



BOARD MEETING NOTICE AND AGENDA

*Thursday, July 18, 2019 beginning at 1:00 p.m., and continuing on
Friday, July 19, 2019 beginning at 9:00 a.m.*

**Department of Consumer Affairs
2005 Evergreen Street, Suite 2100
Sacramento, CA 95815
(916) 263-2666**

Board Members

Dee Parker, Speech-Language Pathologist, Board Chair
Marcia Raggio, Dispensing Audiologist, Vice Chair
Rodney Diaz, Otolaryngologist
Christy Cooper, Audiologist
Karen Chang, Public Member
Amnon Shalev, Hearing Aid Dispenser
Debbie Snow, Public Member
Vacant, Speech-Language Pathologist
Vacant, Hearing Aid Dispenser

1:00 p.m. Full Board Meeting

1. Call to Order / Roll Call / Establishment of Quorum
2. Approval of the April 11-12, 2019 Board Meeting Minutes
3. Public Comment for Items not on the Agenda
The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))

Closed Session

4. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Above Petition and Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty.

Open Session

5. Discussion and Possible Action on the Hearing Aid Dispensing Written Examination Requirement and the Possible Use of a National Examination Such as the International Licensing Examination (ILE) from the International Hearing Society (IHS).

6. Discussion and Possible Action on Adding an Apprenticeship/Training Requirement for Hearing Aid Dispensers Prior to Taking the Practical Examination.
7. Discussion and Possible Action on Clarifying in Regulation the Required Number of Clock Hours for Audiologists.
8. Executive Officer's Report
 - a. Administration Update
 - b. Budget Report
 - c. Licensing Report
 - d. Practical Examination Report
 - e. Enforcement Report

**Petition Hearings for Reinstatement of Licensure or Other Reduction of Penalty
(Time Certain: July 19, 2019 at 9:00 a.m.)**

9. Petition for Reinstatement of Revoked or Surrendered License – Michael Trythall, Audiology, License # 2225

Closed Session

10. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Above Petition and Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty.

Open Session

11. Discussion and Possible Action regarding Speech-Language Pathology and Audiology Fees (As Stated in Title 16, California Code of Regulations, sections 1399.157, 1399.170.13, and 1399.170.14)
12. Legislation Update, Review, and Possible Action
 - a. Legislative Report
 - b. Board-Specific Legislation
 - AB 598 (Bloom) Hearing aids: minors
 - AB 780 (Brough) Hearing aid dispensers: practice: cerumen management: apprentice license
 - AB 1075 (Holden) California State University: speech-language pathologist programs
 - SB 617 (Glazer) Audiologists and hearing aid dispensers: sales of hearing aids

c. Healing Arts Legislation

- SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct
- SB 639 (Mitchell) Medical services: credit or loan

d. DCA-Wide Legislation

- AB 5 (Gonzalez) Worker status: employees and independent contractors
- AB 193 (Patterson) Professions and vocations
- AB 312 (Cooley) State government: administrative regulations: review
- AB 476 (Blanca Rubio) Department of Consumer Affairs: task force: foreign-trained professionals
- AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees
- AB 613 (Low) Professions and vocations: regulatory fees
- AB 1076 (Ting) Criminal records: automatic relief
- AB 1545 (Oberholte) Civil penalty reduction policy
- SB 53 (Wilk) Open meetings
- SB 225 (Durazo) Citizens of the state
- SB 601 (Morrell) State agencies: licenses: fee waiver

13. Future Agenda Items and Future Board Meeting Dates

- a. October 10 – 11, 2019 (Location TBD)

14. Adjournment

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

Action may be taken on any item on the Agenda. The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. In the event a quorum of the board is unable to attend the meeting, or the board is unable to maintain a quorum once the meeting is called to order, the members present may, at the Chair's discretion, continue to discuss items from the agenda and make recommendations to the full board at a future meeting. The Board plans to webcast 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 the 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.



BOARD MEETING MINUTES – DRAFT

Walnut, California

April 11-12, 2019

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

Full Board Meeting

Dee Parker, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 1:40 p.m. Ms. Parker called roll; six members of the Board were present and thus a quorum was established.

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

Board Members Present

Dee Parker, SLP, Board Chair
Marcia Raggio, AuD, Vice Chair
Christy Cooper, AuD, Board Member
Amnon Shalev, HAD, Board Member
Rodney Diaz, Otolaryngologist, Public Board Member
Karen Chang, Public Board Member
Debbie Snow, Public Board Member (Day 2 only)

Staff Present

Paul Sanchez, Executive Officer
Breanne Humphreys, Operations Manager
Kelsey Pruden, Legal Counsel
Mike Sanchez, DCA Web Cast
Tenisha Graves, Enforcement Coordinator
Heather Olivares, Legislation/Regulation Analyst

Guests Present

Carrie Bower, California Academy of Audiology

2. Approval of the November 29-30, 2018 Board Meeting Minutes

M/S/C Raggio/Diaz

Motion to approve the November 29-30, 2018 meeting minutes. The motion carried 6-0 with Karen Chang abstaining.

3. Public Comment for Items not on the Agenda

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

4. Discussion and Possible Action regarding Regulations as a result of AB 2138 Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction (As Stated in Title 16, California Code of Regulations, sections 1399.132, 1399.133, 1399.134, 1399.156.1, 1399.156.2, 1399.156.3, and 1399.170.19)

Paul Sanchez stated the Board discussed AB 2138 regarding licensing boards and the denial of applications at the last meeting. Mr. Sanchez reported the Board Chair appointed a legislation/regulation subcommittee consisting of Board Members Marcia Raggio and Debbie Snow to discuss the AB 2138 regulations. Heather Olivares provided an overview of the provisions of AB 2138 and explained that AB 2138 was signed by Governor Brown last year and will be effective July 1, 2020; however, there is a statutory requirement to have regulations in place by the effective date of the bill. Ms. Olivares shared that she met with the legislation/regulation subcommittee to discuss two options for the regulatory language.

Ms. Olivares provided an overview of Option 1 which would establish a list of crimes that the Board determined are substantially related to the profession, which could be used for application denials and during litigation. Kelsey Pruden explained the risks of including a list of substantially related crimes in regulation such as if a crime occurs that is not included on the list more work would be involved during the litigation process. Amnon Shalev inquired if the regulation could include a list of crimes but specify that the list is "not limited" to these crimes. Ms. Pruden explained the regulation already includes a list that is non-exhaustive; however, if the Board establishes a set of crimes it is easier to litigate those crimes than a crime that is not included on the list.

Mr. Shalev asked where in the law it states the Board cannot ask for the criminal history on the application. Ms. Pruden pointed out the section of law that prohibits asking for criminal history on the application. Ms. Pruden explained that as of July 1, 2020 the Board can no longer include a checkbox asking for criminal information; however, the Board will still receive criminal history information from the Department of Justice based on the fingerprinting requirement. Mr. Shalev expressed concern whether an applicant can be properly screened based solely on fingerprinting. Mr. Shalev provided the example that currently if a crime is discovered after a person is licensed they can be disciplined for lying on the application; however, under the new law the Board would have no recourse if a crime is discovered after the applicant is licensed. Mr. Sanchez pointed out that Mr. Shalev's concerns are valid and there have been times the Board does not find out about crimes through the fingerprinting process.

Karen Chang inquired if there are crimes not listed that could potentially be included. Ms. Olivares explained the list of crimes was developed based on the common types of crimes reported by the enforcement staff. Ms. Pruden explained the crime must be substantially related and that an argument could be made the crime affects the person's ability to practice. Ms. Chang inquired if the Board could reconsider licensure if the Board later finds out a person did commit one of the substantially related crimes. Ms. Pruden stated if a license is issued by mistake there is recourse available.

