



TELECONFERENCE BOARD MEETING NOTICE AND AGENDA

Wednesday December 11, 2019

Hearing Room
2005 Evergreen Street
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, Dispensing Audiologist
Karen Chang, Public Member
Amnon Shalev, Hearing Aid Dispenser
Debbie Snow, Public Member
Vacant, Speech-Language Pathologist
Tod Borges, Hearing Aid Dispenser

One or more Board members will participate in this meeting at the teleconference sites listed below. Each teleconference location is accessible to the public and the public will be given an opportunity to address the Board members at each location. The public teleconference sites for this meeting are as follows:

Department of Consumer Affairs (**Staff Only**)
Donner Lake Room #2170
Sacramento, CA 95815
916.263.2666

714 West Lodi Avenue
Lodi, CA 95240

1000 East Victoria
A 320B Welch Hall
Carson, CA 90747

1510 University Avenue, Lobby
Riverside, CA 92507

15909 Gale Avenue, Suite B
Hacienda Heights, CA 91745

333 Gellert Blvd., Suite 118
Daly City, CA 94015

3333 Mendocino Avenue, Suite 115
Santa Rosa, CA 95403

December 11, 2019 – 12:00 p.m.

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

3. Discussion and Possible Action on Board Proposed Legislation Regarding Locked Hearing Aids Disclosure from Hearing Aid Dispensers and Dispensing Audiologists
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)
5. Discussion and Possible Action on Title 16, CCR Sections 1399.170, 1399.170.4, 1399.170.10, 1399.170.11, and 1399.170.15 – Speech-Language Pathology Supervised Clinical Experience, Required Professional Experience Speech-Language Pathology Assistant Training Programs, Speech-Language Pathology Assistant Requirements and Qualifications for Registrations
6. 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.



MEMORANDUM

DATE	November 4, 2019
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Heather Olivares, Legislation/Regulation Analyst
SUBJECT	Discussion and Possible Action on Board Proposed Legislation Regarding Locked Hearing Aids Disclosure from Hearing Aid Dispensers and Dispensing Audiologists

BACKGROUND

Current hearing aids are digital and require programming via specific software platforms to optimize the acoustical fit for each individual patient. While most hearing aid dispensing practices fit products from a variety of manufacturers and have access to nearly all programming software packages, there are a number of hearing aid brands that require exclusive or “locked” programming software that is only available at the dispensing outlets and group businesses that sell those brands. That is, only those facilities can provide any programming services since other dispensers do not have access to their proprietary software.

For the consumer, this can result in the inability to obtain subsequent servicing or reprogramming for their hearing aid(s), unless the patient returns to the office from which the hearing aid(s) was purchased, or another outlet of the same company. Consumers are harmed when they, often unknowingly, purchase hearing aids that cannot be serviced or managed in a wide geographic location. Essentially this renders the hearing aid unmanageable, unless the consumer can return to the office where it was originally purchased. In some cases, the office where the hearing aid was purchased goes out of business and the hearing aid user has no recourse except to purchase a new hearing aid. This results in consumer harm through lack of access to manage their devices.

ACTION REQUESTED

A draft legislative proposal to address this problem was discussed at the October 10-11 Board Meeting. Based on that discussion, the legislative proposal has been revised to address the concerns raised. Please review the enclosed legislative language and be prepared to discuss any desired changes to the language. Adopt the legislative proposal

with any desired changes to the language and direct Board Staff to find an Author for the legislative proposal.

**LOCKED HEARING AIDS
PROPOSED LEGISLATION**

Amend Business and Professions Code Section 2538.35 as follows:

ARTICLE 8. Hearing Aid Dispensers [2538.10 - 2538.57]

2538.35.

(a) A licensee shall, prior to the sale of a hearing aid that uses hearing aid software that can only be programmed, serviced, or changed by a specific manufacturer or servicer, provide the consumer with a written notice in 12-point font or larger that states the following: "The hearing aid being purchased can only be programmed, serviced, or changed at specific facilities or locations." The written notice must be signed by the consumer prior to the purchase and kept and maintained with the records pursuant to section 2538.38.

(b) A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

~~(a)~~ (1) The date of consummation of the sale.

~~(b)~~ (2) Specifications as to the make, serial number, and model number of the hearing aid or aids sold.

~~(c)~~ (3) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

~~(d)~~ (4) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact.

