



## **BOARD MEETING NOTICE AND AGENDA**

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

### **November 6, 2015 - 9:00 a.m. – 5:00 p.m. (or until completion of business)**

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

1. Call to Order / Roll Call / Establishment of Quorum
2. Hearing on Petition for Early Termination of Probation – Kathryn Ellis, SLP, License # 15760

### **Closed Session**

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

### **Open Session**

4. Public Comment for Items not on the Agenda
5. Approval of the June 19, 2015 Meeting Minutes and August 20-21, 2015 Meeting Minutes
6. Review and Approval of Strategic Plan
7. Update on the Council of Academic Programs in Communication Sciences and Disorders Meeting
8. Update from National Council of State Boards of Examiners of Speech-Language Pathology and Audiology Conference
9. Proposed Regulations – Discussion and Possible Action
  - a. Title 16, CCR, Sections 1399.152 - RPE Clock Hours
  - b. Title 16, CCR, Sections 1399.154.1-1399.154.8 - Speech-Language Pathology or Audiology Aides
  - c. Title 16, CCR, Sections 1399.160.1, 1399.160.2, 1399.160.3, and 1399.160.7 - Self-study Hours
  - d. Title 16, CCR, Sections 1399.131 & 1399.155 - Disciplinary Guidelines for Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers
10. Executive Officer's Report
  - a. Administration Update
  - b. Budget Report
  - c. Licensing Report

- d. Practical Examination Report
  - e. Enforcement Report
  - f. Status of Pending Regulations
11. Update on 2015 Legislation
- a. AB 12 (Cooley) State Government: Administrative Regulations: Review
  - b. AB 85 (Wilk) Open Meetings
  - c. AB 333 (Melendez) Healing Arts: Continuing Education
  - d. AB 1351 (Eggman) Deferred Entry of Judgement
  - e. AB 1352 (Eggman) Deferred Entry of Judgement
  - f. SB 467 (Hill) Professions and Vocations
  - g. SB 479 (Bates) Healing Arts: Behavior Analysis
12. Discussion and Possible Action on Board Policy Regarding Requests for Teleconference Appearances for Petitions for Reduction of Penalty or Reinstatement
13. Future Agenda Items and Future Board Meeting Dates
- a. February 4-5, 2016 – San Diego
  - b. May 12-13, 2016 (Location to be determined)
  - c. August 11-12, 2016 (Location to be determined)
  - d. November 10-11, 2016 (Location to be determined) (Dates on State Holiday)
14. Adjournment

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

*Action may be taken on any item on the Agenda. The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. 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.*





**Speech-Language Pathology and Audiology  
and Hearing Aid Dispensers Board  
BOARD MEETING MINUTES - DRAFT  
Sacramento, CA  
June 19, 2015**

**1. Call to Order**

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:20a.m. Ms. Grimes called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

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

Board Members Absent

Rodney Diaz, MD, Public Board Member  
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer  
Breanne Humphries, Program Manager  
Sabina Knight, Legal Counsel  
Anita Joseph, Enforcement Coordinator  
Bryce Penney, DCA Web Cast  
Karen Robison, Enforcement Analyst  
Marti Shaffer, Enforcement Analyst

Guests Present

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)  
Cynthia Peppers, Hearing Healthcare Providers  
Michelle Stout, Department of Consumer Affairs, Executive Office

**2. Public Comment for Items not on the Agenda**

*There were no comments from Public/Outside Agencies/Associations.*

3. Approval of the March 11, 2015 Board Meeting Minutes

Discussion of the Board meeting minutes included making three corrections.

**M/S/C Manning/Solomon-Rice**

- **Approve the Board meeting minutes as amended. The motion carried 7-0**

4. Consideration of Recommendations of Ad Hoc Committee regarding English-Language Competency and Foreign-Trained Applicants

Ms. Solomon-Rice updated the Board on the English-Language Competency and Foreign-Trained Applicant steps that the SLP Ad Hoc Committee proposed. Ms. Solomon-Rice presented a report that reviewed the March 11, 2015, discussion regarding English-Language Competency, identified three specific areas that need to be considered in regard to Foreign-Trained Applicants, and questions that need to be answered including: summary statement and what needs to be done. The three specific areas that need to be considered in regard to Foreign-Trained Applicants are: intelligibility; oral and written English competency; and academic and clinical competencies.

The Board discussed consumer protection, short and long term goals, recommended academic courses and a combined effort working on guidelines to set intelligibility standards and oral and written English competency. Ms. Grimes will meet with Board staff to develop a plan for areas one and three for the November Board meeting.

5. Consideration of Recommendations of Ad Hoc Committee regarding Speech-Language Pathology Assistant Supervision Requirements and Audits

The Speech-Language Pathology Assistant Supervision Requirements and Audits has been tabled until further notice.

6. Update and Possible Action on Process Issues and Delays with California Children's Services

Ms. Grimes informed the Board that half of the hearing impaired children covered by California Children's Services (CCS) are struggling with provider services, enrollment authorization and reimbursement issues. Ms. Grimes shared that there is an enormous gap in services from Stanford to UCLA. Cases and authorizations are not being reviewed by licensed audiologists and the process has slowed dramatically. She noted that the younger a child is diagnosed and receives help with hearing services the more favorable the outcome is. A letter was sent to DHCS regarding these concerns/issues in October 2014, and has gone unanswered. Ms. Grimes is requesting the Board send a second letter to the Department of Health Care Services (DHCS) requesting a meeting to address these issues and the possibility of a letter also being sent to the Senate and Assembly pleading for better communication and address the issues. .

**M/S/C Grimes/Raggio**



- **Delegate Ms. Alison Grimes, Ms. Marcia Raggio and Mr. Paul Sanchez to draft a letter to DHCS requesting a meeting. The draft will be forwarded to all Board Members for comments. The motion carried 7-0**

7. Update on Status of Request to the FDA for Exemption from Pre-Emption of Requirements - Mail Order and Catalog Hearing Aid Sales

The Exemption from Pre-Emption of Requirements - Mail Order and Catalog Hearing Aid Sales request is still under review by the FDA. A timeframe was not provided for the response.

8. Discussion and Possible Recommendation for an Increase in the Number of Self-Study Hours for Continuing Education

Mr. Sanchez provided the findings of research done by Board staff in regards to the definition of self-study, and the number of self-study hours allowed by other States as well as other DCA Boards. Mr. Sanchez presented a table of requirements as of this date for each profession and discovered that this Board is the second most restrictive in the country and the most restrictive in DCA when it comes to self-study hour. The Board discussed increasing the amount of CE self-study hours allowed per renewal cycle. Included in the discussion was raising the amount of self-study CE hours to 50% of the total required CE hours, passing a post course examination and not allow CE that promotes a specific manufacturers product. Mr. Shalev suggested that the number of self-study hours permitted for CE should also be increased for hearing aid dispensers.

**M/S/C Solomon-Rice/Raggio**

- **Direct staff to draft language increasing the allowable amount of self-study CE hours to 50%, require a post course assessment examination and restricting courses that promote manufacturer products. The motion carried 7-0**

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

The Board requested changes be made to the proposed language regarding clinical hours (300 to 375), settings, and range of disorders. Ms. Parker will work on amending the proposed language.

- b. Title 16, CCR, Sections 1399.154.-1399.154.7 - Speech-Language Pathology or Audiology Aides

**M/S/C Raggio/Solomon-Rice**

- **Delegate Ms. Marcia Raggio and staff to rework language. The motion carried 7-0**

- c. Title 16, CCR, Section 1399.157 - Speech-Language Pathology and Audiology Fees

Mr. Sanchez informed the Board that to increase staff and to meet the operational needs of the Board fees need to be increased. In 2012, the Legislative Joint Committee recommended augmenting staff so the licensing time frames would be more reasonable. The Board does not have sufficient number of staff to complete tasks for the current licensing population, which is steadily growing, in the established timeframes. The Board has to have enough revenue to support the expenditures being proposed. He stated that if the fees are not raised the Board will be operating with a negative budget by the fiscal year 2018/2019. It was noted that the last time Speech-Language Pathology and Audiology fees were increased was in 2002.

**M/S/C Solomon-Rice/Parker**

- **Move to approve the proposed text for a 45 day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

d. Title 16, CCR, Section 1399.129 - Hearing Aid Dispenser Examination and Licensing Fees

The Board was informed that this section of law was repealed many years ago and the purpose of this proposed regulation is to re-establish the regulation and consolidate the fees in one section. There are no changes to fees.

**M/S/C Manning/Parker**

- **Move to approve the proposed text for a 45 day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

e. Title 16 CCR, Division 13.3, Section 1399.100 – 1399.144 - Hearing Aid Dispensers - Non-substantive, Technical Changes

The Board discussed each change to the hearing aid dispenser regulations and voted to approve the proposed text. This addresses the merger of the Speech-Language Pathology & Audiology Board and Hearing Aid Dispensers Board.

**M/S/C Solomon-Rice/Manning**

- **Delegate staff to move forward with the rulemaking package. The motion carried 7-0**



- f. Title 16 CCR, Division 13.4, Section 1399.150-1399.199.14 - Speech-Language Pathology and Audiology - Non-substantive, Technical Changes

The Board discussed each change to the Speech-Language Pathology and Audiology regulations and voted to approve the proposed text.

**M/S/C Solomon-Rice/Manning**

- **Delegate staff to move forward with the rulemaking package. The motion carried 7-0**

10. Executive Officer's Report

a. Administration Update

Mr. Sanchez introduced staff to the Board and acknowledged the hard work they do to keep the Board running. He informed the Board that the first phase of CPS-HR Consulting (CPS) has commenced. This phase consists of interviewing Board staff to capture all work tasks, workloads and time frames to determine if the Board is operating efficiently and has sufficient staff to keep up with the operational needs of the Board. Mr. Sanchez reminded the Board that Strategic Planning will be held during the August Board meeting and that members of Solid, DCA's training department, will be contacting them. The Strategic Planning session will probably take a day and a half and a short Board meeting will follow. He also informed the Board that this is the year DCA employees' and Board/Bureau/Commission members must complete the Sexual Harassment Training course and there is post course examination. Ms. Humphreys will send out the link to the course which must be completed by December 31, 2015 and must be completed every two years.

b. Budget Report

Mr. Sanchez briefed the Board on the budget condition. The Expenditure Projection Report reflects that the Board will be spending most of its budget with a surplus of 2%. Mr. Sanchez also discussed the revenue report and the fund condition. He explained what information each report reflects and how that information may affect the Board. Ms. Grimes discussed the amount of money owed by Governor's Office to the Board. Mr. Sanchez confirmed that that is being paid over the period of three years.

c. Licensing Report

Peak RPE, SLP and Audiology application season has arrived and processing time frames are expected to increase. Application processing procedures are being reviewed to determine if procedures can be improved. Mr. Sanchez noted part of the analysis that CPS is performing will address business processes.

d. Practical Examination Report

A practical examination was held on May 16, 2015, and the Board is scheduled to hold a follow-up examination in July 2015. The Board is planning to hold additional examinations in September and November. Board staff is working on the exam application process to be more efficient.

e. Enforcement Report

The Board has referred 12 cases to the AG for formal discipline this year. Mr. Sanchez acknowledged that the Board continues to submit formal discipline information to the National Practitioner Data Bank (NPDB). It was clarified that Stipulated Settlements are reported to the NPDA because it is a disciplinary action. He explained that the Board changed the way work is distributed and this change is reducing the time it takes to process and close cases. In addition, Mr. Sanchez informed the Board that if a couple of cases take longer to process, the average processing timeframe will increase because the overall number of complaints the Board receives is low.

11. Review and Approval of Proposed Board Manual

Mr. Sanchez stated that most Boards have a manual which is given out to orient and train new Board members as well as keeping important documents and information at hand for existing Board members to access. This Board does not have a Board Manual at this time. A draft of the Proposed Board Manual is expected to be distributed by November 2015.

12. Legislation Update, Review, and Possible Action

Information regarding proposed legislation that may affect the Board can be brought to our attention by anyone. Currently, a DCA legislative analyst helps locate any pending legislation that will affect the Board. The Board is not required to act on any proposed legislation.

a. AB 12 (Cooley) State Government: Administrative Regulations: Review

The Board voted to watch this bill.

b. AB 85 (Wilk) Open Meetings

The Board voted to watch this bill.

c. AB 259 (Dababneh) Personal Information: Privacy

The Board did not vote to take a position on this bill.

d. AB 333 (Melendez) Healing Arts: Continuing Education

The Board did not vote to take a position on this bill.

e. AB 483 (Patterson) Healing Arts: Initial License Fees: Proration

The SLPAHAD is being removed from this bill therefore; the Board did not discuss taking a position.



- f. AB 507 (Olsen) Department of Consumer Affairs: BreEZe System: Annual Report

The Board did not vote to take a position on this bill.

- g. AB 750 (Low) Business and Professions: Licenses

The Board did not vote to take a position on this bill.

- h. AB 964 (Chau) Civil Law: Privacy

The Board did not vote to take a position on this bill.

- i. AB 1060 (Bonilla) Professions and Vocations: Licensure

The Board did not vote to take a position on this bill.

- j. SB 570 (Jackson) Personal Information: Privacy: Breach

The Board did not vote to take a position on this bill.

- k. SB 467 (Hill) Professions and Vocations

The Board did not vote to take a position on this bill.

### 13. Election of Board Officers

Mr. Sanchez gave an overview of the election process and the rolls of the Chair and Vice-chair. He noted that elections are required to be held on an annual basis.

Ms. Grimes was nominated to the position of Chair.

**M/S/C Solomon-Rice/Shalev**

- **The Board voted on the nomination of Ms. Grimes to the position of Chair. The motion carried 7-0**

Ms. Solomon-Rice was nominated to the position of Vice-chair.

**M/S/C**

- **The Board voted on the nomination of Ms. Solomon-Rice to the position of Vice-chair. The motion carried 7-0**

### 14. Discussion of Executive Officer Evaluation Process

The annual Executive Officer performance evaluation is due. The evaluation form including instructions and due dates will be distributed to the Board. Ms. Grimes and Mr. Manning will work together on the evaluation.

15. Future Agenda Items and Future Board Meeting Dates

- a. August 20-21, 2015 - San Francisco

The August Board meeting is scheduled to be in San Francisco; will last one and one-half days; and cover Strategic Planning and Board business.

- 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

1C-2010-155

Stipulated Settlement - Adopted

1I-2012-66

Stipulated Settlement - Adopted

**Return to Open Session**

17. The Board meeting adjourned at 2:40p.m.





## **BOARD MEETING MINUTES - DRAFT**

### **Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board** Burlingame, CA 94010 August 20-21, 2015

#### **1. Call to Order**

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 1:10 p.m. Ms. Grimes called roll; eight members of the Board were present and thus a quorum was established.

#### Board Members Present

Alison Grimes, Board Chair  
Patti Solomon-Rice, Vice Chair  
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

#### Board Member Absent

Rodney Diaz, MD, Public Board Member

#### Staff Present

Paul Sanchez, Executive Officer  
Breanne Humphries, Program Manager  
Sabina Knight, Legal Counsel  
Anita Joseph, Enforcement Coordinator  
Karen Robison, Enforcement Analyst  
Marti Shaffer, Enforcement Analyst

#### Guests Present

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)  
Deanna McCoy, HHP  
Brianna Miller, SOLID  
Dennis Zanchi, SOLID

#### **2. Introductions, Overview of Strategic Planning, Ground Rules**

Dennis Zanchi and Brianna Miller from DCA's SOLID Office introduced themselves and gave a brief overview of the strategic planning process. The overview included the schedule for each planning day, a brief summary of the environmental scan, and setting the Board's goals and objectives.

### 3. Strategic Planning Session

The Board, with the assistance of SOLID, reviewed the Board's Vision and Mission Statements. Through facilitated discussion, the Board developed objectives to support its goals in the categories of Licensing, Enforcement, and Outreach and Communication.

The Board went into recess until August 21, 2015 at 9:00 a.m.

### **August 21, 2015 – 9:00 a.m. – 5:00 p.m. (or until completion of business)**

#### 4. Reconvene / Roll Call / Establishment of Quorum

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:10 a.m. Ms. Grimes called roll; eight members of the Board were present and thus a quorum was established.

#### Board Members Present

Alison Grimes, Board Chair  
Patti Solomon-Rice, Vice Chair  
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

#### Board Member Absent

Rodney Diaz, MD, Public Board Member

#### Staff Present

Paul Sanchez, Executive Officer  
Breanne Humphries, Program Manager  
Sabina Knight, Legal Counsel  
Anita Joseph, Enforcement Coordinator  
Karen Robison, Enforcement Analyst  
Marti Shaffer, Enforcement Analyst

#### Guests Present

Becky Bingea, California Academy of Audiology  
Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)  
Brianna Miller, SOLID  
Cynthia Peffers, HHP  
Dennis Zanchi, SOLID

### **CLOSED SESSION**

The Board immediately went into closed session.



5. Pursuant to Government Code Section 11126 (a) (1), the Board will Meet in Closed Session for the Executive Officer Evaluation

## **RETURN TO OPEN SESSION**

The Board returned to open session at 9:50 a.m.

6. Strategic Planning Session

The Board, with the assistance of SOLID, continued developing objectives to support its goals in the categories of Laws and Regulations and Program Administration. Mr. Zanchi discussed the next steps in the planning process which include meeting with Board staff on an Action Plan. Mr. Zanchi and Board members discussed the duration of the plan whether it would be a four or five year plan and deferred to Mr. Sanchez. Mr. Sanchez commented that based on the Board's limited resources, it could take up to five years to complete most of the proposed plan's objectives.

7. Public Comment for Items not on the Agenda

*There were no comments from Public/Outside Agencies/Associations.*

8. Approval of the June 19, 2015 Board Meeting Minutes

The Board noted corrections to the June 19, 2015 Board Meeting minutes. Corrections will be made and the June 19, 2015, Board Meeting minutes will be brought back in November for approval.

9. Executive Officer's Report

- a. Administration Update

Mr. Sanchez gave a staffing update to the Board noting that Lisa Snelling was promoted and will be taking over the processing of Hearing Aid Dispenser applications from Tim Yang. Mr. Yang will be processing Speech-Language Pathology and Audiology applications replacing Lori Pinson who retired earlier this year. He reported cross training is a way to increase the amount of personnel who can work in multiple areas of the Board.

The CPS-HR workload assessment is underway and the information in the report will be used to substantiate the need for additional staff to handle the current and future workload. In addition, the report will assist in improving and streamlining job processes.

- b. Budget Report

Mr. Sanchez discussed the Board's budget and reports provided to the Board, The Expenditure Summary report is used to ensure we are on target with budget projections during the fiscal year. The report informs the Board where money is being spent. The budget analyst at Department of Consumer Affairs (DCA) prepares the budget reports for the Board. A question was raised as to why the Speech-Language Pathology and Audiology revenue is reported separately from Hearing Aid Dispensers revenue. Mr. Sanchez will see if DCA is able to combine the two revenue reports in the future.

Mr. Sanchez discussed obtaining additional staff and resources through a formal State budget process known as a Budget Change Proposal (BCP). A BCP is a detailed report that must be submitted to request



establishment of civil service positions and funding to State departments or programs. BCP approval is a multistep process that passes through DCA, Agency and must be approved by the Department of Finance.

c. Licensing Report

Mr. Sanchez reported there is an increase in the overall licensing population and that the average growth across all areas is 25%. Licensing timeframes have increased due to the arrival of the peak application season and borrowed staff returning to their units.

d. Practical Examination Report

Ms. Humphreys discussed the practical exam report provided to the Board which reflected the Board's practical exams held in July 2015. The next exam will be scheduled for October and November 2015 in Sacramento.

e. Enforcement Report

Mr. Sanchez discussed the enforcement report. Enforcement staff continue working hard to complete and close old cases which are carryover from previous enforcement staff while also working on current actions taken in 2015. The performance measures captured by DCA are used by all DCA Boards and Bureaus may not accurately measure the progress of Board Enforcement staff. This is mainly because the cases that are measured by DCA upon closure include old cases that were in already in backlog status. A request was submitted by the Board to separate SLP's complaints from AU complaints and staff will work on accomplishing this going forward. The Board discussed and compared the amount of SLP complaints and convictions to the amount of Hearing Aid Dispenser complaints and convictions.

10. Proposed Regulations – Discussion and Possible Action on:

The Board is working on processing the rulemaking files that have been approved over the past four years. The Board does not have a person delegated to work specifically on regulations and that has been the main factor in the slow the process. Staff had spent many hours working on the Disciplinary Guidelines and Uniform Standards regulation however; clarification regarding how to incorporate the Uniform Standards has suspended the progress of this regulation. Ms. Knight informed staff they had the option of splitting the Disciplinary Guidelines and Uniform Standards while waiting for the opinion. The Board was educated on the process and timeline of regulations being approved and implemented.

a. Title 16, CCR, Sections 1399.152, – RPE Clock Hours

The Board requested the removal of references to audiologists, incorporated the language found in statute and add “a minimum of” and “total” to the language. Staff will work on the changes and bring the language back to the November 2015 Board meeting.

b. Title 16, CCR, Sections 1399.160.1, 1399.160.2, 1399.160.3, and 1399.160.7- Self-study Hours

The Board approved CCR sections 1399.160.1 through 1399.160.7 of the proposed language then delegated staff make corrections to CCR section 1399.160.

c. Title 16, CCR, Section 1399.127- Hearing Aid Dispensers Advertising



## 11. Future Agenda Items and Future Board Meeting Dates

Items requested to be included on the November agenda are the English Proficiency, Foreign Educated applicants, Speech-Language Pathology Assistant Supervisors, Audiology Aid legal opinion and a CAPCSD update.

- a. November 5-6, 2015 - San Diego

The November 2015 Board meeting location has been changed to Sacramento.

- b. February 4-5, 2016 – Sacramento

The February 2016 Board meeting location has been changed to San Diego.

- c. May 11-12, 2016 (Location to be determined)

The dates of the May 2016 Board meeting have been changed to the May 12<sup>th</sup> and 13<sup>th</sup>.

- d. August 11-12, 2016 (Location to be determined)
- e. November 9-10, 2016 (Location to be determined)

The dates of the November 2016 Board meeting have been changed to the 10<sup>th</sup> and 11<sup>th</sup>.

## 12. Adjournment

The meeting adjourned at 3:15 p.m.





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

**2016-2020 Strategic Plan**

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Adopted: (insert date Board approved plan)

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

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**Alison Grimes**, Board Chair, Dispensing Audiologist

**Rodney Diaz**, Public Member, Otolaryngologist

**Jaime Lee**, Public Member

**Deane Manning**, Hearing Aid Dispenser

**Dee Parker**, Speech-Language Pathologist

**Marcia Raggio**, Audiologist

**Amnon Shalev**, Hearing Aid Dispenser

**Debbie Snow**, Public Member

**Patti Solomon-Rice**, Speech-Language Pathologist

Edmund G. Brown, Jr., Governor

Anna M. Caballero, Secretary, Business, Consumer Services and Housing Agency

Awet Kidane, Director, Department of Consumer Affairs

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

# Message from the Board President

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On behalf of the Speech Language Pathology, Audiology and Hearing Aid Dispensers Board (SPAHADB), I am pleased to present the 2014-2017 Strategic Plan.

It is the vision of our Board that every Californian have access to communication, through diagnosis, treatment and related services of the highest quality.

The Board seeks to protect the health, safety and welfare of the people of California by requiring adherence to laws and regulations designed to ensure the qualifications and competence of providers of speech-language pathology, audiology and hearing aid dispensing services.

To fulfill these goals, we have identified in this document key issues, goals, and actions that we will take to protect and serve California consumers.

This Strategic Plan outlines our goals and identifies our challenges as we move forward to build our foundation for protection of, service to, and excellence in care, of consumers with speech, language and hearing impairments.

It is our hope that all stakeholders, particularly consumers, will take an active role by joining with the Board and Staff in these endeavors.

Alison M. Grimes, AuD

Board Chair

Board Certified, American Board of Audiology Director, Audiology and Newborn Hearing Screening  
UCLA Health



## About the Board

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

## Mission

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

## Vision

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

## Values

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### CONSUMER PROTECTION

We make effective and informed decisions in the best interest, and for the safety of Californians.

### EFFICIENCY

We diligently identify the best ways to deliver high-quality services with the most efficient use of our resources.

### INTEGRITY

We are committed to honesty, ethical conduct and responsibility.

### PROFESSIONALISM

We ensure that qualified, proficient and skilled staff provide services to Californians.

### ACCOUNTABILITY

We accept personal responsibility for our actions, exemplifying high ethical standards and always strive to improve our effectiveness.

### EFFECTIVENESS

We make informed decisions that make a difference and have a positive, measurable impact.

### CUSTOMER SERVICE

We acknowledge all stakeholders as our customers, listen to them and take their needs into account.



# Strategic Goals

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## **1 LICENSING**

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

## **2 ENFORCEMENT**

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

## **3 OUTREACH**

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

## **4 LAWS AND REGULATIONS**

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

## **5 PROGRAM ADMINISTRATION**

The Board efficiently utilizes resources and personnel to meet our goals and objectives.

## Goal 1: Licensing

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

1.1	Examine licensing and examination requirements for all disciplines to ensure fairness in the licensing process.
1.2	Shorten the licensing processing time (from application to issuance of the license) to better meet consumer and professional needs.
1.3	Complete and submit a Budget Change Proposal (BCP) to request additional licensing positions to increase the availability of services, reduce processing times, streamline processes and meet professional demand.
1.4	Increase the frequency and number of locations for the hearing aid dispensers examination in order to increase access to applicants and more efficiently meet consumer demand for more licensed hearing aid dispensers.



## Goal 2: Enforcement

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*The health and safety of California consumers is protected through the active enforcement of the laws and regulations governing the practices of Speech-Language Pathology and Audiology and Hearing Aid Dispensing.*

2.1	Decrease enforcement timeframes to protect the public.
2.2	Inform interested parties regarding disciplinary actions to reduce the number of practitioner violations.
2.3	Implement annual Board member enforcement training to improve Board member knowledge.
2.4	Develop an ad-hoc Board member Enforcement Committee to discuss enforcement issues and review enforcement processes.
2.5	Document the Board's enforcement policies and procedures to maintain an enforcement knowledge base.
2.6	Assess staffing needs to determine whether staffing resources are adequate to manage current and anticipated workload.

## Goal 3: Outreach

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*Consumers and other stakeholders are educated and informed about the practices, and laws and regulations governing the professions of Speech-Language Pathology and Audiology and Hearing Aid Dispensing.*

3.1	Require practitioners to post a consumer notice at the practitioner's point of service regarding the role and responsibility of the Board and how to file a consumer complaint.
3.2	Expand internet communication to encourage bi-directional communication to actively engage consumers, licensees and other stakeholders.
3.3	Encourage stakeholder participation at Board meetings to obtain feedback, increase transparency and education stakeholders.
3.4	Complete and submit a BCP to request an additional outreach position to educate consumers, licensees, universities, and other stakeholders about the practices, laws and regulations governing Board professions.
3.5	Develop ready-to-use presentation materials for Board member use to cost-effectively disseminate information to consumers, licensees and students.

## Goal 4: Laws and Regulations

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*The health and safety of California consumers is protected by the laws and regulations governing the professions of Speech-Language Pathology, Audiology and Hearing Aid Dispensing.*

4.1	Update Continuing Education (CE) requirements to facilitate the license renewal process, improve ease of auditing and reduce confusion.
4.2	Complete and submit a BCP for a legislative analyst position to address the backlog of regulatory packages.
4.3	Develop a Board member Laws and Regulations Committee to prioritize regulations and facilitate legislative analysis at Board meetings.
4.4	Support legislative initiatives to address the shortage of audiologists and SLPs in California.
4.5	Advocate for additional university programs graduating audiologists and SLPs to address the shortage of professionals in California in the interest of consumer protection.
4.6	Finalize existing regulation packages and proposals so that Board regulations remain up-to-date with current practices.
4.7	Require SLPs and audiologists who provide service in public schools to be licensed in order to improve consumer protection.
4.8	Develop regulations regarding the appropriate level of supervision for trainees, aides, and assistants to safeguard consumer protection.
4.9	Review examination regulations and make necessary changes in order to reduce applicant, staff and stakeholder confusion.
4.10	Seek statutory authority to require hearing aid dispenser applicants to complete a traineeship under a licensed Hearing aid dispenser in order to become eligible to take practical exam in the interest of consumer protection.
4.11	Monitor federal regulation request for exemptions for online hearing aid sales in California to protect consumers and to improve clarity for licensees.



## Goal 5: Program Administration

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*The Board efficiently utilizes resources and personnel to meet our goals and objectives.*

5.1	Increase capacity for Board and Committee deliberations and progress in order to more effectively address more Board-related issues in a timely manner.
5.2	Address staffing needs to determine whether staffing resources are adequate to manage current and anticipated workload.
5.3	Create, improve, and document all Board policies and procedures to streamline processes and maximize efficiency.
5.4	Implement training for staff, Board members, subject matter experts (SMEs), and expert witnesses to maintain consistent communication and practices.
5.5	Plan to map existing Board processes in accordance with DCA release schedule to prepare for the BreEZe <sup>1</sup> implementation.
5.6	Review (and update if necessary) Board processes that can be conducted electronically in order to increase staff efficiency and stakeholder satisfaction.
5.7	Monitor and protect the Board's fund condition at the appropriate level to maintain the Board's structural needs.