Mr. Sanchez asked if there are other crimes that should be included on the list of substantially related crimes. Ms. Chang suggested arson and home robbery. The Board decided other crimes can fall within the “not limited to” provision of the regulation. Ms. Pruden stated this regulation is a starting point and there will be an opportunity to revisit the list once the law goes into effect. Ms. Olivares explained this regulation will also go through the formal regulatory process which will allow for public input.

Ms. Olivares discussed the changes to the regulations in Option 1 regarding the criteria for rehabilitation for denials and reinstatements and suspensions and revocations. Option 1 allows the Board to consider on a case-by-case basis whether successful completion of parole or probation sufficiently demonstrates rehabilitation. Marcia Raggio asked if contrition can be considered rehabilitation. Ms. Olivares explained the way this regulation is written, it allows the Board to decide whether contrition will be accepted as evidence of rehabilitation and the absence of information provided can also be considered when evaluating rehabilitation.

Ms. Olivares provided an overview of Option 2 which does not establish a list of substantially related crimes and allows the Board to decide on a case-by-case basis whether a crime is substantially related. Ms. Olivares stated the risk with this option is the Board may see more application denials going to litigation; however, it does provide the Board with broad discretion for handling applicants with a criminal history.

Ms. Olivares provided an overview of the changes to the regulations in Option 2 regarding rehabilitation for denials and reinstatements and suspensions and revocations. Option 2 requires the Board to find there has been rehabilitation if the applicant or licensee completed the criminal sentence without a violation of parole or probation. If this is not applicable, the Board could consider additional criteria to determine rehabilitation.

Mr. Shalev inquired if the Board would still be able to deny an application and place the person on probation immediately. Mr. Sanchez explained this process will not change.

M/S/C Shalev/Cooper

Motion to approve Option 1 of the draft regulatory proposals, direct the Executive Officer to initiate the rulemaking process, delegate authority to the Executive Officer to make changes consistent with Board policy, and move forward with the 45-day public comment period. The motion carried 6-0.

5. Discussion and Possible Action regarding RPE Direct Monitoring Requirements and Remote or Tele Supervision (As Stated in Title 16, California Code of Regulations, sections 1399.153 and 1399.153.3)

Ms. Olivares explained the regulatory language was approved at the August 2018 Board Meeting; however, during the preparation for the formal regulatory process, it was discovered that direct supervision and tele supervision have not been defined. Ms. Olivares pointed out changes were also made to improve the readability of the regulations.

Ms. Olivares shared the proposed definitions for direct supervision and tele supervision. Ms. Raggio asked if a time element should be stipulated such as if an entire session must be tele supervised. Ms. Olivares responded the number of hours that tele supervision can be used is specified in another section of the regulations. Ms. Pruden clarified that a session could be broken up as long as the total hours of tele supervision does not exceed the maximum number of allowed hours. Ms. Raggio suggested the language should specify whether tele supervision is required for the entirety of a session. Christy Cooper expressed concern about requiring supervision for the entirety of a session rather than allowing supervision to occur incrementally throughout several sessions to cumulatively meet the 8-hour requirement. Ms. Raggio asked for clarification if face-to-face supervision is currently required for the duration of a session. Ms. Pruden responded when a RPE supervisor is supervising they must be directly observing 100 percent of the time; however, the supervision can be in increments toward the 8-hour requirement. Mr. Sanchez clarified the direct supervision requirement is 8 hours per month and of this requirement, 4 hours can be completed using tele supervision.

Ms. Raggio asked for clarification of electronic means. Ms. Pruden responded the means can be broad such as electronic video monitoring. The Board agreed to change the definition of tele supervision to specify electronic video monitoring. Ms. Parker expressed concern that a supervisor may not always pay attention yet still count that supervision toward the required amount of time. Mr. Sanchez suggested changing the definition of direct supervision and tele supervision to require visual personal observation. The Board agreed to these changes.

Ms. Olivares provided an overview of the additional changes to the regulatory language regarding the responsibilities of RPE supervisors. Ms. Raggio asked if video monitoring needs to be added to each reference to tele supervision. Ms. Olivares stated that is unnecessary if electronic video monitoring is added to the definition of tele supervision. Ms. Pruden clarified the requirement is for direct supervision, but tele supervision is an acceptable means of supervising for up to 4 hours. Ms. Raggio asked if the limit of 4 hours needs to be justified. Ms. Pruden explained that ASHA standards were researched and ASHA allows about half of the required hours to be completed using tele supervision.

Ms. Raggio inquired if the Board should consider ASHA requirements for clinical clock hours for record keeping and report writing and offered to research the ASHA requirements so the Board is aware.

M/S/C Raggio/Cooper

Motion to approve the proposed language as amended, direct the Executive Officer to initiate the rulemaking process, delegate authority to the Executive Officer to make changes consistent with Board policy, and move forward with the 45-day public comment.

Carrie Bower with California Academy of Audiology (CAA) inquiring how report writing would be tele supervised. Ms. Cooper responded that a report is sent in advance and discussed over the phone or video. Ms. Pruden clarified the regulations include an

aspect of professional judgement for the RPE supervisor and if a task cannot be done via tele supervision than tele supervision is not appropriate.

The motion carried 6-0.

Petition Hearings for Reinstatement of Licensure or Other Reduction of Penalty (Time Certain: April 12, 2019 at 9:00 a.m.)

1. Petition for Reinstatement of Revoked License – Mary Sinclair, SLP, License Number 3009

Ji-Lan Zang opened the hearing. Vladimir Shalkevich presented the case to the Board. Ms. Zang swore in Mary Sinclair. Ms. Sinclair presented her case to the Board. Mr. Shalkevich cross examined Ms. Sinclair. Ms. Sinclair responded to the Board's questions. Ms. Sinclair gave her closing argument. Mr. Shalkevich gave his closing argument. Ms. Sinclair provided a rebuttal to Mr. Shalkevich's closing argument.

Closed Session

2. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Above Petition and Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty.

Open Session

3. Executive Officer's Report
 - a. Administration Update

Mr. Sanchez announced two new staff members, Tenisha Graves and Cathy Cummings. Mr. Sanchez stated he is working on growing the Board's staff through the Budget Change Process in order to be properly staffed to handle the Board's workload.

- b. Budget Report

Mr. Sanchez provided an overview of the Board's current budget. Mr. Sanchez explained the Board's expenditures are low due to the Board's position vacancies and revenue is on target with the Board's estimates.

- c. Licensing Report

Mr. Sanchez stated the Board will be entering its peak licensing season. Mr. Sanchez reported staff are currently exceeding licensing goals; however, the licensing times are expected to increase during peak season. Mr. Sanchez also reported there is currently a licensing position vacancy.

Mr. Sanchez provided an overview of the licensing reports. Mr. Sanchez reported the Board issued approximately 3,000 licenses during the first three quarters of the fiscal year. Mr. Sanchez also reported the Board will be able to process online license renewals soon.

d. Practical Examination Report

Mr. Shalev stated of 41 hearing aid dispensers that took the practical exam, 1 failed and of 14 audiologists that took the exam, 4 failed. Mr. Sanchez stated the statistics aren't available for the April hearing aid dispenser's practical exam yet and clarified the statistics are for the January 2019 and October 2018 practical exams.

Ms. Raggio inquired whether the practical exam statistics include the number of times a person has taken the exam. Mr. Sanchez stated those statistics are available from previous years and he will share that information with Ms. Raggio.

e. Enforcement Report

Mr. Sanchez provided an overview of the enforcement report. Mr. Sanchez reported there are currently 10 formal discipline cases pending with the Attorney General's office and the Board is currently monitoring 35 probationers, of which 8 require drug or alcohol testing and 10 are in a tolled status. Mr. Sanchez stated the report includes the disciplinary actions for the past 12 months.

Ms. Raggio inquired about separating the speech-language pathology and audiology complaints. Breanne Humphreys responded staff committed to doing that at the end of each fiscal year since the report is not automated and must be completed manually. Mr. Sanchez stated the Board is working on a Business Modernization Project that may assist with this type of reporting.

