

18 SEC. 2. Section 1798.82 of the Civil Code is amended to read:

19 1798.82. (a) A person or business that conducts business in
20 California, and that owns or licenses computerized data that
21 includes personal information, shall disclose a breach of the
22 security of the system following discovery or notification of the
23 breach in the security of the data to a resident of California whose
24 unencrypted personal information was, or is reasonably believed
25 to have been, acquired by an unauthorized person. The disclosure
26 shall be made in the most expedient time possible and without
27 unreasonable delay, consistent with the legitimate needs of law
28 enforcement, as provided in subdivision (c), or any measures
29 necessary to determine the scope of the breach and restore the
30 reasonable integrity of the data system.

31 (b) A person or business that maintains computerized data that
32 includes personal information that the person or business does not
33 own shall notify the owner or licensee of the information of the
34 breach of the security of the data immediately following discovery,
35 if the personal information was, or is reasonably believed to have
36 been, acquired by an unauthorized person.

37 (c) The notification required by this section may be delayed if
38 a law enforcement agency determines that the notification will
39 impede a criminal investigation. The notification required by this

section shall be made promptly after the law enforcement agency determines that it will not compromise the investigation.

(d) A person or business that is required to issue a security breach notification pursuant to this section shall meet all of the following requirements:

(1) The security breach notification shall be written in plain language and shall include a one-page notice *language, shall be titled "Notice of Data Breach," in which the content is presented and shall present the content* under the following headings: "What Happened," "What Information Was Involved," "What We Are Doing," "What You Can Do," and "For More Information." *In the case of written notices, as specified in paragraph (1) of subdivision (j), the information shall be presented on one page.* Additional information may be provided as a supplement to the one page notice.

(A) The format of the one page notice shall be designed to call attention to the nature and significance of the information it contains.

(B) The title and headings in the one page notice shall be clearly and conspicuously displayed.

(C) The text of the one page notice and any other notice provided pursuant to this section shall be no smaller than 10-point type.

(D) *Use of the model security breach notification form prescribed below shall constitute compliance with this paragraph, although use of the model security breach notification form is not required.*

| | | |
|------------------------------|--|---------------------|
| [NAME OF INSTITUTION / LOGO] | | Date: [insert date] |
| NOTICE OF DATA BREACH | | |
| What Happened? | | |

| | | |
|--|--|--|
| 1 2 3 4 5 6 7 8 | <i>What Information Was Involved?</i> | |
| 9 10 11 12 | <i>What We Are Doing.</i> | |
| 13 14 15 16 17 18 19 | <i>What You Can Do.</i> | |
| 20 21 22 23 24 25 26 27 28 | <i>Other Important Information.</i> <i>[insert other important information]</i> | |
| 29 30 31 32 33 | <i>For More Information.</i> | <i>Call [telephone number] or go to [Web site]</i> |

(2) The security breach notification shall include, at a minimum, the following information:

(A) The name and contact information of the reporting person or business subject to this section.

(B) A list of the types of personal information that were or are reasonably believed to have been the subject of a breach.

1 (C) If the information is possible to determine at the time the
2 notice is provided, then any of the following: (i) the date of the
3 breach, (ii) the estimated date of the breach, or (iii) the date range
4 within which the breach occurred. The notification shall also
5 include the date of the notice.

6 (D) Whether notification was delayed as a result of a law
7 enforcement investigation, if that information is possible to
8 determine at the time the notice is provided.

9 (E) A general description of the breach incident, if that
10 information is possible to determine at the time the notice is
11 provided.

12 (F) The toll-free telephone numbers and addresses of the major
13 credit reporting agencies if the breach exposed a social security
14 number or a driver's license or California identification card
15 number.

16 (G) If the person or business providing the notification was the
17 source of the breach, an offer to provide appropriate identity theft
18 prevention and mitigation services shall be provided at no cost to
19 the affected person for not less than 12 months along with all
20 information necessary to take advantage of the offer to any person
21 whose information was or may have been breached if the breach
22 exposed or may have exposed personal information defined in
23 subparagraphs (A) and (B) of paragraph (1) of subdivision (h).

24 (3) At the discretion of the person or business, the security
25 breach notification may also include any of the following:

26 (A) Information about what the person or business has done to
27 protect individuals whose information has been breached.

28 (B) Advice on steps that the person whose information has been
29 breached may take to protect himself or herself.

30 ~~(4) In the case of a breach of the security of the system involving~~
31 ~~personal information defined in paragraph (2) of subdivision (h)~~
32 ~~for an online account, and no other personal information defined~~
33 ~~in paragraph (1) of subdivision (h), the person or business may~~
34 ~~comply with this section by providing the security breach~~
35 ~~notification in electronic or other form that directs the person whose~~
36 ~~personal information has been breached promptly to change his~~
37 ~~or her password and security question or answer, as applicable, or~~
38 ~~to take other steps appropriate to protect the online account with~~
39 ~~the person or business and all other online accounts for which the~~
40 ~~person whose personal information has been breached uses the~~

1 same user name or email address and password or security question
2 or answer.