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<sup>1</sup> BreEZe will be the Board's new licensing and enforcement tracking system designed to replace the Board's existing legacy licensing system (ATS) and enforcement systems (CAS)

## Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- ♦ Interviews conducted with eight members of the Board completed during the month of July 2015, to assess the strengths, challenges, opportunities and threats the Board is currently facing or will face in the upcoming years.
- ♦ Interviews conducted with the Executive Officer, completed in the month of July 2015, to identify the strengths and weaknesses of the Board from an internal perspective.
- ♦ An online survey of Board staff in July 2015, to identify the strengths and weaknesses of the Board from an internal perspective. Seven staff members participated.
- ♦ An online survey sent to Board stakeholders in July 2015 to identify the strengths and weaknesses of the Board from an external perspective. The survey yielded 368 qualitative and quantitative stakeholder responses.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on August 21–22, 2015. This information guided the Board in the revision of its mission, vision and values, while directing the strategic goals and objectives outlined in this 2016-2020 strategic plan.



**PREPARED BY:**  
**SOLID PLANNING SOLUTIONS**  
**DEPARTMENT OF CONSUMER AFFAIRS**

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*This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in August 2015. Subsequent amendments may have been made after Board adoption of this plan.*



**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) ...

~~(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) A minimum of ~~Three~~ three hundred seventy-five (300375) clock hours of clinical experience with individuals representative of a wide spectrum of ages and communication disorders from various clinical settings 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 Professions Code. Reference: Section 2532.2, Business and Professions Code.



ISSUE: ARE THE PROPOSED REGULATORY AMENDMENTS FOR AUDIOLOGY AIDE SUPERVISION STANDARDS AND PRACTICE LIMITATIONS (16 CCR 1399.154-1399.154.4) ALLOWABLE UNDER THE PRACTICE ACT?

Public comment (HHP) on these proposed regulatory amendments requested that audiology aides only be allowed to participate in activities that currently require either a hearing aid dispensing license or a trainee license. At this time, audiology aides are allowed to participate in any activity that an audiologist performs so long as the aide is supervised by an audiologist.

The proposed regulations provide amendments to Title 16 Division 13.4, Article 5. Speech-Language Pathology & Audiology Aides. Regulation 1399.154.8 was added to Article 5 of this regulation to include a list of activities, duties, and functions considered to be outside the scope of responsibility of an audiology aide.

Acting counsel (Gary Duke, 11/6-7/14) noted Section 2538.22 of the Business and Professions Code (See attachment), stating that item #10 under proposed 16 CCR 1399.154.8(a) (Fit or sell a hearing aid without possessing a valid hearing aid dispensing license or a valid hearing aid trainee license) may be in conflict with B & P 2538.22 since the B & P Code already states that the requirements of this law do not pertain to “an individual supervised by an audiologist in conducting fitting procedures, and who does not directly or indirectly engage in the sale or offering for sale of hearing aids. It was recommended that this item be removed from the list of restricted activities of audiology aides.

In addition, the entire proposed 16 CCR 1399.154.8, may be in conflict with B&P Code Section 2538.22, as this currently allows an audiology aide to participate in any activity that an audiologist performs so long as the aide is supervised by an audiologist.





#### Business and Professions Code §2530.2. Definitions

...

(k) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to auditory, vestibular, and related functions and the modification of communicative disorders involving speech, language, auditory behavior, or other aberrant behavior resulting from auditory dysfunction; and the planning, directing, conducting, supervising, or participating in programs of identification of auditory disorders, hearing conservation, cerumen removal, aural habilitation, and rehabilitation, including hearing aid recommendation and evaluation procedures, including, but not limited to, specifying amplification requirements and evaluation of the results thereof, auditory training, and speech reading, and the selling of hearing aids.

...

(m) "Audiology aide" means any person meeting the minimum requirements established by the board. An audiology aide may not perform any function that constitutes the practice of audiology unless he or she is under the supervision of an audiologist...

...

#### Business and Professions Code §2530.6. Licensees' Aides

Speech-language pathologists and audiologists supervising speech-language pathology or audiology aides shall register with the board the name of each aide working under their supervision. The number of aides who may be supervised by a licensee shall be determined by the board. The supervising audiologist or speech-language pathologist shall be responsible for the extent, kind, and quality of services performed by the aide, consistent with the board's designated standards and requirements.

#### Business and Professions Code §2538.22. Applicability of article to physician, surgeon, or audiologist not engaged in the sale of hearing aids

This article does not apply to ... any audiologist licensed under this chapter, or to an individual supervised by the audiologist in conducting fitting procedures, and who does not directly or indirectly engage in the sale or offering for sale of hearing aids.

#### 16 CCR 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...

(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.

#### 16 CCR 1399.154.4. Training of Aides

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

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

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

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



#### 1399.154.1.1 Supervision of Audiology Aide.

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

(a) "Direct supervision" means on-site observation and guidance by the audiology supervisor while the audiology aide is treating a patient or client. Direct supervision performed by the supervising audiologist may include, but is not limited to, the following: observation of a portion of the testing or treatment procedures performed by the audiology aide, coaching the audiology aide, and modeling for the aide.

(b) "Indirect supervision" means the supervising audiologist is not at the same facility or in close proximity to the audiology aide, but is available to provide supervision by telephonic or electronic means. Indirect supervision activities performed by the supervising audiologist may include, but are not limited to, demonstration, record review, review and evaluation of recorded sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail. Indirect supervision may be provided to an industrial audiology aide, if all of the following conditions are met:

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

(2) The supervisor includes the proposed plan with his or her application form.

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

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

(c) "Immediate supervision" means the supervising audiologist is physically present during services provided to the patient or client by the audiology aide.

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

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

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

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

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

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

**1399.154.25. Responsibilities of Audiology Aide's Supervisor.**

A supervisor of an audiology aide shall:

- (a) Have legal responsibility for the health, safety and welfare of the patients.
- (b) Have legal responsibility for the acts and services provided by the audiology aide, including compliance with the provisions of the Act and these regulations.
- (c) Provide the appropriate level of supervision to the audiology aide when he or she is engaged in direct client or patient care or assisting with patients.
- (d) Evaluate, treat, manage and determine the future dispositions of patients.
- (e) Appropriately train the audiology aide to perform duties to effectively assist in evaluation and/or treatment. A supervisor shall establish and complete a training program for the 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 that may be provided by the audiology aide in the supervision plan for the particular aide and setting, in keeping with Board requirements (Section 1399.154.1), and list those tasks that an aide will not conduct (Section 1399.154.8).
- (g) Ensure that the audiology aide is wearing a nametag, at all times while working, with their name and registration status displayed in at least 18-point type.

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.

**1399.154.4. Training of Aides.**

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

- (a) Instruction in the skills necessary to perform any acts or services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the code. The supervisor is not required to repeat any training which may have already been received by the aide because of any prior education, training and experience.
- (b) A supervisor shall require a speech-language pathology or audiology aide to demonstrate his or her competence to perform any acts or provide any services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology or audiology aide only to perform those acts or to provide those services for which he or she has been provided training and has demonstrated competency.
- (c) A supervisor shall instruct a speech-language pathology or audiology aide as to the limitations imposed upon his or her duties, acts or services by these regulations, by his or her training and skills and by the evaluation and treatment plan for any patient.
- (d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.

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

**1399.154.5. Notice of Termination.**

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the board, in writing, of such termination and the date thereof.

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

**1399.154.6. Noncompliance With Article.**

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

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

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

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience required in Section 2532.2(c) of the code or the required professional experience required in Section 2532.2(d) of the code.

**1399.154.8. Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide**

(a) An audiology aide may not perform any of the following functions:

(1) Conduct diagnostic evaluations;

(2) Interpret diagnostic data;

(3) Alter treatment plans;

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

(5) Sign any documents in lieu of the supervising audiologist i.e., treatment plans, client reimbursement forms, or formal reports;

(6) Discharge clients from services;

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

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

(9) Represent himself or herself as an audiologist;

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

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

(12) Perform those procedures that require a high level of clinical acumen and technical skill, e.g., diagnostic VNG, ENG, ABR interpretation;

(13) Perform any task without the express knowledge and approval of a supervising audiologist, or

(14) Violate HIPPA regulations/laws/requirements





OFFICE USE ONLY	
RECEIPT #:	
ATS #:	
AMOUNT PAID:	
DATE CASHIERED:	

## REGISTRATION OF SPEECH-LANGUAGE PATHOLOGY OR AUDIOLOGY AIDE

**\$10.00**

**NOTICE:** EFFECTIVE JULY 1, 2012, THE STATE BOARD OF EQUALIZATION, AND THE FRANCHISE TAX BOARD MAY SHARE TAXPAYER INFORMATION WITH THE BOARD. YOU ARE OBLIGATED TO PAY YOUR STATE TAX OBLIGATION AND YOUR LICENSE MAY BE SUSPENDED IF THE STATE TAX OBLIGATION IS NOT PAID.

**PLEASE TYPE OR PRINT**

1. NAME OF SPEECH-LANGUAGE PATHOLOGIST OR AUDIOLOGIST WHO WILL BE PROVIDING SUPERVISION:			
LAST	FIRST	MIDDLE	LICENSE NUMBER
NAME OF BUSINESS			
BUSINESS-STREET ADDRESS			
CITY	STATE	ZIP CODE	BUSINESS PHONE NUMBER
EMAIL ADDRESS			
THE FOLLOWING AIDES ARE APPROVED BY THE BOARD TO WORK UNDER MY SUPERVISION:			

2. NAME OF AIDE			
LAST	FIRST	MIDDLE	BEGINNING DATE OF EMPLOYMENT AS AIDE
HOME ADDRESS			HOME PHONE NUMBER
CITY	STATE	ZIP CODE	
SOCIAL SECURITY NUMBER			DATE OF BIRTH
EMAIL ADDRESS:			

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

- Have legal responsibility for the health, safety and welfare of the patients.
- Have legal responsibility for the acts and services provided by the speech-language pathology or audiology aide, including compliance with the provision of the Act and these regulations.
- Be physically present while the speech-language pathology or audiology aide is assisting with patients, unless the board has approved an alternative plan of supervision.** A supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the registration form. An industrial audiology aide may only be authorized to conduct air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review all patients' histories and the audiograms and make any necessary referrals for evaluation and treatment.
- Evaluate, treat, manage and determine the future disposition of patients.
- 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 speech-language pathology or audiology aides 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.
- Define the services which may be provided by the speech-language pathology or audiology aide. These 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.







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

**Title 16, ~~Chapter~~ Division 13.4  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY  
Article 11. Continuing Professional Development  
Proposed Language**

**Amend Sections 1399.160, 1399.160.1, 1399.160.2, 1399.160.3, 1399.160.4, and 1399.160.7 of Article 11 of Division 13.4 of Title 16 as follows:**

**§ 1399.160. Definitions.**

As used in this article:

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

(b) A ~~“self-study course”~~ means a form of systematic learning ~~that does not offer participatory interaction between the licensee and the instructor during the instructional period. These include, but are not limited to, recorded courses delivered via the Internet, or CD-ROM/DVD, correspondence, and home study and which~~ that requires completing and passing an assessment or examination of the course content test, (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.~~

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

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

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

(f) “Professional development” shall have the same meaning and effect as the term “continuing education” when interpreting the provisions in this Article.

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

**§ 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 to renew their license for the first time, 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 to renew both licenses for the first time, 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 to renew their both licenses 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 bBoard, is subject to 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) six (6) of the required hours by way of self-study activities;~~

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

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

(eb) A licensee may submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The bBoard 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 bBoard shall grant the exemption if the licensee can provide evidence, satisfactory to the bBoard, 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 applying to renew their license for the first time,~~ 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 ~~six (6) of the required hours of continuing professional development courses through by way of self-study activities~~ during this renewal period.

Comment [D1]: Maybe we need to work on the organization of this entire section or create a new section and break out SLP vs AUD?

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(b) A licensee who holds both a speech-language pathology license and an audiology license, ~~applying to renew both licenses for the first time, 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) ~~four (4) of the required hours of continuing professional development courses through by way of self-study courses activities~~ for each license.

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(c) A licensee ~~who holds a speech-language pathology or non-dispensing audiology license (not applying for initial renewal)~~ shall accrue at least twenty-four (24) hours ~~during a single renewal period~~ of continuing professional development ~~per renewal period 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 each~~ renewal period:

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(1) No more than ~~six (6)~~ twelve (12) of the ~~twenty-four (24)~~ required hours ~~by way 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 and~~ shall not be obtained from courses where the content focuses on equipment, devices, or other products of a particular ~~manufacturer publisher, or company or corporation.~~

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(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 ~~per renewal period 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 eight (8) ~~of the required hours by way 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 ~~per annual renewal period~~ 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 ~~each~~ renewal period:

(1) No more than ~~six (6) of the required hours by way of self-study activities,~~

(2) No more than one and a ~~one~~-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 and which may be accrued through the following activities during a single each renewal period:~~

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(A) No more than eight (8) of the required hours by way 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 and which may be accrued through the following activities during a single each renewal period:~~

(A) No more than four (4) of the required hours by way 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 per renewal period~~, 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 per renewal period for hours of continuing professional development.

(i) A licensee who takes a continuing professional development 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 requirement.

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.

#### § 1399.160.4. Continuing Professional Development Course Content.

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

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

(c) The content of a course shall pertain to direct, related, or indirect patient/client care.

(1) Examples of direct patient/client care courses for the practice of speech-language pathology include, but are not limited to: fluency disorders, voice disorders, motor disorders of speech, dysphagia, speech science, oral and written language disorders, aphasia and neurogenic disorders of language and cognition, augmentative and alternative communication, phonological/articulatory disorders, language science, and patient/client counseling to facilitate recovery from, or adjustment to, a communication disorder.

(2) Examples of direct patient/client care courses for the practice of audiology include, but are not limited to: auditory and vestibular assessment, auditory habilitation/rehabilitation, hearing assistive technology, industrial audiology/hearing conservation and hearing science.

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

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

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

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

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

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

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

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

(4) tort liability;

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

(6) courses in which the primary beneficiary is the licensee, not the consumer.

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 A~~ continuing professional development provider applicant shall submit a completed Continuing Professional Development Provider Application (form no. 77A-50, ~~new 1/99~~ CEP 200/REV 7/15), 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.

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Speech-Language Pathology and Audiology  
and Hearing Aid Dispensers Board

# DISCIPLINARY GUIDELINES

January 2013 2017



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## INTRODUCTION

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) is a consumer protection agency with the primary mission of protecting consumers of speech-language pathology, audiology, and hearing aid dispenser services from potentially harmful licensees. In keeping with its obligation to protect the consumer, the Board has adopted the following Disciplinary Guidelines for disciplinary orders, terms and conditions of probation for violations of the laws governing speech-language pathology, audiology and hearing aid dispensing as well as Uniform Standards Related to Substance Abuse.

The Board carefully considers all facts and circumstances associated with each case in its efforts to protect consumers. Subsequently, the Administrative Law Judge ("ALJ") shall provide in all proposed decisions a detailed basis of his or her decision in the "Findings of Fact" particularly when there is a deviation from the Guidelines. The deviation shall be clearly outlined in the decision to enable the Board to understand the reasons for the deviation and evaluate the suitability of the decision. However, an ALJ is prohibited from deviating from the Uniform Standards Related to Substance Abuse.

If at the time of hearing the ALJ finds that the Respondent, for any reason, is not capable of safe practice, the ALJ shall order outright revocation of the license. This is particularly important in cases of patient sexual abuse or bodily harm. Suspension of a license may also be appropriate where the public may be better protected if the practice of the licensee is suspended in order to correct deficiencies in skills, education or rehabilitation.





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

## UNIFORM STANDARDS RELATED TO SUBSTANCE ABUSE AND DISCIPLINARY GUIDELINES

### SPEECH-LANGUAGE PATHOLOGISTS, AND AUDIOLOGISTS AND HEARING AID DISPENSERS

Section 1399.131 of Division 13.3 and Section 1399.155 of Division 13.4 of Title 16, Article 6 entitled "Disciplinary Guidelines," of the California Code of Regulations is amended to read:

California Code of Regulations, Title 16, Section 1399.131 is amended to read:

#### **Disciplinary Guidelines ~~Article 6.~~**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall ~~consider the disciplinary guidelines entitled "Disciplinary Guidelines and Model Disciplinary Orders" Sixth Edition, June 1997~~ comply with the "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines" Revised January 2017 (hereinafter "Guidelines") ~~which that~~ are hereby incorporated by reference. The Disciplinary Guidelines apply to all matters; the Uniform Standards describe the orders that shall be imposed upon a substance abusing licensee.

Deviation from these Guidelines and orders, including the standard terms of probation, is appropriate where the 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. Neither the Board nor an administrative law judge may impose any terms or conditions of probation that are less restrictive than the Uniform Standards Related to Substance Abuse. If a licensee has not been identified as a substance abusing licensee (for example, through stipulation) in a case involving drugs or alcohol, a clinical diagnostic evaluation shall be ordered and the remaining provisions of the Uniform Standards may be made contingent upon a clinical diagnostic evaluator's report that the licensee has a substance abuse problem. The clinical diagnostic evaluator's report shall be submitted in its entirety to the Board.

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 Sections 11400.20 and ~~11425.50(e)~~, Government Code. Reference: Sections 475, ~~480~~, 2533, 2533.1, and 2533.2, ~~and 2538.40~~, Business and Professions Code; ~~and~~ Sections 11400.20 and 11425.50(e), Government Code.

California Code of Regulations, Title 16, Section 1399.155 is amended to read:

### **Disciplinary Guidelines ~~Article 6.~~**

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Section 11400 et seq. of the Government Code) the Board shall ~~consider the disciplinary Guidelines entitled “Disciplinary Guidelines July 16, 2004”~~ comply with the “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” Revised January 2017, (hereinafter “Guidelines”) that are hereby incorporated by reference. The Disciplinary Guidelines apply to all matters; the Uniform Standards describe the orders that shall be imposed upon a substance abusing licensee.

Deviation from these Guidelines and orders, including the standard terms and conditions of probation, is appropriate where the 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. Neither the Board nor an administrative law judge may impose any terms or conditions of probation that are less restrictive than the Uniform Standards Related to Substance Abuse. If a licensee has not been identified as a substance abusing licensee (for example, through stipulation) in a case involving drugs or alcohol, a clinical diagnostic evaluation shall be ordered and the remaining provisions of the Uniform Standards may be made contingent upon a clinical diagnostic evaluator’s report that the licensee has a substance abuse problem. The clinical diagnostic evaluator’s report shall be submitted in its entirety to the Board.

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 Sections 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.



## **UNIFORM STANDARDS FOR THOSE LICENSEES WHOSE LICENSE IS ON PROBATION DUE TO A SUBSTANCE ABUSE PROBLEM**

The following Uniform Standards (Standards) shall be adhered to in all cases when a licensee's license is placed on probation due to a substance abuse problem. These Standards are not ~~g~~Guidelines and shall be followed in all instances; however, the Board may impose ~~more restrictive standards~~ additional terms and conditions, if necessary, to protect the public.

### **Clinical Diagnostic Evaluations/ Group Support Meetings:**

Whenever a licensee is ordered to undergo a clinical diagnostic evaluation, the evaluator shall be a licensed practitioner who holds a valid, unrestricted license to conduct clinical diagnostic evaluations, has three (3) years' experience in providing evaluations of health professionals with substance abuse disorders, and is approved by the Board. The evaluations shall be conducted in accordance with acceptable professional standards for conducting substance abuse clinical diagnostic evaluations.

### **Clinical Diagnostic Evaluation Report:**

The clinical diagnostic evaluation report shall set forth, in the evaluator's opinion, whether the licensee has a substance abuse problem, whether the licensee is a threat to himself or herself or others, and recommendations for substance abuse treatment, practice restrictions, or other recommendations related to the licensee's rehabilitation and safe practice.

The evaluator shall not have a financial, personal or business relationship with the licensee or other relationship that could reasonably be expected to compromise the ability of the evaluator to render an impartial and unbiased report, within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

If the evaluator determines during the evaluation process that a licensee is a threat to himself or herself or others, the evaluator shall notify the Board within 24 hours of such a determination.

For all evaluations, a final written report shall be provided to the Board no later than ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests additional information to complete the evaluation, not to exceed thirty (30) days.

The Board shall order the licensee to cease practice during the clinical diagnostic evaluation pending the results of the clinical diagnostic evaluation and review by the Board's probation monitor.

The Board's probation monitor shall review the clinical diagnostic evaluation to determine whether or not the licensee is safe to return to ~~either~~ part-time or full-time practice and what restrictions or recommendations should be imposed on the licensee based on the application of the following criteria:



License type, licensee's history, documented length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse problem, and whether the licensee is a threat to himself or herself or others.

While the license is suspended, pending the results of the clinical diagnostic evaluation, the Respondent shall submit to two random drug tests per week.

#### **Treatment:**

When determining if the licensee should be required to participate in inpatient, outpatient or any other type of treatment, the Board shall take into consideration the recommendation of the clinical diagnostic evaluation, license type, licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history, medical history, current medical condition, nature, duration and severity of substance abuse and whether the licensee is a threat to himself or herself or others.

#### **Group Support Meetings:**

If the Board requires the licensee to participate in group support meetings, the Board shall consider the following in determining the frequency of group meeting attendance: the license history, the documented length of sobriety, the recommendation of the clinical evaluator, the scope and pattern of use, the licensee's treatment history; and, the nature, duration, and severity of substance abuse.

The meeting facilitator must have a minimum of three (3) years of experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or other nationally certified organization.

The meeting facilitator must not have a financial relationship, personal relationship, or business relationship with the licensee within the past five (5) years.

The group meeting facilitator shall provide the Board with documentation evidencing the licensee's attendance at the group support meetings.

The group meeting facilitator shall report any unexcused absence to the Board within twenty-four (24) hours.

#### **Worksite Monitor Requirements:**

If a Board determines that a worksite monitor is necessary for a particular licensee, the worksite monitor must meet the following requirements to be considered for approval by the Board:

The worksite monitor shall not have a financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board. If it is impractical for anyone but the licensee's employer to serve as the worksite monitor, this



requirement may be waived by the ~~h~~Board; however, under no circumstances shall a licensee's worksite monitor be an employee of the licensee.

The worksite monitor's license scope of practice shall include the scope of practice of the licensee that is being monitored or be another health care professional if no monitor with like practice is available.

The worksite monitor shall have an active unrestricted license, with no disciplinary action within the last five (5) years.

The worksite monitor shall sign an affirmation that he or she has reviewed the terms and conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by the Board.

The worksite monitor must adhere to the following required methods of monitoring the licensee:

- a) Have face-to-face contact with the licensee in the work environment on a frequent basis as determined by the Board, at least once per week.
- b) Interview other staff in the office regarding the licensee's behavior, if applicable.
- c) Review the licensee's work attendance.

Reporting by the worksite monitor to the Board shall be as follows:

Any suspected substance abuse must be verbally reported to the Board and the licensee's employer within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours, the verbal report must be within one (1) hour of the next business day. A written report shall be submitted to the Board within 48 hours of occurrence.

The worksite monitor shall complete and submit a written report monthly or as directed by the ~~h~~Board. The report shall include: the licensee's name; license number; worksite monitor's name and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-face contact with monitor; staff interviewed if applicable; attendance report; any change in behavior and/or personal habits; any indicators that can lead to suspected substance abuse.

The licensee shall complete the required consent forms and sign an agreement with the worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

### **Major and Minor Violations:**

Major Violations include, but are not limited to, the following:

1. Failure to complete a ~~h~~Board-ordered program;
2. Failure to undergo a required clinical diagnostic evaluation;
3. Committing multiple minor violations of probation terms and conditions;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;



6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance; and
8. Knowingly using, making, altering or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

Consequences for major violations include, but are not limited to:

1. Licensee will be ordered to cease practice.
  - a) The licensee must undergo a new clinical diagnostic evaluation, and
  - b) The licensee must test negative for at least a month of continuous drug testing before being allowed to go back to work.
2. Termination of a contract/agreement
3. Referral for disciplinary action, such as ssuspension, revocation, or other action as determined by the Board.

Minor Violations include, but are not limited to, the following:

1. Failure to submit required documentation as required;
2. Unexcused attendance at required meetings;
3. Failure to contact a monitor as required and;
4. Any other violations that do not present an immediate threat to the licensee or to the public.

Consequences for minor violations include, but are not limited to:

1. Removal from practice;
2. Practice limitations;
3. Required supervision;
4. Increased documentation;
5. Issuance of citation and fine or a warning notice;
6. Required re-evaluation or testing and;
7. Other action as determined by the Board.

### **Drug Testing Standards:**

The following drug testing standards shall apply to each licensee subject to drug testing:

1. A Board may direct a licensee to be drug tested at any time. Additionally, licensees shall be randomly drug tested at any time as directed by the Board. The following schedule of random drug testing frequency shall be imposed, unless any of the exceptions set forth below exists and support a less infrequent testing schedule:
  - a) The first year of probation a licensee shall be subject to a minimum of fifty-two (52) to one-hundred ~~and~~ four (104) tests per year.
  - b) Following the first year of probation and through the fifth year, a licensee shall be subject to a minimum of thirty-six (36) to one-hundred ~~and~~ four (104) tests per year.
  - c) Once the licensee has completed five years of probation with no positive drug tests, administration of one (1) test per month may be imposed.
  - d) If the Board finds that a major violation, as defined in the ~~Uniform~~ Standards, has occurred, the licensee shall be subject to the drug testing frequency as identified in subsection (a) above.



2. The Board may consider the following exceptions to the testing frequency when imposing terms for drug testing:
  - a) Evidence the licensee has participated in a treatment or monitoring program requiring random testing, prior to being subject to discipline by the Board; ~~the~~ The Board may give consideration to that testing in altering the testing frequency schedule so that it is equivalent to this standard.
  - b) A licensee whose license is placed on probation for a single conviction or incident or two convictions or incidents, spanning greater than seven years from each other, where those violations did not occur at work or while on the licensee's way to work. Where alcohol or drugs were a contributing factor, may bypass the testing frequency noted in the first year of probation.
  - c) The Board may reduce the testing frequency to a minimum of twelve (12) times per year for any person who is not practicing or working in any health care field. Prior to returning to healthcare or a licensed profession, the Board may increase the testing frequency for at least sixty (60) days.
  - d) The Board may postpone the testing for any licensee whose probation is placed on tolling status. The licensee shall notify the Board upon the licensee's return to practice and shall be subject to testing as provided in this ~~s~~Standard. If the licensee returns to practice and has not previously completed the drug testing frequency standards as identified above, the licensee shall be subject to completing a full year of drug testing ~~standards~~ equivalent to the first year standards for drug testing, otherwise the drug testing standards for the second year shall apply.
  - e) If no current substance use disorder diagnosis is made, the Board may adopt a lesser period of monitoring and drug testing, but not less than twenty-four (24) times per year.
3. Drug testing may be required on any day, including weekends and holidays.
4. Licensees shall be required to make daily contact to determine if drug testing is required.
5. Licensees shall be drug tested on the date of notification as directed by the ~~b~~Board.
6. Collection of specimens shall be observed.
7. Prior to vacation or absence, alternative drug testing location(s) must be approved by the Board.

### **Positive Drug Tests:**

If a licensee tests positive for a banned substance, the Board shall order the licensee to cease practice. The Board shall also immediately notify the licensee's employer, supervisor, and or contractor that the licensee has been ordered to cease practice and he or she may not resume working until the cease practice order is lifted.





## **DISCIPLINARY GUIDELINES**

### **Guidelines to Consider When Rendering Discipline**

In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:

1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
2. Actual or potential harm to the public.
3. Actual or potential harm to any patient.
4. Prior disciplinary record.
5. Number and/or variety of current violations and/or offenses.
6. Mitigation evidence.
7. Rehabilitation evidence.
8. In case of a criminal conviction, compliance with conditions of sentence or court-ordered probation.
9. Criminal record.
10. Time passed since the act(s) or offense(s) occurred.
11. If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4, 1203.4a, or 1203.41.

### **Situations Where Revocation May Be Imposed**

In addition to violation of the laws governing speech-language pathology, audiology and hearing aid dispensing, there are other circumstances that necessitate outright revocation as the recommended penalty.

1. Failure to file a notice of defense or to appear at a disciplinary hearing, where the Board has requested revocation.
2. Violation of the terms or conditions of a Respondent's probation order.
3. Substantiated evidence or convictions of physical or sexual abuse offenses.
4. Multiple offenses, unless the Respondent can demonstrate that he or she has been fully rehabilitated.