4. Legislation Update, Review, and Possible Action

Ms. Olivares provided an overview of the legislative memo and pointed out several bills that staff will be watching including AB 193, AB 312, AB 476, AB 1545, SB 425, and SB 601. Ms. Olivares reported AB 862 has been amended to address a DMV issue and will be removed from the list of watched bills.

- a. AB 193 (Patterson) Professions and vocations
- b. AB 312 (Cooley) State government: administrative regulations: review

Ms. Pruden stated AB 312 will create a significant workload for the Board. Ms. Olivares responded that although there is a workload associated with this bill, a Watch position is recommended because it is unlikely this bill will move forward.

- c. AB 476 (Blanca Rubio) Department of Consumer Affairs: task force: foreign-trained professionals
- d. AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Ms. Olivares provided an overview of the bill and pointed out concerns including the workload to process delinquent licenses and a revenue loss for the Board. Ms. Olivares stated the inability to collect delinquent fees may create a disincentive for licensees to keep their license current. Ms. Parker inquired if Board staff would inform licensees about the costs involved to bring a license back to current status when they move into inactive status. Ms. Pruden clarified that licensees must apply to move into inactive

status, whereas licensees who are in delinquent status have stopped paying their renewal fees and may not contact the Board. Mr. Sanchez explained the fee for an inactive license is the same as an active license, with the difference being an inactive licensee does not need to complete the continuing education requirement. Mr. Sanchez stated the Board currently advises licensees who no longer want their license to let the license expire.

M/S/C Raggio/Chang

Motion to Oppose the bill. The motion carried 7-0.

- e. AB 598 (Bloom) Hearing aids: minors

Ms. Olivares provided an overview of the bill and stated although this bill would not directly impact the Board, a Support position is recommended to help ensure children diagnosed with hearing loss are able to receive necessary medical devices. Mr. Shalev inquired if hearing aid dispensers can work with minors. Ms. Raggio responded hearing aid dispensers can fit hearing aids for children on Medi-Cal.

M/S/C Snow/Shalev

Motion to Support the bill. The motion carried 7-0.

- f. AB 613 (Low) Professions and vocations: regulatory fees

Ms. Olivares provided an overview of the bill and stated it is unclear whether the current process for increasing fees can still be used; however, legislative staff have indicated that both processes can be used. Ms. Olivares stated the position letter can request clarification in the legislation that both processes can be used.

M/S/C Chang/Cooper

Motion to Support the bill and delegate Board staff to seek clarification in the legislation that both processes to increase fees can be used. The motion carried 7-0.

- g. AB 780 (Brough) Hearing aid dispensers: apprentice license

Ms. Olivares reported this bill is sponsored by the Hearing Healthcare Providers of California (HHP) and is scheduled for a committee hearing on April 23rd. Ms. Olivares provided an overview of the bill and discussed the Board's concerns. Ms. Olivares recommended the Board Oppose the bill and provide the Executive Officer with authority to negotiate amendments.

Vanessa Cajina with HHP stated the apprenticeship program is an approach to bring more training into the hearing aid dispensing profession in order to achieve the goal of adding tympanometry to the scope of practice. Joe Bartlett with HHP explained why tympanometry should be added to the scope of practice for hearing aid dispensers.

Mr. Sanchez asked for clarification regarding the provision of the bill that would require an examination. Ms. Cajina responded HHP is open to discussing the required examination to minimize the financial impact to the Board.

Ms. Cooper inquired what tympanometry has to do with the fitting and selling of a hearing aid. Mr. Bartlett responded that tympanometry is part of the necessary testing done before the process of fitting and selling a hearing aid begins. Ms. Cooper stated that pure tone audiometry with air bone gap would require a medical clearance regardless if the tympanometry is positive or negative. Mr. Bartlett responded there are possible causes of a false non-air bone gap and tympanometry is another test that can be used to clarify the pure tone audiometry results.

Mr. Bartlett stated a tympanometry tip is less likely to cause damage than an otoscope. Ms. Raggio stated tympanometry can cause damage. Mr. Bartlett responded there are similar dangers in taking ear impressions and hearing aid dispensers are tested on their ability to treat an ear correctly. Ms. Raggio stated tympanometry should only be performed by someone who is highly trained.

Ms. Cooper stated tympanometry is a diagnostic test that is part of a comprehensive test battery and case history. Mr. Bartlett responded that case history is also within the scope of practice for hearing aid dispensers and licensees are trained to look for red flags that require a referral.

Mr. Shalev inquired about the difference between an apprentice license and trainee license. Ms. Cajina responded the apprentice license would require hands-on training using the International Hearing Society apprenticeship program and this legislation seeks to demonstrate there is a written curriculum and practice guidelines approved by Federal Department of Labor. Ms. Raggio inquired how a licensee would complete distance learning for tympanometry and ear impressions. Ms. Cajina clarified the apprentice program is a combination of hands-on training and distance learning.

Mr. Shalev stated the law needs to state that tympanometry cannot be used to make a diagnosis. Ms. Cajina responded current law already states hearing aid dispensers cannot perform diagnostic testing. Ms. Pruden responded this bill removes that language from current law. Mr. Bartlett stated that is a drafting error.

Rodney Diaz inquired how many states allow licensees to perform tympanometry. Mr. Bartlett estimated between 20 and 27. Carrie Bower with CAA responded that based on their research two states allow tympanometry and those states require a minimum of an associate degree.

Ms. Cooper stated it is important to have knowledge of similar professions, but that does not mean a hearing aid dispenser should perform the job of another profession outside of the practice of fitting and selling a hearing aid. Mr. Bartlett stated tympanometry would assist with the fitting and selling of a hearing aid because a dispenser wouldn't sell a hearing aid to someone who needs a medical referral.

Ms. Chang inquired about the reason for this bill. Ms. Cajina responded that in the past hearing aid dispensers did not have a prohibition on performing tympanometry and an

opinion was issued approximately 15 to 20 years ago that prohibited tympanometry. Ms. Cajina stated HHP members believe tympanometry would help their clients.

Mr. Shalev inquired if the prohibition is based on an old opinion, could the Board try to get the opinion reversed. Ms. Pruden explained current law states that hearing aid dispensers cannot perform diagnostic tests and more research is needed to determine whether tympanometry is diagnostic. Mr. Sanchez clarified the Board's authority to enforce the advertisement and practice of tympanometry is based on the interpretation that tympanometry is a diagnostic tool.

Carrie Bower stated CAA is opposed to the bill.

Ms. Pruden stated legal concerns with the bill include removing the provisions of law requiring equipment to be calibrated and prohibiting hearing aid dispensers from performing diagnostic tests. Ms. Pruden explained the Board would have a duty to ensure any testing is sufficient to prove proficiency in performing tympanometry. Ms. Pruden suggested changes to the language to make the requirements for the apprentice license consistent with the requirements for the trainee license.

Mr. Shalev inquired about the Board's costs for this bill. Ms. Olivares responded the IT costs for creating a new license type are unknown at this time; however, the exam costs are estimated to be \$280,000.

M/S/C Diaz/Cooper

Motion to Oppose the bill. The motion carried 6-0 with Amnon Shalev abstaining.

M/S/C Diaz/Cooper

Motion to delegate authority to the Executive Officer to negotiate the language of this bill based on a policy against tympanometry because it is a diagnostic tool. The motion carried 5-0 with Karen Chang and Amnon Shalev abstaining.

M/S/C Shalev/Chang

Motion to delegate authority to the Executive Officer to negotiate the language of this bill based on a policy against the apprentice license because it is duplicative to the trainee license and raising the entry level requirements for hearing aid dispensing while keeping the Board's costs in mind. The motion carried 7-0.

- h. AB 862 (Kiley) Professions and vocations: License revocation and suspension: student loan default
- i. AB 1075 (Holden) California State University: speech-language pathologist programs

Ms. Olivares provided an overview of the bill and stated although this bill does not directly impact the Board, there is a significant need for additional speech-language pathologists and recommended a Support position. Ms. Raggio stated the same case could be made for audiologists.