3 (5) ~~In the case of a breach of the security of the system involving~~
4 ~~personal information defined in paragraph (2) of subdivision (h)~~
5 ~~for login credentials of an email account furnished by the person~~
6 ~~or business, the person or business shall not comply with this~~
7 ~~section by providing the security breach notification to that email~~
8 ~~address, but may, instead, comply with this section by providing~~
9 ~~notice by another method described in subdivision (j) or by clear~~
10 ~~and conspicuous notice delivered to the resident online when the~~
11 ~~resident is connected to the online account from an Internet~~
12 ~~Protocol address or online location from which the person or~~
13 ~~business knows the resident customarily accesses the account.~~

14 (e) A covered entity under the federal Health Insurance
15 Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d
16 et seq.) will be deemed to have complied with the notice
17 requirements in subdivision (d) if it has complied completely with
18 Section 13402(f) of the federal Health Information Technology
19 for Economic and Clinical Health Act (Public Law 111-5).
20 However, nothing in this subdivision shall be construed to exempt
21 a covered entity from any other provision of this section.

22 (f) A person or business that is required to issue a security breach
23 notification pursuant to this section to more than 500 California
24 residents as a result of a single breach of the security system shall
25 electronically submit a single sample copy of that security breach
26 notification, excluding any personally identifiable information, to
27 the Attorney General. A single sample copy of a security breach
28 notification shall not be deemed to be within subdivision (f) of
29 Section 6254 of the Government Code.

30 (g) For purposes of this section, "breach of the security of the
31 system" means unauthorized acquisition of computerized data that
32 compromises the security, confidentiality, or integrity of personal
33 information maintained by the person or business. Good faith
34 acquisition of personal information by an employee or agent of
35 the person or business for the purposes of the person or business
36 is not a breach of the security of the system, provided that the
37 personal information is not used or subject to further unauthorized
38 disclosure.

39 (h) For purposes of this section, "personal information" means
40 either of the following:

1 (1) An individual's first name or first initial and last name in
2 combination with any one or more of the following data elements,
3 when either the name or the data elements are not encrypted:
4 (A) Social security number.
5 (B) Driver's license number or California identification card
6 number.
7 (C) Account number, credit or debit card number, in
8 combination with any required security code, access code, or
9 password that would permit access to an individual's financial
10 account.
11 (D) Medical information.
12 (E) Health insurance information.
13 (2) A user name or email address, in combination with a
14 password or security question and answer that would permit access
15 to an online account.
16 (i) (1) For purposes of this section, "personal information" does
17 not include publicly available information that is lawfully made
18 available to the general public from federal, state, or local
19 government records.
20 (2) For purposes of this section, "medical information" means
21 any information regarding an individual's medical history, mental
22 or physical condition, or medical treatment or diagnosis by a health
23 care professional.
24 (3) For purposes of this section, "health insurance information"
25 means an individual's health insurance policy number or subscriber
26 identification number, any unique identifier used by a health insurer
27 to identify the individual, or any information in an individual's
28 application and claims history, including any appeals records.
29 (j) For purposes of this section, "notice" may be provided by
30 one of the following methods:
31 (1) Written notice.
32 (2) Electronic notice, if the notice provided is consistent with
33 the provisions regarding electronic records and signatures set forth
34 in Section 7001 of Title 15 of the United States Code.
35 (3) Substitute notice, if the person or business demonstrates that
36 the cost of providing notice would exceed two hundred fifty
37 thousand dollars (\$250,000), or that the affected class of subject
38 persons to be notified exceeds 500,000, or the person or business
39 does not have sufficient contact information. Substitute notice
40 shall consist of all of the following:

1 (A) Email notice when the person or business has an email
2 address for the subject persons.

3 (B) Conspicuous posting, for a minimum of 30 days, of the
4 notice on the Internet Web site page of the person or business, if
5 the person or business maintains one. For purposes of this
6 subparagraph, conspicuous posting on the agency's Internet Web
7 site means providing a link to the notice on the home page that is
8 in larger type than the surrounding text, or in contrasting type,
9 font, or color to the surrounding text of the same size, or set off
10 from the surrounding text of the same size by symbols or other
11 marks that call attention to the link.

12 (C) Notification to major statewide media.