~~(e)~~ (5) The number of the licensee's license and the name and license number of any other hearing aid dispenser, temporary licensee, or trainee licensee, who provided any recommendation or consultation regarding the purchase of the hearing aid.

~~(f)~~ (6) The terms of any guarantee or written warranty, required by Section 1793.02 of the Civil Code, made to the purchaser with respect to the hearing aid or hearing aids.

Amend Business and Professions Code Section 2538.35 as follows:

ARTICLE 9. Dispensing Audiologists [2539.1 - 2539.14]

2539.4.

(a) A licensee shall, prior to the sale of a hearing aid that uses hearing aid software that can only be programmed, serviced, or changed by a specific manufacturer or servicer, provide the consumer with a written notice in 12-point font or larger that states the following: "The hearing aid being purchased can only be programmed, serviced, or changed at specific facilities or locations." The written notice must be signed by the consumer prior to the purchase and kept and maintained with the records pursuant to section 2539.10.

(b) A licensed audiologist shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensed audiologist, containing all of the following:

- ~~(a)~~ (1) The date of consummation of the sale.
- ~~(b)~~ (2) Specifications as to the make, serial number, and model number of the hearing aid or aids sold.
- ~~(c)~~ (3) The address of the principal place of business of the licensed audiologist, and the address and office hours at which the licensed audiologist shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.
- ~~(d)~~ (4) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact.
- ~~(e)~~ (5) The number of the licensed audiologist's license and the name and license number of any other hearing aid dispenser, temporary licensee, or audiologist who provided any recommendation or consultation regarding the purchase of the hearing aid.
- ~~(f)~~ (6) The terms of any guarantee or written warranty, required by Section 1793.02 of the Civil Code, made to the purchaser with respect to the hearing aid or hearing aids.



MEMORANDUM

DATE	November 14, 2019
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Heather Olivares, Legislation/Regulation Analyst
SUBJECT	Discussion and Possible Action Regarding Regulations as a Result of AB 2138

BACKGROUND

Assembly Bill (AB) 2138 (Chiu) was signed by Governor Brown on September 30, 2018 and will become operative on July 1, 2020. This legislation amends various provisions of the Business and Professions Code relating to a board's ability to deny a license based on a criminal conviction(s) and revises requirements related to the criteria of rehabilitation that boards must consider when evaluating the denial of an application, discipline of a licensee, a petition for reinstatement, or a petition for early termination of probation. The Legislature's intent in enacting AB 2138 was "to reduce licensing and employment barriers for people who are rehabilitated."

The Board reviewed two different regulatory proposals at the April 11-12, 2019 meeting and decided to move forward with the enclosed regulatory language. As part of the DCA internal review process for all regulations, some minor grammatical errors have been identified, requiring the Board to review and approve the revised regulatory language.

ACTION REQUESTED

Included in your materials are revisions to California Code of Regulations (CCR) Sections 1399.132, 1399.133, 1399.134, 1399.156.1, 1399.156.2, and 1399.156.3. 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 any technical and non-substantive changes that may be required to complete the rulemaking file.

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

CCR Title 16, Division 13.3, Section 1399.132 § 1399.132. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of a hearing aid dispenser's license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a hearing aid dispenser if to a substantial degree it evidences present or potential unfitness of a hearing aid dispenser licensee to perform the functions authorized by his the license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to those involving the following:

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a licensee.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(a) (1) Any violation or attempt to violate of the provisions of Sections 650, 651, 651.3 and 655.2 of the Code.

(b) (2) Any violation or attempt to violate of the provisions of Chapter 7.5, Division 2 of the Business and Professions Code.

(3) Conviction or act involving fiscal or commercial dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.

(4) Conviction or act involving grand theft or embezzlement.

(5) Conviction or act involving child abuse.

(6) Conviction or act regarding elder abuse.

(7) A conviction requiring a person to register as a sex offender pursuant to Section 290 of the Penal Code.

(8) Conviction or act involving lewd conduct or sexual impropriety.

(9) Conviction or act involving assault, battery, or other violence.

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

(10) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.

Note: Authority cited: Sections 493 and 2531.06, Business and Professions Code.
Reference: Sections 141, 480, 481, 490, 493, 2533 and 2533.1, Business and Professions Code.

CCR Title 16, Division 13.3, Section 1399.133 § 1399.133. Criteria for Rehabilitation - Denials and Reinstatements.