When a stipulated settlement or proposed decision contains probationary terms and conditions, the following language shall be included:

- **Licensees:** Speech-Language Pathologist (SLP), Audiologist (AU), Dispensing Audiologist (DAU), Speech-Language Pathology Assistant (SLPA), Hearing Aid Dispenser (HAD) license no. \_\_\_\_\_ issued to Respondent \_\_\_\_\_ is hereby revoked; however, the revocation is stayed and Respondent's license is placed on probation for \_\_\_\_\_ years on the following terms and conditions.
- **Applicants:** The application of ~~Respondent~~ \_\_\_\_\_ for licensure is hereby granted. Upon successful completion of all licensing requirements, a license shall be issued to ~~Respondent~~. Said license shall immediately be revoked, the order of revocation stayed and ~~Respondent~~ placed on probation for a period of \_\_\_\_\_ years on the following terms and conditions.
- **Reinstatements:** The petition of \_\_\_\_\_ for reinstatement of the SLP, AU, DAU, SLPA, HAD license is hereby GRANTED, as follows.

SLP, AU, DAU, SLPA, HAD license number \_\_\_\_\_ is reinstated. The license will be immediately revoked; however, the revocation is stayed for \_\_\_\_\_ years on the following terms and conditions:

In cases where a petitioner for reinstatement has not practiced in the State of California for five (5)/three (3) years, he or she must ~~retake~~ and pass the licensing examinations(s) before being reinstated. This information must be provided to the Administrative Law Judge so that the following term and condition can be included in the purposed decision: "Upon successful completion of the licensure examination, a license shall be issued to Respondent."

**NOTE:** If cost recovery was ordered in the revocation or surrender of a license and the cost recovery has not been paid in full by petitioner, a probation term and condition requiring payment of original cost recovery on a payment plan shall be included in the decision.

If Respondent is placed on probation with a temporary license (Required Professional Experience (RPE), or Hearing Aid Trainee license (HT or HTL), include condition # 32, Temporary Licenses, in the Decision.

### Probationary Considerations

As part of the Board's mission to protect ~~the consumers~~, any disciplinary order in which probation is imposed should include terms and conditions that ensure consumer protection.

For purposes of implementation of these terms and conditions of probation, any reference to the Board also means staff working for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.



## Probationary Term

The probationary term imposed may vary depending upon the severity of the violation(s), and/or aggravating/mitigating factors. Board generally recommends a minimum probation term of 3 years. The term may be increased depending on the severity of the violation(s).

## Probationary Conditions

Conditions of probation are divided into two categories:

1. **Standard** conditions that are included in all probation orders; and
2. **Additional** conditions which are applicable to the nature of the violation(s).

## List of Probation Terms and Conditions

### Standard Probation Terms and Conditions

Model introductory language and terms and conditions 1-145 are required in all probation orders:

- |  |   |
|--|---|
| 1) Severability Clause                               | 10) <u>Recovery of Costs</u>                          |
| 2) Obey all Laws                                     | <del>Consumer Restitution</del>                       |
| 3) Comply with Probation Program                     | 11) <u>Tolling of Probation</u>                       |
| 4) Changes of Name and Address                       | <del>Recovery of Costs</del>                          |
| 5) Submit <u>Quarterly Report</u> <del>Written</del> | 12) <u>Voluntary License Surrender</u>                |
| <del>Declarations</del>                              | <del>Recovery of Costs</del>                          |
| 6) <u>Notice to Employers</u> <del>Employee</del>    | 13) <u>Violation of Probation</u> <del>Function</del> |
| <del>Notification</del>                              | <del>as a Licensee</del>                              |
| 7) <u>Notice to Employees</u>                        | 14) <u>Completion of Probation</u>                    |
| 8) Interviews with Board                             | <del>Voluntary License Surrender</del>                |
| <del>Representatives</del>                           | 14) <u>Violation of Probation</u>                     |
| 9) <u>Employment Limitations</u>                     | 15) <u>Completion of Probation</u>                    |
| <del>Educational Courses</del>                       |   |

### Additional Probation Terms and Conditions

In addition to the standard terms and conditions (1-145), additional terms and conditions (156-320), are required (as applicable) if the offense involves one of the following: sexual misconduct, alcohol/drug abuse, mental/physical disabilities, fraudulent conduct, or lack of knowledge or skills. These additional terms and conditions should be included if relevant to the violation.

- |                                     |   |
|-------------------------------------|---|
| 15) <u>Educational Course</u>       | 2019) Clinical Diagnostic Evaluation          |
| 16) <u>Consumer Restitution</u>     | 210) Attend Inpatient/Outpatient Treatment    |
| 17) <u>Submit to Examination by</u> | 221) Attend Chemical Dependency Support and R |
| <del>Physician</del>                | 232) Abstain from Controlled                  |
| 18) <u>Psychological Evaluation</u> | <del>Substances</del>                         |
| 19) <u>Psychotherapy</u>            | 243) Abstain from the Use of Alcohol          |



254) Submit Biological Testing  
Fluid Samples  
265) Take and Pass Licensure  
Examination  
276) Practice Restrictions: Serving As  
a Supervisor  
287) Supervised Practice

298) Worksite Monitor  
3029) Restrictions on Licensed  
Practice  
310) Actual Suspension of License  
32) Temporary Licenses

## STANDARD TERMS AND CONDITIONS OF PROBATION (1-145)

### 1. SEVERABILITY CLAUSE

Each term and condition of probation is a separate and distinct term and condition. If any term or condition of this Decision and Order (Decision), or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all other applications thereof, shall not be affected. Each term and condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

**Rationale:** The severability clause is required for all ~~d~~Decisions and stipulated agreements where there are terms and conditions of probation, to avoid the potential for all probation terms and conditions being invalidated upon a successful appeal.

### 2. OBEY ALL LAWS

Respondent shall obey all federal, state, US Military and local laws, including all statutes and regulations governing the practice of the licensee, and remain in full compliance with any court ordered criminal probation. This condition applies to any jurisdiction with authority over Respondent, whether it is inside or outside of California.

Further, ~~r~~Respondent shall, within five (5) days of any arrest, submit to the Board in writing a full and detailed account of such arrest, to include the name and address of the arresting agency.

**Rationale:** If there has been a violation of any law or regulation that is substantially related to the qualifications, functions, or duties of an RPE, SLP, SLP Aide, AU, DAU, HAD, HT and/or SLPA, this would constitute a violation of Respondent's probation and allow the Board to revoke probation and impose the stayed disciplinary order.

### 3. COMPLY WITH PROBATION PROGRAM

Respondent shall fully comply with the Board's probation program, and shall, upon notice, report to the Board's staff. Respondent shall contact enforcement staff regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with victims or complainants associated with the case or persons serving the Board as expert consultants.

**Rationale:** Respondent must understand and comply with the probation terms to ensure consumer protection is upheld. Respondent shall be prohibited from making contact with



any persons involved in the complaint, with the exception of the Board or its legal representatives, to protect the victims, complainants and witnesses from harassment by the Respondent.

#### **4. CHANGES OF NAME AND CONTACT INFORMATION**

Respondent shall notify the Board in writing, within five (5) days of a change of name, residence or mailing address, telephone number, and email address.

**Rationale:** This allows the Board to be informed of Respondent's current name, address of record, employment information, including his or her business address, phone number, and employer (if applicable) in the event the Board needs to locate the Respondent or communicate with his or her employer.

#### **5. SUBMIT QUARTERLY REPORTS WRITTEN DECLARATIONS**

Respondent shall submit to the Board quarterly reports ~~written declarations~~ and verification of actions signed under penalty of perjury. These ~~declarations~~ reports shall certify and document compliance with all the terms and conditions of probation.

**Rationale:** ~~By requiring the Respondent to declare under penalty of perjury that all statements made to the Board are true and correct; the Board may hold the Respondent legally accountable for submitting false statements to the Board. Receiving quarterly reports, enables the Board to track the Respondent's compliance on a frequent basis, and offers a process for review in determining whether or not his or her license should be restored at the completion of his or her probation.~~

#### **6. EMPLOYEE NOTIFICATION NOTICE TO EMPLOYERS**

When currently employed, applying for employment, or contracted to provide services as a speech-language pathologist, audiologist, dispensing audiologist, speech-language pathology assistant, or hearing aid dispenser, Respondent shall notify his or her employer, and supervisor or contractor of the probationary status of Respondent's license. This notification to the Respondent's current employer, and supervisor, or contractor shall occur no later than the effective date of the Decision placing Respondent on probation. The Respondent shall notify any prospective employer, and supervisor or contractor of his or her probationary status with the Board prior to accepting such employment. This notification shall include a copy of the Accusation or Statement of Issues and the Board's Decision placing Respondent on probation.

The Respondent shall provide to the Board the names, physical addresses, and telephone numbers of all employers, supervisors and contractors.

The Respondent shall complete and sign an agreement with the employer, and supervisor, or contractor, and the Board to allow the Board to communicate with the employer, and supervisor or contractor.



~~Respondent shall cause e~~Each employer, and supervisor or contractor ~~to shall~~ submit quarterly reports ~~written declarations~~ to the Board. These reports ~~declarations~~ shall include a performance evaluation.

Respondent shall notify the Board, in writing, of any change in his or her employment status, within five (5) days of such change.

***Rationale:*** Any license restriction, including probation is a matter of public record. The public interest is best served when employers have knowledge of a licensee's conduct and need for rehabilitation so that employers may make informed choices to protect their consumers.

## **7. NOTICE TO EMPLOYEES**

If Respondent is an employer or supervisor, Respondent shall, upon or before the effective date of this Decision, post or circulate a notice which actually recites the offenses for which the Respondent has been disciplined and the terms and conditions of probation, to all employees. Within fifteen (15) days of the effective date of this decision, Respondent shall cause his/her employees to report to the Board in writing, acknowledging the employees have read the Accusation and decision in the case and understand Respondent's terms and conditions of probation. The Respondent shall notify any prospective employee of his or her probationary status with the Board prior to offering employment. This notification shall include a copy of the Board's Decision placing rRespondent on probation.

***Rationale:*** Any license restriction, including probation is a matter of public record. The public interest is best served when employees have knowledge of a licensee's conduct and need for rehabilitation so that employees may make informed employment decisions.

## **78. INTERVIEWS WITH BOARD REPRESENTATIVES**

Respondent shall appear in person for interviews with the Board, or its designee, upon request at various intervals and with reasonable notice. The cost of travel to such interviews shall be borne by the Respondent.

***Rationale:*** This allows the Board to schedule in-person interviews to monitor Respondent's compliance with the probation order to ensure public protection.

## **89. EMPLOYMENT LIMITATIONS**

While on probation, Respondent may not work as a faculty member or instructor in an accredited or approved school of speech-language pathology or school of audiology.

***Rationale:*** A licensee whose has had his or her license disciplined and is currently serving probation should not be allowed to provide instruction to speech-language pathology or audiology students.



## **14110. RECOVERY OF COSTS**

~~Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$\_\_\_\_\_.~~ Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$[Enter Amount] within the first year of probation. Such costs shall be payable to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board and are to be paid regardless of whether the probation is tolled. Failure to pay such costs shall be considered a violation of probation. Any and all requests for a payment plan shall be submitted in writing by respondent to the Board. However, full payment of any and all costs required by this condition must be received by the Board no later than six (6) months prior to the scheduled termination of probation.

~~The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility to repay investigation and enforcement costs. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than six (6) months prior to the end of the probationary term. Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of the probation order and may result in revocation.~~

*Rationale: The Board incurs costs associated with the investigation and disciplinary process; this requires the Respondent to reimburse the Board for those expenditures.*

## **12. Probation Costs**

~~Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board at the end of each fiscal year (June 30). Failure to pay such costs shall be considered a violation of probation.~~

~~The filing of bankruptcy by Respondent shall not relieve respondent of the responsibility to repay probation monitoring costs.~~

~~Respondent shall pay to the Board its cost of probation monitoring on a monthly basis during the probationary term.~~

*Rationale: The Board incurs costs associated with the investigation, the disciplinary process, and probation monitoring; this requires the Respondent to reimburse the Board for those expenditures.*

## **12111. FUNCTION AS A LICENSEE TOLLING OF PROBATION**

In the event Respondent should leave California to practice outside the state, Respondent must provide written notification, {within five (5) calendar days}, to the Board of the dates of departure and anticipated return to the state. Respondent's probation is tolled, if and when respondent ceases practicing in California. Practice outside of California will not



apply to the reduction of the probationary period. If Respondent resides out of state or after the effective date of the Decision, he or she must comply with the following conditions only: quarterly reports, continuing education and cost recovery. If Respondent returns to California, he or she must comply or be subject to all probationary conditions for the period of probation.

Respondent, during the period of probation, shall engage in the practice of [INSERT APPROPRIATE LICENSING CATEGORY, [e.g. speech-language pathology, audiology, or hearing aid dispensing] in California for a minimum of ~~twenty-four sixteen~~ (1624) hours per week or ~~ninety-six sixty-four~~ (6496) hours per calendar month. For the purpose of compliance with this section, “engaged in the practice of [INSERT APPROPRIATE LICENSING CATEGORY]” may include, when approved by the Board, volunteer work in [INSERT APPROPRIATE LICENSING CATEGORY], or work in any non-direct patient position that requires licensure.

In the event Respondent ceases to practice a minimum of ~~twenty-four sixteen~~ (1624) hours per calendar week or ~~ninety-six sixty-four~~ (6496) hours per calendar month in California, Respondent must provide written notification of that fact to the Board. The period of time when the Respondent is not practicing the minimum number of hours noted above, will not apply to the reduction of the probationary period. Absence from practice shall not relieve the Respondent from maintaining a current license. For purposes of this term and condition, non-practice due to Board ordered suspension shall not be considered a period of non-practice.

If Respondent has presented sufficient documentation of his or her good faith efforts to comply with this term and condition, and ~~if Respondent is~~ in compliance with all other probation terms and conditions, the Board, in its sole discretion, may grant an extension of Respondent’s probation period up to one year, ~~without further hearing in order to comply with this term and condition.~~ During the one year extension, all original terms and conditions of probation shall apply unless they have been modified by the Board ~~via a through the formal~~ petition for modification of probation. If Respondent fails to provide sufficient documentation of his or her good faith efforts to practice at least the minimum number of hours as indicated above, the Board may seek to revoke Respondent’s license, provided Respondent has not worked for at least a twelve month period before seeking revocation.

Respondent may not toll probation for longer than a period of 12 months.

Tolling of probation ~~shall not occur during~~ does not include the time school is out of session if Respondent is employed by and works in a school setting while engaged in the practice of [INSERT APPROPRIATE LICENSING CATEGORY]”- ~~while the school is out of session.~~ Respondent shall provide the Board proof of employment and the school calendar within a week of the school year commencing each year. Respondent shall continue to adhere to Aall other terms and conditions of probation. ~~shall be followed while school is out of session.~~

**Rationale:** *This provides the Board with an opportunity to monitor the Respondent and determine if they can perform the functions and duties of his or her licensing category in a competent manner. It also prevents Respondent from merely “waiting out” the period of*



*probation and avoiding the necessity of demonstrating competence and compliance with probation terms and conditions.*

#### **1213. VOLUNTARY LICENSE SURRENDER**

During Respondent's term of probation, if he or she wishes to cease practice, Respondent may request in writing to surrender the license(s) to the Board. The Board shall evaluate the request based on the factual circumstances surrounding that particular request, and notify Respondent, in writing, whether it has been granted. Upon formal acceptance of the license surrender, Respondent's license will no longer be subject to the terms and conditions of probation. Respondent shall return the pocket license(s) and wall certificate(s) to the Board within ten (10) days of the effective date of the surrender.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. If Respondent re-applies for a license, the application shall be treated as a petition for reinstatement of a revoked license. If reinstatement is approved, Respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

***Rationale:*** *If Respondent feels he or she cannot follow any one of the terms and conditions of the probation order, this term and condition provides him or her the option to voluntarily surrender his or her license.*

#### **1413. VIOLATION OF PROBATION**

If Respondent violates probation in any respect, the Board may seek to revoke probation and carry out the disciplinary order that was stayed. The Respondent shall receive prior notice and the opportunity to be heard. If a Petition to Revoke Probation, an Accusation, a Petition to Vacate Stay or other formal disciplinary action is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended and Respondent shall comply with all probation terms and conditions until the matter is final. No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against Respondent.

***Rationale:*** *This allows the Board to carry out the disciplinary order stated in the dDecision when a Respondent fails to comply with any of his or her probation terms and conditions.*

#### **1514. COMPLETION OF PROBATION**

Respondent's license will be fully restored upon successful completion of probation.

***Rationale:*** *When the Respondent has completed his or her term of probation by successfully fulfilling all of the terms and conditions, he or she has demonstrated his or her ability to practice unrestricted.*



## ADDITIONAL TERMS AND CONDITIONS OF PROBATION (156-310)

### 915. EDUCATIONAL COURSE

Respondent shall take and successfully complete course work substantially related to the violation. Within sixty (60) days of the effective date of the Decision, Respondent shall submit a plan to comply with this requirement. Respondent must obtain approval of such plan by the Board prior to enrollment in any course of study.

Respondent shall successfully complete the required remedial education no later than the end of the first year of probation. Upon successful completion of the course, Respondent shall ~~cause the instructor to~~ furnish proof to the Board ~~immediately~~. Completion of said course(s) shall not be used for continuing education units required for renewal of licensure.

The costs of such educational course work shall be borne by the Respondent.

***Rationale:*** *In those instances where a licensee has demonstrated negligence or incompetence, or has been found to have performed work or attempted treatment beyond the scope of his or her training or experience, the Board will impose a plan of education. The plan shall specify the areas and hours of education required, and may also dictate the institution(s) where the education will be received. Such educational coursework is usually required prior to allowing the licensee to return to the identified deficient area of practice, and requires prior approval by the Board. The educational plan is for licensees who have demonstrated deficiencies in skill but do not constitute a present danger to patients in other areas of practice. Respondent shall not receive continuing education credit for license renewal for any courses taken pursuant to a disciplinary order or settlement agreement.*

### 16. ~~CONSUMER RESTITUTION FOR HEARING AID WARRANTY ISSUES~~

Respondent shall make restitution to consumer(s) named in the ~~d~~Decision in the amount of damage specified within one (1) year of the effective date of the ~~d~~Decision. Respondent shall provide the Board copies of the cancelled checks to each consumer within ten (10) days of receiving said cancelled checks, or an alternate proof of payment approved in advance by the Board. The cost of providing copies of the cancelled checks or other proof of payment shall be borne by the Respondent.

***Rationale:*** *Where there has been patient harm resulting from negligent or incompetent treatment or a determination has been made concerning fraudulent billing or failure to adhere to warranty requirements, restitution may be warranted. Careful scrutiny should be made to ensure that proper restitution is made to either the patient or any other applicable entity. Restitution may be made within a specific time frame or on a payment schedule. Restitution should cover those amounts that are a direct result of the actions of Respondent.*



#### **1617. SUBMIT TO EXAMINATION BY PHYSICIAN**

Within sixty (60) days of the effective date of the Decision, Respondent shall submit to a physical examination by a physician ~~and surgeon~~ of his or her choice who meets minimum criteria established by the Board. The physician ~~and surgeon~~ shall be licensed in California and Board certified in Family Practice, Internal Medicine, or a related specialty. The purpose of this examination shall be to determine Respondent's ability to safely perform all professional duties with safety to self and to the public. Respondent shall provide the examining physician ~~and surgeon~~ with a copy of the Board's Decision prior to the examination. The Cost of such examination shall be borne paid by the Respondent.

~~Respondent shall cause t~~The physician ~~and surgeon~~ shall submit a complete a written medical report ~~This report shall be submitted by the physician and surgeon to the Board within ninety (90) days of the effective date of the Decision,~~ and also any time thereafter as required by the Board or its designee. If the examining physician ~~and surgeon~~ finds that the Respondent is not physically fit to practice or can only practice with restrictions, the physician ~~and surgeon~~ shall notify the Board within three (3) working days. The Board shall notify the ~~Respondent~~ in writing of the physician's ~~and surgeon's~~ determination of unfitness to practice and shall order the Respondent to cease practice or place restrictions on Respondent's practice. Respondent shall comply with any order to cease practice or restriction of his or her practice until the Board is satisfied of Respondent's fitness to practice safely and has so notified the Respondent in writing.

***Rationale:** This permits the Board to require the Respondent ~~probationer~~ to obtain appropriate treatment for physical problems/disabilities which could affect safe practice. The physical examination can also be conducted to ensure that there is no physical evidence of alcohol/drug abuse.*

#### **1718. PSYCHOLOGICAL EVALUATION**

Respondent shall participate in a psychiatric or psychological evaluation. This evaluation shall be for the purpose of determining Respondent's current mental, psychological and emotional fitness to ~~safely~~ perform all professional duties with safety to self and to the public. Respondent shall provide the evaluator with a copy of the Board's Accusation or Statement of Issues and Decision prior to the evaluation. The evaluation shall be performed by a psychotherapist (psychiatrist or psychologist) ~~physician and surgeon~~ licensed in California and Board certified in psychiatry or by a clinical psychologist licensed in California and approved by the Board. The Cost of such evaluation shall be borne paid for by the Respondent.

Within twenty (20) days of the effective date of the Decision, Respondent shall submit to the Board for its approval ~~shall provide to the Respondent,~~ the name and qualifications of one or more proposed evaluators approved to conduct the psychological evaluation. Respondent must notify the Board if the evaluator has a familial, has or used to have a financial, personal or business relationship or other relationship with the Respondent that could reasonably be expected to compromise the ability of the evaluator to render an impartial and unbiased report.



Respondent shall fully cooperate with the provision and undergo a psychiatric or psychological evaluation within thirty (30) days of the effective date of the Decision. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. The evaluator shall submit to the Board a written psychiatric or psychological report evaluating Respondent's status and progress as well as such other information as that may be requested by the Board. This report shall be submitted within sixty (60) days from the effective date of the Decision.

If the evaluator finds that Respondent is not psychologically fit to practice safely, or can only practice safely with restrictions, the evaluator shall verbally notify the Board within one (1) working days. The Board shall notify the Respondent in writing of the evaluator's determination of unfitness to practice and shall notify the Respondent to cease or restrict licensed activities as a condition of probation. Respondent shall comply with this condition until the Board is satisfied of Respondent's fitness to practice safely and has so notified the Respondent in writing. Respondent shall document compliance in the manner required by the Board.

If the evaluator finds that psychotherapy is required, Respondent shall participate in a therapeutic program at the Board's discretion. The Cost of such therapy shall be borne paid for by the Respondent.

***Rationale:** Psychological evaluations shall be utilized when an offense calls into question the judgment and/or emotional and/or mental condition of the Respondent or where there has been a history of abuse or dependency on alcohol or controlled substances. When appropriate, Respondent shall be restricted from rendering services under the terms and conditions of probation until he or she has undergone an evaluation, the evaluator has recommended resumption of practice, and the Board has accepted and approved the evaluation.*

#### **1819. PSYCHOTHERAPY**

Respondent shall participate in ongoing psychotherapy with a California licensed ~~psychotherapist physician and surgeon~~ who is certified in Psychiatry, or a clinical psychologist, or a marriage, family, and child counselor, or a licensed clinical social worker approved by the Board. Respondent must notify the Board if the evaluator has a familial, has or used to have a financial, personal or business relationship or other relationship with the Respondent that could reasonably be expected to compromise the ability of the evaluator to render an impartial and unbiased report. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. The Cost of such therapy shall be borne paid for by the Respondent.

Within twenty (20) days of the effective date of the Decision, Respondent shall submit to the Board for its approval~~shall provide to the Respondent, the name and qualifications of one or more proposed~~the Board shall submit to the Respondent the name of one or more proposed therapists approved to provide on-going therapy, Respondent shall commence psychotherapy within ten (10) days of receiving notification by the Board of the names of approved therapists. Respondent shall provide the therapist with a copy of the Board's Decision no later than the first counseling session.



If the therapist finds that Respondent is not psychologically fit to practice safely, or can only practice safely with restrictions, the therapist shall notify the Board within ~~one~~ three (31) working days. The Board shall notify the Respondent in writing of the therapist's determination of unfitness to practice and shall notify the Respondent to cease or restrict licensed activities as a condition of probation. Respondent shall comply with this condition until the Board is satisfied of Respondent's fitness to practice safely and has so notified the Respondent in writing.

The therapist shall ~~to~~ submit quarterly written ~~reports~~ declarations to the Board concerning Respondent's fitness to practice and progress in treatment.

***Rationale:*** *This should be imposed whenever there is evidence that the Respondent may have a psychological problem that impacts his or her ability to provide safe and efficacious services to the public. If the Respondent is already in therapy this condition should be imposed to ensure that he or she continues to receive help.*

## **1920. CLINICAL DIAGNOSTIC EVALUATION**

Within ~~thirty twenty~~ twenty (~~2020~~30) days of the effective date of the Decision and at any time during probation upon order of the Board, Respondent shall undergo a clinical diagnostic evaluation (CDE) from a licensed practitioner who holds a valid, unrestricted license to conduct CDE's, has three (3) years of experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. Respondent shall provide the evaluator with a copy of the Accusation or Statement of Issues and the Board's Decision ~~and Order~~ prior to the clinical diagnostic evaluation being performed. The ~~Cost~~ of such evaluation shall be borne ~~paid~~ by the Respondent.

Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, the ~~r~~Respondent shall cease practice for minimum of 1 month pending the results of a clinical diagnostic evaluation. During such time, the Respondent shall submit to random ~~drug~~ biological testing as prescribed by the Board. The cost of the biological testing shall be borne the Respondent.

~~Respondent shall cause t~~The evaluator shall ~~to~~ submit to the Board a written clinical diagnostic evaluation report within ten (10) days from the date the evaluation was completed, unless an extension, not to exceed thirty (30) days, is granted, in writing, to the evaluator by the Board. ~~Cost of such evaluation shall be paid by the Respondent.~~

Respondent shall comply with any restrictions or recommendations made as a result of the clinical diagnostic evaluation. Respondent's license may be suspended until the Board determines that he or she is able to safely practice ~~either full-time or part-time~~ and has had at least one (1) month of negative drug test results.

***Rationale:*** *This provision should be included when a Respondent's license is placed on probation for a substance or alcohol abuse problem so that the Board has the ability to order at any time during the probation period a Respondent to undergo an evaluation to determine if he or she is currently safe to practice.*



## **2021. ATTEND INPATIENT OR OUTPATIENT TREATMENT**

Within fifteen (15) days of the effective date of this ~~d~~Decision, Respondent shall submit to the Board or its designee, for its ~~prior~~ approval, the name of an (inpatient) (outpatient) treatment program of Respondent's choice. Upon approval, Respondent shall undergo and continue the treatment program until the Board or its designee deems that no further participation in the treatment program is necessary. ~~Respondent shall have t~~The program director shall submit quarterly ~~status~~ reports to the Board or its designee indicating whether Respondent is capable of practicing safe practice.

The cost for participation in ~~such~~this program shall be borne ~~paid for~~ by the Respondent.

## **2122. ATTEND CHEMICAL DEPENDENCY SUPPORT AND RECOVERY GROUPS**

Within five (5) days of the effective date of the Decision, Respondent shall begin attendance at a chemical dependency support group (e.g., Alcoholics Anonymous, Narcotics Anonymous). Documentation of attendance shall be submitted by the Respondent with each quarterly ~~written~~ report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board, in writing, that attendance is no longer required. In the case of a substance abusing licensee, the Respondent shall ~~cause the group meeting facilitator to~~ provide the Board with a signed document showing Respondent's name, group name, the date and location of the meeting, ~~respondent's attendance and level of participation and progress. Respondent shall notify the group meeting facilitator of the facilitator's obligation to report to the Board any unexcused absence within twenty-four (24) hours.~~

***Rationale:** This provision should be included when a Respondent has an alcohol or drug problem so that the Board can monitor whether the Respondent is in violation of probation.*

## **2223. ABSTAIN FROM CONTROLLED SUBSTANCES**

Respondent shall completely abstain from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act and dangerous drugs as defined in Section 4022 of the Business and Professions Code, except when lawfully prescribed by a licensed practitioner for a bona fide illness.

***Rationale:** This provision should be included when a Respondent has a substance abuse problem so that the Board can monitor whether the Respondent is in violation of probation.*

## **2324. ABSTAIN FROM USE OF ALCOHOL**

Respondent shall completely abstain from the intake of alcohol during the period of probation.

***Rationale:** This provision should be included when a Respondent has an alcohol problem so that the Board can ensure that consumption of alcohol does not pose a consumer protection issue.*



## **2425. SUBMIT BIOLOGICAL TESTING FLUID SAMPLES**

Respondent shall immediately submit to random and directed biological fluid, hair sample, breath alcohol, or other mode of testing paid for by Respondent, at the request of required by the Board or its designee. The following schedule of random drug testing frequency shall be imposed, unless any of the exceptions set forth below exists and support a less frequent testing schedule:

- a) The first year of probation a licensee shall be subject to a minimum of fifty-two (52) to one-hundred and four (104) tests per year.
- b) Following the first year of probation and through the fifth year, a licensee shall be subject to a minimum of thirty-six (36) to one-hundred and four (104) tests per year.
- c) Once the licensee has completed five years of probation with no positive drug tests, administration of one (1) test per month may be imposed.
- d) If the Board finds that a major violation, as defined in the Uniform Standards, has occurred, the licensee shall be subject to the drug testing frequency as identified in subsection (a) above.