13 *(4) In the case of a breach of the security of the system involving*
14 *personal information defined in paragraph (2) of subdivision (h)*
15 *for an online account, and no other personal information defined*
16 *in paragraph (1) of subdivision (h), the person or business may*
17 *comply with this section by providing the security breach*
18 *notification in electronic or other form that directs the person*
19 *whose personal information has been breached promptly to change*
20 *his or her password and security question or answer, as applicable,*
21 *or to take other steps appropriate to protect the online account*
22 *with the person or business and all other online accounts for which*
23 *the person whose personal information has been breached uses*
24 *the same user name or email address and password or security*
25 *question or answer.*

26 *(5) In the case of a breach of the security of the system involving*
27 *personal information defined in paragraph (2) of subdivision (h)*
28 *for login credentials of an email account furnished by the person*
29 *or business, the person or business shall not comply with this*
30 *section by providing the security breach notification to that email*
31 *address, but may, instead, comply with this section by providing*
32 *notice by another method described in this subdivision or by clear*
33 *and conspicuous notice delivered to the resident online when the*
34 *resident is connected to the online account from an Internet*
35 *Protocol address or online location from which the person or*
36 *business knows the resident customarily accesses the account.*

37 (k) Notwithstanding subdivision (j), a person or business that
38 maintains its own notification procedures as part of an information
39 security policy for the treatment of personal information and is
40 otherwise consistent with the timing requirements of this part, shall

- 1 be deemed to be in compliance with the notification requirements
 - 2 of this section if the person or business notifies subject persons in
 - 3 accordance with its policies in the event of a breach of security of
 - 4 the system.
-

O



California

LEGISLATIVE INFORMATION

SB-467 Professions and vocations. (2015-2016)

Senate: 1st Cmt 2nd 3rd Pass

Assembly: 1st

| Bill Status | |
|------------------------|--|
| Measure: | SB-467 |
| Lead Authors: | Hill (S) |
| Principal Coauthors: | - |
| Coauthors: | - |
| Topic: | Professions and vocations. |
| 31st Day In Print: | 03/28/15 |
| Title: | An act to amend Sections 5000 and 201, 5000, and 5015.6 of, and to add Sections 312.2, 328, and 5100.5 to, the Business and Professions Code, relating to professions and vocations. |
| House Location: | Assembly |
| Last Amended Date: | 04/21/15 |
| Committee Location: | Sen Appropriations |
| Committee Action Date: | 05/28/15 |
| Committee Motion: | Do pass |
| Committee Vote Result: | (PASS) » Ayes: 7; Noes: 0; Abstain: 0; |

| Type of Measure | |
|----------------------------------|--|
| Active Bill - Pending Referral | |
| Majority Vote Required | |
| Non-Appropriation | |
| Fiscal Committee | |
| Non-State-Mandated Local Program | |
| Non-Urgency | |
| Non-Tax levy | |

| Last 5 History Actions | |
|------------------------|--|
| Date | Action |
| 06/02/15 | In Assembly. Read first time. Held at Desk. |
| 06/01/15 | Read third time. Passed, (Ayes 40, Noes 0.) Ordered to the Assembly. |
| 05/28/15 | Read second time. Ordered to third reading. |
| 05/28/15 | From committee: Do pass. (Ayes 7, Noes 0, Page 1154.) (May 28). |
| 05/23/15 | Set for hearing May 28. |

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 467

Introduced by Senator Hill

February 25, 2015

An act to amend Sections ~~5000 and 201~~, 5000, and 5015.6 ~~of of, and~~ to add Sections 312.2, 328, and 5100.5 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 467, as amended, Hill. ~~Accountants-Professions and vocations.~~

Existing law provides for the licensure and regulation of various professions and vocations by boards, bureaus, commissions, divisions, and other agencies within the Department of Consumer Affairs. Existing law authorizes the department to levy a pro rata share of the department's administrative expenses against any of these constituent agencies at the discretion of the Director of Consumer Affairs and with the approval of the Department of Finance.

This bill would eliminate the requirement that the levy described above be at the discretion of the Director of Consumer Affairs and with the approval of the Department of Finance, and would instead require the levy to be approved by the Legislature.

Existing law requires an agency within the department to investigate a consumer accusation or complaint against a licensee and, where appropriate, the agency is authorized to impose disciplinary action against a licensee. Under existing law, an agency within the department may refer a complaint to the Attorney General or Office of Administrative Hearings for further action.

This bill would require the Attorney General to submit a report to the department, the Governor, and the appropriate policy committees

of the Legislature, on or before January 1, 2017, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Attorney General pertaining to accusations and cases relating to consumer complaints against a person whose profession or vocation is licensed by an agency within the department.

Existing law creates the Division of Investigation within the department and requires investigators who have the authority of peace officers to be in the division to investigate the laws administered by the various boards comprising the department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.

This bill would, in order to implement specified complaint prioritization guidelines, require the Director of Consumer Affairs, through the Division of Investigation, to work cooperatively with the health care boards to standardize referral of complaints to the division and those that are retained by the health care boards for investigation.

Under existing law, the California Board of Accountancy within the Department of Consumer Affairs department is responsible for the licensure and regulation of accountants and is required to designate an executive officer. Existing law repeals these provisions on January 1, 2016.

This bill would extend the repeal date to January 1, 2020.