M/S/C Chang/Cooper

Motion to Support the bill. The motion carried 7-0.

- j. AB 1545 (Oberholte) Civil penalty reduction policy
- k. SB 53 (Wilk) Open meetings

Ms. Olivares provided an overview of the bill and stated concerns include impacting Staff's ability to work with Board Members and increasing the Board's costs to hold additional public meetings. Ms. Olivares reported a similar bill was passed by the Legislature and Vetoed by Governor Brown; however, it is unknown if this bill would be Vetoed by Governor Newsom. Ms. Olivares stated it would be difficult to work on developing regulatory language without consulting Board Members with subject matter expertise. Ms. Pruden stated e-mail communications with two or more Board Members would also be impacted by this bill. Ms. Pruden explained there isn't a loss of transparency by holding a meeting with two Board Members because the issue still must go before the full Board for action.

M/S/C Diaz/Chang

Motion to Oppose the bill. The motion carried 7-0.

- l. SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct
- m. SB 601 (Morrell) State agencies: licenses: fee waiver
- n. SB 617 (Glazer) Audiologists and hearing aid dispensers: sales of hearing aids

Ms. Olivares provided an overview of the bill and stated legislative staff have not been forthcoming about the direction of the bill. Ms. Olivares expressed concern that if the bill moves forward it may become an issue for the Board. Ms. Pruden reported the bill has been amended to deal with pharmacy technicians.

5. Discussion and Possible Action on Proposed Locked Hearing Aids Disclosure from Hearing Aid Dispensers and Dispensing Audiologists

Mr. Sanchez stated this issue has been discussed at prior meetings and at the last Board Meeting it was discussed whether the Board should find a sponsor for a bill. Mr. Sanchez suggested forming a legislative committee to draft a legislative proposal for next year.

Ms. Raggio inquired if there is a preference for the Board to sponsor the bill rather than getting a professional organization to sponsor it. Mr. Sanchez responded that is a decision to be made by the Board. Ms. Raggio inquired about the costs to sponsor a bill. Mr. Sanchez responded there would be a cost, but it should not be significant enough to prevent the Board from pursuing legislation, especially for a consumer protection issue.

M/S/C Cooper/Diaz

Motion to direct the legislative committee to look at this issue and develop legislative language. The motion carried 7-0.

6. Future Agenda Items and Future Board Meeting Dates
 - a. August
 - b. November

Mr. Sanchez requested Board Members to send their available dates for August and November.

7. Adjournment

The meeting adjourned at 3:40 p.m.

From: Maria
Sent: Wednesday, May 22, 2019 10:26 PM
To: speechandhearing@dca.ca.gov
Subject: Review of position statement from 2003 regarding APD

Dear Speech Language Pathology and Audiology and Hearing Aid Dispensers Board:

I have read the 2003 position statement regarding (C)APD and would like to request a review of your public position statement. Attached, please find a summary of the consensus regarding CAPD which was not refuted by any audiologist in any letter to the editor. There are 113 level one references

In this review article. I was fortunate to be a beta site for collecting data on assessment and treatment for binaural integration (articles attached). This assessment and treatment has been published in a level one journal, our highest level of evidence.

In our code of ethics, we are bound to practice to the most current level of knowledge in our profession. I respectfully request

That the current position statement be revised to be consistent with our most current level of knowledge. This will help those

With auditory processing disorders who we serve and provide accurate information to the public.

I would be happy to discuss this issue with you. Thank you for your thoughtful consideration.

Sincerely,
Maria Abramson
Cell phone 949 433-2329

Dr. Maria Abramson
Hear Now at Abramson Audiology
Adjunct Professor, Chapman University
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Facsimile 949 495-3328
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Currently on Board's Website

Notification on Auditory Processing Disorder (APD)

Evaluation of Auditory Processing Disorder (APD), also termed "Central Auditory Processing Disorder" (CAPD), is an assessment of an individual's perception of speech and non-speech sounds. It is not a standard "hearing test," but rather an assessment of how the brain recognizes and interprets what it hears. APD has been defined as a "deficit in the neural processing of auditory stimuli that is not due to higher-order language, cognitive or related factors" (ASHA, 2005). However, although there is not unanimity on the definition.

Recently (2005), the American Speech-Language-Hearing Association (ASHA) and the California Speech-Language-Hearing Association (CSHA) have produced documents reviewing the assessment, diagnosis and treatment of APD. Additionally, the California Department of Education has issued a Position Statement on CAPD (2003).

Taken together, these documents make the following points:

1. The area of APD is controversial and changing rapidly; the nature of APD is still somewhat unclear.
2. There is lack of consensus regarding the validity and reliability of some commercially marketed products to treat APD, and minimal evidence of valid and reliable studies to support therapeutic interventions for APD. As such, some treatments must be viewed as experimental and should not be included in a student's Individual Education Plan, except as suggested experimental options available at no charge. However, should the parents wish to pursue such an option privately, it should be done so with the understanding of its experimental nature.
3. The audiologist is the professional who diagnoses APD. However, speech-language pathologists and other professionals collaborate with the audiologist both in assessment and in development of intervention.
4. Evaluation of certain children is not recommended (e.g., those with mental age below 7 years, significant intellectual deficit, or severe hearing loss), and a diagnosis of APD in children with autism or Attention Deficit Hyperactivity Disorder should only be made when it is clear that APD is a comorbid deficit in the central auditory nervous system.
5. Evaluation of children for APD should be preceded by a complete audiological assessment to assure normal hearing sensitivity.

It is incumbent upon the licensed audiologist and licensed speech-language pathologist to use only diagnostic assessments and therapies that are supported by rigorous empirical evidence. While it is important to conduct research studies on new and emerging assessment tools, such studies should take place within the confines of an approved experimental protocol, and it should be clear to consumers that assessment with such tools is experimental only and provided at no cost. In keeping with B & P Code 651(b)(7), licensees are prohibited from making scientific claims that cannot be substantiated by reliable, peer-reviewed, published scientific studies.

Below is related information on Auditory Processing Disorder and/or Auditory Integration Training:

- [American Academy of Audiology's Position Statement: Auditory Integration Training](#)
- [California Speech-Language-Hearing Association's Guidelines for the Diagnosis & Treatment for Auditory Processing Disorders](#)



MEMORANDUM

DATE	July 10, 2019
TO	Speech Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Hearing Aid Dispensing Written Examination Requirement and the Possible Use of a National Examination Such as the International Licensing Examination (ILE) from the International Hearing Society (IHS)

BACKGROUND

Business and Professions Code section 2538.25 requires each hearing aid dispenser applicant to take and pass the written and practical examinations as a condition for licensure. The Board is responsible for the administration and development of the hearing aid dispenser's examinations. In order to accomplish many of the tasks related to the administration and development of the written examination, the Board utilizes the services of the Office of Professional Examinations and another third-party vendor.

The International Hearing Society (IHS) is a membership association that represents hearing aid dispensers worldwide. IHS has existed since 1951 and develops education and training and qualification examination services for its members. Over 40 US states currently use the IHS International Licensing Examination for Hearing Healthcare Professionals (ILE) in their licensing process. This examination consists of 105 multiple-choice, competency-based questions for entry-level hearing aid specialists. There are no other national examinations recognized across the US for licensing purposes.

Current law allows the Board to delegate examination of applicants to a third party provided the Board establish guidelines for and approve the examination.

Business and Professions Code section 2538.25(a)

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

If the ILE met the Board's examination requirements, the Board may consider how the use of the ILE could impact or benefit its operations. Applicants who have already taken and passed the ILE from another state would not need to take another written examination in California. Board staff workload could be reduced by using the ILE but would require further analysis to understand the impact on Board operations.