(a) When considering the denial of a license or a temporary license under Section 480 of the Business and Professions Code, ~~or the reinstatement of a license, on the ground that the applicant was convicted of a crime, or when considering the reinstatement of a license,~~ the Board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, and if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria: ~~the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for licensing, shall consider the following criteria:~~

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(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating an applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

~~(5)~~ (6) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2531.06, Business and Professions Code.
Reference: Sections 475, 480, 481, 482, 488, 490, 493, 2533 and 2533.1, Business and Professions Code.

CCR Title 16, Division 13.3, Section 1399.134 § 1399.134. Criteria for Rehabilitation - Suspensions and Revocations.

(a) When considering the suspension or revocation of a license or a temporary license on the grounds that the licensee has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation and is presently fit for a license, and if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria: the Board, in evaluating the rehabilitation of such person and his present eligibility for a license or temporary license, will consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently fit for a license if, after considering the following criteria, the Board finds that the licensee is rehabilitated:

(1) The Nature and severity of the act(s) or offense(s) crime(s).

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

(2) ~~The~~ Total criminal record.

(3) ~~Extent of~~ The time that has elapsed since commission of the act(s) or offense(s) crime(s).

(4) Whether the licensee has complied with any or all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

~~(5)~~ (6) If applicable, evidence of expungement dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

~~(6)~~ (7) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 141, 475, 480, 482, 488, 490, 493, 2533 and 2533.1, Business and Professions Code.

CCR Title 16, Division 13.4, Section 1399.156.1 § 1399.156.1. Substantial Relationship Criteria.

(a) For the purposes of denial, suspension, or revocation of a license or registration pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions, or duties of a person holding a license under the Act if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the function authorized by his or her license or registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the Board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of a licensee.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

~~(a)~~ (1) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Act.

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

~~(b) (2) Conviction of a crime involving fiscal or commercial dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.~~

(3) Conviction or act involving grand theft or embezzlement.

(4) Conviction or act involving child abuse.

(5) Conviction or act regarding elder abuse.

(6) A conviction requiring a person to register as a sex offender pursuant to Section 290 of the Penal Code.

(7) Conviction or act involving lewd conduct or sexual impropriety.

(8) Conviction or act involving assault, battery, or other violence.

(9) Conviction or act involving the use of drugs or alcohol to an extent or in a manner dangerous to the individual or the public.

Note: Authority cited: Sections 481, 493, and 2531.95, Business and Professions Code.
Reference: Sections 141, 480, 481, 490, 493, 2533 and 2533.1, Business and Professions Code.

CCR Title 16, Division 13.4, Section 1399.156.2

§ 1399.156.2. Rehabilitation Criteria for Denials and Reinstatements.

~~(a) When considering the denial of a license or registration under Section 480 of the Business and Professions Code, or a petition for reinstatement under Section 11522 of the Government Code, on the ground that the applicant was convicted of a crime, or when considering a petition for reinstatement under Section 11522 of the Government Code, the Board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, and if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria: the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will consider the following criteria:~~

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(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating an applicant's rehabilitation. The Board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the Board finds that the applicant is rehabilitated:

~~(a)~~ (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

~~(b)~~ (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.

~~(c)~~ (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

~~(d)~~ (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subdivision (a)(1)-(5), as applicable.

~~(e)~~ (6) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2531.95, Business and Professions Code.
Reference: Sections 475, 480, 481, 482, 488, 490, 493, 2533 and 2533.1, Business and Professions Code.

CCR Title 16, Division 13.4, Section 1399.156.3 § 1399.156.3. Rehabilitation Criteria for Suspensions or Revocations.

(a) When considering the suspension or revocation of a license on the grounds that a person holding a license or registration under the Act has been convicted of a crime, the Board shall consider whether the licensee made a showing of rehabilitation and is presently fit for a license, and if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria: the Board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:

(1) The nature and gravity of the crime(s).