Existing law authorizes the California Board of Accountancy, after notice and hearing, to revoke, suspend, or refuse to renew any permit or certificate, as specified, or to censure the holder of that permit or certificate for unprofessional conduct.

This bill would additionally authorize the board, after notice and hearing, to permanently restrict or limit the practice of a licensee or impose a probationary term or condition on a licensee for unprofessional conduct. This bill would authorize a licensee to petition the board for reduction of penalty or reinstatement of the privilege, as specified, and would provide that failure to comply with any restriction or limitation imposed by the board is grounds for revocation of the license.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.*

The people of the State of California do enact as follows:

1 *SECTION 1. Section 201 of the Business and Professions Code*
2 *is amended to read:*

3 201. (a) (1) A charge for the estimated administrative expenses
4 of the department, not to exceed the available balance in any
5 appropriation for any one fiscal year, may be levied in advance on
6 a pro rata share basis against any of the boards, bureaus,
7 commissions, divisions, and agencies, ~~at the discretion of the~~
8 ~~director and with the approval of the Department of Finance: with~~
9 *the approval of the Legislature.*

10 (2) The department shall submit a report of the accounting of
11 the pro rata calculation of administrative expenses to the
12 appropriate policy committees of the Legislature on or before July
13 1, 2015, and on or before July 1 of each subsequent year.

14 (b) The department shall conduct a one-time study of its current
15 system for prorating administrative expenses to determine if that
16 system is the most productive, efficient, and cost-effective manner
17 for the department and the agencies comprising the department.
18 The study shall include consideration of whether some of the
19 administrative services offered by the department should be
20 outsourced or charged on an as-needed basis and whether the
21 agencies should be permitted to elect not to receive and be charged
22 for certain administrative services. The department shall include
23 the findings in its report pursuant to paragraph (2) of subdivision
24 (a) that it is required to submit on or before July 1, 2015.

25 *SEC. 2. Section 312.2 is added to the Business and Professions*
26 *Code, to read:*

27 312.2. (a) *The Attorney General shall submit a report to the*
28 *department, the Governor, and the appropriate policy committees*
29 *of the Legislature on or before January 1, 2017, and on or before*
30 *January 1 of each subsequent year that includes, at a minimum,*
31 *all of the following for the previous fiscal year:*

32 (1) *The number of cases referred to the Attorney General by*
33 *each constituent entity within the department.*

34 (2) *The number of cases referred by the Attorney General back*
35 *to each constituent entity with no further action.*

36 (3) *The number of cases rereferred by a constituent entity to*
37 *the Attorney General after each constituent entity or the Division*
38 *of Investigation completes a supplemental investigation.*

- 1 (4) *The number of accusations filed by each constituent entity.*
2 (5) *The number of accusations a constituent entity withdraws.*
3 (6) *The average number of days from the Attorney General*
4 *receiving a case to filing an accusation on behalf of each*
5 *constituent entity.*
6 (7) *The average number of days to prepare an accusation for*
7 *a case that is rereferred to the Attorney General after a*
8 *supplemental investigation is conducted by staff of a constituent*
9 *entity or the Division of Investigation for each constituent entity.*
10 (8) *The average number of days from filing an accusation to*
11 *transmitting a stipulated settlement for each constituent entity.*
12 (9) *The average number of days from filing an accusation to*
13 *transmitting a default decision for each constituent entity.*
14 (10) *The average number of days from filing an accusation to*
15 *scheduling a hearing for each constituent entity.*
16 (11) *The average number of days from scheduling a hearing to*
17 *conducting a hearing for each constituent entity.*
18 (b) *A report to be submitted pursuant to subdivision (a) shall*
19 *be submitted in compliance with Section 9795 of the Government*
20 *Code.*
21 SEC. 3. *Section 328 is added to the Business and Professions*
22 *Code, to read:*
23 328. *In order to implement the complaint prioritization*
24 *guidelines as described in the memorandum dated August 31,*
25 *2009, by Brian J. Stiger titled "Complaint Prioritization Guidelines*
26 *for Health Care Agencies," the director, through the Division of*
27 *Investigation, shall work cooperatively with the health care boards*
28 *to standardize referral of complaints to the division and those that*
29 *are retained by the health care boards for investigation.*
30 SECTION 1:
31 SEC. 4. Section 5000 of the Business and Professions Code is
32 amended to read:
33 5000. (a) There is in the Department of Consumer Affairs the
34 California Board of Accountancy, which consists of 15 members,
35 7 of whom shall be licensees, and 8 of whom shall be public
36 members who shall not be licentiates of the board or registered by
37 the board. The board has the powers and duties conferred by this
38 chapter.
39 (b) The Governor shall appoint four of the public members, and
40 the seven licensee members as provided in this section. The Senate

1 Committee on Rules and the Speaker of the Assembly shall each
2 appoint two public members. In appointing the seven licensee
3 members, the Governor shall appoint individuals representing a
4 cross section of the accounting profession.