The Board may consider the following exceptions to the testing frequency when imposing terms for drug testing:

- a) Evidence the licensee has participated in a treatment or monitoring program requiring random testing, prior to being subject to the discipline by the Board, the Board may give consideration to that testing in altering the testing frequency schedule so that it is equivalent to this standard.
- b) A licensee whose license is placed on probation for a single conviction or incident or two convictions or incidents, spanning greater than seven years from each other, where those violations did not occur at work or while on the licensee's way to work, where alcohol or drugs were a contributing factor, may bypass the testing frequency noted in the first year of probation.
- c) The Board may reduce the testing frequency to a minimum of twelve (12) times per year for any person who is not practicing or working in any health care field. Prior to returning to healthcare or a licensed profession, the Board may increase the testing frequency for at least sixty (60) days.
- d) The Board may postpone the testing for any licensee whose probation is placed on tolling status. The licensee shall notify the Board upon the licensee's return to practice and shall be subject to testing as provided in this Standard. If the licensee returns to practice and has not previously completed the drug testing frequency standards as identified above, the licensee shall be subject to completing a full year of drug testing standards equivalent to the first year standards for drug testing, otherwise the drug testing standards for the second year shall apply.
- e) If no current substance use disorder diagnosis is made, the Board may adopt a lesser period of monitoring and drug testing, but not less than twenty-four times per year.



Respondent shall make daily contact as directed by the Board to determine if he or she must submit to drug testing. Respondent shall submit his or her drug test on the same day that he or she is notified that a test is required. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitute a violation of probation. If the test results in a determination that the urine was too diluted for testing, the result shall be considered an admission of a positive uring screen and constitutes a violation of probation. If a positive result is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete the laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result and to suspend Respondent's license to practice. Any such examination or laboratory and testing costs shall be paid by Respondent. A positive test result is one which, based on scientific principles, indicates Respondent attempted to alter the test results inorder to either render the test invalid or obtain a negative result when a positive result should have been the outcome. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and Respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, Resondent shall cease practice upon written order of the Board. Respondent shall not resume practice until notified by the Board.

All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board at least fifteen (15) days prior to the vacation or travel.

This condition may be waived or modified by the Board upon a written finding by the CDE that Respondent is not a substance abusing licensee.

The cost of biological ~~fluid~~ testing shall be borne by the Respondent.

***Rationale:** This provision should be included so that the Board can monitor whether or not the Respondent is abstaining from the use of banned substances or alcohol.*

## **2526. TAKE AND PASS LICENSURE EXAMINATION**

Option #1:

~~Respondent shall take and pass the first administration after the effective date of this decision of the written and/or practical licensure examination(s) as designated by the Board, no later than one-hundred (100) days prior to the termination date of probation. If Respondent fails the examination, Respondent must take and pass a re-examination consisting of the written and/or practical licensure examination which is administered for the purpose of licensure. If rRespondent is required to take and pass both the written and practical examinations, the written examination must be taken and passed prior to taking the practical examination. The waiting period between repeat written examinations shall be at least two weeks, until the written examinations are is passed.~~

~~The cost of the examinations shall be borne by the Respondent. shall pay all examination fees and pass the required.~~

Option #2 (Condition Precedent):



~~Before resuming practice, Respondent shall take and pass the written and/or practical licensure examination(s) currently required of new applicants prior to resuming practice. Respondent shall pay all examination fees.~~

The cost of the examinations shall be borne by the Respondent.

***Rationale:** In cases involving evidence of extreme departures from the standard of care, as a result of a lack of knowledge and skill required to be minimally competent to practice, it may be appropriate to require the Respondent to take and pass licensing examination(s) during the course of the probation period. In some instances, it may be appropriate for practice to be suspended until the examination(s) is passed (condition precedent).*

## **2627. PRACTICE RESTRICTIONS: SERVING AS A SUPERVISOR**

Respondent may not function as a supervisor for any required professional experience (RPE) candidate, or any registered assistant support personnel, ~~or trainee, or aide~~ during the period of probation ~~or until~~ unless approved by the Board in writing.

## **2728. SUPERVISED PRACTICE**

Within thirty (30) days of the effective date of this ~~d~~Decision, Respondent shall submit to the Board, for its ~~prior~~ approval, the name, and qualifications and plan of supervision from one or more proposed supervisors. Each supervisor shall have been licensed in California for at least three (3) years and have had no ~~current or prior~~ disciplinary action taken by the Board. An administrative citation and fine does not constitute discipline and therefore, in and of itself, is not a reason to deny an individual as a supervisor. The supervisor shall be independent, with no current or prior business, or professional relationship, or other relationship that could reasonably be expected to compromise the ability of the supervisor to provide impartial and unbiased supervision of the Respondent.

The Board will advise Respondent within two weeks whether or not the proposed supervisor and plan of supervision are approved. Respondent shall not practice until receiving notification ~~of~~ in writing by the Board of the approval of Respondent's choice of a supervisor and plan of supervision.

The plan of supervision shall be [INSERT METHOD] (e.g. direct and require the physical presence of the supervisor at the actual location during the time services are performed) (general and not require the physical presence of the supervisor during the time services are performed, but does require an occasional, random-unrestricted review of the work performed as well as quarterly monitoring visits at the office or place of practice). Additionally, the supervisor shall have full and random-unrestricted access to all patient records of Respondent. The supervisor may evaluate all aspects of Respondent's practice regardless of Respondent's areas of deficiencies.

~~Each proposed~~ The approved supervisor shall be a California licensed [SELECT LICENSE TYPE] who shall submit written reports to the Board on a quarterly basis, or other frequency as determined by the Board, verifying that supervision has taken place as



required and include an evaluation of Respondent's performance, compliance with his or her probationary conditions, and existing laws governing the practice. It shall be the Respondent's responsibility to assure that the required reports are filed in a timely manner.

If the supervisor terminates his or her supervision or is no longer available to serve in the supervisory role, Respondent must submit to the Board the name or names of a new supervisor, including qualifications and supervision plan within fifteen (15) days. If a new supervisor is not approved by the Board within thirty (30) days from the date of resignation of the previous supervisor, Respondent shall be suspended from practice until a new supervisor has been approved by the Board and necessary documents are filed with the Board.

OPTION: Additionally, Respondent may be prohibited from engaging in solo practice as well as being required to work in a supervised environment.

All costs of the supervision shall be borne by the Respondent.

***Rationale:*** *This allows the Board to monitor the competency of Respondent by use of a fellow practitioner. It is most appropriate in cases involving incompetence, negligence, billing and/or document fraud, and sexual misconduct. The type of supervision needs to be clearly defined relative to the necessity for the presence of the supervisor. Direct supervision would require the physical presence of the supervisor during all time services are performed. General supervision does not require the physical presence of the supervisor, and may be appropriate for violations that do not involve direct patient harm.*

## **2829. WORKSITE MONITOR**

Respondent shall submit to the Board, for its approval, the name and qualifications of the a proposed worksite monitor within (twenty) 20 days of the effective date of the Decision. Respondent shall sign an agreement with the worksite monitor and the Board regarding the Respondent and the worksite monitor's requirements and reporting responsibilities. Once a worksite monitor is approved, Respondent may not practice unless the monitor is present at the worksite. If the worksite monitor terminates the agreement with the Board and the Respondent, the Respondent shall not resume practice until another worksite monitor is approved by the Board and the other conditions as set forth in this paragraph are fulfilled.

The cost of a worksite monitor shall be borne by the Respondent.

***Rationale:*** *This provision should be included when a Respondent's license is placed on probation for substance or alcohol abuse so that the Board becomes aware of potential problems a probationer may have before any patient harm occurs.*

## **2930. RESTRICTIONS ON LICENSED PRACTICE**

During probation Respondent is prohibited from (insert restriction).

Within 30 days from the effective date of the Decision and Order, Respondent shall submit to the Board or its designee, for prior approval, a plan to implement this restriction.



Respondent shall submit proof satisfactory to the Board or its designee of compliance with this term of probation. Respondent shall notify their supervisor of the restrictions imposed on their practice.

***Rationale:*** *In cases wherein some factor of the patient population at large (e.g. age, gender) may put a patient at risk if in treatment with the Respondent, this term and condition should be utilized. Additional language can be added for clarification.*

### **3031. ACTUAL SUSPENSION OF LICENSE**

As part of probation, ~~Respondent~~ is suspended from practice for \_\_\_\_ months beginning the effective date of this ~~dDecision~~. Respondent shall be responsible for informing his or her employer of the Board's ~~dDecision~~ and shall provide his or her employer with a copy of the Accusation or Statement of Issues and the Board's dDecision, ~~and the reasons for the length of suspension.~~

If Respondent operates his or her own office as a solo practitioner or as a one person professional corporation, said office is to be closed except for administrative purposes (making future appointments when suspension is over, opening mail, referring patients, accepting payments on account, and general office administration); and Respondent shall not lease the office nor make any monetary gain from the practice earned during the period of time that the office is closed. Respondent shall post a notice of the Board's Order of Suspension in a place clearly visible to the public. The notice, provided by the Board, shall remain posted during the entire period of actual suspension.

Prior to the lifting of the actual suspension of license, if applicable, the Board shall receive pertinent documentation from the professionals evaluating the ~~Respondent~~, confirming that ~~Respondent~~ is safe to return to practice under specific terms and conditions as determined by the Board.

***Rationale:*** *This should be imposed when it is appropriate for the licensee to complete other terms and conditions to ensure consumer protection before the licensee is safe to resume practice.*

### **32. TEMPORARY LICENSES**

Should Respondent be issued a temporary [insert type of license] license prior to permanent licensure as a [choose one: Speech-Language Pathologist, Audiologist, Dispensing Audiologist, or Hearing Aid Dispenser], and the temporary license expires before the successful completion of the probationary period, Respondent's [choose one: Speech-Language Pathologist, Audiologist, Dispensing Audiologist, or Hearing Aid Dispenser] license shall also be placed on probation until all probationary terms and conditions are satisfied. This section also applies to any Speech-Language Pathology Assistant who is placed on probation and becomes licensed as a Speech-Language Pathologist prior to the completion of probation.



## Recommended Action by Violation

The Business and Professions Code section 2530 et. Seq., and general provision sections of the Business and Professions Code specify the offenses for which the Board may take disciplinary action. Below are the code sections with the recommended disciplinary actions listed by the degree of the offense.

When filing an Accusation, the Office of the Attorney General may also cite additional related statutes and regulations.

*\*Note: Under Terms and Conditions of Probation you will find the applicable numbered terms and conditions to include in a dDecision and eOrder.*

## PENALTIES FOR DISCIPLINARY ACTIONS

*Except where otherwise indicated, the following penalties apply to speech-language pathologists, audiologists, dispensing audiologists, hearing aid dispensers, and speech-language pathology assistants.*

### UNPROFESSIONAL CONDUCT (GENERAL)

Sections 480 & 2533 of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	18 Months Probation Standard Terms and Conditions of Probation (1-145) If warranted: <u>Educational Course (15)</u> Psychological Evaluation ( <u>187</u> ) Practice Restrictions: Serving as a Supervisor ( <u>276</u> ) Supervised Practice ( <u>287</u> ) Restrictions on Licensed Practice ( <u>3029</u> ) Actual Suspension of License ( <u>310</u> )

### UNPROFESSIONAL CONDUCT -- CONVICTION OF A CRIME OR ACT INVOLVING DISHONESTY, FRAUD, OR DECEIT

Sections 480(a)(1), 480(a)(2), 490 & 2533(a) of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	5 Years Probation Standard Terms and Conditions of Probation (1-145) <u>Educational Course (15)</u> If warranted: Psychological Evaluation ( <u>187</u> ) Practice Restrictions: Serving as a Supervisor ( <u>276</u> ) Supervised Practice ( <u>287</u> )



Actual Suspension of License (320)

## UNPROFESSIONAL CONDUCT -- SECURING LICENSE UNLAWFULLY

## Sections 498 & 2533(b) of the Business and Professions Code

MINIMUM	Revocation or Denial
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*Note: The severity of this offense warrants revocation or denial in all cases.*

## UNLICENSED PRACTICE—FALSE REPRESENTATION

## Sections 2532 and 2538.7 of the Business and Professions Code

MAXIMUM Revocation

MINIMUM	5 Years Probation Standard Terms and Conditions of Probation (1- <u>145</u> ) If warranted: Additional Terms and Conditions of Probation (156-3 <u>20</u> )
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## UNLAWFUL REFERRALS

Section 650 of the Business and Professions Code

MAXIMUM	Revocation or Denial
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MINIMUM

5 Years' 18 Months Probation

Standard Terms and Conditions of Probation (1-145)

If warranted:

Educational Course (15)

Practice Restrictions: Serving as a Supervisor (276)

Supervised Practice (287)

Restrictions on Licensed Practice (3029)

Actual Suspension of License (310)

## MENTAL OR PHYSICAL ILLNESS

Section 820 of the Business and Professions Code

MAXIMUM	Revocation or Denial
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MINIMUM	5 Years' Probation Standard Terms and Conditions of Probation (1- <del>145</del> ) Submit to Examination by Physician ( <del>176</del> ) Psychological Evaluation ( <del>187</del> ) If warranted: Psychotherapy ( <del>198</del> ) Practice Restrictions: Serving as a Supervisor ( <del>276</del> ) Supervised Practice ( <del>287</del> ) Actual Suspension of License (310)
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### Temporary Licenses (32)

Note: In some instances public safety can only be assured by removing the licensee from practice.

#### **UNPROFESSIONAL CONDUCT -- USE OR ADMINISTERING TO ONESELF ANY CONTROLLED SUBSTANCE**

Section 2533(c)(1) of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	3 Years Probation Standard Terms and Conditions of Probation (1-145) Submit to Examination by Physician (176) Clinical Diagnostic Evaluation (2049) Attend Chemical Dependency Support and Recovery Groups (220) Abstain from Controlled Substances and Alcohol (22 23 – 24) Submit Biological Fluids Samples (2524) Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Worksite Monitor (298) Actual Suspension of License (310) If warranted: Psychological Evaluation (187) Psychotherapy (198) Restrictions on Licensed Practice (3029) Temporary Licenses (32)

*Note: In some instances public safety can only be assured by removing the licensee from practice. Factors to be considered are: insufficient evidence of rehabilitation, denial of problem, unstable employment history, significant diversion of patients' medications, prior disciplinary action, and multiple violations and patient harm.*

#### **UNPROFESSIONAL CONDUCT -- USE OF ANY DANGEROUS DRUGS SPECIFIED IN SECTION 4022 OF BUSINESS AND PROFESSION CODE, OR USE OF ALCOHOLIC BEVERAGES EXTENT IMPAIRS ABILITY TO PRACTICE SAFELY**

Section 2533(c)(2) of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	3 Years Probation Standard Terms and Conditions of Probation (1-145) Submit to Examination by Physician (176) Clinical Diagnostic Evaluation (2049)



Attend Chemical Dependency Support and Recovery Groups (224)  
 Abstain from Controlled Substances and Alcohol (22-23-24)  
 Submit Biological Fluids Samples (2425)  
 Practice Restrictions: Serving as a Supervisor (276)  
 Supervised Practice (287)  
 Worksite Monitor (298)  
 Actual Suspension of License (310)  
 If warranted:  
     Psychological Evaluation (187)  
     Psychotherapy (198)  
     Restrictions on Licensed Practice (2930)  
     Temporary Licenses (32)

*Note: In some instances public safety can only be assured by removing the licensee from practice. Factors to be considered are: insufficient evidence of rehabilitation, denial of problem, unstable employment history, significant diversion of patients' medications, prior disciplinary action, and multiple violations and patient harm.*

**UNPROFESSIONAL CONDUCT -- MORE THAN ONE MISDEMEANOR  
 OR ANY FELONY INVOLVING USE, CONSUMPTION, OR SELF-ADMINISTRATION  
 OF ANY CONTROLLED SUBSTANCES, ALCOHOL,  
 OR DANGEROUS DRUG**

Section 2533(c)(3) of the Business and Professions Code

MAXIMUM

Revocation or Denial

MINIMUM

~~18 Months~~ 3 Years Probation  
 Standard Terms and Conditions of Probation (1-145)  
 Clinical Diagnostic Evaluation (2047)  
 Attend Chemical Dependency Support and Recovery Groups (224)  
 Abstain from Controlled Substances and Alcohol (22-23-24)  
 Submit Biological Fluids Samples (2425)  
 Worksite Monitor (298)  
 Actual Suspension of License (310)  
 If warranted:  
     Submit to Examination by Physician (176)  
     Psychological Evaluation (187)  
     Practice Restrictions: Serving as a Supervisor (276)  
     Supervised Practice (287)  
     Restrictions on Licensed Practice (2930)  
     Temporary Licenses (32)

*Note: In some instances public safety can only be assured by removing the licensee from practice. Factors to consider are: conviction of possession of drugs for sale, contribution to delinquency of minors, and other similar offenses.*

**UNPROFESSIONAL CONDUCT -- COMMITTING A DISHONEST OR  
FRAUDULENT ACT SUBSTANTIALLY RELATED TO QUALIFICATIONS,  
FUNCTIONS OR DUTIES OF LICENSEES (Non-Drug Related)**

Section 2533(e) of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	<u>18-24</u> Months Probation
	Standard Terms and Conditions of Probation (1-1 <u>45</u> )
	Practice Restrictions: Serving as a Supervisor (27 <u>6</u> )
	Supervised Practice (28 <u>7</u> )
	<u>Educational Course (15)</u>
	If warranted:
	Submit to Examination by Physician (17 <u>6</u> )
	Psychological Evaluation (18 <u>7</u> )
	Restrictions on Licensed Practice (29 <u>30</u> )
	Actual Suspension of License (31 <u>0</u> )

**UNPROFESSIONAL CONDUCT- INCOMPETENCE OR NEGLIGENCE**

Section 2533(f) of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	5 Years Probation
	Standard Terms and Conditions of Probation (1-1 <u>45</u> )
	Supervised Practice (28 <u>7</u> )
	If warranted:
	Psychological Evaluation (18 <u>7</u> )
	Psychotherapy (19 <u>8</u> )
	Restrictions on Licensed Practice (29 <u>30</u> )
	Actual Suspension of License (31 <u>0</u> )
	<u>Temporary Licenses (32)</u>

*Note: In some instances public safety can only be assured by removing the licensee from practice. Factors to be considered are; insufficient evidence of rehabilitation, denial of problem, prior disciplinary action, multiple violations and patient harm.*

**PRACTICING WITHOUT PROPERLY POSTING LICENSE**

Section 2532.5 of the Business and Professions Code

MAXIMUM	2 Years Probation
	Standard Terms and Conditions of Probation (1-1 <u>45</u> )
	If warranted:
	Actual Suspension of License (31 <u>0</u> )
	<u>Temporary Licenses (32)</u>



MINIMUM Public Reprimand

### **DISCIPLINARY ACT BY FOREIGN JURISDICTION**

Section 141 of the Business and Professions Code

MAXIMUM Revocation or Denial

MINIMUM 18 Months Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Additional Probation Terms and Conditions  
(156-320)

### **SEXUAL MISCONDUCT**

Section 726 of the Business and Professions Code

MAXIMUM Revocation or Denial

MINIMUM 3 Years Probation  
Standard Terms and Conditions of Probation (1-145)  
Practice Restrictions: Serving as a Supervisor (276)  
Supervised Practice (287)  
If warranted:  
Psychological Evaluation (187)  
Psychotherapy (198)  
Restrictions on Licensed Practice (2930)  
Actual Suspension of License (310)  
Temporary Licenses (32)

### **OBTAINING A LICENSE BY FRAUD**

Section 2533(b) of the Business and Professions Code

MINIMUM Revocation

### **FRAUD OR MISREPRESENTATION IN PRACTICE**

Section 2533(e) of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years Probation  
Standard Terms and Conditions of Probation (1-145)  
Educational Course (15)  
If warranted:  
Psychological Evaluation (187)  
Practice Restrictions: Serving as a Supervisor  
(276)  
Supervised Practice (287)  
Actual Suspension of License (310)

Temporary Licenses (32)

**EMPLOYING AN UNLICENSED PERSON**

Section 2533(e) of the Business and Professions Code

MAXIMUM	Revocation
MINIMUM	5 Years Probation Standard Terms and Conditions of Probation (1-145) <a href="#">Educational Course (15)</a> If warranted: Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Actual Suspension of License (310)

**ILLEGAL ADVERTISING**

Sections 651 and 2533(d) & (i)\* of the Business and Professions Code

MAXIMUM	Revocation or Denial
MINIMUM	18 Months' Probation Standard Terms and Conditions of Probation (1-15) If warranted: Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Actual Suspension of License (310)

**LETTING ANOTHER USE HIS OR HER LICENSE**

Section 2533(e) of the Business and Professions Code

MAXIMUM	Revocation
MINIMUM	5 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Supervised Practice (287) Actual Suspension of License (310) <a href="#">Temporary Licenses (32)</a>

**DOING ANY ACT WHICH WOULD BE GROUNDS FOR LICENSE DENIAL**

Section 2533(j) of the Business and Professions Code

MAXIMUM	Revocation
MINIMUM	5 Years Probation Standard Terms and Conditions of Probation (1-145) If warranted:



Additional Terms and Conditions of Probation  
(~~156-329~~)

**UNPROFESSIONAL CONDUCT: VIOLATION OF RULES GOVERNING SPEECH-  
LANGUAGE PATHOLOGY CORPORATION OR AUDIOLOGY CORPORATION**

Section 2537, 2537.1 2537.2, 2537.3 & 2537.4 of the Business and Professions Code;  
Sections 1399.158.1, 1399.158.2, & 1399.158.3 California Code of Regulations

MAXIMUM	Revocation or Denial
MINIMUM	18 Months' Probation Standard Terms and Conditions of Probation (1- <del>145</del> )

Except where otherwise indicated, the following penalties apply to speech-  
language pathologists, audiologists, dispensing audiologists and speech-  
language pathology assistants.

**Unprofessional Conduct – Advertising**

Section 1399.156.4 of the Californai Code of Regulations, Title 16

MAXIMUM	Revocation or Denial
MINIMUM	18 Months' Probation Standard Terms and Conditions of Probation (1- <del>145</del> ) If warranted: Supervised Practice ( <del>287</del> )

**UNPROFESSIONAL CONDUCT AIDING AND ABETTING IN  
THE COMMISSION OF A VIOLATION OF AN ACT OR REGULATION**

Section 1399.156(a) of the California Code of Regulations, Title 16

MAXIMUM	Revocation or Denial
MINIMUM	18 Months Probation Standard Terms and Conditions of Probation (1- <del>145</del> ) <a href="#">Educational Course (15)</a>

**UNPROFESSIONAL CONDUCT-CORRUPT OR ABUSIVE  
ACT AGAINST A PATIENT**

Section 1399.156(b) of the California Code of Regulations, Title 16

MAXIMUM	Revocation or Denial
MINIMUM	3 Years' Probation Standard Terms and Conditions of Probation (1- <del>145</del> ) Practice Restrictions: Serving as a Supervisor ( <del>276</del> ) Supervised Practice ( <del>287</del> ) <a href="#">Educational Course (15)</a>

If warranted:

Psychological Evaluation (187)  
Psychotherapy (198)  
Restrictions on Licensed Practice (2930)  
Actual Suspension of License (310)  
Temporary Licenses (32)

*Note: In some instances public safety can only be assured by removing the licensee from practice. Factors to be considered are; insufficient evidence of rehabilitation, denial of problem, prior disciplinary action, multiple violations and patient harm.*

### **UNPROFESSIONAL CONDUCT-INCOMPETENCE OR NEGLIGENCE**

California Code of Regulations, Title 16, Section 1399.156(c)

MAXIMUM Revocation or Denial

MINIMUM 3 Years Probation  
Standard Terms and Conditions of Probation (1-145)  
Practice Restrictions: Serving as a Supervisor (276)  
Supervised Practice (287)  
If warranted:  
Restrictions on Licensed Practice (2930)  
Actual Suspension of License (310)  
Temporary Licenses (32)

### **SUBSTANTIALLY RELATED CRIME OR ACT**

California Code of Regulations, Title 16, Section 1399.156.1

MAXIMUM Revocation or Denial

MINIMUM 3 Years' Probation  
Standard Terms and Conditions of Probation (1-145)  
Supervised Practice (287)  
If warranted:  
Submit to Examination by Physician (176)  
Psychological Evaluation (187)  
Psychotherapy (198)  
Restrictions on Licensed Practice (2930)  
Actual Suspension of License (310)  
Temporary Licenses (32)

### **VIOLATION OF REQUIRED PROFESSIONAL EXPERIENCE (RPE) REGULATIONS**

California Code of Regulations, Title 16, Sections 1399.153 – 1399.153.10

MAXIMUM Revocation or Denial

MINIMUM 18 Months' Probation  
Standard Terms and Conditions of Probation (1-145)



**VIOLATION OF LAWS AND REGULATIONS RELATING  
TO SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AIDES**

Section 2530.6 of the Business and Professions Code  
California Code of Regulations, Title 16, Sections 1399.154 – 1399.154.7

MAXIMUM	Revocation or Denial
MINIMUM	18 Months Probation Standard Terms and Conditions of Probation (1-145)

**FAILURE TO SUBMIT A CHANGE OF ADDRESS WITH THE BOARD**

California Code of Regulations, Title 16 Section 1399.157.2

MAXIMUM	2 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Actual Suspension of License (310) <u>Temporary Licenses (32)</u>
MINIMUM	Public Reproval

**VIOLATION OF LAWS AND REGULATIONS RELATING  
TO SPEECH-LANGUAGE PATHOLOGY ASSISTANTS**

Sections 2533 & 2538.1 of the Business and Professions Code  
California Code of Regulations, Title 16, Sections 1399.170.1, 1399.170.2, 1399.170.3, &  
1399.170.19

MAXIMUM	Revocation or Denial
MINIMUM	18 Months' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Additional Terms and Conditions of Probation (156-320)

**VIOLATION OF LAWS AND REGULATIONS RELATING  
TO THE SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS**

Sections 2533 & 2538.1 of the Business and Professions Code  
California Code of Regulations, Title 16, Sections 1399.170.15, 1399.170.16,  
1399.170.17, & 1399.170.18

MAXIMUM	Revocation or Denial
MINIMUM	18 Months' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Additional Terms and Conditions of Probation

(~~156~~-310)

Practice Restrictions: Serving as a Supervisor  
(~~276~~)

Supervised Practice (~~287~~)

Actual Suspension of License (310)

## **PENALTIES FOR DISCIPLINARY ACTIONS**

*Except where otherwise indicated, the following terms and conditions apply to hearing aid dispensers and dispensing audiologists ~~unless noted~~*

### **UNLICENSED PRACTICE**

Sections 2538.20 and 2539.1 of the Business and Professions Code

MAXIMUM	Revocation
MINIMUM	2 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Actual Suspension of License (310)

### **TEMPORARY LICENSEE AS SOLE PROPRIETOR, MANAGER, OR OPERATOR OR CLAIMING TO HOLD LICENSE AS A HEARING AID DISPENSER**

Section 2538.30 of the Business and Professions Code

MAXIMUM	License Denied
MINIMUM	License Issued, 2 Years' Probation Standard Terms and Conditions of Probation (1-145)

### **PRACTICING WITHOUT NOTIFYING THE BOARD OF BUSINESS ADDRESS**

Section 2538.33\* of the Business and Professions Code; California Code of Regulations  
Section 1399.105

MAXIMUM	2 Years Probation Standard Terms and Conditions of Probation (1-145) If warranted: Actual Suspension of License (310) <u>Temporary Licenses (32)</u>
MINIMUM	Public Reproval

### **PRACTICING FROM A BRANCH OFFICE WHICH IS NOT LICENSED**

Section 2538.34 of the Business and Professions Code

MAXIMUM	2 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted:
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Actual Suspension of License (310)

MINIMUM Public Reprimand

**FAILURE TO DELIVER PROPER RECEIPT**

Sections 2538.35 and 2539.4 of the Business and Professions Code

MAXIMUM 3 Years' Probation  
If warranted:  
Standard Terms and Conditions of Probation (1-145)  
Actual Suspension of License (310)

MINIMUM Public Reprimand

**FAILURE TO MAKE PHYSICIAN REFERRAL**

Sections 2538.36 and 2539.6 of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years' Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Supervised Practice (287)  
Actual Suspension of License (310)

**UNAUTHORIZED SELLING OF A HEARING AID TO A PERSON UNDER SIXTEEN (16) YEARS OF AGE**

Sections 2538.37 and 2539.8 of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years' Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Take and Pass Licensure Examination (265)  
Supervised Practice (287)  
Restrictions on Licensed Practice (2930)  
Actual Suspension of License (310)  
Temporary Licenses (32)