Criminal Conviction Substantial Relationship and Rehabilitation Criteria

- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.
- (b) If subdivision (a) is inapplicable, or the Board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivision (a), the Board shall apply the following criteria in evaluating a licensee's rehabilitation. The Board shall find that the licensee made a showing of rehabilitation and is presently fit for a license if, after considering the following criteria, the Board finds that the licensee is rehabilitated:
 - ~~(a)~~ (1) The Nature and severity of the act(s) or ~~offense(s)~~ crime(s).
 - ~~(b)~~ (2) The Total criminal record.
 - ~~(c)~~ (3) The time that has elapsed since commission of the act(s) or ~~offense(s)~~ crime(s).
 - ~~(d)~~ (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
 - (5) The criteria in subdivision (a)(1)-(5), as applicable.
 - ~~(e)~~ (6) If applicable, evidence of ~~expungement~~ dismissal proceedings pursuant to Section 1203.4 of the Penal Code.
 - ~~(f)~~ (7) Evidence, if any, of rehabilitation submitted by licensee, certificate or permit holder.

Note: Authority cited: Sections 482 and 2531.95, Business and Professions Code.
Reference: Sections 141, 475, 480, 482, 488, 490, 493, 2533 and 2533.1, Business and Professions Code.



MEMORANDUM

DATE	November 14, 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 Supervised Clinical Experience, Required Professional Experience Speech-Language Pathology Assistant Training Programs, Speech-Language Pathology Assistant Requirements and Qualifications for Registrations

BACKGROUND

At the May 31-June 1, 2018 meeting, the Board approved an application, application checklist, and the associated fieldwork experience/employment work experience verification forms for registration as a speech-language pathology assistant (SLPA). The forms would have been incorporated by reference in California Code of Regulations (CCR) Section 1399.170.13.

However, two sections in the approved SLPA regulations (Sections 1399.170.13 and 1399.170.14) conflict with the Board-approved Speech-Language Pathology and Audiology Fee regulations. In order to continue moving forward with the SLPA regulations, Sections 1399.170.13 and 1399.170.14 are being removed from the regulatory proposal.

ACTION REQUESTED

Included in your materials are revisions to CCR Sections 1399.170, 1399.170.4, 1399.170.10, 1399.170.11, and 1399.170.15. 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 any technical and non-substantive changes that may be required to complete the rulemaking file.

**Amend Sections 1399.170, 1399.170.4, 1399.170.10, 1399.170.11, ~~1399.170.13,~~
~~1399.170.14~~ and 1399.170.15 of Article 12 of Division 13.4 of Title 16 as follows:**

1399.170. Definitions.

As used in this article:

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

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

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

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

(e) "Indirect supervision" means the supervising speech-language pathologist is not at the same facility or in close proximity to the speech-language pathology assistant, but is available to provide supervision by electronic means. Indirect supervision activities performed by the supervising speech-language pathologist may include, but are not limited to, demonstration, record review, review and evaluation of audio or video-taped sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail.

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

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

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

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

(j) "Qualifications deemed equivalent by the Board" means a person who holds a license or has legal authorization to practice.

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

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

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

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

(1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, who must hold a current active license with no disciplinary action within the past five (5) years in speech-language pathology or must have qualifications deemed equivalent by the Board and have practiced under that legal authorization for at least five (5) years, of its intent to offer a new program.

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

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

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

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

1399.170.10. Required Curriculum.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(A2)~~ In the event that the field work experience or clinical experience completed in the bachelor's degree program is deemed deficient by the authorized representative of a board-approved speech-language pathology assistant training program, the applicant may petition the Board for reconsideration.

~~(B3)~~ In lieu of completion of the ~~seventy (70)~~ one-hundred (100) hours of field work experience or clinical experience in a bachelor's degree program as defined in subsection (b) above, the Board may consider the completion of thirty-six weeks ~~nine months~~ of full-time work experience performing the duties of a speech-language pathology assistant enumerated in paragraph (4) of subsection (b) of Section 2538.1 of the Business and Professions Code as equivalent to the required clinical training.

(2) In addition to completion of the bachelor's degree program, completion of a three (3)-unit (semester) or four (4)-unit (quarter) course specific to speech-language pathology assistants, the scope of practice for speech-language pathology assistants, and the California laws and regulations that govern speech-language pathology assistants.

(c) Evidence of completion of an equivalent speech-language pathology assistant associate of arts or science degree program, which includes the competencies defined in the American Speech-Language-Hearing Association's Guidelines for the Training, Credentialing, Use, and Supervision of Speech-Language Pathology Assistants Appendix C - Speech-Language Pathology Assistant Suggested Competencies (1996, Spring).