5 (c) This section shall remain in effect only until January 1, 2020,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2020, deletes or extends that date.

8 (d) Notwithstanding any other provision of law, the repeal of
9 this section renders the board subject to review by the appropriate
10 policy committees of the Legislature. However, the review of the
11 board shall be limited to reports or studies specified in this chapter
12 and those issues identified by the appropriate policy committees
13 of the Legislature and the board regarding the implementation of
14 new licensing requirements.

15 ~~SEC. 2:~~

16 *SEC. 5.* Section 5015.6 of the Business and Professions Code
17 is amended to read:

18 5015.6. The board may appoint a person exempt from civil
19 service who shall be designated as an executive officer and who
20 shall exercise the powers and perform the duties delegated by the
21 board and vested in him or her by this chapter.

22 This section shall remain in effect only until January 1, 2020,
23 and as of that date is repealed, unless a later enacted statute, that
24 is enacted before January 1, 2020, deletes or extends that date.

25 *SEC. 6. Section 5100.5 is added to the Business and Professions*
26 *Code, to read:*

27 5100.5. (a) *After notice and hearing the board may, for*
28 *unprofessional conduct, permanently restrict or limit the practice*
29 *of a licensee or impose a probationary term or condition on a*
30 *license, which prohibits the licensee from performing or engaging*
31 *in any of the acts or services described in Section 5051.*

32 (b) *A licensee may petition the board pursuant to Section 5115*
33 *for reduction of penalty or reinstatement of the privilege to engage*
34 *in the service or act restricted or limited by the board.*

35 (c) *The authority or sanctions provided by this section are in*
36 *addition to any other civil, criminal, or administrative penalties*
37 *or sanctions provided by law, and do not supplant, but are*
38 *cumulative to, other disciplinary authority, penalties, or sanctions.*

1 (d) *Failure to comply with any restriction or limitation imposed*
2 *by the board pursuant to this section is grounds for revocation of*
3 *the license.*

4 (e) *For purposes of this section, both of the following shall*
5 *apply:*

6 (1) *"Unprofessional conduct" includes, but is not limited to,*
7 *those grounds for discipline or denial listed in Section 5100.*

8 (2) *"Permanently restrict or limit the practice of" includes, but*
9 *is not limited to, the prohibition on engaging in or performing any*
10 *attestation engagement, audits, or compilations.*



MEMORANDUM

| | |
|----------------|--|
| DATE | June 9, 2015 |
| TO | Speech Language Pathology and Audiology and Hearing Aid Dispensers Board |
| FROM | Paul Sanchez, Executive Officer |
| SUBJECT | Election of Officers |

The Board is required to hold annual elections of officers for the position of chair and vice-chair.

Business and Professions Code 2531.7 "The board shall elect annually a chairperson and vice chairperson from among its members. The board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the chairperson or at the written request of any two members of the board."

Role of Chair

- **Board Business:** Conducts the Board's business and represents the Board in a professional manner and with appropriate transparency, adhering to the highest ethical standards. Works closely with the Executive Officer (EO) to develop agendas for board meetings. Presides over Board meetings using Roberts Rules of Order as a guide while adhering to the Bagley-Keene Act.
- **Board Affairs:** Ensures that Board matters are handled properly, including preparation of pre-meeting materials, committee functioning and orientation of new Board Members. Ensures the prevalence of Board governance policies and practices, acting as a representative of the Board as a whole.
- **Executive Officer:** Responsible for providing guidance to Executive Officer. Frequently communicates with EO regarding Board, Department, legislative, or statewide regulatory issues relating the professions of speech-language pathology, audiology and hearing aid dispensers. Convenes Board discussions for evaluating Executive Officer each fiscal year.
- **Board Committees:** Seeks volunteers for committees and coordinates individual Board Member assignments. Makes sure each committee has a chairperson, and stays in touch with chairpersons to be sure that their work is carried out. Obtains debrief from each Board Committee chairperson and reports committee progress and actions to Board at the Board Meeting.

Role of Vice Chair

- **Board Business:** Performs the duties and responsibilities of the Chair when the Chair is absent or assist with other tasks as delegated by Board Chair.

ACTION REQUESTED

The Board will elect officers to one year terms beginning July 1, 2015



MEMORANDUM

| | |
|----------------|---|
| DATE | March 9, 2015 |
| TO | Board Presidents and Chairpersons |
| FROM | Original Signature on File Jeffrey Sears, Personnel Officer Department of Consumer Affairs |
| SUBJECT | Process for Annual Performance Evaluations of Executive Officer |

This memorandum revises and updates the February 14, 2013, memo that outlined the process by which boards, committees or commissions (hereafter, "Board") evaluate their Executive Officer (EO), a generic term which is intended to also include Executive Directors and Registrars.