**FAILURE TO MAINTAIN REQUIRED RECORDS**

Sections 2538.38 and 2539.10 of the Business and Professions Code

MAXIMUM 1 year suspension, stayed with 3 years' probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:

Practice Restrictions: Serving as a Supervisor (276)  
Supervised Practice (287)  
Actual Suspension of License (310)

MINIMUM Public Reprimand

**THE IMPROPER OR UNNECESSARY FITTING OF A HEARING AID**

Sections 2533(f) and 2538.11 of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years' Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Take and Pass Licensure Examination (265)  
Practice Restrictions: Serving as a Supervisor (276)  
Supervised Practice (287)  
Actual Suspension of License (310)

**HEARING SCREENINGS—UNAUTHORIZED SERVICES**

Section 2538.12 of the Business and Professions Code

MAXIMUM 5 Years' Probation

MINIMUM Public Reprimand

**UNAUTHORIZED DISPENSING OF A HEARING AID-- REMOTE ACQUISITION**

Sections 2538.23 and 2539.2 of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years' Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Practice Restrictions: Serving as a Supervisor (276)  
Supervised Practice (287)  
Restrictions on Licensed Practice (2930)  
Actual Suspension of License (310)

**USING THE TERM "DOCTOR", "PHYSICIAN" OR "AUDIOLOGIST" UNLESS AUTHORIZED**

Section 2533(h) of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years' Probation



Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Actual Suspension of License (310)

**VIOLATION OF SECTION 1689.6 OR 1793.02 OF THE CIVIL CODE**  
Section 2533(k) of the Business and Professions Code

MAXIMUM Revocation

MINIMUM ~~5-24 Years' Months~~ Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Take and Pass Licensure Examination (265)  
Practice Restrictions: Serving as a Supervisor (276)  
Supervised Practice (287)  
Actual Suspension of License (310)

**SALE OR BARTER OF A LICENSE OR OFFER TO SELL OR BARTER A LICENSE**  
Section 2538.43 of the Business and Professions Code

MAXIMUM Revocation

MINIMUM 5 Years' Probation  
Standard Terms and Conditions of Probation (1-145)  
If warranted:  
Psychological Evaluation (187)  
Actual Suspension of License (310)

**PURCHASE OR PROCURE BY BARTER A LICENSE  
WITH THE INTENT TO PRACTICE**

Section 2538.44 of the Business and Professions Code

MINIMUM Denial of right to seek licensure as a hearing aid dispenser pursuant to B&P 480(a)

**ALTER WITH FRAUDULENT INTENT ANY MATERIAL ISSUED BY THE BOARD**  
Section 2538.45 of the Business and Professions Code

If done by a temporary licensee:

MINIMUM Revocation of temporary license and denial of permanent licensure

If done by a permanent licensee:

MAXIMUM	Revocation
MINIMUM	5 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Psychological Evaluation (187) Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Actual Suspension of License (310)

**USE OR ATTEMPTED USE OF LICENSE PURCHASED, FRAUDULENTLY ISSUED,  
COUNTERFEITED, OR MATERIALLY ALTERED**

Section 2538.46 of the Business and Professions Code

If done by a temporary licensee:

MINIMUM	Revocation of temporary license and denial of permanent licensure
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If done by a permanent licensee:

MAXIMUM	Revocation
MINIMUM	5 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Actual Suspension of License (310)

**LYING ON THE LICENSE APPLICATION**

Section 2538.47 of the Business and Professions Code

MINIMUM	Revocation/License denial pursuant to B&P 480 (c)
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**PRACTICING WITHOUT A VALID LICENSE**

Section 2538.48\* of the Business and Professions Code

MAXIMUM	Revocation
MINIMUM	Public Reproval

**UNLAWFUL PRACTICE**

Section 2538.49 of the Business and Professions Code

MAXIMUM	Revocation
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MINIMUM	5 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Take and Pass Licensure Examination (265) Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Actual Suspension of License (310) Temporary Licenses (32)
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**ADVERTISING WITHOUT A VALID LICENSE**  
 Section 2538.50\* of the Business and Professions Code

MAXIMUM	Revocation/Denial of Licensure
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MINIMUM	Public Reproval
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**PRACTICING WITHOUT A BUSINESS ADDRESS**  
 Section 2538.51 of the Business and Professions Code

MAXIMUM	5 Years' Probation
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MINIMUM	Public Reproval
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**IMPROPER SUPERVISION OF A TRAINEE**  
 California Code of Regulations, [Title 16](#), Section 1399.116

MAXIMUM	Revocation
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MINIMUM	<del>5</del> 3 Years' Probation Standard Terms and Conditions of Probation (1-145) If warranted: Practice Restrictions: Serving as a Supervisor (276) Supervised Practice (287) Actual Suspension of License (310)
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**UNPROFESSIONAL CONDUCT BY A TRAINEE**  
 California Code of Regulations Sections 1399.117 & 1399.119

MINIMUM	Revocation of trainee license and denial of permanent licensure
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**UNPROFESSIONAL CONDUCT -- ADVERTISING**  
 California Code of Regulations, Title 16, Section 1399.127

MAXIMUM	Revocation or Denial
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MINIMUM	18 Months' Probation
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Standard Terms and Conditions of Probation (1-145)

If warranted:

Practice Restrictions: Serving as a Supervisor  
(276)

Supervised Practice (287)

*\*Does not apply to a Dispensing Audiologist*







## MEMORANDUM

<b>DATE</b>	October 25, 2015
<b>TO</b>	Speech Language Pathology and Audiology and Hearing Aid Dispensers Board
<b>FROM</b>	Paul Sanchez, Executive Officer
<b>SUBJECT</b>	<b>Executive Officer Report</b>

This report and the information provided by staff is an update on the current operations of the Board.

### **Administration/Personnel/Staffing**

The Board recently hired Monique Stephens as a Seasonal Clerk to assist with reception duties and intake of licensing applications. Prior to working with the Board, Ms. Stephens worked with the Franchise Tax Board as a key data operator.

CPS-HR Consulting Workload Assessment – The CPS-HR Consulting Project on workload assessment has been delayed due to insufficient staff time and competing priorities. We expect to continue working on the project beginning December 2015 and hope to complete our work by the Spring of 2016.

### **Budget**

Included in your Board materials are Revenue and Expenditure Reports which reflect the first quarter of the 2015-16 budget year. Although we haven't made final projections, we anticipate that the Board will spend more from the temp help category to assist with the licensing workload.

Proposed Increase in Staffing – As reported at the last Board meeting, the Board submitted a budget change proposal (BCP) to address the Board's lengthy licensing process times and to eliminate the licensing backlog. The BCP process is labor intensive and time consuming but staff will continue to work hard to successfully meet the Board's resource and staffing needs.



## **Licensing/Exams/Enforcement**

Included in your Board materials are statistical reports for your review. Management and staff will be present at the Board meeting to answer any questions you have regarding these reports.

Examinations – On October 17, 2015, Board staff administered a Hearing Aid Dispensers Practical Examination in Sacramento for 44 candidates. This was the third of five examinations for the 2015 calendar year. The next two examinations will take place on November 14 and 21, 2015. Data from the most recent examinations is not yet available. We will report on the next three examinations at the February 2016 meeting.

Disciplinary Actions – During the 2014-15 fiscal year, the Board referred 13 cases to the Office of the Attorney General for formal discipline. There are currently 23 formal discipline cases pending with the Attorney General's Office.

The following disciplinary actions were adopted by the Board in fiscal year 2014-15:

<b>Name</b>	<b>License No.</b>	<b>License Type</b>	<b>Case No.</b>	<b>Eff. Date</b>	<b>Action Taken</b>
Wolford, Julia	SP 13872	Speech-Language Pathologist	1I 2013 33	9/11/15	Revocation Stayed, 5 Yr Probation w/ Specified Terms and Conditions
Beckwith, John	HA 7606	Hearing Aid Dispenser	1C 2014 12	8/12/15	Stipulated Surrender of License
Rawlinson, Kristin	SP 19002	Speech-Language Pathologist	1I 2014 22	8/9/15	Revocation of License
Trythall, Michael	AU 2225	Audiologist	1I 2014 63	7/31/15	Stipulated Surrender of License
Blanchard, Miriam	SP 8627	Speech-Language Pathologist	1I 2012 70	7/22/15	Revocation Stayed, 90 Day Susp, 7 Yr Probation w/ Specified Terms and Conditions
Rios, Keith	HA 5058	Hearing Aid Dispenser	1C 2010 155	7/24/15	Revocation Stayed, 5 Yr Probation w/ Specified Terms and Conditions

Name	License No.	License Type	Case No.	Eff. Date	Action Taken
Frangos, Nicole	SP 18907	Speech-Language Pathologist	1I 2012 66	7/24/15	Revocation Stayed, 5 Yr Probation w/ Specified Terms and Conditions

Probation – The Board is currently monitoring 20 active probationers and seven tolled probationers.

Licensing – We are currently at the peak period of our licensing season. At this time, we are taking up to six weeks to license speech-language pathology and audiology applicants. In June, Bonnie McSweeney, on loan from DCA, completed her assignment of assisting the Board with licensing and returned to DCA. Even though it is a decline from our previous report in June, it is a significant improvement from our previous year at this time.

The following table included Board licensing timeframes:

Process	Timeframe 6/1/2015	Timeframe 8/1/2015	Timeframe 10/1/2015
SPL and AU Licensing application	3 weeks	6 weeks	6 weeks
Review and process supporting licensing documents	2 weeks	6 weeks	7 weeks
Review and process RPE applicant's verification forms for full licensure	1 day	6 weeks	6 weeks
HADs	3 weeks	5 weeks	3 weeks

## Regulations Update

The Board has four draft regulatory proposals for your review and approval. The Board is currently preparing six approved regulatory proposals for the Office of Administrative Law (OAL).

The following table provides the status of each package along with target completion and submission dates:



Rulemaking File	Published	Final Filing Date	Status
Hearing Aid Dispenser Continuing Education	12/4/2014	12/4/2015	DCA File Review
Speech-Language Pathology Assistant	10/9/2015	10/8/2016	45 Day Comment Period Ends 11/23/2015
Fees: Hearing Aid Dispensers	10/9/2015	10/8/2016	45 Day Comment Period Ends 11/23/2015
Section 100 Changes	N/A	N/A	Determination Due 10/29/2015
Fees: SLP and Audiology			Target Filing with OAL 11/2015
Hearing Aid Dispenser Advertising Guidelines			Target Filing with OAL 11/2015
Required Professional Experience Clock Hours			On Board Agenda 11/2015
Self-study Hours			On Board Agenda 11/2015
Disciplinary Guidelines			On Board Agenda 11/2015
Audiology Aides			On Board Agenda 11/2015

**Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board - 0376**  
**BUDGET REPORT**  
**FY 2015-16 EXPENDITURE PROJECTION**

**FISCAL MONTH 3**

OBJECT DESCRIPTION	FY 2014-15		FY 2015-16				
	ACTUAL	PRIOR YEAR	BUDGET	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES	EXPENDITURES	STONE	EXPENDITURES	SPENT	TO YEAR END	BALANCE
	(MONTH 13)	9/30/2014	2015-16	9/30/2015			
<b>PERSONNEL SERVICES</b>							
Salary & Wages (Staff)	391,673	83,400	450,630	112,272	25%	460,155	(9,525)
Statutory Exempt (EO)	82,680	20,280	79,524	20,787	26%	83,112	(3,588)
Temp Help Reg (Seasonals)	54,350	3,026	876	13,662	1560%	71,855	(70,979)
Temp Help (Exam Proctors)	4,592		0			0	0
Board Member Per Diem			5,854		0%		5,854
Committee Members (DEC)	4,100	1,400	0	1,600		4,686	(4,686)
Overtime	18,128	4,126	0	3,093		13,589	(13,589)
Staff Benefits	228,845	48,360	243,320	69,688	29%	329,772	(86,452)
<b>TOTALS, PERSONNEL SVC</b>	<b>784,368</b>	<b>160,592</b>	<b>780,204</b>	<b>221,102</b>	<b>28%</b>	<b>963,169</b>	<b>(182,965)</b>
<b>OPERATING EXPENSE AND EQUIPMENT</b>							
General Expense	19,009	6,631	41,425	2,834	7%	17,004	24,421
Fingerprint Reports	20,635	5,665	28,439	4,361	15%	15,885	12,554
Minor Equipment	3,406	457	0	827		3,500	(3,500)
Printing	3,667	1,795	24,393	1,314	5%	2,684	21,709
Communication	3,097	224	17,027	457	3%	6,318	10,709
Postage	26,374	4,492	23,340	6,348	27%	30,000	(6,660)
Insurance	0		144		0%	0	144
Travel In State	31,425	1,855	34,162	2,494	7%	35,000	(838)
Travel, Out-of-State	0		0			0	0
Training	465		5,802		0%	500	5,302
Facilities Operations	65,835	62,303	112,569	67,927	60%	70,000	42,569
Utilities	0		0			0	0
C & P Services - Interdept.	5,377		23,890	13,994	59%	13,994	9,896
C & P Services - External	1,325		0			0	0
<b>DEPARTMENTAL SERVICES:</b>							
Departmental Pro Rata	159,192	44,934	168,737	42,250	25%	168,737	0
Admin/Exec	98,480	23,645	103,578	26,000	25%	103,578	0
Interagency Services	0		29,093		0%	0	29,093
IA w/ OPES	62,976		0			0	0
DOI-ProRata Internal	2,679	740	2,961	750	25%	2,961	0
Public Affairs Office	3,109	722	2,888	750	26%	2,888	0
CCED	3,004	790	4,160	1,000	24%	4,160	0
<b>INTERAGENCY SERVICES:</b>							
Consolidated Data Center	224	34	8,932	42	0%	1,200	7,732
DP Maintenance & Supply	2,901	2,886	17,077	3,134	18%	3,150	13,927
Central Admin Svc-ProRata	79,026	19,757	146,026	36,611	25%	146,026	0
<b>EXAM EXPENSES:</b>							
Exam Supplies	0		0			0	0
Exam Freight	0		0			0	0
Exam Site Rental	4,149	0	7,663	1,618	21%	5,000	2,663
C/P Svcs-External Expert Administrative	10,445	8,870	25,542	4,435	17%	10,000	15,542
C/P Svcs-External Expert Examiners	0		37,913		0%	0	37,913
C/P Svcs-External Subject Matter	68,725	8,570	0	13,331		53,324	(53,324)
<b>ENFORCEMENT:</b>							
Attorney General	152,182	28,225	90,567	22,215	25%	133,290	(42,723)
Office Admin. Hearings	14,423	7,084	21,749		0%	7,500	14,249
Court Reporters	1,258	529	0	350		725	(725)
Evidence/Witness Fees	7,050		7,428	1,250	17%	7,500	(72)
DOI - Investigations	283,575	70,323	331,291	82,750	25%	82,750	248,541
Major Equipment	3,860		0			0	0
Other - Clothing & Pers Supp	0		0			0	0
Special Items of Expense	0		0			0	0
Other (Vehicle Operations)	0		15,000			0	15,000
<b>TOTALS, OE&amp;E</b>	<b>1,137,873</b>	<b>300,531</b>	<b>1,331,796</b>	<b>337,042</b>	<b>25%</b>	<b>927,675</b>	<b>404,121</b>
<b>TOTAL EXPENSE</b>	<b>1,922,241</b>	<b>461,123</b>	<b>2,112,000</b>	<b>558,144</b>	<b>26%</b>	<b>1,890,844</b>	<b>221,156</b>
Sched. Reimb. - Fingerprints	(18,326)	(4,312)	(31,000)	(5,537)	18%	(31,000)	0
Sched. Reimb. - Other	(4,465)	(1,175)	(2,000)	(1,645)	82%	(2,000)	0
Distributed			0				0
Unsched. Reimb. - Other	(9,011)	(1,198)	0	(15,172)			0
<b>NET APPROPRIATION</b>	<b>1,890,439</b>	<b>454,438</b>	<b>2,079,000</b>	<b>535,791</b>	<b>26%</b>	<b>1,857,844</b>	<b>221,156</b>
<b>SURPLUS/(DEFICIT):</b>							<b>10.6%</b>





HADB

Month:

Sep

Month Number:

3

## Revenue Projection

Mos. Remaining:

9

2015-16

**DO NOT INPUT DATA ON THIS SPREADSHEET!**

		FY 13/14		FY 14/15		FY 15/16			Projection Formulas		Comments
Revenue Code:		9/30/13 YTD	Month 13	9/30/14 YTD	Month 13	Budgeted	9/30/15 YTD	Projection	PY Ratio	SL Projection	
HADB Reimbursements:											
991913		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
991913 00	Scheduled Interdepartmental	\$ -	\$ -	\$ -	\$ -		\$ -		\$ -	\$ -	
991937		\$ 98	\$ 465	\$ 245	\$ 441	\$ -	\$ 196	\$ 353	\$ -	\$ -	
991937 01	Fingerprint Reports	\$ 98	\$ 465	\$ 245	\$ 441		\$ 196	\$ 353	\$ 353	\$ 784	PY Ratio
991937 02	Scheduled Reimbursements/External	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
995988		\$ -	\$ -	\$ -	\$ 2,025	\$ -	\$ 525	\$ 2,100	\$ -	\$ 2,100	
995988 01	Unsch - Investigative Cost Recovery	\$ -	\$ -	\$ -	\$ 2,025		\$ 525	\$ 2,100	\$ -	\$ 2,100	Straightline
Total Reimbursements:		\$ 98	\$ 465	\$ 245	\$ 2,466	\$ -	\$ 721	\$ 2,453	\$ -	\$ 2,100	
HADB Revenue:											
125600		\$ 3,098	\$ 10,470	\$ 4,305	\$ 11,405	\$ -	\$ 1,612	\$ 8,728	\$ 10,546	\$ 6,448	
125600 00	Other Regulatory Fees	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125600 3M	Replacement Lic \$25	\$ 150	\$ 850	\$ 100	\$ 1,075		\$ 525	\$ 2,100	\$ 5,644	\$ 2,100	Straightline
125600 3N	Official Lic cert \$15	\$ 150	\$ 675	\$ 180	\$ 2,430		\$ 240	\$ 3,240	\$ 3,240	\$ 960	PY Ratio
125600 3R	License Confirmation Letter \$10	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125600 5X	Cite and Fine	\$ 2,798	\$ 8,945	\$ 4,025	\$ 7,900		\$ 847	\$ 3,388	\$ 1,662	\$ 3,388	Straightline
125600 92	Prior Year Adj	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125700		\$ 46,810	\$ 194,060	\$ 67,450	\$ 303,418	\$ -	\$ 58,250	\$ 258,462	\$ 266,598	\$ 233,000	
125700 00	Other Fees	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125700 F2	HAD Acct-Written Exam Fee \$225	\$ 13,500	\$ 79,650	\$ 17,325	\$ 81,000		\$ 17,325	\$ 81,000	\$ 81,000	\$ 69,300	PY Ratio
125700 F3	HAD Acct-Practical Exam Fee \$500	\$ 20,000	\$ 36,000	\$ 27,500	\$ 115,000		\$ 21,500	\$ 86,000	\$ 89,909	\$ 86,000	Straightline
125700 3N	Initial App Fee - \$75	\$ 2,850	\$ 17,700	\$ 4,650	\$ 19,575		\$ 4,500	\$ 18,944	\$ 18,944	\$ 18,000	PY Ratio
125700 3P	Initial License - \$280	\$ 560	\$ 6,440	\$ 6,720	\$ 31,135		\$ 4,760	\$ 19,040	\$ 22,054	\$ 19,040	Straightline
125700 3S	CE Provider App - \$50	\$ 6,100	\$ 25,500	\$ 4,400	\$ 25,750		\$ 4,250	\$ 24,872	\$ 24,872	\$ 17,000	PY Ratio
125700 38	Initial Temp Lic \$100	\$ 300	\$ 900	\$ 700	\$ 1,600		\$ 600	\$ 1,371	\$ 1,371	\$ 2,400	PY Ratio
125700 39	Initial Branch Lic \$25	\$ 1,200	\$ 7,100	\$ 1,725	\$ 11,000		\$ 2,600	\$ 10,400	\$ 16,580	\$ 10,400	Straightline
125700 42	Initial TraineeLicense - Hearing Aid Disp	\$ 2,300	\$ 15,700	\$ 4,700	\$ 17,400		\$ 3,700	\$ 14,800	\$ 13,698	\$ 14,800	Straightline
125700 56	Practical Exam - HAD \$285	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125700 59	Written Exam - HAD \$100	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125700 8V	App Fee-Dispensing Augiologist \$2	\$ -	\$ 4,760	\$ -	\$ 560		\$ 840	\$ 3,360	\$ -	\$ 3,360	Straightline
125700 90	Over/Short Fees	\$ -	\$ 5	\$ -	\$ 8		\$ 5	\$ 5	\$ -	\$ 20	Estimate
125700 91	Suspended Revenue	\$ -	\$ 305	\$ 405	\$ 1,065		\$ -	\$ 500	\$ -	\$ -	Estimate
125700 92	Prior Year Adj	\$ -	\$ -	\$ (675)	\$ (675)		\$ (1,830)	\$ (1,830)	\$ (1,830)	\$ (7,320)	PY Ratio
125800		\$ 196,160	\$ 551,788	\$ 190,285	\$ 558,107	\$ -	\$ 151,573	\$ 500,281	\$ 423,224	\$ 606,292	
125800 00	Renewal Fees	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125800 3M	Temp Lic Renewal - \$100	\$ 3,800	\$ 12,200	\$ 5,200	\$ 18,600		\$ 4,000	\$ 12,842	\$ 12,842	\$ 16,000	PY Ratio
125800 3P	Annual Renewal - HAD \$280	\$ 87,080	\$ 254,040	\$ 82,320	\$ 246,682		\$ 65,728	\$ 262,912	\$ 191,749	\$ 262,912	Straightline
125800 3T	Branch Lic Renewal - \$25	\$ 4,800	\$ 12,950	\$ 5,000	\$ 14,675		\$ 4,450	\$ 17,800	\$ 12,006	\$ 17,800	Straightline
125800 3Y	Bien Ren - P&S - One Time Credit	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125800 8V	Bien Ren - Dispensing Audiologist	\$ 10,870	\$ 50,800	\$ 8,960	\$ 54,150		\$ 6,720	\$ 31,405	\$ 31,405	\$ 26,880	PY Ratio
125800 8W	Ann Ren-Dispensing Audiologist	\$ 89,430	\$ 221,798	\$ 88,760	\$ 224,000		\$ 70,650	\$ 175,221	\$ 175,221	\$ 282,600	PY Ratio
125800 90	Over/Short Fees	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125800 C1	Automated Revenue Refund Claim	\$ 180	\$ -	\$ 45	\$ -		\$ 25	\$ 100	\$ -	\$ 100	Straightline
125900		\$ 950	\$ 3,725	\$ 700	\$ 4,625	\$ -	\$ 700	\$ 5,692	\$ 5,692	\$ 2,800	
125900 00	Deliq. Fees	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
125900 3J	Delq. Ren - HAD \$25	\$ 450	\$ 1,775	\$ 350	\$ 1,825		\$ 275	\$ 1,434	\$ 1,434	\$ 1,100	PY Ratio
125900 3K	Delq. Ren - Temp Lic HAD \$25	\$ 75	\$ 350	\$ 50	\$ 350		\$ 75	\$ 525	\$ 525	\$ 300	PY Ratio
125900 3L	Delq. Ren - Branch Lic \$25	\$ 225	\$ 625	\$ 75	\$ 1,400		\$ 150	\$ 2,800	\$ 2,800	\$ 600	PY Ratio



		FY 13/14		FY 14/15		FY 15/16			Projection Formulas		Comments
Revenue Code:		9/30/13 YTD	Month 13	9/30/14 YTD	Month 13	Budgeted	9/30/15 YTD	Projection	PY Ratio	SL Projection	
125900 8V	Delq. Ren - Dispensing Audiologist	\$ 200	\$ 975	\$ 225	\$ 1,050		\$ 200	\$ 933	\$ 933	\$ 800	PY Ratio
142500		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
142500 90	Misc Services to the Public	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
150300		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
150300 00	Income from Surplus Invest.	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
160400		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
160400 00	Sale of Fixed Assets	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
161000		\$ 460	\$ 610	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
161000 02	Revenue Canceled Warrants	\$ 460	\$ 610	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
161400		\$ 25	\$ 110	\$ 25	\$ 130	\$ -	\$ 50	\$ 100	\$ 100	\$ 200	
161400 FT	Misc Revenue FTB Collection	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
161400 TB	Misc Revenue FTB	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
161400 00	Misc Revenue	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
161400 90	Misc Income	\$ -	\$ 10	\$ -	\$ 80		\$ -	\$ -	\$ -	\$ -	
161400 91	Dishonored Check Fee	\$ 25	\$ 100	\$ 25	\$ 50		\$ 50	\$ 100	\$ 100	\$ 200	PY Ratio
302080		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
302080 00	Tr From Hearing Aid Dispensers'	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
Totals Revenue:		\$ 247,503	\$ 760,763	\$ 262,765	\$ 877,685	\$ -	\$ 212,185	\$ 773,263	\$ 706,160	\$ 848,740	
Total:		\$ 247,601	\$ 761,228	\$ 263,010	\$ 880,151	\$ -	\$ 212,906	\$ 775,716	\$ 706,160	\$ 850,840	

Speech

Month:

Sep

Month Number:

3

## Revenue Projection

Mos. Remaining:

9

2015-16

Input in Blue Shaded Cells Only

DO NOT INPUT DATA ON THIS SPREADSHEET!