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

1399.170.13. Application and Fees.

~~(a) Each person desiring registration as a speech language pathology assistant shall file submit a completed application forms (SPA 100 Rev 2018) 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, hereby incorporated by reference, to the board.~~

~~(b) Each person desiring registration as a speech language pathology assistant who has completed a board approved speech language pathology assistant program, shall also submit a completed "Fieldwork Experience Verification - Board Approved Speech Language Pathology Assistant Program" form (FEV 100 Rev 2018), hereby incorporated by reference, with the application. 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.~~

~~(c) Each person desiring registration as a speech language pathology assistant who has completed a bachelor's degree program in speech language pathology or communication disorders pursuant to section 1399.170.11 shall also submit a completed, "Fieldwork Experience Verification - Bachelor's Degree" form (BA FEV 100 Rev 2018), or "Employment Work Experience - Bachelor's Degree" form (WEV 100 Rev 2018), hereby incorporated by reference, to the board with the application.~~

~~(d) Each person desiring registration as a speech language pathology assistant who has completed an equivalent speech language pathology assistant associate of arts or science degree program pursuant to section 1399.170.11 shall also submit a completed "Fieldwork Experience Verification - Equivalent SLPA Program" form (EP FEV 100 Rev 2018), hereby incorporated by reference, to the board.~~

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Sections 2534.2(c) and (f) and 2538.1 and 2538.3 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, Business and Professions Code. Reference: Sections 2534.2(f), 2538.1 and (5), Business and Professions Code.~~

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

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

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

- (1) The speech-language pathology assistant's name and license number.
- (2) The supervisor's name, street addresses, telephone number, speech-language pathology license number or clear credential issue date.
- (3) The date supervision began.
- (4) A statement as to whether the speech-language pathology assistant has more than one supervisor, and if so, if the supervisor submitting the form is the lead supervisor.
- (5) A statement affirming that the supervisor shall:

~~(A1) The supervisor shall possess and maintain a current valid California license as a speech-language pathologist as required in Section 2532 of the Code and Section 1399.160.3 of California Code of Regulations or may hold a valid and current professional clear, clear, or life clinical or rehabilitative services credential in language, speech and hearing issued by the California Commission on Teacher Credentialing, and have at least two years of full-time experience providing services as a licensed speech-language pathologist. "Full-time experience" as used in this section means at least 36 weeks in a calendar year and a minimum of 30 hours per week.~~

~~(B2) The supervisor shall immediately notify the assistant of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.~~

~~(C3)~~ The supervisor shall ~~e~~Ensure that the extent, kind and quality of the clinical work performed is consistent with the training and experience of the person being supervised, and shall be accountable for the assigned tasks performed by the speech-language pathology assistant. The supervisor shall review client/patient records, monitor and evaluate assessment and treatment decisions of the speech-language pathology assistant, and monitor and evaluate the ability of the assistant to provide services at the site(s) where he or she will be practicing and to the particular clientele being treated, and ensure compliance with all laws and regulations governing the practice of speech-language pathology.

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

~~(E4)~~ The supervisor shall ~~e~~Complete not less than six (6) hours of continuing professional development in supervision training ~~in the initial two year period from prior to~~ the commencement of supervision, and three (3) hours in supervision training of continuing professional development every ~~two~~ four (4) years thereafter.

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

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

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

~~(I)~~ The supervisor shall ~~e~~Communicate to the speech-language pathology assistant the manner in which emergencies will be handled.

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

~~(K)~~ Provide a copy of the form to the assistant within 45 business days from the commencement date of supervision.

~~(L)~~ Not supervise more than three (3) support personnel, not more than two of which hold the title of Speech-Language Pathology Assistant.

~~(M)~~ assume responsibility for all services provided to clients by the Speech-Language Pathology Assistant that is being supervised.

~~(c)~~ Continuing professional development training obtained by a Board-approved provider that meets the course content listed below, may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3 of the California Code of Regulations. The content of such training shall include, but is not limited to:

~~(A1)~~ Familiarity with supervision literature through reading assignments specified by course instructors; and

~~(B2)~~ Improving knowledge and understanding of the relationship between the speech-language pathologist and the assistant, and the relationship between the speech-language pathologist and the client.

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(G3) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(D4) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(E5) The practice of clinical speech-language pathology including the mandated reporting laws and knowledge of ethical and legal issues.

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