ACTION REQUESTED

The Board can discuss the written examination requirements and the ILE and decide if this is an issue that should be further explored. The Board can delegate this item to the Hearing Aid Dispensing Committee for further discussion, analysis, and a recommendation.



MEMORANDUM

DATE	July 10, 2019
TO	Speech Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Training Requirement for Hearing Aid Dispensers Prior to Taking the Practical Examination.

BACKGROUND

At its November 2018 meeting, the Board approved regulatory language that would change the current HAD trainee and supervisor requirements.

Current law provides an HAD trainee option as a pathway to becoming a licensed HAD. Current law requires that a HAD applicant must be 18 years of age and possess a high school diploma or its equivalent. Current law does not require formal education or training.

Business and Professions Code section 2538.17 authorizes the Board to recommend or require additional training for HAD applicants prior to licensure.

Business and Professions Code 2538.17. Course of instruction; Publication and distribution of information

The board may recommend the preparation of and administration of a course of instruction concerned with the fitting and selection of hearing aids. The board may require applicants to first complete the required course of instruction or otherwise satisfy the board that the applicant possesses the necessary background and qualifications to fit or sell hearing aids. If the board promulgates regulations to implement this section to require a course of instruction concerned with fitting and selling hearing aids, the board shall obtain the advice of persons knowledgeable in the preparation and administration of a course of instruction.

The board may publish and distribute information concerning the examination requirements for obtaining a license to engage in the practice of fitting and selling hearing aids within this state.

AB 780, which did not move forward this year, would have created a new apprentice license type. The bill would have created the apprentice license as an alternate pathway to HAD licensure but not as a requirement.

The current examination process measures minimum competence in performing certain tasks related to fitting and selling hearing aids. A formal course of instruction or training requirement could enhance the skills and qualifications of an applicant in performing tasks related to fitting and selling hearing aids and establish consistent uniform training across the state for HAD applicants.

ACTION REQUESTED

The Board may want to decide if they wish to pursue the establishment of a required course of instruction or training for HAD applicants in addition to the current licensing requirements. The Board may delegate this item to the Hearing Aid Dispensing Committee for further discussion, analysis, and a recommendation.

Item 7.

HAND CARRY



MEMORANDUM

DATE	July 10, 2019
TO	Speech Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Paul Sanchez, Executive Officer
SUBJECT	Executive Officer Report

This report and the statistical information provided by staff, is to update you on the current operations of the Board.

Administration/Personnel/Staffing

The Board hired a new licensing analyst Theo Ross. Mr. Ross comes from the Contractor's Licensing Board and is in the process of training to process licensing applications.

The Board is recruiting for one licensing analyst. It is anticipated that interviews will be held in August 2019. We are also recruiting for a part-time analyst to assist with regulations.

Budget

Included in your Board materials is the most recent Expenditure and Revenue Projection Reports. These reports reflect fiscal activity through May 30, 2019. The Expenditure Report shows that the Board is on track to spend well below its appropriated budget with a potential reversion of up to 14 percent of its budget. Revenue is slightly above last year's levels at \$2.1 million and is on target with the Board's estimates.

The analysis of the Board's Fund Condition shows that the Board's growth has created a fiscal structural imbalance. To prevent future deficits, the Board is moving forward with fee increase regulations.

Licensing/Exams/Enforcement

Licensing Cycle Times – The chart below provides a snapshot the Board’s licensing cycle times for the current and past four quarters. We are in the middle of the Board’s peak licensing period. With one vacancy and a new licensing staff member, other Board staff will assist in meeting the Board’s desired cycle times and performance goals.

Licensing Cycle Times	5/1/18	8/1/18	11/1/18	3/1/19	7/12/19
SLP and Audiologists Complete Licensing Applications	1 week	2 weeks	3 weeks	1 week	4 weeks
Review and Process SLP and Audiologist Supporting Licensing Documents	1 week	1 week	1 weeks	1 week	2 weeks
Review and Process RPE Applicant’s Verification Forms for Full Licensure	1 week	1 week	2 weeks	1 week	3 weeks
Hearing Aid Dispensers Applications	Current	Current	Current	Current	Current

Online License Renewal (OLR) – The Board’s OLR project is complete and is currently being used by licensees for renewal. Licensees will receive OLR information in their renewal notices.

Practical Examination – Included in your Board materials is a summary of the results of the Hearing Aid Dispensers Practical Examination held on April 6, 2019. Below are the upcoming Practical Examination and Filing Dates:

Date of Exam:	Location:	Filing Periods:
July 27, 2019	Sacramento	June 6, 2019 to June 27, 2019
November 16, 2019	Sacramento	September 26, 2019 to October 17, 2019

Enforcement – in 2018-19, the Board received 146 complaints and 121 subsequent arrest notifications. These numbers are within the normal range for these categories. There are currently 11 formal discipline cases pending with the Attorney General’s Office. The Board is currently monitoring 32 probationers of which 8 probationers require drug or alcohol testing and 8 are in a tolled status.

The following disciplinary actions have been adopted by the Board during the past 12 months:

Executive Officer Report

July 10, 2019

Page 3

Name	License No.	License Type	Case No.	Effective Date	Action Taken
Lee, Kwang Ho (Ken)	HA 7552	Hearing Aid Dispenser	1C-2012-062	June 12, 2019	Voluntary Surrender of License
Hernandez, Rachel V.	SP 24843	Speech-Language Pathologist	1I-2018-013	March 20, 2019	Revocation Stayed, five years probation with specified terms and conditions.
Hunter-Glover, Regina	SPA 5388	Speech-Language Pathology Assistant	1I-2017-112	February 1, 2019	Revocation stayed, five years probation with specified terms and conditions.
Vega, Paige Roschelle	SP 21885	Speech-Language Pathologist	D1-2014-070	September 10, 2018	Probation extended six months and ordered to pay prosecution costs.
Swanson, Robin	HA 3104	Hearing Aid Dispenser	D1-2012-98	September 13, 2018	Revocation stayed, actual suspension, four years probation with specified terms and conditions.
Krone, Elizabeth	HA 2662	Hearing Aid Dispenser	D1-2012-85	August 20, 2018	Revocation.
Geraci-Staub, Julianne	HA 7587	Hearing Aid Dispenser	1C 2015 006	July 18, 2018	Revocation stayed, three years probation with specified terms and conditions.
Ling, Kyle York	HA 7954	Hearing Aid Dispenser	1C 2015 090	April 29, 2018	Revocation stayed, four years probation (Conditional upon passing written and practical hearing aid dispensers examination) with specified terms and conditions.
Reynolds, Maria	SP 18467	Speech-Language Pathologist	1I 2017 037	February 20, 2018	Stipulated surrender of license.

**Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board - 0376
FY 2018-19 BUDGET REPORT**

Based on Preliminary FM 11

OBJECT DESCRIPTION	FY 2017-18		FY 2018-19				
	ACTUAL	PRIOR YEAR	CY REVISED	CURRENT YEAR	PERCENT	PROJECTIONS	UNENCUMBERED
	EXPENDITURES (Prelim FM12)	EXPENDITURES (MONTH 11)	BUDGET 2018-19	EXPENDITURES (Prelim FM 11)	SPENT	TO YEAR END	BALANCE
PERSONNEL SERVICES							
Salary & Wages (Staff)	478,930	447,559	619,000	475,219	77%	526,000	93,000
Temp Help	7,841	6,744	1,000	224	22%	1,000	0
Statutory Exempt (EO)	91,296	83,688	82,000	87,032	106%	95,000	(13,000)
Board Member Per Diem	3,900	3,900	6,000	4,700	0%	5,000	1,000
Overtime/Flex Elect	51,849	47,434	5,000	34,532	691%	40,000	(35,000)
Staff Benefits	273,527	255,476	382,000	299,185	78%	331,000	51,000
TOTALS, PERSONNEL SVC	907,343	844,801	1,095,000	900,892	82%	998,000	97,000
OPERATING EXPENSE AND EQUIPMENT							
General Expense	35,746	28,391	74,000	29,824	40%	35,000	39,000
Printing	6,323	1,449	25,000	10,519	42%	17,000	8,000
Communication	5,668	5,654	20,000	5,986	30%	8,000	12,000
Postage	21,482	2,120	24,000	13,546	56%	22,000	2,000
Insurance	2,831	2,831	0	4,040	0%	5,000	(5,000)
Travel In State	14,266	14,266	24,000	4,943	21%	15,000	9,000
Travel, Out-of-State	0	0	0	0	0%	0	0
Training	0	0	9,000	0	0%	0	9,000
Facilities Operations	170,636	62,165	142,000	78,922	56%	95,000	47,000
C & P Services - Interdept.	178,294	111,721	143,000	133,897	94%	150,000	(7,000)
C & P Services - External	73,820	72,095	78,000	67,635	87%	72,000	6,000
DCA Pro Rata	339,000	310,750	392,000	359,333	92%	392,000	0
DOI - Investigations	153,000	140,250	200,000	183,333	92%	200,000	0
Interagency Services	0	0	29,000	298	1%	1,000	28,000
IA w/ OPES	3,615	0	60,000	498	1%	1,000	59,000
Consolidated Data Center	3,258	3,226	10,000	160	2%	3,000	7,000
Information Technology	1,240	1,240	17,000	2,013	12%	2,000	15,000
Equipment	3,220	3,220	17,000	0	0%	17,000	0
TOTALS, OE&E	1,012,399	759,378	1,264,000	894,948	71%	1,035,000	229,000
TOTAL EXPENSE	1,919,742	1,604,179	2,359,000	1,795,840	76%	2,033,000	326,000
Sched. Reimb. - Fingerprints	(36,995)	(29,155)	(31,000)	(27,508)	89%	(31,000)	0
Sched. Reimb. - Other	(5,640)	(4,700)	(2,000)	(19,279)	964%	(2,000)	0
Unsched. Reimb. - Other	(40,164)	(38,219)	0	0	0%	0	
NET APPROPRIATION	1,836,943	1,532,105	2,326,000	1,749,053	75%	2,000,000	326,000
SURPLUS/(DEFICIT):							14.0%

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

FY 2018-19 REVENUE REPORT

Based on Preliminary FM 11

OBJECT DESCRIPTION	FY 2017-18		FY 2018-19				
	ACTUAL	PRIOR YEAR	CY PROJECTED	CURRENT YEAR	PERCENT	PROJECTIONS	UNCOLLECTED
	REVENUE (Prelim FM12)	REVENUE (MONTH 11)	REVENUE 2018-19	REVENUE (Prelim FM 11)	COLLECTED	TO YEAR END	BALANCE
Delinquent Fees	22,475	19,575	22,000	22,825	104%	25,000	(3,000)
Renewal Fees	1,593,906	1,522,127	1,591,000	1,434,120	90%	1,565,000	26,000
Other Regulatory Fees	64,617	54,179	64,000	39,731	62%	44,000	20,000
Initial Licensing Fees	482,288	393,564	484,000	407,779	84%	445,000	39,000
Income from Surplus Money Investments	20,891	20,891	23,000	42,040	183%	46,000	(23,000)
Revenue from Cancelled Warrants	1,412	1,377	8,000	3,314	41%	4,000	4,000
Miscellaneous Revenue	3,576	3,451	0	4,211	0%	5,000	(5,000)
TOTALS	2,189,165	2,015,164	2,192,000	1,954,020	89%	2,134,000	58,000

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

Prepared 7.3.2019

(Dollars in Thousands)

2019-20 Budget Act

	PY 2017-18	PY 2018-19	CY 2019-20	BY 2020-21	BY+ 1 2021-22
BEGINNING BALANCE	\$ 1,998	\$ 1,804	\$ 1,530	\$ 1,353	\$ 1,130
Prior Year Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,998	\$ 1,804	\$ 1,530	\$ 1,353	\$ 1,130
REVENUES, TRANSFERS, AND OTHER ADJUSTMENTS					
Revenues:					
4121200 Delinquent Fees	\$ 21	\$ 22	\$ 22	\$ 22	\$ 22
4127400 Renewal Fees	\$ 1,436	\$ 1,591	\$ 1,607	\$ 1,607	\$ 1,607
4129200 Other Regulatory Fees	\$ 21	\$ 64	\$ 65	\$ 65	\$ 65
4129400 Other Regulatory Licenses and Permits	\$ 454	\$ 484	\$ 489	\$ 489	\$ 489
4163000 Investment Income - Surplus Money Investments	\$ 6	\$ 23	\$ 17	\$ 17	\$ 13
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	\$ 8	\$ 8	\$ 8	\$ 8	\$ 8
Total Revenues, Transfers, and Other Adjustments	\$ 1,946	\$ 2,192	\$ 2,208	\$ 2,208	\$ 2,204
Totals Resources	\$ 3,944	\$ 3,996	\$ 3,738	\$ 3,561	\$ 3,334
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 2,005	\$ 2,326	\$ 2,237	\$ 2,282	\$ 2,328
8880 Financial Information System for California (State Operations)	\$ 2	\$ -	\$ -1	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 17	\$ 38	\$ 38	\$ 38
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 133	\$ 123	\$ 111	\$ 111	\$ 111
Total Expenditures and Expenditure Adjustments	\$ 2,140	\$ 2,466	\$ 2,385	\$ 2,431	\$ 2,477
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,804	\$ 1,530	\$ 1,353	\$ 1,130	\$ 857
Months in Reserve	8.8	7.7	6.7	5.5	4.1

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ONGOING
- B. ASSUMES APPROPRIATION GROWTH OF 2% IN BY+1 AND ONGOING
- C. INTEREST ON FUND ESTIMATED AT 1.5%
- D. ASSUMES FULL BUDGET AND PROJECTED REVENUE FOR PY 2017-18 AND 2018-19 UNTIL FISCAL ACCOUNTING YEARS CLOSED

Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board

LICENSES ISSUED	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY 18/19
						QTR 1-4
AU	57	89	48	53	77	63
DAU	UA	UA	26	24	30	35
AUT	0	0	0	0	2	4
SLP	974	1143	1352	1457	1482	1446
SPT	0	0	0	0	0	0
SLPA	325	550	606	501	558	602
RPE	702	836	834	897	945	977
AIDE	40	48	44	44	33	32
CPD	15	17	22	21	20	15
HAD Permanent	49	92	140	120	137	135
HAD Trainee	139	145	180	152	169	156
HAD Licensed in Another State	5	9	16	16	20	17
HAD Branch	282	426	407	315	341	333
TOTAL LICENSES ISSUED	2588	3355	3675	3600	3814	3815

LICENSEE POPULATION	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY 18/19
				*	*	*QTR 1-4
AU	584	612	556	698	720	831
DAU	971	988	1,045	1,211	1,246	1,334
<i>Both License Types</i>	<i>1,555</i>	<i>1,600</i>	<i>1,601</i>	<i>1,909</i>	<i>1,966</i>	<i>2,165</i>
AUT	0	0	0	0	0	0
SLP	13,285	13,967	14,860	18,024	19,161	21,374
SPT	0	0	0	0	0	0
SLPA	1,969	2,343	2,795	3,752	4,118	4,822
RPE	768	802	806	1,174	1,232	1,364
AIDE	119	124	133	235	216	245
HAD	913	948	996	1,179	1,266	1,380
HAD Trainees	145	160	158	238	204	214
HAD Licensed in Another State	8	7	18	18	28	31
HAD Branch Office	710	821	963	1,409	1,297	1,347
TOTAL LICENSEES	19,472	20,772	22,330	27,938	29,488	32,942

* New Computation: includes delinquent, inactive, and valid licenses;
CE not adequate; cite/fine holds