The Performance Appraisal process, which is outlined on the following pages, is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance. In accordance with best practices, the Office of Human Resources recommends that each Board:

- Provide a written evaluation of EO performance each year, which advises the EO of past performance
- Provide constructive, job-related comments and specific examples of work done well and work that could be improved.
- If applicable, provide suggestions identifying specific ways in which the EO can improve performance in the coming year.
- Place this topic on the agenda for the next Board Meeting in 2015, and annually thereafter. For the agenda, provide a copy of this memo (or successor memos on this topic) and the Board Chair/Executive Officer Supervisory Expectations memo (attached) to ensure all Board Members are aware of the EO Evaluation Process and the administrative expectations for the EO.

This topic is now included in the orientation training for new Board Members to ensure the information is disseminated in the future.

A new revision to the *Performance Appraisal for Executive Officer (Evaluation Form)* is attached to the email distributing this process revision, and will also be available to Board staff on the DCA Intranet.

Executive Officer Performance Evaluation Process

The DCA recommends all Boards adhere to the process below, which meets Bagley-Keene Open Meeting Act requirements.

1. When a Board is ready to begin the evaluation process:
 - Determine the Board Meeting when the evaluation will occur and provide proper notice of the evaluation in the meeting agenda. Suggested language for the agenda:
Item # -- **CLOSED SESSION**
"The Board will meet in Closed Session pursuant to Government Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer."
 - Ask DCA OHR staff or Board staff to provide the *Performance Appraisal for Executive Officer (Evaluation Form)* to each Member - ideally, two weeks prior to the Meeting.
2. Prior to the Board Meeting during which the EO evaluation will occur, each Board Member independently completes the **Evaluation Form**, rating and commenting on the EO's performance in each applicable category.
3. Prior to the Board Meeting during which the EO evaluation will occur, the Board President/Chairperson should contact the appropriate DCA OHR staff (the Personnel Officer or assigned Personnel Analyst) to discuss the EO's current salary, salary increase potential and any salary restrictions which may be in place.

At the Board Meeting, the EO's performance is discussed by all Board Members in a closed session under Government Code section 11126(a)(1), in accordance with the agenda. Assigned DCA Counsel may assist the Board during this process. The Board may NOT take any action to dismiss or hear any charges brought against the EO.

4. Board Members must:
 - Discuss ratings for each category and any job-related comments for that category.
 - Determine the final ratings for each category and which, if any, comments will be included in the final evaluation.
 - If applicable¹, determine a recommended salary increase and effective date.
5. After the Board has reached consensus on the final ratings and on which comments will be included, the Board's designee – generally, the Board President/Chairperson - prepares a final **Evaluation Form** reflecting the Board's assessment of the EO's performance and includes any job-related comments which the Members deem necessary in order to communicate successes in the past year and any suggestions for improvement.

¹ The Board, via the **Evaluation Form**, may make a recommendation to the Administration to authorize a salary increase. The increase may not exceed the maximum of the salary range for the exempt level assigned to the EO for that Board.

- If applicable, the final Evaluation Form should provide the EO with specific examples of areas for improvement. The Board's suggestions for improvement must be realistic.
 - The Board's salary increase recommendation and a prospective effective date are reported on the final Evaluation Form. Note: The effective date is typically at the beginning of a month, and should be at least thirty (30) days from the meeting date, to allow adequate time for review and approval of the request.
6. After the final Evaluation Form is completed, the Board President/Chairperson or designee meets with the EO to discuss his/her performance, the ratings and any comments provided by the Board Members. At the conclusion of the meeting, both must sign the final Evaluation Form. A signed copy is provided to the EO.
 7. After the Board President/Chairperson and the EO sign the final Evaluation Form, the original is forwarded in a confidential envelope to the Office of Human Resources (Attention: DCA Personnel Officer, at the address on page 1 of this memo), to be filed in the EO's Official Personnel File.
 8. If the Board has recommended a salary increase, the DCA OHR will prepare the documents to submit the request for final approval, based on the salary increase information and effective date indicated on the final Evaluation Form.

Reporting Board Action at Next Board Meeting

The Open Meeting Act requires that, after a closed session where there was an action taken to appoint, employ, or dismiss a public employee, the Board must, during open session at a subsequent public meeting, report that action and the roll call vote, if any was taken. A routine annual evaluation does not need to be reported out. If a Board meeting was held via teleconference, a roll call vote is required, and it will therefore be reported.

Questions regarding this process should be directed to Christine Lally, DCA Deputy Director for Board and Bureau Relations, at (916) 574-8200 or Jeffrey Sears, DCA Personnel Officer, at (916) 574-8301.