		FY 13-14		FY 14-15		FY 15-16			Projection Formulas		Comments
		9/30/13 YTD	Month 13	9/30/14 YTD	Month 13	Budgeted	9/30/15 YTD	Projection	PY Ratio	SL Projection	
Speech Reimbursements:											
991937		\$ 4,517	\$ 21,585	\$ 4,752	\$ 20,635	\$ 33,000	\$ 7,182	\$ 28,399	\$ 31,281	\$ 28,728	
991937 01	Scheduled Reimbursements/Fingerprints	\$ 3,577	\$ 16,170	\$ 3,577	\$ 16,170		\$ 5,537	\$ 22,148	\$ 25,030	\$ 22,148	Straightline
991937 02	Scheduled Reimbursements/External	\$ 940	\$ 5,415	\$ 1,175	\$ 4,465		\$ 1,645	\$ 6,251	\$ 6,251	\$ 6,580	PY Ratio
995988		\$ 2,998	\$ 32,613	\$ 1,198	\$ 6,986	\$ -	\$ 15,172	\$ 60,688	\$ 88,467	\$ 60,688	
995988 00	Unsch - External/Other	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
995988 01	Unsch - Investigative Cost Recovery	\$ 2,998	\$ 32,613	\$ 1,198	\$ 6,986		\$ 15,172	\$ 60,688	\$ 88,467	\$ 60,688	Straightline
Total Reimbursements:		\$ 7,515	\$ 54,198	\$ 5,950	\$ 27,621	\$ 33,000	\$ 22,354	\$ 89,087	\$ 119,749	\$ 89,416	
Speech Revenue:											
125600		\$ 3,155	\$ 13,665	\$ 3,370	\$ 16,905	\$ 25,000	\$ 4,309	\$ 17,265	\$ 17,521	\$ 17,236	
125600 SD	*Letter of Good Standing	\$ 1,130	\$ 5,440	\$ 1,120	\$ 5,880	\$ -	\$ 1,370	\$ 5,480	\$ 7,193	\$ 5,480	Straightline
125600 5H	Citation and Fine	\$ -	\$ -	\$ -	\$ 2,000	\$ -	\$ 364	\$ 1,456	\$ -	\$ 1,456	Straightline
125600 5T	Duplicate Renewal License	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125600 5W	Duplicate License	\$ 2,025	\$ 8,225	\$ 2,250	\$ 9,025	\$ -	\$ 2,575	\$ 10,329	\$ 10,329	\$ 10,300	PY Ratio
125700		\$ 28,357	\$ 97,219	\$ 35,660	\$ 115,667	\$ 291,000	\$ 37,305	\$ 120,980	\$ 122,487	\$ 149,220	
125700 D8	Cont. Prof. Develop Provider	\$ 2,000	\$ 4,400	\$ 800	\$ 4,600		\$ 1,400	\$ 5,600	\$ 8,050	\$ 5,600	Straightline
125700 H2	Temporary License- SP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125700 H3	Temporary License- AU	\$ -	\$ -	\$ 30	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125700 N1	**Speech Assistant App. Fee	\$ 4,400	\$ 19,500	\$ 8,100	\$ 28,600		\$ 8,850	\$ 31,248	\$ 31,248	\$ 35,400	PY Ratio
125700 01	Refunded Reimbursements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125700 5S	Application Fee - Speech	\$ 12,530	\$ 39,585	\$ 14,875	\$ 45,500		\$ 15,610	\$ 47,748	\$ 47,748	\$ 62,440	PY Ratio
125700 5T	Initial License Fee - Speech	\$ 8,800	\$ 27,725	\$ 10,450	\$ 31,900		\$ 10,825	\$ 33,045	\$ 33,045	\$ 43,300	PY Ratio
125700 5U	Aide Registration	\$ 120	\$ 510	\$ 200	\$ 530		\$ 110	\$ 292	\$ 292	\$ 440	PY Ratio
125700 5V	Application Fee - Audiology	\$ 420	\$ 3,325	\$ 770	\$ 2,520		\$ 455	\$ 1,820	\$ 1,489	\$ 1,820	Straightline
125700 5W	Initial License Fee - Audiology	\$ 300	\$ 2,375	\$ 550	\$ 1,800		\$ 325	\$ 1,300	\$ 1,064	\$ 1,300	Straightline
125700 8V	App Fee - Dispensing Audiologist \$2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125700 90	Over/Short Fees	\$ 5	\$ 17	\$ 5	\$ 52		\$ 10	\$ 40	\$ 104	\$ 40	Straightline
125700 91	Suspended Revenue	\$ -	\$ -	\$ -	\$ 335		\$ 110	\$ 440	\$ -	\$ 440	Straightline
125700 92	Prior Year Revenue Adjustment	\$ (218)	\$ (218)	\$ (120)	\$ (170)		\$ (390)	\$ (553)	\$ (553)	\$ (1,560)	PY Ratio
125800		\$ 275,730	\$ 780,195	\$ 262,440	\$ 803,462	\$ 1,332,000	\$ 227,290	\$ 773,474	\$ 687,526	\$ 834,740	
125800 A2	Temp Lic Renewal - SP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125800 A3	Revealal-Temporary License AU	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125800 A6	SPA Assistant Renewal	\$ 18,075	\$ 56,025	\$ 20,550	\$ 68,770		\$ 18,605	\$ 62,261	\$ 62,261	\$ 74,420	PY Ratio
125800 BJ	Biennial Renewal Fee - SP	\$ 240,450	\$ 681,795	\$ 194,175	\$ 663,071		\$ 194,480	\$ 664,113	\$ 664,113	\$ 777,920	PY Ratio
125800 BK	Biennial Renewal Fee - AU	\$ 10,560	\$ 29,370	\$ 42,240	\$ 60,610		\$ 8,030	\$ 32,120	\$ 11,522	\$ 32,120	Straightline
125800 RM	Continuing Prof. Devel. Renew	\$ 6,000	\$ 13,000	\$ 5,000	\$ 11,000		\$ 5,400	\$ 11,880	\$ 11,880	\$ 21,600	PY Ratio
125800 8V	Biennial Renewal - DAU	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125800 8W	Ann Ren-Dispensing Audiologist	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
125800 90	Over/Short Fees	\$ -	\$ 5	\$ 5	\$ 11		\$ 5	\$ 20	\$ 11	\$ 20	Straightline
125800 C1	Automated Revenue Refund Claim	\$ 645	\$ -	\$ 470	\$ -		\$ 770	\$ 3,080	\$ -	\$ 3,080	Straightline
125900		\$ 3,625	\$ 14,325	\$ 3,600	\$ 16,875	\$ 18,000	\$ 3,775	\$ 15,100	\$ 17,900	\$ 15,100	
125900 DE	Delinq. Renewal - SPA	\$ 350	\$ 1,675	\$ 825	\$ 2,925		\$ 775	\$ 3,100	\$ 2,748	\$ 3,100	Straightline
125900 5U	Delinq. Renewal - SP	\$ 3,100	\$ 12,100	\$ 2,700	\$ 13,300		\$ 2,900	\$ 11,600	\$ 14,285	\$ 11,600	Straightline
125900 5V	Delinq. Renewal - AU	\$ 175	\$ 550	\$ 75	\$ 650		\$ 100	\$ 400	\$ 867	\$ 400	Straightline
125900 8V	Delinq. Renewal - DAU	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	
142500		\$ -	\$ 626	\$ -	\$ 445	\$ 1,000	\$ -	\$ 1,000	\$ -	\$ -	
142500	Misc. Services to the Public	\$ -	\$ 626	\$ -	\$ 445		\$ -	\$ 1,000	\$ -	\$ -	Estimate
150300		\$ -	\$ 2,374	\$ -	\$ 3,409	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ -	
150300 00	Income from Surplus Money Invest.	\$ -	\$ 2,374	\$ -	\$ 3,409		\$ -	\$ 5,000	\$ -	\$ -	Estimate



		FY 13-14		FY 14-15		FY 15-16			Projection Formulas		Comments
		9/30/13 YTD	Month 13	9/30/14 YTD	Month 13	Budgeted	9/30/15 YTD	Projection	PY Ratio	SL Projection	
161000		\$ -	\$ 704	\$ 110	\$ 604	\$ 1,000	\$ 135	\$ 540	\$ 741	\$ 540	
161000 02	Revenue Cancelled Warrants	\$ -	\$ 704	\$ 110	\$ 604		\$ 135	\$ 540	\$ 741	\$ 540	Straightline
161400		\$ 200	\$ 682	\$ 105	\$ 575	\$ 1,000	\$ 50	\$ 300	\$ 200	\$ 200	
161400 91	Dishonored Check Fee	\$ 200	\$ 547	\$ 100	\$ 400		\$ 50	\$ 200	\$ 200	\$ 200	PY RatioStraightline
161400 FT	Misc Revenue FTB Collection	\$ -	\$ 135	\$ 5	\$ 175		\$ -	\$ 100	\$ -	\$ -	Estimate
Total Revenue:		\$ 311,067	\$ 909,790	\$ 305,285	\$ 957,942	\$ 1,674,000	\$ 272,864	\$ 933,658	\$ 846,374	\$ 1,017,036	
Total:		\$ 318,582	\$ 963,989	\$ 311,235	\$ 985,562	\$ 1,707,000	\$ 295,218	\$ 1,022,745	\$ 966,123	\$ 1,106,452	

\*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) in the amount of \$10.00

\*\*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 years.

# Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

As of September 30, 2015

## Licenses Issued

LICENSES ISSUED	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16 QTR 1
AU	57	55	76	57	89	19
AUT	2	1	1	0	0	0
DAU	78	20	19	UA	UA	2
SLP	734	911	1056	974	1143	257
SPT	1	0	0	0	0	0
SLPA	312	346	407	325	550	186
RPE'S	513	667	727	702	836	349
AIDES	52	44	51	40	48	10
CPD PROVIDERS	15	16	9	15	17	5
HAD Permanent	50	91	84	49	92	32
HAD Trainees	77	94	95	139	145	59
HAD Licensed in Another State	12	6	7	5	9	2
HAD Branch Office	205	192	132	282	426	125
<b>TOTAL LICENSES ISSUED</b>	<b>2108</b>	<b>2443</b>	<b>2664</b>	<b>2588</b>	<b>3355</b>	<b>1046</b>

## Licensing Population

POPULATION	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY14/15
AU	622	595	609	UA	612	447
DAU	911	930	942	UA	988	1,147
Both License Types	1,533	1,525	1,551	1,555	1,600	1,594
AUT	0	0	0	0	0	0
SLP	11,349	12,020	12,696	13,285	13,967	14,021
SPT	0	0	0	0	0	0
SLPA	1,304	1,529	1,771	1,969	2,343	2,485
RPE'S	608	665	682	768	802	1,024
AIDES	215	181	120	119	124	129
HAD	932	938	946	913	948	929
HAD Trainees	83	97	95	145	160	165
HAD Licensed in Another State	12	6	9	8	7	8
HAD Branch Office	601	627	653	710	821	881
<b>TOTAL LICENSEES</b>	<b>18,170</b>	<b>19,113</b>	<b>20,074</b>	<b>19,472</b>	<b>20,772</b>	<b>21,236</b>





# Speech-Language Pathology Audiology Hearing Aid Dispensers Board

	FISCAL YEAR 2012 - 2013		FISCAL YEAR 2013 - 2014		FISCAL YEAR 2014 - 2015		2015 - 2016 Quarter 1	
<b>COMPLAINTS AND CONVICTIONS</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Complaints Received	71	28	86	41	56	41	14	7
Convictions Received	7	41	6	29	4	27	7	13
Average Days to Intake	1	2	2	2	31	31	2	3
Closed	103	87	104	69	107	46	29	46
Pending	111	29	100	30	55	56	48	34

*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 2014 - 2015		2015 - 2016 Quarter 1	
<b>INVESTIGATIONS Desk</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Assigned	98	69	91	68	59	64	21	20
Closed	91	80	84	63	89	41	26	43
Average Days to Complete	360	220	458	128	339	250	154	266
Pending	84	27	80	28	46	48	43	30

	FISCAL YEAR 2012 - 2013		FISCAL YEAR 2013 - 2014		FISCAL YEAR 2014 - 2015		2015 - 2016 Quarter 1	
<b>INVESTIGATIONS DOI</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Assigned	25	0	12	5	2	3	0	2
Closed	6	6	20	5	15	2	1	3
Average Days to Complete	758	697	451	503	722	527	143	276
Pending	27	1	19	2	6	3	5	4

	FISCAL YEAR 2012 - 2013		FISCAL YEAR 2013 - 2014		FISCAL YEAR 2014 - 2015		2015 - 2016 Quarter 1	
<b>ALL TYPES OF INVESTIGATIONS</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Closed Without Discipline	94	77	93	60	83	37	25	37
Cycle Time - No Discipline	383	243	470	152	347	234	153	232

*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 2014 - 2015		2015 - 2016 Quarter 1	
<b>CITATIONS/Cease&amp;Desist</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Issued	6	3	7	3	3	8	1	4
Avg Days to Complete Cite	654	794	358	453	292	188	68	375
Cease & Desist Letter	26	0	9	0	5	1	0	1



# Speech-Language Pathology Audiology Hearing Aid Dispensers Board

	FISCAL YEAR 2012 - 2013		FISCAL YEAR 2013 - 2014		FISCAL YEAR 2014 - 2015		2015 - 2016 Quarter 1	
<b>ATTORNEY GENERAL CASES</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Pending at the AG	12	12	9	13	17	13	14	18
Accusations Filed	1	3	3	6	5	6	0	2
SOI Withdrawn, Dismissed, Declined	0	0	0	0	0	0	0	0
Acc Withdrawn, Dismissed, Declined	0	4	2	1	1	1	0	0
Average Days to Discipline	606	1013	703	617	1336	234	1134	650

*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*

	FISCAL YEAR 2012 - 2013		FISCAL YEAR 2013 - 2014		FISCAL YEAR 2014 - 2015		2015 - 2016 Quarter 1	
<b>ATTORNEY GENERAL TYPE OF PENALTIES</b>	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Probation		4	4		1	1	1	1
Surrender of License		1	1	1		1	1	1
Conditional License			1	3				
License Denied (SOI)	1						1	1
Suspension & Probation								1
Revocation-No Stay of Order				1	1	3		1
Petition for Modification of Probation				1				
Petition for Reinstatement Denied			1					



# California

## LEGISLATIVE INFORMATION

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

Senate: 1st Cmt

Assembly: 1st Cmt 2nd 3rd Pass

Bill Status	
Measure:	AB-12
Lead Authors:	Cooley (A)
Principal Coauthors:	-
Coauthors:	Chang (A), Daly (A), Huff (S), Wilk (A)
Topic:	State government: administrative regulations: review.
31st Day in Print:	01/01/15
Title:	An act to add and repeal Chapter 3.6 (commencing with Section 11356) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations.
House Location:	Senate
Last Amended Date:	08/19/15
Committee Location:	Sen 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
08/27/15	In committee: Held under submission.
08/24/15	In committee: Referred to APPR. suspense file.
08/19/15	From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.
08/17/15	In committee: Hearing postponed by committee.
07/14/15	From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (July 14). Re-referred to Com. on APPR.





*California*  
LEGISLATIVE INFORMATION

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

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

**ASSEMBLY BILL**

**No. 12**

**Introduced by Assembly Member Cooley  
(Coauthors: Assembly Members Chang, Daly, and Wilk)  
(Coauthor: Senator Huff)**

**December 01, 2014**

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

**LEGISLATIVE COUNSEL'S DIGEST**

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

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, 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

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

**CHAPTER 3.6. Regulatory Reform  
Article 1. Findings and Declarations**

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

(a) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section

11500)) requires agencies and the Office of Administrative Law to review regulations to ensure their consistency with law and to consider impacts on the state's economy and businesses, including small businesses.

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

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

#### **Article 2. Definitions**

**11366.1.** For the purposes of this chapter, the following definitions shall apply:

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

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

#### **Article 3. State Agency Duties**

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

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

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

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

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

(e) Notify the appropriate policy and fiscal committees of each house of the Legislature of the revisions to regulations that the state agency proposes to make at least 30 days prior to initiating the process under Article 5 (commencing with Section 11346) of Chapter 3.5 or Section 100 of Title 1 of the California Code of Regulations.

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

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

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

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



**11366.4.** An agency listed in Section 12800 shall notify a state agency of any existing regulations adopted by that agency that may duplicate, overlap, or be inconsistent with the state agency's regulations.

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

**Article 4. Chapter Repeal**

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



# California LEGISLATIVE INFORMATION

## AB-85 Open meetings. (2015-2015)

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

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:	Assembly
Enrolled Date:	09/02/15
Last Amended Date:	04/15/15

Type of Measure	
Inactive Bill - Vetoed	
Two Thirds Vote Required	
Non-Appropriation	
Fiscal Committee	
Non-State-Mandated Local Program	
Urgency	
Non-Tax Levy	

Last 5 History Actions	
Date	Action
09/28/15	Vetoed by Governor
09/09/15	Enrolled and presented to the Governor at 4 p.m.
08/31/15	In Assembly. Ordered to Engrossing and Enrolling.
08/31/15	Read third time. Urgency clause adopted. Passed. Ordered to the Assembly, (Ayes 46. Noes 0. Page 2288.).
08/19/15	Read second time. Ordered to third reading.

Governor's Veto Message	
To the Members of the California State Assembly:	
I am returning Assembly Bill 85 without my signature.	
This bill expands the Bagley-Keene Open Meeting Act to include state advisory bodies, regardless of their size.	
My thinking on this matter has not changed from last year when I vetoed a similar measure, AB 2058. I believe strongly in transparency and openness but the more informal deliberation of advisory bodies is best left to current law.	
Sincerely,	
Edmund G. Brown Jr.	





*California*  
LEGISLATIVE INFORMATION

**AB-85 Open meetings. (2015-2016)**

ENROLLED SEPTEMBER 02, 2015

PASSED IN SENATE AUGUST 31, 2015

PASSED IN ASSEMBLY JUNE 01, 2015

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

**ASSEMBLY BILL**

**No. 85**

**Introduced by Assembly Member Wilk**

**January 06, 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, 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 declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 11121 of the Government Code is amended to read:

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

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

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

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons, except as in subdivision (d).

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section 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.

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

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







# California

## LEGISLATIVE INFORMATION

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

Senate: 1st Cmt 2nd Cm: 2nd 3rd Pass Chp  
 Assembly: 1st Cmt 2nd Cmt 2nd Pass Pass

Bill Status	
Measure:	AB-333
Lead Authors:	Melendez (A)
Principal Coauthors:	-
Coauthors:	-
Topic:	Healing arts: continuing education.
31st Day In Print:	03/19/15
Title:	An act to add Section 856 to the Business and Professions Code, relating to healing arts.
House Location:	Secretary of State
Chaptered Date:	09/30/15
Last Amended Date:	06/24/15

Type of Measure	
Inactive Bill - Chaptered	
Majority Vote Required	
Nor - Appropriation	
Fiscal Committee	
Non-State-Mandated Local Program	
Non-Urgency	
Non-Tax levy	

Last 5 History Actions	
Date	Action
09/30/15	Chaptered by Secretary of State - Chapter 360, Statutes of 2015.
09/30/15	Approved by the Governor.
09/10/15	Enrolled and presented to the Governor at 4 p.m.
09/01/15	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 79, Noes 0, Page 2733.)
09/01/15	Assembly Rule 77 suspended. (Page 2729.)





*California*  
LEGISLATIVE INFORMATION

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

**Assembly Bill No. 333**

**CHAPTER 360**

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

[ Approved by Governor September 30, 2015. Filed with Secretary of State September 30, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 333, 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 certain courses that result in the licensee becoming a certified instructor of cardiopulmonary resuscitation (CPR) or the proper use of an automated external defibrillator (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 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 only apply if a licensing board's laws or regulations establishing continuing education requirements include the courses or activities mentioned above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

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

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

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

(A) An instructional program developed by the American Heart Association.

(B) An instructional program developed by the American Red Cross.

(C) An instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for the performance of CPR and the use of an AED.

(b) A person licensed pursuant to this division who is required to complete continuing education units as a condition of renewing his or her license may, once per renewal cycle, apply up to two units of continuing

education credit towards that requirement for conducting CPR or AED training sessions for employees of school districts and community college districts in the state.

(c) For purposes of this section, "unit" means any measurement for continuing education, such as hours or course credits.

(d) This section shall only apply to a person licensed under this division if the applicable licensing board's laws or regulations establishing continuing education requirements include the courses or activities described in subdivisions (a) and (b).







# California

## LEGISLATIVE INFORMATION

### AB-1351 Deferred entry of judgment: pretrial diversion. (2015-2016)

Senate: 1st Cmt 2nd 3rd 2nd 3rd Pass  
 Assembly: Int 1st Cmt 2nd 3rd Pass Pass Veto

Bill Status	
Measure:	AB-1351
Lead Authors:	Eugman (A)
Principal Coauthors:	-
Coauthors:	Hall (S)
Topic:	Deferred entry of judgment: pretrial diversion.
31st Day in Print:	03/31/15
Title:	An act to amend Sections 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6 of, and to add Section 1000.7 to, the Penal Code, relating to deferred entry of judgment.
House Location:	Assembly
Enrolled Date:	09/14/15
Last Amended Date:	09/03/15

Type of Measure	
Inactive Bill - Vetoed	
Majority Vote Required	
Non-Appropriation	
Fiscal Committee	
Non-State-Mandated Local Program	
Non-Urgency	
Non-Tax Levy	

Last 5 History Actions	
Date	Action
10/03/15	Vetoed by Governor.
09/13/15	Enrolled and presented to the Governor at 4 p.m.
09/10/15	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 49, Noes 30, Page 3082.)
09/09/15	In Assembly. Concurrence in Senate amendments pending.
09/09/15	Read third time. Passed. Ordered to the Assembly. (Ayes 22, Noes 15, Page 2617.)

Governor's Veto Message	
To the Members of the California State Assembly:	
I am returning Assembly Bill 1351 without my signature.	
<p>AB 1351 would transform the existing deferred entry of judgment program available to low level drug offenders to one that does not require a guilty plea. Instead, the offender would plead not guilty and when the program is completed, the charges would be dropped. If the offender fails to complete the program, the prosecutor would proceed with the charges at that time.</p> <p>While I support the goal of giving low-level offenders a second chance, I am concerned that the bill eliminates the most powerful incentive to stay in treatment - the knowledge that judgment will be entered for failure to do so. The bill goes too far.</p> <p>Sincerely,</p> <p>Edmund G. Brown Jr.</p>	





*California*  
LEGISLATIVE INFORMATION

**AB-1351 Deferred entry of judgment: pretrial diversion. (2015-2016)**

ENROLLED SEPTEMBER 14, 2015

PASSED IN SENATE SEPTEMBER 09, 2015

PASSED IN ASSEMBLY SEPTEMBER 10, 2015

AMENDED IN SENATE SEPTEMBER 03, 2015

AMENDED IN ASSEMBLY JUNE 01, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1351**

**Introduced by Assembly Member Eggman  
(Coauthor: Senator Hall)**

**February 27, 2015**

An act to amend Sections 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6 of, and to add Section 1000.7 to, the Penal Code, relating to deferred entry of judgment.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1351, Eggman. Deferred entry of judgment: pretrial diversion.

Existing law allows individuals charged with specified crimes to qualify for deferred entry of judgment. A defendant qualifies if he or she has no conviction for any offense involving controlled substances, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, the defendant's record does not indicate that probation or parole has ever been revoked without being completed, and the defendant's record does not indicate that he or she has been granted diversion, deferred entry of judgment, or was convicted of a felony within 5 years prior to the alleged commission of the charged offense.

Under the existing deferred entry of judgment program, an eligible defendant may have entry of judgment deferred, upon pleading guilty to the offenses charged and entering a drug treatment program for 18 months to 3 years. If the defendant does not perform satisfactorily in the program, does not benefit from the program, is convicted of specified crimes, or engages in criminal activity rendering him or her unsuitable for deferred entry of judgment, the defendant's guilty plea is entered and the court enters judgment and proceeds to schedule a sentencing hearing. If the defendant completes the program, the criminal charges are dismissed. Existing law allows the presiding judge of the superior court, with the district attorney and public defender, to establish a pretrial diversion drug program.



This bill would make the deferred entry of judgment program a pretrial diversion program. The bill would provide that a defendant qualifies for the pretrial diversion program if he or she has no prior conviction within 5 years prior to the alleged commission of the charged offense for any offense involving controlled substances other than the offense that qualifies him or her for diversion, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program and the defendant has no prior conviction for a serious or violent felony within 5 years prior to the alleged commission of the charged offense.

Under the pretrial diversion program created by this bill, a qualifying defendant would enter a not guilty plea, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 6 months to one year, or longer if requested by the defendant with good cause. The bill would require the court, if the defendant does not perform satisfactorily in the program or is convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. The bill would require the criminal charges to be dismissed if the defendant completes the program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 1000 of the Penal Code is amended to read:

**1000.** (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, or 11365, paragraph (2) of subdivision (b) of Section 11375, Section 11377, or Section 11550 of the Health and Safety Code, or subdivision (b) of Section 23222 of the Vehicle Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of Section 653f if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, and it appears to the prosecuting attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) The defendant has no prior conviction within five years prior to the alleged commission of the charged offense for any offense involving controlled substances other than the offenses listed in this subdivision.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(4) The defendant has no prior conviction within five years prior to the alleged commission of the charged offense for a serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (4), inclusive, of subdivision (a) apply to the defendant. If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for pretrial diversion at the arraignment. If the defendant is found ineligible for pretrial diversion, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for pretrial diversion is a postconviction appeal.

(c) All referrals for pretrial diversion granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 2.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) Pretrial diversion for an alleged violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. Nothing in this subdivision shall be construed to expand or restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program referred to in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence of any drug as part of the program. However, urinalysis results shall not be admissible as a basis for any new criminal prosecution or proceeding.

**SEC. 2.** Section 1000.1 of the Penal Code is amended to read:

**1000.1.** (a) If the prosecuting attorney determines that this chapter may be applicable to the defendant, he or she shall advise the defendant and his or her attorney in writing of that determination. This notification shall include all of the following:

(1) A full description of the procedures for pretrial diversion.

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in the process.

(3) A clear statement that the court may grant pretrial diversion with respect to any crime specified in subdivision (a) of Section 1000 that is charged, provided that the defendant pleads not guilty to the charge or charges, waives the right to a speedy trial and to a speedy preliminary hearing, if applicable, and that upon the defendant's successful completion of a program, as specified in subdivision (c) of Section 1000, the positive recommendation of the program authority and the motion of the defendant, prosecuting attorney, the court, or the probation department, but no sooner than six months and no later than one year from the date of the defendant's referral to the program, the court shall dismiss the charge or charges against the defendant.

(4) A clear statement that upon any failure of treatment or condition under the program, or any circumstance specified in Section 1000.3, the prosecuting attorney or the probation department or the court on its own may make a motion to the court to terminate pretrial diversion and schedule further proceedings as otherwise provided in this code.

(5) An explanation of criminal record retention and disposition resulting from participation in the pretrial diversion program and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion of the program.

(b) If the defendant consents and waives his or her right to a speedy trial and a speedy preliminary hearing, if applicable, the court may refer the case to the probation department or the court may summarily grant pretrial diversion. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation, and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs the defendant would benefit from and which programs would accept the defendant. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, or rehabilitation for the defendant. If the court determines that it is appropriate, the court shall grant pretrial diversion if the defendant pleads not guilty to the charge or charges and waives the right to a speedy trial and to a speedy preliminary hearing, if applicable.

(c) (1) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, that is made during the course of any investigation conducted by the probation department or treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

(2) No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, that is made to any probation officer or drug program worker subsequent to the granting of pretrial diversion shall be admissible in any action or proceeding.

(d) A defendant's participation in pretrial diversion pursuant to this chapter shall not constitute a conviction or an admission of guilt for any purpose.

**SEC. 3.** Section 1000.2 of the Penal Code is amended to read:

**1000.2.** (a) The court shall hold a hearing and, after consideration of any information relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and if the defendant should be granted pretrial diversion. If the defendant does not consent to participate in pretrial diversion the proceedings shall continue as in any other case.

(b) At the time that pretrial diversion is granted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

(c) The period during which pretrial diversion is granted shall be for no less than six months nor longer than one year. However, the defendant may request, and the court shall grant, for good cause shown, an extension of time to complete a program specified in subdivision (c) of Section 1000. Progress reports shall be filed by the probation department with the court as directed by the court.

**SEC. 4.** Section 1000.3 of the Penal Code is amended to read:

**1000.3.** (a) If it appears to the prosecuting attorney, the court, or the probation department that the defendant is performing unsatisfactorily in the assigned program, or that the defendant is convicted of an offense that reflects the defendant's propensity for violence, or the defendant is convicted of a felony, the prosecuting attorney, the court on its own, or the probation department may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court shall hold a hearing to determine whether pretrial diversion shall be terminated.

(c) If the court finds that the defendant is not performing satisfactorily in the assigned program, or the court finds that the defendant has been convicted of a crime as indicated in subdivision (a) the court shall schedule the matter for further proceedings as otherwise provided in this code.

(d) If the defendant has completed pretrial diversion, at the end of that period, the criminal charge or charges shall be dismissed.

(e) Prior to dismissing the charge or charges or terminating pretrial diversion, the court shall consider the defendant's ability to pay and whether the defendant has paid a diversion restitution fee pursuant to Section 1001.90, if ordered, and has met his or her financial obligation to the program, if any. As provided in Section 1203.1b, the defendant shall reimburse the probation department for the reasonable cost of any program investigation or progress report filed with the court as directed pursuant to Sections 1000.1 and 1000.2.

**SEC. 5.** Section 1000.4 of the Penal Code is amended to read:

**1000.4.** (a) Any record filed with the Department of Justice shall indicate the disposition in those cases referred to pretrial diversion pursuant to this chapter. Upon successful completion of a pretrial diversion program, the arrest upon which the defendant was diverted shall be deemed to have never occurred. The defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or granted pretrial diversion for the offense, except as specified in subdivision (b). A record pertaining to an arrest resulting in successful completion of a pretrial diversion program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

(b) The defendant shall be advised that, regardless of his or her successful completion of the pretrial diversion program, the arrest upon which pretrial diversion was based may be disclosed by the Department of Justice in response to any peace officer application request and that, notwithstanding subdivision (a), this section does not relieve him or her of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

**SEC. 6.** Section 1000.5 of the Penal Code is amended to read:

**1000.5.** (a) The presiding judge of the superior court, or a judge designated by the presiding judge, together with the district attorney and the public defender, may agree in writing to establish and conduct a preguilty plea drug court program pursuant to the provisions of this chapter, wherein criminal proceedings are suspended without a plea of guilty for designated defendants. The drug court program shall include a regimen of graduated sanctions and rewards, individual and group therapy, urinalysis testing commensurate with treatment needs, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, and other requirements as agreed to by the presiding judge or his or her designee, the district attorney, and the public defender. If there is no agreement in writing for a preguilty plea program by the presiding judge or his or



her designee, the district attorney, and the public defender, the program shall be operated as a pretrial diversion program as provided in this chapter.

(b) The provisions of Section 1000.3 and Section 1000.4 regarding satisfactory and unsatisfactory performance in a program shall apply to preguilty plea programs. If the court finds that (1) the defendant is not performing satisfactorily in the assigned program, (2) the defendant is not benefiting from education, treatment, or rehabilitation, (3) the defendant has been convicted of a crime specified in Section 1000.3, or (4) the defendant has engaged in criminal conduct rendering him or her unsuitable for the preguilty plea program, the court shall reinstate the criminal charge or charges. If the defendant has performed satisfactorily during the period of the preguilty plea program, at the end of that period, the criminal charge or charges shall be dismissed and the provisions of Section 1000.4 shall apply.

**SEC. 7.** Section 1000.6 of the Penal Code is amended to read:

**1000.6. (a)** Where a person is participating in a pretrial diversion program or a preguilty plea program pursuant to this chapter, the person shall be allowed, under the direction of a licensed health care practitioner, to use medications including, but not limited to, methadone, buprenorphine, or levoalphacetylmethadol (LAAM) to treat substance use disorders if the participant allows release of his or her medical records to the court presiding over the participant's preguilty plea or pretrial diversion program for the limited purpose of determining whether or not the participant is using such medications under the direction of a licensed health care practitioner and is in compliance with the pretrial diversion or preguilty plea program rules.