April 6, 2019 Hearing Aid Dispensers Practical Examination

Candidate Type	Number of Candidates	Passed	%	Failed	%
Applicants with Supervision (Temporary License)					
HA	27	23	85	4	15
AU	3	2	75	1	25
RPE					
Aide					
Applicants Licensed in Another State (Temporary License)					
HA	2			2	100
AU	5	4	80	1	20
Applicants without Supervision					
HA	7	7	100		
AU	4	2	50	2	50
RPE	1	1	100		
		Passed	%	Failed	%
Total Number of Candidates	49	39	80	10	20

ENFORCEMENT REPORT

	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
COMPLAINTS AND CONVICTIONS	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Complaints Received	74	43	75	59	154	157	68	78
Convictions Received	27	58	15	84	24	101	31	90
Average Days to Intake	2	2	3	2	2	2	1	1
Closed	109	130	76	124	121	214	72	114
Pending	46	31	56	51	117	100	147	156

	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
INVESTIGATIONS Desk	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Assigned	101	101	90	143	178	257	99	169
Closed	107	124	71	118	113	205	65	110
Average Days to Complete	107	138	132	91	201	73	164	137
Pending	42	30	45	39	104	89	139	142

	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
INVESTIGATIONS DOI	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Assigned	0	2	11	9	10	7	2	8
Closed	2	6	5	6	8	9	7	4
Average Days to Complete	392	382	148	709	442	497	747	766
Pending	4	1	11	12	13	10	8	14

	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
ALL TYPES OF INVESTIGATIONS	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Closed Without Discipline	93	112	69	111	116	197	68	105
Cycle Time - No Discipline	74	115	125	69	210	73	212	145

	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
CITATIONS/Cease&Desist	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Issued	4	5	8	8	9	12	5	11
Avg Days to Complete Cite	195	305	98	44	7	169	138	162
Cease & Desist Letter	0	1	1	1	2	1	1	1

Speech-Language Pathology Audiology Hearing Aid Dispensers Board

ATTORNEY GENERAL CASES	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Pending at the AG	18	16	8	6	7	11	6	12
Accusations Filed	8	19	2	3	3	2	0	4
SOI Filed	2	2	0	0	1	1	2	3
Acc Withdrawn, Dismissed, Declined	1	0	2	1	2	1	0	3
SOI Withdrawn, Dismissed, Declined	0	0	1	1	0	0	2	1
Average Days to Discipline	888	507	1260	979	780	723	745	449

ATTORNEY GENERAL FINAL OUTCOME	FISCAL YEAR 2015 - 2016		FISCAL YEAR 2016 - 2017		FISCAL YEAR 2017 - 2018		Quarter 1-4 2018 - 2019	
	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU	HAD	SP/AU
Probation	1	5	6	7	2	1	1	2
Surrender of License	1	1	3	1	1	2	0	0
License Denied (SOI)	0	0	0	0	0	0	0	0
Suspension & Probation	0	1	0	0	0	0	0	0
Revocation-No Stay of Order	1	2	0	2	1	0	0	0
Public Reprimand/Reproval	0	0	0	0	0	1	0	0



MEMORANDUM

DATE	July 10, 2019
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Heather Olivares, Legislation/Regulation Analyst
SUBJECT	Discussion and Possible Action regarding Speech-Language Pathology and Audiology Fees

BACKGROUND

At the June 19, 2015 meeting the Board approved a regulatory proposal to increase the Speech-Language Pathology and Audiology fees. The last fee increase for SLPs and audiologists was in 2002. At this meeting, the Board decided the SLPA fees should be lower than the SLP fees because the salary of a SLPA is lower than the salary of a SLP. The Board approved a SLPA application fee of \$50.00 and a SLPA biennial renewal fee of \$100.00.

The Board revisited the regulatory proposal to increase the Speech-Language Pathology and Audiology fees at the February 9, 2018 meeting. At this meeting the Board decided to increase the fees to the statutory maximums. However, the approved application fee of \$150.00 for SLPAs is above the \$100.00 statutory maximum.

DISCUSSION

The statutory maximums in Business and Professions Code Section 2534.2 are:

- \$150.00 application fee and renewal fee for SLPs and nondispensing audiologists
- \$280.00 application fee and renewal fee for dispensing audiologists
- \$100.00 application fee for SLPAs
- \$150.00 renewal fee for SLPAs

The regulatory proposal before you today would return to the original intent of the Board that the SLPA fees should be lower than the SLP fees. This regulatory proposal would increase the fees for SLPAs to a \$50.00 application fee and \$100.00 biennial renewal fee. Additionally, this regulatory proposal would amend Sections 1399.170.13 and 1399.170.14 to consolidate all the speech-language pathology and audiology fees into one section.

ACTION REQUESTED

Included in your materials are revisions to California Code of Regulations, Title 16, Sections 1399.157, 1399.170.13, and 1399.170.14. Please review the regulatory proposal and be prepared to discuss any modifications or revisions. Staff recommends the Board approve the regulatory language with any necessary changes, move to start the formal rulemaking process, and delegate authority to the Executive Officer to make changes consistent with Board policy.

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

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

Amend Section 1399.157 of Article 8 of Division 13.4 of Title 16 as follows:

1399.157 Fees

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

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

(c) The application fee for a speech-language pathology assistant shall be \$50.00. The biennial renewal fee for a speech-language pathology assistant shall be \$100.00. ~~The biennial renewal fee for licensed speech-language pathologists and non-dispensing audiologists shall be prior to January 1, 2002 shall be \$75.00. Effective January 1, 2002, the biennial renewal fee for licensed speech-language pathologists or non-dispensing audiologists 110.00.~~

(d) The delinquency fee to renew an expired license or registration shall be \$25.00. ~~The annual renewal fee for a licensed audiologist authorized to dispense hearing aids shall be \$280.00.~~

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

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

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

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

Note: Authority cited: Sections 2531.95 and ~~2532.6(a)~~ Business and Professions Code. Reference: Sections 163.5, 2532.6(f) and 2534.2, 2535, 2535.2, 2538.1, 2538.53, 2538.54, and 2538.57, Business and Professions Code.

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

1399.170.13 Application and Fees

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

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

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

1399.170.14 Requirements for Renewal

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

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

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



MEMORANDUM

DATE	July 8, 2019
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Heather Olivares, Legislation/Regulation Analyst
SUBJECT	Legislative Report

Board-Specific Legislation

AB 598 (Bloom) Hearing aids: minors

Sponsor: Author

Location: Senate Appropriations Committee

Status: Not Set for Hearing

Board's Current Position: Support

Summary: This bill would require health plans and health insurance policies to include coverage for hearing aids, up to \$3,000, every four years for all enrollees under 18 years of age when medically necessary. Recent amendments require coverage to be provided by contracted providers unless the plan or policy allows for out-of-network coverage. For children under five, a contracted provider must include a pediatric audiologist.

Staff Recommendation: Continue to Support the bill. This bill is supported by the California Academy of Audiology and Hearing Healthcare Providers of California, among others. The registered opposition includes the Association of California Life and Health Insurance Companies, America's Health Insurance Plans, and California Association of Health Plans.

AB 780 (Brough) Hearing aid dispensers: practice: cerumen management: apprentice license

Sponsor: Hearing Healthcare Providers of California

Location: Assembly Appropriations Committee

Status: Held under submission

Board's Current Position: Oppose

Summary: This bill would create a new license type, the apprentice hearing aid dispenser license, which would be valid for 18 months while the licensee completes a training program under the supervision of an apprentice sponsor. This bill would also expand the scope of practice for hearing aid dispensers to include cerumen management and tympanometry for patients 18 years of age and older.

Staff Recommendation: This bill is not moving forward this year. No further action is necessary.

AB 1075 (Holden) California State University: speech-language pathologist programs

Sponsor: Author

Location: Senate Appropriations Committee

Status: Set for Hearing July 8, 2019

Board's Current Position: Support

Summary: This bill would require the California State University (CSU) system, upon appropriation of General Fund dollars, to allocate the funds through competitive grants to campus speech-language pathologist programs.

