



## **FULL BOARD MEETING MINUTES**

**February 27-28, 2008**

Kensington Park Hotel  
450 Post Street  
"Sherwood Room"  
San Francisco, CA  
(415) 351-4148

### **Board Members Present**

Lisa O'Connor, M.A., Chairperson  
Naomi Smith, Au.D.  
Robert Hanyak, Au.D.  
Jennifer Hancock, M.A.  
Alison Grimes, Au.D.  
Carol Murphy, M.A.  
Paul Donald, M.D.

### **Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Candace Raney, Staff Analyst  
Lori Pinson, Staff Analyst  
George Ritter, Legal Counsel

### **Guests Present**

Sue Moineau, California State University San Marcos  
Alice Luioclio, California State University San Marcos  
Marcia Raggio, Audiology Program Director, San Francisco State University  
Robert Sweetow, University of California San Francisco  
Rebecca Bingea, University of California San Francisco  
Dennis Van Vliet, Audiologist, California Academy of Audiology  
Ian Windmill, Ph.D., Chair, Accreditation Commission for Audiology Education  
Doris Gordon, Executive Director, Accreditation Commission for Audiology Education  
Mary Anne Hanner, Council on Academic Accreditation, American Speech-Language-Hearing Association  
Tess Kirsch, Council on Academic Accreditation, American Speech-Language-Hearing Association  
Lydia Yu, University of California Office of the President  
Kathleen Mendoza, West Contra Costa Unified School District  
Romelda Famorcan, West Contra Costa Unified School District  
Robert Powell, California Speech-Language-Hearing Association  
Abhay Upadhyaya, Academic Credential Records, Evaluation, and Verification Service  
Teketel Mulugeta, International Institute of California (IIC)  
Anthony Savala, Communication Works  
Hillary Kissack, Communication Works  
**The following guests participated in the meeting via teleconference:**  
Ken O'Donnell, California State University Chancellor's Office

**February 27, 2008**

## **I. Call to Order**

Chairperson O'Connor called the meeting to order at 1:45 p.m.

## **II. Introductions**

Those present introduced themselves.

## **III. Approval of the Committee and Board Meeting Minutes for October 27-28, 2007 Meetings.**

The Board discussed minor grammatical edits to the minutes.

### **M/S/C: Grimes/Smith**

The Board voted to approve the October 27, 2007 Speech-Language Pathology Practice Committee Meeting, the October 27, 2007 Audiology Practice Committee Meeting, and the October 27-28, 2007 full Board meeting minutes as amended.

## **IV. Chairperson's Report (Lisa O'Connor)**

### **A. Update on the California Commission on Teacher Credentialing's (CTC) Credential Reform Recommendations**

Chairperson O'Connor reported that on November 2, 2007 the Board sent a letter to David Pearson, Chair of CTC (letter included in meeting packets) outlining the Board's concerns with the proposed development of the new credential and offering suggestions for other avenues that the CTC might explore in order to accomplish the intended goals of providing additional access to communication therapy. She stated that on November 8, 2007, she and Executive Officer Annemarie Del Mugnaio attended a meeting at CTC where CTC staff Mike McKibbin and Jan Jones Wadsworth presented the full report to the Commission and opened the floor for public comment. Chairperson O'Connor reported that she and approximately 16 other people provided input. She stated that few speech-language pathologists gave testimony objecting to the new credential as there were many more school administrators testifying to the critical access issues and difficulty in recruiting professionals to serve in the vacant speech-language pathology positions. Chairperson O'Connor stated that the administrators were fervent about the exorbitant costs of subcontracting with large rehabilitation companies to fill personnel vacancies. CTC voted to accept the report and move forward to provide the recommendations to the Legislature. Chairperson O'Connor reported that another CTC meeting was held in mid-December where additional testimony was heard. She stated that Robert Powell was in attendance and requested that representatives from the speech-language pathology profession be invited to participate in the work groups established to develop the new credential standards. Chairperson O'Connor stated that she will follow up on the progress of the formation of the work groups and any action regarding the development of the new credential standards and report to the Board at the next meeting. She also stated that CTC anticipates new training programs offering curriculum for the new credential to be available by fall 2009.

### **B. New supervision documents from the American Speech-Language-Hearing Association (ASHA)**

Chairperson O'Connor reported that in 1985 ASHA developed policy documents on supervision in speech-language pathology and audiology, and due to increasing amounts of data from studies on supervision, advances in technology, and a greater understanding of the value of interpersonal factors in the supervisory process, there was a need to update ASHA's 1985 position statement, "Clinical Supervision in Speech-Language Pathology and Audiology." The committee wrote a technical report

(ASHA 2008a) to accompany an updated position statement and a knowledge and skills document for the profession of speech-language pathology (ASHA 2008 b, c). Although the principles of supervision are common to both professions, the updated documents address only speech-language pathology due to differences in pre-service education and practice between the two professions. Chairperson O'Connor reported that supervision has become recognized as a distinct area of practice; guidelines that specify issues related to quality supervision are needed. She stated that since the Board requires 6 hours of professional development in supervision in order to supervise assistants, and revisions to the regulations are moving forward to mandate this same requirement for those supervising RPE candidates, she recommended that the Board consider placing a link on its website to the new ASHA documents on supervision. Chairperson O'Connor referenced the pertinent documents in her written report to the Board.

### **C. Agenda for "What 's on Your Mind" at the California Speech-Language-Hearing Association Convention April 10-13, 2008**

Chairperson O'Connor reported that she, Executive Officer Del Mugnaio, and Board member Bob Hanyak will be present at the CSHA Convention Sunday, April 13<sup>th</sup> for a 90 minute session to discuss licensing issues, including the sunset process. Both Ms. Murphy and Ms. Hancock may also be present.