Attachment: Board Chair/Executive Officer Supervisory Expectations memo

cc: Awet Kidane, Director
Tracy Rhine, Chief Deputy Director
Christine Lally, Deputy Director, Board and Bureau Relations
Doreathea Johnson, Deputy Director, Legal Affairs
Tonya Corcoran, Deputy Director, Office of Administrative Services
All Board Executive Officers, Executive Directors and Registrars
All DCA Attorneys
OHR Classification and Pay Managers and Analysts

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

PERFORMANCE APPRAISAL

FOR

EXECUTIVE
OFFICER

(including
Executive Director
and
Registrar)

*Prepared by
Department of Consumer Affairs
Office of Human Resources
1625 N. Market Blvd. Suite N-321
Sacramento, CA 95834
(Revised February 2015)*



Executive Officer PERFORMANCE APPRAISAL

INSTRUCTIONS

1. The DCA Performance Appraisal process system is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance.
2. If the Executive Officer (hereafter, "EO", which includes Executive Director and Registrar) is not at the maximum range of salary, the Board, Committee or Commission (hereafter, "Board") may recommend a salary increase for the EO. To qualify for such increases, the EO must meet or exceed performance expectations, as determined by the Board. This form is used to document the Board's recommendation for a salary increase.
3. To indicate the rating of any performance factor, an "X" mark should be placed in the appropriate rating column and in the "Overall Rating" column on each page. Additional spaces have been provided to accommodate other critical performance factors identified by the Board.
4. Comments to the Executive Officer should:
 - Be constructive and provide guidance for future performance;
 - Include factual examples of work especially well or poorly done, and
 - Give specific suggestions for performance improvement.
5. The Overall Ratings must be consistent with the factor ratings and comments, but there is no prescribed formula for computing the Overall Rating.
6. Overall Comments may consist of a summary of comments from specific categories, general comments or comments on other job-related factors which the rater wishes to discuss. Additional pages may be attached.
7. The Board President/Chairperson will discuss the appraisal with the EO and give him or her a signed copy. In signing the appraisal, the EO merely acknowledges that s/he has reviewed the appraisal and has discussed it with the rater. His/her signature does not indicate agreement with the ratings or comments.
8. The original copy of the appraisal, signed by both the Board President/Chairperson and the EO, will be maintained by the Department of Consumer Affairs, in the Executive Officer's Official Personnel File.



EXECUTIVE OFFICER PERFORMANCE APPRAISAL RATING SYSTEM

The rating system consists of five (5) Ratings Categories, as defined below:

Outstanding

Performance significantly exceeds the Board's expectations due to the efforts and ability of the Executive Officer when considering the job in its entirety. Significantly above-standard performance may be exhibited by consistently completing assignments in advance of deadlines; implementing plans and/or procedures to increase efficiency or effectiveness of work; working independently with little direction; and consistently meeting Board goals.

Above Average

Performance exceeds the Board's expectations due to the efforts and ability of the Executive Officer when considering the job in its entirety. Performance is beyond what is expected of an Executive Officer in this position.

Average

Performance of the Executive Officer meets the minimum expectations of the Board. The Executive Officer adequately performs the duties and responsibilities of the position.

Needs Improvement

The Executive Officer's performance fails to meet the Board's minimum expectations due to lack of effort and/or ability when considering the job in its entirety. Performance requires improvement in numerous and/or important aspects of the position.

Not Applicable

Rater is unable to assess the Executive Officer in this area, or the area is not applicable to the employee's job.



Executive Officer
PERFORMANCE APPRAISAL
OVERALL RATING

NAME OF EO:

NAME OF BOARD:

DATE OF BOARD MEETING WHEN RATING OCCURRED:

The overall rating must be consistent with the factor rating and comments, but there is no prescribed formula for computing the overall rating. The rating system is described on page 2.

☐ **OUTSTANDING**

☐ **ABOVE AVERAGE**

☐ **AVERAGE**

☐ **NEEDS IMPROVEMENT**

OVERALL COMMENTS *(Attach additional pages, if necessary)*

I HAVE PARTICIPATED IN A DISCUSSION OF OVERALL JOB PERFORMANCE

EO Signature: _____

Date: _____

Chairperson/President Signature: _____

Date: _____

Salary Increase recommendation (if applicable):

☐ No increase ☐ No increase (at maximum) ☐ Recommended Increase: _____%

Effective Date of Salary Increase: _____



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|--|-------------|---------------|---------|-------------------|----------------|
| | 1. Relationship with the Board | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Maintains respect and trust of Board members. | | | | | |
| 2 | Provides Board with advice during consideration of issues. | | | | | |
| 3 | Keeps Board informed of progress of Board programs on a regular basis. | | | | | |
| 4 | Remains impartial and treats all Board members in a professional manner. | | | | | |
| 5 | Functions as an effective liaison between Board and Board Staff. | | | | | |
| 6 | Provides Board with complete, clear, and accurate reports, minutes, etc. | | | | | |
| 7 | Responds promptly to requests for information from Board members. | | | | | |
| 8 | Is readily available to Board members. | | | | | |
| 9 | Responds appropriately to constructive suggestions from Board members. | | | | | |
| | | | | | | |
| | OVERALL RATING: Relationship with the Board | | | | | |