Staff Recommendation: The state budget, AB 74, appropriated \$3,000,000 to the CSU system to increase enrollment in speech and language pathology graduate programs and requires the Chancellor to report to the Legislature the number of enrollees, graduates, and job placement. The Board may wish to continue to Support the bill or move to a Watch position.

SB 617 (Glazer) Audiologists and hearing aid dispensers: sales of hearing aids

Sponsor: Author

Location: N/A

Status: N/A

Summary: This bill would have required a hearing aid dispenser and audiologist to provide an electronic copy of a receipt upon the sale of a hearing aid, if requested by the consumer. The bill has been amended to address a pharmacy technician issue.

Staff Recommendation: This bill no longer impacts the Board. No further action is necessary.

Healing Arts Legislation

SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct

Sponsor: Author

Location: Assembly Judiciary Committee

Status: Set for Hearing July 9, 2019

Summary: This bill would require health care facilities to report any allegation from a patient of sexual abuse or sexual misconduct by a healing arts licensee to the Board within 15 days. The Board would be required to investigate the circumstances underlying the report of sexual abuse or sexual misconduct.

Staff Recommendation: Staff does not anticipate a large increase in enforcement cases as a result of this bill. The Board may wish to adopt a Support position on the bill or continue to Watch the bill. This bill is supported by the Board of Chiropractic Examiners, Board of Psychology, Acupuncture Board, and the Medical Board, among others. There is no registered opposition to the bill.

SB 639 (Mitchell) Medical services: credit or loan

Sponsor: Western Center on Law and Poverty

Location: Assembly Judiciary Committee

Status: Set for Hearing July 9, 2019

Summary: This bill would prohibit a healing arts licensee from completing any portion of an application for third-party credit and accepting or processing an application for open-end credit that contains a deferred interest provision. This bill would also prohibit a licensee from charging treatment costs to an open-end credit or loan more than 30 days prior to treatment. Additionally, this bill would require licensees that accept Medi-Cal to indicate on the treatment plan if Medi-Cal would cover an alternate, medically appropriate service.

Staff Recommendation: Staff does not anticipate a large increase in enforcement cases as a result of this bill and recommends the Board Watch the bill at this time.

DCA-Wide Legislation

AB 5 (Gonzalez) Worker status: employees and independent contractors

Sponsor: Author

Location: Senate Labor, Public Employment and Retirement Committee

Status: Set for Hearing July 10, 2019

Summary: This bill would codify the decision of the California Supreme Court in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) that presumes a worker is an employee unless the hiring entity satisfies a three-factor test, commonly known as the “ABC” test. These factors include:

- that the worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- that the worker performs work that is outside the usual course of the hiring entity’s business; and
- that the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.

Staff Recommendation: This bill would not impact the Board’s use of subject matter experts or examiners. Staff recommends the Board Watch the bill at this time.

AB 193 (Patterson) Professions and vocations

Sponsor: Author

Location: Assembly Business and Professions Committee

Status: Not Set for Hearing

Summary: This bill would require boards to submit an assessment to DCA every two years on the progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses. This bill would also require DCA to conduct a review of all licensing requirements for each profession and identify unnecessary licensing requirements.

Staff Recommendation: This bill is not moving forward this year. No further action is necessary.

AB 312 (Cooley) State government: administrative regulations: review

Sponsor: Author

Location: Assembly Appropriations Committee

Status: Held under submission

Summary: This bill would require all state entities to review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, and revise those regulations by January 1, 2022.

Staff Recommendation: This bill is not moving forward this year. No further action is necessary.

AB 476 (Blanca Rubio) Department of Consumer Affairs: task force: foreign-trained professionals

Sponsor: California Immigrant Policy Center

Location: Senate Appropriations Committee

Status: Suspense file

Summary: This bill would require DCA to create a task force to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals, with the goal of integrating foreign-trained professionals into the state's workforce.

Staff Recommendation: This bill would not directly impact the Board. However, DCA identified costs of \$537,686 which may increase the Board's share of pro rata costs. Staff recommends the Board continue to Watch the bill.

AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Sponsor: Author

Location: Assembly Appropriations Committee

Status: Held under submission

Board's Current Position: Oppose

Summary: This bill would limit the maximum renewal fee for an inactive license to no more than 50 percent of the renewal fee for an active license. This bill would also prohibit boards from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license.

Staff Recommendation: This bill is not moving forward this year. No further action is necessary.

AB 613 (Low) Professions and vocations: regulatory fees**Sponsor:** Author**Location:** Senate Business, Professions and Economic Development Committee**Status:** Not Set for Hearing**Board's Current Position:** Support

Summary: This bill would authorize all DCA boards to increase licensing fees once every four years based on the California Consumer Price Index for the preceding four years.

Staff Recommendation: This bill would provide the Board with an alternate method to increase fees without going through the lengthy legislative and regulatory process. Staff recommends the Board continue to Support the bill.

AB 1076 (Ting) Criminal records: automatic relief**Sponsor:** Californians for Safety and Justice**Location:** Senate Public Safety Committee**Status:** Set for Hearing July 9, 2019

Summary: Current law allows an individual to have certain arrest and criminal conviction information sealed through a court expungement process. This bill would require the Department of Justice to automatically seal arrest and conviction records that meet specified criteria and timeframes. The state summary criminal history information would be required to include a note stating, "arrest relief granted."

Staff Recommendation: Although this bill could limit the arrest and conviction information for applicants and licensees, an individual can already petition the court to have certain arrest and criminal conviction information sealed. Staff recommends the Board Watch the bill at this time.

AB 1545 (Oberholte) Civil penalty reduction policy**Sponsor:** Author**Location:** Assembly Appropriations Committee**Status:** Held under submission

Summary: This bill would require state agencies to assist small businesses in complying with laws, regulations, and enforcement actions. This bill would also require state agencies to establish a policy that provides for the reduction of civil penalties for a small business. The Board would also need to post an annual report on enforcement actions and civil penalty reductions on the Board's website.

Staff Recommendation: This bill is not moving forward this year. No further action is necessary.

SB 53 (Wilk) Open meetings**Sponsor:** Author**Location:** Assembly Governmental Organization Committee**Status:** Set for Hearing July 10, 2019**Board's Current Position:** Oppose

Summary: This bill would require two-member advisory committees acting in an official capacity of a state body to hold open, public meetings if the advisory committee is supported by state funds.

Staff Recommendation: This bill would impact the ability of Staff to work with Board Members to review documents, provide expert analysis, or work on regulatory language without giving public notice. Opening all advisory committee activities to the public would increase the Board's costs for Staff to attend meetings and pay for public meeting space. Staff recommends the Board continue to Oppose the bill.

SB 225 (Durazo) Citizens of the state

Sponsor: Coalition for Humane Immigrant Rights

Location: Assembly Floor

Status: Third Reading File

Summary: This bill would allow any person at least 18 years of age and a resident of California to hold an appointed civil office regardless of that person's citizenship and immigration status.

Staff Recommendation: This bill may expand the qualified applicant pool to serve as a Board Member and would have minimal or no impact on the Board's costs. Staff recommends the Board Watch the bill at this time.

SB 601 (Morrell) State agencies: licenses: fee waiver

Sponsor: R Street Institute

Location: Assembly Governmental Organization Committee

Status: Set for Hearing July 10, 2019

Summary: This bill would authorize a state agency to establish an application process to reduce or waive licensing fees for a person or business that has been displaced or is experiencing economic hardship as a result of a declared federal emergency.

Staff Recommendation: This bill would not require the Board to reduce or waive any licensing fees, but would rather authorize the Board to establish an application process should the Board wish to consider allowing for reduced fees in the case of a declared federal emergency. Staff recommends the Board continue to Watch the bill.

AMERICANS WITH DISABILITIES ACT

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