(b) If the conditions specified in subdivision (a) are met, using medications to treat substance use disorders shall not be the sole reason for exclusion from a pretrial diversion or preguilty plea program. A patient who uses medications to treat substance use disorders and participates in a preguilty plea or pretrial diversion program shall comply with all court program rules.

(c) A person who is participating in a pretrial diversion program or preguilty plea program pursuant to this chapter who uses medications to treat substance use disorders shall present to the court a declaration from his or her health care practitioner, or his or her health care practitioner's authorized representative, that the person is currently under their care.

(d) Urinalysis results that only establish that a person described in this section has ingested medication duly prescribed to that person by his or her physician or psychiatrist, or medications used to treat substance use disorders, shall not be considered a violation of the terms of the pretrial diversion or preguilty plea program under this chapter.

(e) Except as provided in subdivisions (a) to (d), inclusive, this section shall not be interpreted to amend any provisions governing diversion programs.

**SEC. 8.** Section 1000.7 is added to the Penal Code, immediately following Section 1000.6, to read:

**1000.7.** This chapter does not affect a pretrial diversion program provided pursuant to Chapter 2.7 (commencing with Section 1001).





# California LEGISLATIVE INFORMATION

## AB-1352 Deferred entry of judgment: withdrawal of plea. (2015-2016)

**Senate:** 1st Cmt 2nd 3rd 2nd 3rd Cmt 3rd Pass Chp  
**Assembly:** Int 1st Cmt 2nd 3rd Pass Pass

Bill Status	
<b>Measure:</b>	AB-1352
<b>Lead Authors:</b>	Eggman (A)
<b>Principal Coauthors:</b>	-
<b>Coauthors:</b>	-
<b>Topic:</b>	Deferred entry of judgment: withdrawal of plea.
<b>31st Day in Print:</b>	03/31/15
<b>Title:</b>	An act to add Section 1203.43 to the Penal Code, relating to deferred entry of judgment.
<b>House Location:</b>	Secretary of State
<b>Chaptered Date:</b>	10/08/15
<b>Last Amended Date:</b>	09/09/15

Type of Measure	
Inactive Bill - Chaptered	
Majority Vote Required	
Non-Appropriation	
Fiscal Committee	
State-Mandated Local Program	
Non-Urgency	
Non Tax Levy	

Last 5 History Actions	
Date	Action
10/08/15	Chaptered by Secretary of State - Chapter 646, Statutes of 2015.
10/08/15	Approved by the Governor.
09/25/15	Enrolled and presented to the Governor at 2 p.m.
09/11/15	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 43. Noes 32. Page 3174.).
09/11/15	Assembly Rule 63 suspended. (Page 3169.)



*California*  
LEGISLATIVE INFORMATION**AB-1352 Deferred entry of judgment: withdrawal of plea. (2015-2016)****Assembly Bill No. 1352****CHAPTER 646**

An act to add Section 1203.43 to the Penal Code, relating to deferred entry of judgment.

[ Approved by Governor October 08, 2015. Filed with Secretary of State  
October 08, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1352, Eggman. Deferred entry of judgment: withdrawal of plea.

Existing law allows judgment to be deferred with respect to a defendant who is charged with certain crimes involving possession of controlled substances and who meets certain criteria, including that he or she has no prior convictions for any offense involving controlled substances and has had no felony convictions within the 5 years prior, as specified. Existing law prohibits the record pertaining to an arrest resulting in successful completion of a deferred entry of judgment program from being used in any way that could result in the denial of any employment, benefit, license, or certificate.

This bill would require a court to allow a defendant who was granted deferred entry of judgment on or after January 1, 1997, who has performed satisfactorily during the period in which deferred entry of judgment was granted, and for whom the criminal charge or charges were dismissed, as specified, to withdraw his or her plea and enter a plea of not guilty, and would require the court to dismiss the complaint or information against the defendant. If court records showing the case resolution are no longer available, the bill would require that the defendant's declaration, under penalty of perjury, that the charges were dismissed after he or she completed the requirements, be presumed to be true if the defendant submits a copy of his or her state summary criminal history information that either shows that the defendant successfully completed the deferred entry of judgment program or that the record does not show a final disposition. By expanding the application of the crime of perjury, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 1203.43 is added to the Penal Code, to read:

**1203.43.** (a) (1) The Legislature finds and declares that the statement in Section 1000.4, that "successful completion of a deferred entry of judgment program shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate" constitutes misinformation about the actual consequences of making a plea in the case of some defendants, including all noncitizen defendants, because the disposition of the case may cause adverse consequences, including adverse immigration consequences.

(2) Accordingly, the Legislature finds and declares that based on this misinformation and the potential harm, the defendant's prior plea is invalid.

(b) For the above-specified reason, in any case in which a defendant was granted deferred entry of judgment on or after January 1, 1997, has performed satisfactorily during the period in which deferred entry of judgment was granted, and for whom the criminal charge or charges were dismissed pursuant to Section 1000.3, the court shall, upon request of the defendant, permit the defendant to withdraw the plea of guilty or nolo contendere and enter a plea of not guilty, and the court shall dismiss the complaint or information against the defendant. If court records showing the case resolution are no longer available, the defendant's declaration, under penalty of perjury, that the charges were dismissed after he or she completed the requirements for deferred entry of judgment, shall be presumed to be true if the defendant has submitted a copy of his or her state summary criminal history information maintained by the Department of Justice that either shows that the defendant successfully completed the deferred entry of judgment program or that the record is incomplete in that it does not show a final disposition. For purposes of this section, a final disposition means that the state summary criminal history information shows either a dismissal after completion of the program or a sentence after termination of the program.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.







# California

## LEGISLATIVE INFORMATION

### SB-467 Professions and vocations. (2015-2016)

Senate: 1st Cmt 2nd 3rd Pass

Pass Chp

Assembly:

1st Cmt 2nd 3rd Pass

Bill Status	
Measure:	SB-467
Lead Authors:	III (S)
Principal Coauthors:	-
Coauthors:	-
Topic:	Professions and vocations.
31st Day In Print:	03/28/15
Title:	An act to amend Sections 5000, 5015.6, 7000.5, 7011, and 7071.6 of, to add Sections 312.2, 328, and 5100.5 to, and to repeal Section 7067.5 of, the Business and Professions Code, relating to professions and vocations.
House Location:	Secretary of State
Chaptered Date:	10/08/15
Last Amended Date:	09/03/15

Type of Measure	
Inactive Bill - Chaptered	<input checked="" type="checkbox"/>
Majority Vote Required	<input type="checkbox"/>
Non-Appropriation	<input type="checkbox"/>
Fiscal Committee	<input type="checkbox"/>
Non-State-Mandated Local Program	<input type="checkbox"/>
Non-Urgency	<input type="checkbox"/>
Non-Tax levy	<input type="checkbox"/>

Last 5 History Actions	
Date	Action
10/08/15	Chaptered by Secretary of State Chapter 656, Statutes of 2015.
10/08/15	Approved by the Governor.
09/25/15	Enrolled and presented to the Governor at 9:30 a.m.
09/10/15	Assembly amendments concurred in. (Ayes 40, Noes 0, Page 2673.) Ordered to engrossing and enrolling.
09/08/15	In Senate. Concurrence in Assembly amendments pending.

*California*  
LEGISLATIVE INFORMATION

SB-467 Professions and vocations. (2015-2016)

## Senate Bill No. 467

## CHAPTER 656

An act to amend Sections 5000, 5015.6, 7000.5, 7011, and 7071.6 of, to add Sections 312.2, 328, and 5100.5 to, and to repeal Section 7067.5 of, the Business and Professions Code, relating to professions and vocations.

[ Approved by Governor October 08, 2015. Filed with Secretary of State  
October 08, 2015. ]

## LEGISLATIVE COUNSEL'S DIGEST

SB 467, Hill. 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 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, 2018, and on or before January 1 of each subsequent year, that includes specified information regarding the actions taken by the Attorney General pertaining to accusation matters 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 commence directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.

This bill would, in order to implement the Consumer Protection Enforcement Initiative of 2010, require the Director of Consumer Affairs, through the Division of Investigation, to implement "Complaint Prioritization Guidelines" for boards to utilize in prioritizing their complaint and investigative workloads and to determine the referral of complaints to the division and those that are retained by the health care boards for investigation. The bill would exempt the Medical Board of California from required utilization of these guidelines.

Under existing law, the California Board of Accountancy within the 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 license for unprofessional conduct. This bill would authorize a licensee to petition the board for reduction of a 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.

Under existing law, the Contractors' State License Law, the Contractors' State License Board is responsible for the licensure and regulation of contractors and is required to appoint a registrar of contractors. Existing law repeals these provisions establishing the board and requiring it to appoint a registrar on January 1, 2016.

This bill would extend these repeal dates to January 1, 2020.

Existing law requires every applicant for an original contractor's license, the reactivation of an inactive license, or the reissuance or reinstatement of a revoked license to evidence financial solvency, as specified, and requires the registrar to deny the application of any applicant who fails to comply with that requirement. Existing law, as a condition precedent to the issuance, reinstatement, reactivation, renewal, or continued maintenance of a license, requires the applicant or licensee to file or have on file a contractor's bond in the sum of \$12,500.

This bill would repeal that evidence of financial solvency requirement and would instead require that bond to be in the sum of \$15,000.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 312.2 is added to the Business and Professions Code, to read:

**312.2.** (a) The Attorney General shall submit a report to the department, the Governor, and the appropriate policy committees of the Legislature on or before January 1, 2018, and on or before January 1 of each subsequent year that includes, at a minimum, all of the following for the previous fiscal year for each constituent entity within the department represented by the Licensing Section and Health Quality Enforcement Section of the Office of the Attorney General:

- (1) The number of accusation matters referred to the Attorney General.
- (2) The number of accusation matters rejected for filing by the Attorney General.
- (3) The number of accusation matters for which further investigation was requested by the Attorney General.
- (4) The number of accusation matters for which further investigation was received by the Attorney General.
- (5) The number of accusations filed by each constituent entity.
- (6) The number of accusations a constituent entity withdraws.
- (7) The number of accusation matters adjudicated by the Attorney General.

(b) The Attorney General shall also report all of the following for accusation matters adjudicated within the previous fiscal year for each constituent entity of the department represented by the Licensing Section and Health Quality Enforcement Section:

- (1) The average number of days from the Attorney General receiving an accusation referral to when an accusation is filed by the constituent entity.
- (2) The average number of days to prepare an accusation for a case that is rereferred to the Attorney General after further investigation is received by the Attorney General from a constituent entity or the Division of Investigation.
- (3) The average number of days from an agency filing an accusation to the Attorney General transmitting a stipulated settlement to the constituent entity.
- (4) The average number of days from an agency filing an accusation to the Attorney General transmitting a default decision to the constituent entity.
- (5) The average number of days from an agency filing an accusation to the Attorney General requesting a hearing date from the Office of Administrative Hearings.



(6) The average number of days from the Attorney General's receipt of a hearing date from the Office of Administrative Hearings to the commencement of a hearing.

(c) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 2.** Section 328 is added to the Business and Professions Code, to read:

**328.** (a) In order to implement the Consumer Protection Enforcement Initiative of 2010, the director, through the Division of Investigation, shall implement "Complaint Prioritization Guidelines" for boards to utilize in prioritizing their respective complaint and investigative workloads. The guidelines shall be used to determine the referral of complaints to the division and those that are retained by the health care boards for investigation.

(b) The Medical Board of California shall not be required to utilize the guidelines implemented pursuant to subdivision (a).

**SEC. 3.** Section 5000 of the Business and Professions Code is amended to read:

**5000.** (a) There is in the Department of Consumer Affairs the California Board of Accountancy, which consists of 15 members, 7 of whom shall be licensees, and 8 of whom shall be public members who shall not be licentiates of the board or registered by the board. The board has the powers and duties conferred by this chapter.

(b) The Governor shall appoint four of the public members, and the seven licensee members as provided in this section. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint two public members. In appointing the seven licensee members, the Governor shall appoint individuals representing a cross section of the accounting profession.

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

(d) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature. However, the review of the board shall be limited to reports or studies specified in this chapter and those issues identified by the appropriate policy committees of the Legislature and the board regarding the implementation of new licensing requirements.

**SEC. 4.** Section 5015.6 of the Business and Professions Code is amended to read:

**5015.6.** The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

**SEC. 5.** Section 5100.5 is added to the Business and Professions Code, to read:

**5100.5.** (a) After notice and hearing the board may, for unprofessional conduct, permanently restrict or limit the practice of a licensee or impose a probationary term or condition on a license, which prohibits the licensee from performing or engaging in any of the acts or services described in Section 5051.

(b) A licensee may petition the board pursuant to Section 5115 for reduction of penalty or reinstatement of the privilege to engage in the service or act restricted or limited by the board.

(c) The authority or sanctions provided by this section are in addition to any other civil, criminal, or administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other disciplinary authority, penalties, or sanctions.

(d) Failure to comply with any restriction or limitation imposed by the board pursuant to this section is grounds for revocation of the license.

(e) For purposes of this section, both of the following shall apply:

(1) "Unprofessional conduct" includes, but is not limited to, those grounds for discipline or denial listed in Section 5100.

(2) "Permanently restrict or limit the practice of" includes, but is not limited to, the prohibition on engaging in or performing any attestation engagement, audits, or compilations.

**SEC. 6.** Section 7000.5 of the Business and Professions Code is amended to read:

**7000.5.** (a) There is in the Department of Consumer Affairs a Contractors' State License Board, which consists of 15 members.

(b) Notwithstanding any other provision of law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

**SEC. 7.** Section 7011 of the Business and Professions Code is amended to read:

**7011.** (a) The board, by and with the approval of the director, shall appoint a registrar of contractors and fix his or her compensation.

(b) The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him or her by the board.

(c) For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer, and, subject to Section 159.5, other assistants and subordinates as may be necessary.

(d) Appointments shall be made in accordance with the provisions of civil service laws.

(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

**SEC. 8.** Section 7067.5 of the Business and Professions Code is repealed.

**SEC. 9.** Section 7071.6 of the Business and Professions Code is amended to read:

**7071.6.** (a) The board shall require as a condition precedent to the issuance, reinstatement, reactivation, renewal, or continued maintenance of a license, that the applicant or licensee file or have on file a contractor's bond in the sum of fifteen thousand dollars (\$15,000).

(b) Excluding the claims brought by the beneficiaries specified in subdivision (a) of Section 7071.5, the aggregate liability of a surety on claims brought against a bond required by this section shall not exceed the sum of seven thousand five hundred dollars (\$7,500). The bond proceeds in excess of seven thousand five hundred dollars (\$7,500) shall be reserved exclusively for the claims of the beneficiaries specified in subdivision (a) of Section 7071.5. However, nothing in this section shall be construed so as to prevent any beneficiary specified in subdivision (a) of Section 7071.5 from claiming or recovering the full measure of the bond required by this section.

(c) No bond shall be required of a holder of a license that has been inactivated on the official records of the board during the period the license is inactive.

(d) Notwithstanding any other law, as a condition precedent to licensure, the board may require an applicant to post a contractor's bond in twice the amount required pursuant to subdivision (a) until the time that the license is renewed, under the following conditions:

(1) The applicant has either been convicted of a violation of Section 7028 or has been cited pursuant to Section 7028.7.

(2) If the applicant has been cited pursuant to Section 7028.7, the citation has been reduced to a final order of the registrar.

(3) The violation of Section 7028, or the basis for the citation issued pursuant to Section 7028.7, constituted a substantial injury to the public.







# California

## LEGISLATIVE INFORMATION

### SB-479 Healing arts: behavior analysis: licensing. (2015-2016)

Senate: 1st Cmt 2nd 3rd Pass

Assembly: 1st Cmt 2nd Cmt

<b>Bill Status</b>	
<b>Measure:</b>	SB-479
<b>Lead Authors:</b>	Bates (S)
<b>Principal Coauthors:</b>	-
<b>Coauthors:</b>	-
<b>Topic:</b>	Healing arts: behavior analysis: licensing.
<b>31st Day in Print:</b>	03/29/15
<b>Title:</b>	An act to amend Sections 27 and 2920 of, to amend, repeal, and add Sections 2922, 2923, and 2927 of, to add Chapter 6.7 (commencing with Section 2999.10) to Division 2 of, and to repeal Sections 2999.20, 2999.25, 2999.31, and 2999.33 of, the Business and Professions Code, relating to healing arts.
<b>House Location:</b>	Assembly
<b>Last Amended Date:</b>	08/17/15
<b>Committee Location:</b>	Asm Appropriations

<b>Type of Measure</b>	
Active Bill - In Committee Process	
Majority Vote Required	
Nor-Appropriation	
Fiscal Committee	
State-Mandated Local Program	
Nor-Urgency	
Nor-Tax Levy	

<b>Last 5 History Actions</b>	
<b>Date</b>	<b>Action</b>
08/27/15	August 27 hearing postponed by committee.
08/19/15	August 19 set for first hearing. Placed on APPR. suspense file.
08/17/15	From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
07/13/15	Read second time and amended. Re-referred to Com. on APPR.
07/09/15	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (July 7).

*California*  
LEGISLATIVE INFORMATION

SB-479 Healing arts: behavior analysis: licensing. (2015-2016)

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 13, 2015

AMENDED IN ASSEMBLY JUNE 30, 2015

AMENDED IN SENATE JUNE 02, 2015

AMENDED IN SENATE APRIL 06, 2015

CALIFORNIA LEGISLATURE—2015–2016 REGULAR SESSION

**SENATE BILL****No. 479****Introduced by Senator Bates****February 26, 2015**

An act to amend Sections 27 and 2920 of, to amend, repeal, and add Sections 2922, 2923, and 2927 of, to add Chapter 6.7 (commencing with Section 2999.10) to Division 2 of, and to repeal Sections 2999.20, 2999.25, 2999.31, and 2999.33 of, the Business and Professions Code, relating to healing arts.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 479, as amended, Bates. Healing arts: behavior analysis: licensing.

Existing law provides for the licensure and regulation of various healing arts licensees by various boards, as defined, within the Department of Consumer Affairs, including the Board of Psychology. Under existing law, until January 1, 2017, the board is vested with the power to enforce the Psychology Licensing Law, and consists of 9 members, 4 of whom are public members and 5 of whom are licensed psychologists. Existing law requires the board to post information on its licensees, as specified, including, among others, psychological assistants. Existing law specifies that a quorum of the board requires 5 members.

This bill would, on and after July 1, 2017, increase the number of members on the board to 11, and would increase the number of members for a quorum to 6 members. The bill would require the 2 new members to meet certain requirements, including, but not limited to, that one of the new members is *licensed as a psychologist and* qualified to practice behavior analysis, as defined.

This bill would establish the Behavior Analyst Act. The bill would require a person to apply for and obtain a license from the board prior to engaging in the practice of behavior analysis, as defined, either as a behavior analyst or an assistant behavior analyst. The bill would require these applicants to, among other things, meet certain educational and training requirements, and submit fingerprints for both a state and federal criminal background check. The bill would require an assistant behavior analyst applicant to provide proof to the board of ongoing supervision by a licensed behavior analyst or a licensed psychologist who is qualified to practice

behavior analysis, as specified. The bill would provide that those licenses expire 2 years after the date of issuance and would authorize the renewal of unexpired licenses if certain requirements are met, including the completion of specified continuing education. The bill would also require an applicant to certify, under penalty of perjury, that he or she is in compliance with that continuing education requirement. By expanding the crime of perjury, the bill would impose a state-mandated local program.

This bill would also require a behavior analysis technician, as defined, who practices under the *direction and* supervision of a licensed behavior analyst, a licensed assistant behavior analyst, or a licensed psychologist who is qualified to practice behavior analysis, to submit, among other things, an application subject to board approval, fingerprints for a state and federal criminal background check, and payment of an annual application fee.

This bill would, until January 1, 2021, vest the board with the power to enforce the Behavior Analyst Act, and would require the board to, among other things, post information regarding licensed behavior analysts and licensed assistant behavior analysts, as specified. The bill would, until January 1, 2021, create the Behavior Analyst Committee within the jurisdiction of the board, and would require the committee to be comprised of 5 members who shall be appointed as specified. The bill would authorize the committee to make recommendations to the board regarding the regulation of the practice of behavior analysis in the state.

This bill would define certain terms for these purposes. The bill would require the board to conduct disciplinary hearings, as specified. The bill, on and after July 1, 2018, would make it unlawful to, among other things, practice behavior analysis without being licensed by the board, except as specified.

This bill would make a licensee and or health care facility, as defined, that fails or refuses to comply with an authorized client request or court order for the medical records of a client subject to a specified civil penalty, except as specified. The bill would also make a licensee or health care facility with multiple violations of those court orders subject to a crime. By creating a new crime, the bill would impose a state-mandated local program.

This bill would make a violation of any of these provisions a misdemeanor punishable by 6 months in the county jail or a fine not to exceed \$2,500, or by both imprisonment and a fine. By creating a new crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

##### **SECTION 1.** Section 27 of the Business and Professions Code is amended to read:

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.



(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(4) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(5) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(6) The Contractors' State License Board shall disclose information on its licensees and registrants in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to information related to licenses as specified in subdivision (a), the board shall also disclose information provided to the board by the Labor Commissioner pursuant to Section 98.9 of the Labor Code.

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

(8) The California Board of Accountancy shall disclose information on its licensees and registrants.

(9) The California Architects Board shall disclose information on its licensees, including architects and landscape architects.

(10) The State Athletic Commission shall disclose information on its licensees and registrants.

(11) The State Board of Barbering and Cosmetology shall disclose information on its licensees.

(12) The State Board of Guide Dogs for the Blind shall disclose information on its licensees and registrants.

(13) The Acupuncture Board shall disclose information on its licensees.

(14) The Board of Behavioral Sciences shall disclose information on its licensees, including licensed marriage and family therapists, licensed clinical social workers, licensed educational psychologists, and licensed professional clinical counselors.

(15) The Dental Board of California shall disclose information on its licensees.

(16) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(17) The Board of Psychology shall disclose information on its licensees, including psychologists, psychological assistants, registered psychologists, behavior analysts, and assistant behavior analysts.

(d) The State Board of Chiropractic Examiners shall disclose information on its licensees.

(e) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(f) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

**SEC. 2.** Section 2920 of the Business and Professions Code is amended to read:

**2920.** (a) The Board of Psychology shall enforce and administer this chapter and Chapter 6.7 (commencing with Section 2999.10). The board shall consist of 9 members, 4 of whom shall be public members.

(b) On and after July 1, 2017, notwithstanding subdivision (a), the board shall consist of 11 members, 5 of whom shall be public members.

(c) This section shall remain in effect only until January 1, 2017, and as of that date is repealed.

(d) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

**SEC. 3.** Section 2922 of the Business and Professions Code is amended to read:

**2922.** (a) In appointing the members of the board, except the public members, the Governor shall use his or her judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

(b) The Governor shall appoint two of the public members and the five licensed members of the board qualified as provided in Section 2923. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(c) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed.

**SEC. 4.** Section 2922 is added to the Business and Professions Code, to read:

**2922.** (a) In appointing the licensed members of the board, the Governor shall use his or her judgment to select psychologists and behavior analysts who represent, as widely as possible, the varied professional interests of psychologists and behavior analysts in California.

(b) The Governor shall appoint three of the public members and the six licensed members of the board qualified as provided in Section 2923. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(c) This section shall become operative on July 1, 2017.

**SEC. 5.** Section 2923 of the Business and Professions Code is amended to read:

**2923.** (a) Each member of the board shall have all of the following qualifications:

(1) He or she shall be a resident of this state.

(2) Each member appointed, except the public members, shall be a licensed psychologist.

(b) The public members shall not be licentiates of the board or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

(c) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed.

**SEC. 6.** Section 2923 is added to the Business and Professions Code, to read:

**2923.** (a) Each member of the board shall be a resident of this state.

(b) Five members of the board shall be licensed as psychologists under this chapter.

(c) One member shall be *licensed as a psychologist and* qualified to practice behavior analysis, as defined in Section 2999.12, as follows:

(1) For the first appointment after the operative date of this section, the member shall hold a certificate as a certified behavior analyst from a certifying entity, as defined in Section 2999.12.

(2) For subsequent appointments, the member shall be licensed as a behavior analyst under Chapter 6.7 (commencing with Section 2999.10).

(d) The public members shall not be licentiates of the board or of any board under this division or of any board referred to in the Chiropractic Act or the Osteopathic Act.

(e) This section shall become operative on July 1, 2017.

**SEC. 7.** Section 2927 of the Business and Professions Code is amended to read:

**2927.** (a) Five members of the board shall at all times constitute a quorum.

(b) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed.

**SEC. 8.** Section 2927 is added to the Business and Professions Code, to read:

**2927.** (a) Six members of the board shall at all times constitute a quorum.

(b) This section shall become operative on July 1, 2017.

**SEC. 9.** Chapter 6.7 (commencing with Section 2999.10) is added to Division 2 of the Business and Professions Code, to read:

**CHAPTER 6.7. Behavior Analysts**  
**Article 1. General Provisions**

**2999.10.** This chapter shall be known and may be cited as the Behavior Analyst Act.

**2999.11.** (a) The Legislature finds and declares that the practice of behavior analysis in California affects the public health, safety, and welfare, and is subject to regulation to protect the public from the unauthorized and unqualified practice of behavior analysis, and unprofessional, unethical, or harmful conduct by persons licensed to practice behavior analysis.

(b) It is the intent of the Legislature that the board begin accepting applications for behavior analyst licensure and assistant behavior analyst licensure no later than January 1, 2018, provided that the funds necessary to implement this chapter have been appropriated by the Legislature as specified in Section 2999.98.

**2999.12.** For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Psychology.

(b) "Certifying entity" means the Behavior Analyst Certification Board or its successor, or another national credentialing organization with behavior analyst certification programs approved by the board and accredited by the National Commission for Certifying Agencies.

(c) "Committee" means the Behavior Analyst Committee.

(d) "Department" means the Department of Consumer Affairs.

(e) "Licensed assistant behavior analyst" means a person licensed under this chapter to practice behavior analysis under the supervision of a licensed behavior analyst.

(f) "Licensed behavior analyst" means a person licensed under this chapter to practice behavior analysis.

(g) "behavior analysis technician" means an individual who works directly with a client to implement applied behavior analysis services under the direction and supervision of a licensed behavior analyst or analyst, a licensed assistant behavior analyst and analyst, or a licensed psychologist who is qualified to practice behavior analysis, and has successfully completed the application requirements described in Section 2999.36.

(h) (1) "Practice of behavior analysis" or "to practice behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, interventions based on scientific research and the direct observation and measurement of behavior and the environment, and utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(2) The practice of behavior analysis does not include psychological testing and assessment, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, counseling, prescribing drugs, performing surgery, or administering electroconvulsive therapy.



(3) The Legislature recognizes that the scopes of practice of healing arts licensees regulated under this division sometimes contain similar practices. However, nothing herein shall be construed to allow a licensed behavior analyst or a licensed assistant behavior analyst to engage in those practices, including, but not limited to, assessments, other than specific to their scope of practice within behavior analysis as described herein. Any person practicing behavior analysis under this chapter who violates this provision is subject to disciplinary action by both the Board of Psychology and the board overseeing the relevant practice.

#### **Article 2. Administration**

**2999.20.** (a) The Board of Psychology is vested with the power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

**2999.21.** Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions pursuant to this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**2999.22.** The board shall adopt, amend, and repeal regulations to implement the requirements of this chapter. All regulations adopted by the board shall comply with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**2999.23.** The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of behavior analysis. The board shall establish as its standards of ethical conduct relating to the practice of behavior analysis, the "Professional and Ethical Compliance Code for Behavior Analysts" published by the Behavior Analyst Certification Board. These standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

**2999.23.5.** The board may employ, subject to civil service and other laws, employees as may be necessary to carry out the provisions of this chapter under the direction of the executive officer of the board.

**2999.24.** The board shall maintain, and make available to the public, a list of all licensees. The board shall make available on its Internet Web site information regarding the status of every license issued by the board under this chapter pursuant to Section 27.

**2999.25. (a)** The Behavior Analyst Committee is hereby created within the jurisdiction of the board to make recommendations to the board regarding the regulation of the practice of behavior analysis in the state in order to protect the public from the unauthorized and unqualified practice of applied behavior analysis, and unprofessional, unethical, or harmful conduct by persons licensed to practice behavior analysis.

(b) The committee shall consist of five members. Two members shall be licensed behavior analysts, one of which shall also be a member of the board. One member shall be a psychologist licensed under Chapter 6.6 (commencing with Section 2900) and who holds a current certification from a certifying entity as a behavior analyst. One member shall be a licensed assistant behavior analyst. One member shall be a public member who is not licensed under this chapter, under any chapter within this division, or by any board referred to in the Chiropractic Act or the Osteopathic Act.