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|--|-------------|---------------|---------|-------------------|----------------|
| | 2. Execution of Board Policy | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Understands and compiles with the overall policies, laws and regulations of the Board. | | | | | |
| 2 | Implements Board policies. | | | | | |
| 3 | Efforts lead toward successful accomplishment of goals. | | | | | |
| | | | | | | |
| | | | | | | |
| | OVERALL RATING: Execution of Board Policy | | | | | |

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|--|-------------|---------------|---------|-------------------|----------------|
| | 3. Board Programs | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Ensures effective and efficient management of enforcement programs. | | | | | |
| 2 | Keeps Board apprised of enforcement program and process developments. | | | | | |
| 3 | Maintains security of examination process. | | | | | |
| 4 | Monitors validity/defensibility of examinations and provides appropriate recommendations for action. | | | | | |
| 5 | Monitors and identifies trends in candidate qualifications, pass/fail rates, etc. | | | | | |
| 6 | Resolves problems which arise in the exam process. | | | | | |
| 7 | Keeps Board apprised of exam program and process developments. | | | | | |
| 8 | Keeps Board apprised of licensing program and process developments. | | | | | |
| | | | | | | |
| | | | | | | |
| | OVERALL RATING: Board Programs | | | | | |

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|---|-------------|---------------|---------|-------------------|----------------|
| | 4. Governmental Relations | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Keeps the Department of Consumer Affairs informed of Board issues, problems, and accomplishments. | | | | | |
| 2 | Maintains a positive working relationship with other State Agencies. | | | | | |
| 3 | Manages Board legislative program and efforts. | | | | | |
| 4 | Manages sunset review process. | | | | | |
| 5 | Acts a liaison and participates in national organizations, federations or alliances. | | | | | |
| 6 | Represents the Board effectively before the Legislature. | | | | | |
| | | | | | | |
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| | OVERALL RATING: Governmental Relations | | | | | |

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|--|-------------|---------------|---------|-------------------|----------------|
| | 5. Administrative Functions | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Plans, organizes and directs Board administrative functions and staff. | | | | | |
| 2 | Provides oversight, direction and management of the Board's annual budget, expenditures and revenues. | | | | | |
| 3 | Keeps Board apprised of budget developments. | | | | | |
| 4 | Identifies, recommends and, as directed, seeks necessary changes to laws and regulations through proposed legislation and/or the Office of Administrative Law (OAL). | | | | | |
| 5 | Ensures compliance and enforcement of departmental, state and federal policies and procedures. | | | | | |
| 6 | Develops and executes sound personnel practices and procedures. | | | | | |
| | | | | | | |
| | OVERALL RATING: Administrative Functions | | | | | |

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|--|-------------|---------------|---------|-------------------|----------------|
| | 6. Public Liaison | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Represents the Board before the public. | | | | | |
| 2 | Directs consumer outreach programs. | | | | | |
| 3 | Manages Board's public relations effort. | | | | | |
| 4 | Directs liaison with educational institutions. | | | | | |
| 5 | Solicits and gives attention to problems and opinions of all groups and individuals. | | | | | |
| 6 | Represents the Board before industry associations to provide information regarding the Board's laws, regulations, programs and policies. | | | | | |
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| | | | | | | |
| | OVERALL RATING: Public Liaison | | | | | |

Comments: (Attach additional pages, if necessary)

**Speech-Language Pathology & Audiology
& Hearing Aid Dispensers Board
CALENDAR - FISCAL YEAR 2015/2016**

Rev.3/12/15

| Month | Date | Description |
|----------------|-----------------------------|--|
| July 2015 | 4 | State Holiday – Saturday – Independence Day |
| August 2015 | 20-21 | Board & Committee Meeting and Strategic Planning – San Francisco |
| September 2015 | 7 10-12 | State Holiday – Office Closed – Labor Day CAA Conference – San Jose |
| October 2015 | | |
| November 2015 | 5-6 11 12-14 26/27 | Board & Committee Meeting – San Diego State Holiday – Office Closed – Veteran's Day ASHA Convention - Colorado State Holiday – Office Closed – Thanksgiving Holiday |
| December 2015 | 25 | State Holiday – Office Closed - Christmas Day |
| January 2016 | 1 18 | State Holiday – Office Closed – New Year's Day State Holiday – Office Closed – Martin Luther King Jr. Day |
| February 2016 | 4-5 15 | Board & Committee Meeting - Sacramento State Holiday – Office Closed – Presidents Day |
| March 2016 | 31 | State Holiday – Office Closed – Caesar Chavez Day |
| April 2016 | 13-16 | AAA Convention - Phoenix, AZ |
| May 2016 | 11-12 TBD 30 | Board & Committee Meeting - TBD HHP Convention - TBD State Holiday – Office Closed – Memorial Day |

| | | |
|-----------|--|--|
| June 2016 | | |
|-----------|--|--|