(c) The Governor shall appoint one licensed behavior analyst member, the licensed psychologist member, and the licensed assistant behavior analyst member. The Senate Committee on Rules shall appoint the public member, and the Speaker of the Assembly shall appoint one licensed behavior analyst member.

(d) Notwithstanding subdivisions (b) and (c), the initially appointed members of the committee shall be appointed as follows:

(1) The initial members appointed by the Governor shall be as follows:

(A) One member shall be currently certified by a certifying entity as a certified behavior analyst and shall serve an initial term of one year.

(B) One member shall be currently certified by a certifying entity as a certified assistant behavior analyst and shall serve an initial term of two years.

(C) One member shall be a licensed psychologist who is currently certified by a certifying entity as a certified behavior analyst and shall serve an initial term of three years.

(2) The initial member appointed by the Senate Committee on Rules shall serve a term of four years.

(3) The initial member appointed by the Speaker of the Assembly shall be currently certified by a certifying entity as a certified behavior analyst and shall serve an initial term of four years.

(e) Except as provided in subdivision (d), each member of the committee shall hold office for a term of four years, and shall serve until the appointment of his or her successor or until one year has elapsed since the expiration of the term for which he or she was appointed, whichever occurs first. Vacancies shall be filled by the appointing power for the unexpired portion of the terms in which they occur. A member shall not serve for more than two consecutive terms.

(f) All terms shall begin on July 1 and expire on June 30.

(g) Each member of the committee shall receive per diem and expenses as provided in Sections 103 and 113.

(h) Three members of the committee shall at all times constitute a quorum.

(i) This section shall become operative on July 1, 2017.

(j) This section shall remain in effect only until January 1, 2021, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the committee subject to review by the appropriate policy committees of the Legislature.

**2999.26.** The committee shall do all of the following:

(a) Meet at least once per quarter. All meetings of the committee shall be public meetings. Notice of each regular meeting of the committee shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(b) Committee meetings may be called upon reasonable notice at the discretion of the chair, and shall be called at any time upon reasonable notice by a written request of two committee members to the chair.

(c) The committee shall elect a chair and a vice chair from among its members at the first meeting held in each fiscal year. The chair shall preside at all meetings of the committee and shall work with the executive officer of the board to coordinate the committee's business. If the chair is unable to attend a meeting, the vice chair shall preside at the meeting.

**2999.27.** (a) The committee may make recommendations to the board regarding licensing and practice standards.

(b) The committee may make recommendations to the board regarding the adoption, amendment, and repeal of regulations to implement the requirements of this chapter including, but not limited to, the setting of fees and the establishment of disciplinary guidelines.

### **Article 3. Licensing**

**2999.30.** To qualify for licensure as a licensed behavior analyst or a licensed assistant behavior analyst, each applicant shall meet the board's regulatory requirements for behavior analyst or assistant behavior analyst licensure, as applicable, including all of the following:

(a) The applicant has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

(b) The board shall not issue a license or registration to any person who has been convicted of a crime in this state, or another state, or in a territory of the United States that involves sexual abuse of a child, or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(c) The applicant has successfully passed a state and federal level criminal offender record information search conducted through the Department of Justice, as follows:

(1) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to Section 11105.2 of the Penal Code, for each person who submitted information pursuant to this subdivision.

(2) The Department of Justice shall charge a fee sufficient to cover the cost of processing the request described in this section.

**2999.31.** (a) In order to obtain a license as a behavior analyst, an individual shall submit an application on a form approved by the board accompanied by the fees required by the board as specified in Section 2999.93.

(b) An applicant shall include, with the application, verification from the certifying entity that the applicant meets both of the following requirements:

(1) Has passed the Board Certified Behavior Analyst examination or an equivalent examination administered by the certifying entity.

(2) Maintains an active status as a certified behavior analyst with the certifying entity.

(c) Each applicant shall obtain a passing score on a California law and ethics examination administered by the board.

(d) This section shall become inoperative on July 1, 2018. An applicant who submits his or her application prior to July 1, 2018, shall be required to meet the requirements of this section to be licensed by the board.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed.

**2999.32.** (a) In order to obtain a license as a behavior analyst, an individual shall submit an application on a form approved by the board accompanied by the fees required by the board as specified in Section 2999.93.

(b) An applicant shall include, with the application, verification from the certifying entity that the applicant meets both of the following requirements:

(1) Has passed the Board Certified Behavior Analyst examination or an equivalent examination administered by the certifying entity.

(2) Maintains an active status as a certified behavior analyst with the certifying entity.

(c) Each applicant shall obtain a passing score on a California law and ethics examination administered by the board.

(d) The applicant shall possess a master's degree or higher level of education from an institution, which meets the requirements described in Section 2999.35, that was conferred in behavior analysis, psychology, or education, or conferred in a degree program in which the applicant completed a behavior analysis course sequence approved by the certifying entity, ~~entity~~ or otherwise deemed an applicable equivalent by the certifying entity.

(e) In addition to subdivisions (a) to (d), inclusive, an individual shall meet one of the following paragraphs in order to be licensed under this chapter:

(1) An individual shall have completed both of the following:

(A) Two hundred seventy hours of classroom graduate-level instruction in all of the following content areas:

(i) Ethical and professional conduct coursework consisting of 45 hours. The content must be taught in one or more freestanding courses devoted to ethical and professional conduct of behavior analysts.

(ii) Concepts and principles of behavior analysis consisting of 45 hours.

(iii) Research methods in behavior analysis, consisting of 25 hours of measurement, including data analysis, and 20 hours of experimental design.

(iv) Applied behavior analysis, consisting of 45 hours of fundamental elements of behavior change and specific behavior change procedures, 30 hours of identification of the problem and assessment, 10 hours of intervention and behavior change considerations, 10 hours of behavior change systems, and 10 hours of implementation, management, and supervision.

(v) Elective coursework in behavior analysis consisting of 30 hours.



(B) Supervised experiential training by any of the following:

(i) One thousand five hundred hours of independent field work in behavior analysis supervised in accordance with the requirements of the certifying entity.

(ii) One thousand hours of supervised practicum in behavior analysis within a university practicum approved by the certifying entity, taken for graduate academic credit, and completed with a passing grade.

(iii) Seven hundred fifty hours of supervised intensive practicum in behavior analysis within a university practicum approved by the certifying entity, taken for graduate academic credit, and completed with a passing grade.

(iv) A combination of the supervised experience in clause (i), (ii), or (iii). Hours may be completed in any combination of the categories of supervised experience. Hours accrued through a combination of supervised experience shall be proportionately calculated.

(2) An individual shall meet all of the following requirements:

(A) Have a faculty appointment of at least three years, cumulatively, of full-time work as a faculty member at a fully accredited higher education institution within a five-year period.

(B) Taught at least five sections or iterations of behavior analysis coursework. An applicant shall have taught at least two behavior analysis content areas, which are concepts and principles of behavior, single-subject research methods, applied behavior analysis, and ethics in behavior analysis, in separate courses. Each course taught shall have been exclusively or primarily devoted to behavior analysis content, and shall have been taught at the graduate level. An applicant shall submit proof of completion of the faculty appointment and teaching requirements from a department head, including the syllabus for each course taught, to the board.

(C) Published one article with all of the following characteristics:

(i) Behavior analytic in nature.

(ii) Includes at least one experimental evaluation.

(iii) Published in a high-quality, peer reviewed journal.

(iv) The applicant is the first, second, or corresponding author.

(v) The article may have been published at any time during the applicant's career.

(D) Obtained supervised experiential training by any of the following:

(i) One thousand five hundred hours of independent field work in behavior analysis supervised in accordance with the requirements of the certifying entity.

(ii) One thousand hours of supervised practicum in behavior analysis within a university practicum approved by the certifying entity, taken for graduate academic credit, and completed with a passing grade.

(iii) Seven hundred fifty hours of supervised intensive practicum in behavior analysis within a university practicum approved by the certifying entity, taken for graduate credit, and completed with a passing grade.

(iv) A combination of the supervised experience in clause (i), (ii), or (iii). Hours may be completed in any combination of the categories of supervised experience. Hours accrued through a combination of supervised experience shall be proportionately calculated.

(3) An individual shall have completed all of the following:

(A) A doctoral degree in behavior analysis, psychology, or education from an accredited higher education institution.

(B) Ten years of postdoctoral experience practicing behavior analysis. The duration of practice shall be at least 10 years, cumulatively, of full-time practice. An applicant's practice shall have occurred under a relevant state professional credential or license.

(C) At least 500 hours of supplemental supervised experiential training that meets current experience standards of the certifying entity, commencing after the 10 years of postdoctoral experience required in paragraph (b).

(f) This section shall become operative on July 1, 2018.

**2999.33.** (a) To obtain a license as an assistant behavior analyst, an individual shall submit an application on a form approved by the board accompanied by the fees required by the board as specified in Section 2999.93.

(b) An applicant shall include, with the application, verification from the certifying entity that the applicant meets all of the following requirements:

(1) Has passed the Board Certified Assistant Behavior Analyst examination or equivalent examination administered by the certifying entity.

(2) Maintains an active status as a certified assistant behavior analyst with the certifying entity.

(c) Each applicant shall obtain a passing score on a California law and ethics examination administered by the board.

(d) Each applicant shall provide proof to the board of ongoing supervision by a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis in a manner consistent with the certifying entity's requirements for supervision of assistant behavior analysts.

(e) This section shall become inoperative on July 1, 2018. An applicant who submits his or her application prior to July 1, 2018, shall be required to meet the requirements of this section to be licensed by the board.

(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed.

**2999.34.** (a) In order for an individual to be licensed as an assistant behavior analyst under this chapter, he or she shall possess a baccalaureate degree or higher level of education from an institution that meets the requirements described in Section 2999.35.

(b) An applicant shall include, with the application, verification from the certifying entity that the applicant meets both of the following requirements:

(1) Has passed the Board Certified Assistant Behavior Analyst examination or an equivalent examination administered by the certifying entity.

(2) Maintains an active status as a certified assistant behavior analyst with the certifying entity.

(c) Each applicant shall obtain a passing score on a California law and ethics examination administered by the board.

(d) Each applicant shall provide proof to the board of ongoing supervision by a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis in a manner consistent with the certifying entity's requirements for supervision of assistant behavior analysts.

(e) In addition to subdivisions (a) to (d), inclusive, an individual shall meet all of the following requirements in order to be licensed under this chapter:

(1) Completed a baccalaureate degree or higher level of education from an institution that meets the requirements in Section 2999.35.

(2) An applicant shall meet both of the following:

(A) Completed 180 classroom hours of undergraduate or graduate level instruction in all of the following content areas:

(i) Ethical and professional conduct coursework of behavior analysis consisting of 15 hours.

(ii) Concepts and principles of behavior analysis consisting of 45 hours.

(iii) Research methods in behavior analysis, consisting of 10 hours of measurement, including data analysis, and five hours of experimental design.

(iv) Applied behavior analysis, consisting of 45 hours of fundamental elements of behavior change and specific behavior change procedures, 30 hours of identification of the problem and assessment, five hours of intervention and behavior change considerations, five hours of behavior change systems, and five hours of implementation, management, and supervision.

(v) Elective coursework in behavior analysis consisting of 15 hours.

(B) Obtained supervised experiential training by any of the following:

(i) One thousand hours of independent field work in behavior analysis supervised in accordance with the requirements of the certifying entity, taken for academic credit, and completed with a passing grade.

(ii) Six hundred seventy hours of supervised practicum in behavior analysis within a university practicum approved by the certifying entity, taken for academic credit, and completed with a passing grade.

(iii) Five hundred hours of supervised intensive practicum in behavior analysis within a university practicum approved by the certifying entity, taken for academic credit, and completed with a passing grade.

(iv) A combination of the supervised experience in clause (i), (ii), or (iii). Hours may be completed in any combination of the categories of supervised experience. Hours accrued through a combination of supervised experience shall be proportionately calculated.

(f) This section shall become operative on July 1, 2018.

**2999.35.** The education required to obtain a behavior analyst license or an assistant behavior analyst license shall be from any of the following:

(a) A United States institution of higher education listed by the Council for Higher Education Accreditation.

(b) A Canadian institution of higher education that is a member of the Association of Universities and Colleges of Canada or the Association of Canadian Community Colleges.

(c) An applicant for licensure trained in an educational institution outside the United States or Canada shall demonstrate to the satisfaction of the board that he or she possesses a degree in a relevant subject that is equivalent to a degree earned from a regionally accredited university in the United States or Canada. Such an applicant shall provide to the board a comprehensive evaluation of the degree performed by a foreign credential service that is a member of the National Association of Credential Evaluation Services (NACES), and any other documentation that the board deems necessary.

**2999.36.** (a) Behavior analysis technicians practicing in this state under the *direction and supervision* of an individual licensed under this chapter or a licensed psychologist who is qualified to practice behavior analysis shall satisfy all of the following requirements:

(1) Be at least 18 years of age and possess a minimum of a high school diploma or its equivalent.

(2) Submit an application on a form approved by the board.

(3) Submit fingerprint images to the California Department of Justice for a state and federal criminal background report within 14 days from the date of application.

(4) Annually pay an application fee, in an amount not to exceed a reasonable regulatory cost, to be determined by the board.

(b) The board may deny or revoke acceptance of an application under this section if it is determined to be in the best interest of public safety and welfare, as described in Section 2999.21.

**2999.36.5.** On and after July 1, 2018, it shall be unlawful for any person to engage in any of the following acts:

(a) Engage in the practice of behavior analysis, as defined in Section 2999.12, without first having complied with the provisions of this chapter and without holding a current, valid, and active license as required by this chapter.

(b) Represent himself or herself by the title "licensed behavior analyst," or "licensed assistant behavior analyst" without being duly licensed according to the provisions of this chapter.

(c) Make any use of any title, words, letters, or abbreviations that may reasonably be confused with a designation provided by this chapter to denote a standard of professional or occupational competence without being duly licensed.

(d) Materially refuse to furnish the board information or records required or requested pursuant to this chapter.

**2999.37.** This chapter does not apply to any of the following:



(a) An individual licensed to practice psychology in this state under Chapter 6.6 (commencing with Section 2900), if the practice of behavior analysis engaged in by the licensed psychologist is within the licensed psychologist's training and competence.

(b) A speech-language pathologist or an audiologist licensed under Chapter 5.3 (commencing with Section 2530), an occupational therapist licensed under Chapter 5.6 (commencing with Section 2570), a physical therapist licensed under Chapter 5.7 (commencing with Section 2600), a marriage and family therapist licensed under Chapter 13 (commencing with Section 4980), an educational psychologist licensed under Chapter 13.5 (commencing with Section 4989.10), a clinical social worker licensed under Chapter 14 (commencing with Section 4991), or a professional clinical counselor licensed under Chapter 16 (commencing with Section 4999.10), if the services provided by any of those licensees are within his or her licensed scope of practice and within the scope of his or her training and competence, provided that he or she does not represent himself or herself as a licensed behavior analyst or licensed assistant behavior analyst.

(c) A student or other individual pursuing supervised experience for any of the following:

(1) Experiential training toward a license described in this chapter in accordance with this chapter.

(2) Experience in behavior analysis toward a license described in subdivision (a) or (b) in accordance with the requirements of the respective licensure act in this division.

(3) As part of a defined program of study, course, practicum, internship, or postdoctoral program, provided that the behavior analysis activities are directly supervised by a licensed behavior analyst, a licensed psychologist, or by an instructor in a course sequence approved by a certifying entity.

(d) A parent or guardian of a recipient of behavior analysis services who acts under the direction of a licensed behavior analyst or licensed assistant behavior analyst.

(e) An individual who teaches behavior analysis or conducts behavior analysis research, provided that such teaching or research does not involve the direct delivery of behavior analysis services.

(f) A behavior analyst licensed in another state or certified by the certifying entity to practice independently, and who temporarily provides behavior analysis services in California during a period of not more than 90 days in a calendar year.

(g) An individual who is vendorized by one or more regional centers of the State Department of Developmental Services while practicing behavior analysis services authorized under that vendorization. That individual shall not represent himself or herself as a licensed behavior analyst or licensed assistant behavior analyst unless he or she holds a license under this chapter, and shall not offer behavior analysis services to any person or entity other than the regional centers with which he or she is vendorized or accept remuneration for providing behavior analysis services other than the remuneration received from those regional centers unless he or she holds a license under this chapter.

(h) An individual employed by a local educational agency for the purpose of assisting students with behavioral and developmental issues when in classroom and other school settings.

**2999.41.** A licensee shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

**2999.44.** (a) A license shall expire and become invalid two years after it is issued at 12 midnight on the last day of the month in which it was issued, if not renewed.

(b) To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form provided by the board, accompanied by the renewal fee set by the board. The licensee shall include verification from the certifying entity that he or she maintains an active certification status with the renewal form.

(c) To renew an assistant behavior analyst license, in addition to the requirements in subdivision (b), the licensee shall submit proof of ongoing supervision by a licensed behavior analyst or a licensed psychologist who is qualified to practice behavior analysis in a manner consistent with the board's requirements for supervision of assistant behavior analysts.

**2999.45.** (a) A license that has expired may be renewed at any time within three years after its expiration by applying for renewal on a form provided by the board, payment of all accrued and unpaid renewal fees, and the delinquency fee specified in Section 2999.93. The licensee shall include verification from the certifying entity that he or she maintains an active certification status with the renewal form.

(b) Except as provided in Section 2999.46.5, a license that is not renewed within three years of its expiration shall not be renewed, restored, or reinstated, and the license shall be canceled immediately upon expiration of the three-year period.

**2999.46.** (a) The board shall not issue any renewal license, a new license after expiration of an expired license, or a reinstatement license unless the applicant submits proof that he or she has completed not less than 32 hours of approved continuing education in the preceding two-year licensure cycle for licensed behavior analysts and 20 hours of approved continuing education in the preceding two-year licensure cycle for licensed assistant behavior analysts.

(b) Each person renewing or reinstating his or her license or obtaining a new license after expiration of a prior license issued pursuant to this chapter shall submit proof of compliance with this section to the board.

(c) A person applying for renewal, a new license after expiration of a prior license, or reinstatement to an active license status shall certify under penalty of perjury that he or she is in compliance with this section.

(d) The board may recognize continuing education courses that have been approved by one or more private nonprofit organizations that have at least 10 years' experience managing continuing education programs for behavior analysts.

(e) The board shall adopt regulations as necessary for implementation of this section.

**2999.46.5.** (a) A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

(b) A license revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee, plus the delinquency fee, and any fees accrued at the time of its revocation.

#### **Article 4. Enforcement**

**2999.60.** The board may on its own, and shall, upon the receipt of a complaint from any person, investigate the actions of any licensee. The board shall review a licensee's alleged violation of statute, regulation, or any other law and any other complaint referred to it by the public, a public agency, or the department, and may upon a finding of a violation take disciplinary action under this article.

**2999.61.** A license issued under this chapter may be denied, revoked, or otherwise sanctioned upon demonstration of ineligibility for licensure, including, but not limited to, failure to maintain active certification by the certifying entity or falsification of documentation submitted to the board for licensure or submitted to the certifying authority for certification.

**2999.62.** The board may deny a license application, may issue a license with terms and conditions, may suspend or revoke a license, or may place a license on probation if the applicant or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(a) Conviction of a crime substantially related to the qualifications, functions, or duties of a licensed behavior analyst or a licensed assistant behavior analyst.

(b) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, dangerous drug, or any alcoholic beverage to an extent or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that this use impairs his or her ability to safely perform the practice of behavior analysis.

(c) Fraudulently or neglectfully misrepresenting the type or status of a license actually held.

(d) Impersonating another person holding a license or allowing another person to use his or her license.

- (e) Use of fraud or deception in applying for a license or in passing any examination required by this chapter.
- (f) Paying, offering to pay, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of clients.
- (g) Violating Section 17500.
- (h) Willful, unauthorized communication of information received in professional confidence.
- (i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.
- (j) Being grossly negligent in the practice of his or her profession.
- (k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.
- (l) The aiding or abetting of any person to engage in the unlawful practice of behavior analysis.
- (m) The suspension, revocation, or imposition of probationary conditions or other disciplinary action by another state or country of a license, certificate, or registration to practice behavior analysis issued by that state or country to a person also holding a license issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section. A certified copy of the decision or judgment of the other state or country shall be conclusive evidence of that action.
- (n) The commission of any dishonest, corrupt, or fraudulent act.
- (o) Any act of sexual abuse or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is related to the qualifications, functions, or duties of a licensed behavior analyst or a licensed assistant behavior analyst.
- (p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.
- (q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.
- (r) Repeated acts of negligence.
- (s) Failure to comply with all ethical and disciplinary standards published by the certifying entity.

**2999.63.** (a) Except as provided in subdivisions (b), (c), and (e), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) and the 10-year limitations period provided for by subdivision (e) shall be tolled until the minor reaches the age of majority.

(e) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging sexual misconduct shall be filed within three years after the board discovers the act or omission alleged as the ground for disciplinary action, or within 10 years after the act or omission alleged as the ground for disciplinary action occurs, whichever occurs first.

(f) The limitations period provided by subdivision (a) shall be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the board due to an ongoing criminal investigation.



**2999.64.** Notwithstanding Section 2999.62, any proposed decision or decisions issued under this chapter 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 Section 728, when that act is with a patient, or with a former patient, within two years following termination of services, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

**2999.66.** The board may deny an application for, or issue subject to terms and conditions, or suspend or revoke, or impose probationary conditions upon, a license or registration after a hearing as provided in Section 2999.70.

**2999.67.** A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge which is substantially related to the qualifications, functions, and duties of a licensed behavior analyst or licensed assistant behavior analyst is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

**2999.68.** Any person required to register as a sex offender pursuant to Section 290 of the Penal Code, is not eligible for licensure by the board.

**2999.69.** An administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the monetary costs associated with monitoring the probation.

**2999.70.** The proceedings under this article shall be conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

**2999.80.** A person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that fine and imprisonment.

**2999.81.** In addition to other proceedings provided in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices that constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction or other appropriate order restraining that conduct on application of the board, the Attorney General, or the district attorney of the county. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that it shall be presumed that there is no adequate remedy at law and that irreparable damage will occur if the continued violation is not restrained or enjoined. On the written request of the board, or on its own motion, the board may commence an action in the superior court under this section.

**2999.83.** (a) (1) A licensee who fails or refuses to comply with a request for the medical records of a client, that is accompanied by that client's written authorization for release of those records to the board, within 15 days of receiving the request and authorization, shall pay to the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the 15th day, unless the licensee is unable to provide the documents within this time period for good cause.

(2) A health care facility shall comply with a request for the medical records of a client that is accompanied by that client's written authorization for release of records to the board together with a notice citing this section and describing the penalties for failure to comply with this section. Failure to provide the authorizing client's medical records to the board within 30 days of receiving the request, authorization, and notice shall subject the health care facility to a civil penalty, payable to the board, of up to one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the 30th day, up to ten thousand dollars (\$10,000), unless the health care facility is unable to provide the documents within this time period for good cause. This paragraph shall not require health care facilities to assist the board in obtaining the client's authorization. The board shall pay the reasonable costs of copying the medical records.

(b) (1) A licensee who fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board shall pay to the board a civil penalty of one thousand dollars (\$1,000) per day for each day that the documents have not been produced after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the board shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(2) Any licensee who fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board, shall be subject to a civil penalty, payable to the board, ~~of in an amount~~ not to exceed five thousand dollars (\$5,000). The amount of the penalty shall be added to the licensee's renewal fee if it is not paid by the next succeeding renewal date. Any statute of limitations applicable to the filing of an accusation by the board shall be tolled during the period the licensee is out of compliance with the court order and during any related appeals.

(3) A health care facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of client records to the board, that is accompanied by a notice citing this section and describing the penalties for failure to comply with this section, shall pay to the board a civil penalty of up to one thousand dollars (\$1,000) per day for each day that the documents have not been produced, up to ten thousand dollars (\$10,000), after the date by which the court order requires the documents to be produced, unless it is determined that the order is unlawful or invalid. Any statute of limitations applicable to the filing of an accusation by the board against a licensee shall be tolled during the period the health care facility is out of compliance with the court order and during any related appeals.

(4) Any health care facility that fails or refuses to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board, shall be subject to a civil penalty, payable to the board, ~~of in an amount~~ not to exceed five thousand dollars (\$5,000). Any statute of limitations applicable to the filing of an accusation by the board against a licensee shall be tolled during the period the health care facility is out of compliance with the court order and during any related appeals.

(c) Multiple acts by a licensee in violation of subdivision (b) shall be a misdemeanor punishable by a fine not to exceed five thousand dollars (\$5,000) or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Multiple acts by a health care facility in violation of subdivision (b) shall be a misdemeanor punishable by a fine not to exceed five thousand dollars (\$5,000) and shall be reported to the State Department of Health Care Services and shall be considered as grounds for disciplinary action with respect to licensure, including suspension or revocation of the license or certificate.

(d) A failure or refusal of a licensee to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board constitutes unprofessional conduct and is grounds for suspension or revocation of his or her license.

(e) The imposition of the civil penalties authorized by this section shall be in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(f) For purposes of this section, "health care facility" means a clinic or health facility licensed or exempt from licensure pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

#### Article 5. Revenue

**2999.90.** The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time deposit the entire amount thereof in the State Treasury for credit to the Psychology Fund established by Section 2980.

**2999.91.** (a) The moneys credited to the Psychology Fund under Section 2999.90 shall, upon appropriation by the Legislature, be used for the purposes of carrying out and enforcing the provisions of this chapter.

(b) The board shall keep records that will reasonably ensure that funds expended in the administration of each licensing category bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

**2999.93.** The board shall establish fees for the application for and the issuance and renewal of licenses to cover, but not exceed, the reasonable regulatory costs of the board related to administering this chapter. The fees

shall be fixed by the board in regulations that are duly adopted under this chapter. Fees assessed pursuant to this section shall not exceed the following:

- (a) The delinquency fee shall be 50 percent of the biennial renewal fee.
- (b) The fee for rescoring an examination shall be twenty dollars (\$20).
- (c) The fee for issuance of a replacement license shall be twenty dollars (\$20).
- (d) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

**2999.94.** (a) A person licensed under this chapter is exempt from the payment of the renewal fee in any one of the following instances:

- (1) While engaged in full-time active service in the United States Army, Navy, Air Force, or Marine Corps.
- (2) While in the United States Public Health Service.
- (3) While a volunteer in the Peace Corps or AmeriCorps VISTA.

(b) Every person exempted from the payment of the renewal fee by this section shall not engage in any private practice and shall become liable for the fee for the current renewal period upon the completion of his or her period of full-time active service and shall have a period of 60 days after becoming liable within which to pay the fee before the delinquency fee becomes applicable. Any person who completes his or her period of full-time active service within 50 days of the end of a renewal period is exempt from the payment of the renewal fee for that period.

(c) The time spent in that full-time active service or full-time training and active service shall not be included in the computation of the three-year period for renewal of an expired license specified in Section 2999.45.

(d) The exemption provided by this section shall not be applicable if the person engages in any practice for compensation other than full-time service in the United States Army, Navy, Air Force, or Marine Corps, in the United States Public Health Service, or the Peace Corps or AmeriCorps VISTA.

**2999.98.** The licensing and regulatory program under this chapter shall be supported from fees assessed to applicants and licensees. Startup funds to implement this program shall be derived, as a loan, from the Psychology Fund, subject to an appropriation by the Legislature in the annual Budget Act. The board shall not implement this chapter until funds have been appropriated.

**SEC. 10.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



**Speech-Language Pathology & Audiology  
& Hearing Aid Dispensers Board  
CALENDAR - FISCAL YEAR 2015/2016**

Rev.9/17/15

Month	Date	Description
November 2015	6 11 12-14 26/27	Board & Committee Meeting – Sacramento 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 – San Diego 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	12-13 TBD 30	Board & Committee Meeting - TBD HHP Convention - TBD State Holiday – Office Closed – Memorial Day
June 2016		



# Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board CALENDAR - FISCAL YEAR 2016/2017

Rev.10/13/15

Month	Date	Description
July 2016		
August 2016	11-12	Board & Committee Meetings - TBD
September 2016	7 TBD	State Holiday – Office Closed – Labor Day CAA Conference – So. Cal
October 2016		
November 2016	10-11 (TBD 11 17-19 26/27	Board & Committee Meetings State Holiday – Office Closed – Veteran's Day ASHA Convention - Colorado State Holiday – Office Closed – Thanksgiving Holiday
December 2016	25	State Holiday – Office Closed - Christmas Day
January 2017	1 18	State Holiday – Office Closed – New Year's Day State Holiday – Office Closed – Martin Luther King Jr. Day
February 2017	9-10 15	Board & Committee Meeting - TBD State Holiday – Office Closed – Presidents Day
March 2017	31	State Holiday – Office Closed – Caesar Chavez Day
April 2017		
May 2017	10-11 30	Board & Committee Meetings -TBD State Holiday – Office Closed – Memorial Day
June 2017		