### **V. Vice Chairperson's Report (Alison Grimes)- Report from the Early Hearing Detection and Intervention Conference- February 25-26, 2008, New Orleans, Louisiana**

Vice Chairperson Grimes reported on an informal meeting she attended in Southern California in mid-February at the House Ear Institute where approximately eighteen audiologists met to discuss the inefficiencies with the current authorization, reimbursement, and tracking processes as managed by Electronic Data Systems (EDS), the payer for California Children's Services (CCS). Vice Chairperson Grimes stated that of the eighteen meeting participants, nine worked in medical facilities, four worked in school districts, and others owned private practices or worked for those in private practice. She stated that the focus of the meeting was to brainstorm on ways in which the billing and reimbursement system of EDS could be improved and to connect with key officials within the state who could assist in promoting the critically needed changes. Vice Chairperson Grimes stated that other issues related to poor and delayed reimbursement of audiology providers included access to qualified pediatric audiologists willing to participate in the CCS Newborn Hearing Screening Program (NHSP). She reported that since there is a significant shortage of providers in the NHSP, and with that there is an antiquated paper/pencil document authorization process, many infants who fail their initial hearing screening wait several months to receive diagnostic testing. She stated that this delay further complicates the diagnostic process as the babies are then too old to be tested in a natural sleep state and must be tested while sedated. Vice Chairperson Grimes commented that few medical settings will perform the diagnostic testing on infants under sedation. She stated that the group also discussed the need to change current CCS provisions requiring an otolaryngologist's clearance for a child to be fitted for hearing aids by an audiologist, as this is unnecessary and further delays critical hearing intervention for children with hearing loss. Vice Chairperson Grimes reported that California has no web-based tracking system for reporting the more than one-half million infants screened annually or to identify the failure rates and referral statistics. She stated that all information is reported and maintained by hard copy documentation, which is time-consuming and untenable given the volume of infant hearing screenings now conducted in California. Vice Chairperson Grimes commented that many CCS audiology providers are concerned about the bulk rate purchasing of hearing aids being considered by the Department of Health Services. She stated that if the proposed purchasing design results in lower reimbursement rates for existing providers, many will no longer participate in the CCS program as there would be little or no profit for the audiologist, and in many cases, would likely not even cover costs of providing services.

Vice Chairperson Grimes reported on the Early Hearing Detection and Intervention Conference (EHDIC) held in New Orleans on February 19, 2008, which was attended by many stakeholders involved in caring for those with hearing loss. Participants included hard of hearing specialists, school administrators, physicians, psychologists, parent advocates, and many others. She stated that one of the main focuses of the conference was to exchange information among states regarding issues and challenges and to identify best practices. Vice Chairperson Grimes reported that California statistically has greater success than any other state in linking infants with follow-up services, with only 10% of infants reported as loss-to-follow-up. She stated that the national average is about 50-60% loss-to-follow-up for infants who failed the initial hearing screening and then were referred in a timely manner for follow-up diagnostic testing. Vice Chairperson Grimes stated that a key component in higher referral rates in California is the fact that California has a single point of entry within the NHSP and that all information and referrals are handled by the same unit within the NHSP. She noted that other states reported a more bifurcated system.

Vice Chairperson Grimes proposed that the Board write a letter to California First Lady Marie Shriver and request some high-level assistance with convening a meeting of state stakeholders involved in the hearing screening and intervention process in order to outline the current issues and identify future solutions for a more effective system. She stated that the issues should be clearly identified, such as access to qualified providers, inefficient reimbursement and authorization processes, the need for automated and integrated reporting systems, and the development and training of CCS providers on pediatric audiology standards. Vice Chairperson Grimes reiterated that the letter should reflect the consumer protection crisis facing this state if changes are not made swiftly.

Robert Powell commented that it was Governor Wilson's wife who initiated the original newborn hearing screening legislation.

**M/S/C: Grimes/Smith**

The Board delegated to Vice Chairperson Grimes the task of developing the letter to First Lady Shriver expressing the Board's concerns regarding the existing systems within CCS and the NHSP and requesting the First Lady's assistance with convening a meeting of key stakeholders in the state to discuss the outlined concerns.

**VI. Examine the Accreditation Standards for Doctoral Training in Audiology –Presentations from the Council on Academic Accreditation (CAA) and the Accreditation Commission on Audiology Education (ACAE)**

Representatives from the CAA provided background regarding the history of the accrediting body and its predecessors and explained the development of the speech-language pathology and audiology program accreditation standards and the standards implementation process. The representatives also reported on the development of the new accreditation standards for the doctoral training in audiology and provided an overview of the new candidacy program and eligibility requirements, including specified time frames. CAA also reported on a new project involving higher education data collection and posting aggregate data on accredited institutions on the ASHA website.

The Board inquired about whether programs must hire clinical supervisors who hold the Certificate of Clinical Competence (CCC) in order to be accredited by CAA.

Ms. Kirsch indicated that while the requirement for all clinical supervisors to hold the CCC is not one of the accreditation standards, a program must provide an avenue for its students to obtain the CCC, and in order to obtain the CCC, the student must have been supervised by a supervisor holding the CCC.

Robert Sweetow inquired whether any programs seeking accreditation had ever been denied accreditation status or whether CAA had revoked accreditation of a previously accredited program.

Ms. Kirsch responded that she was not aware of the CAA revoking a program's accreditation status, but that there have been programs with noted deficiencies that were placed on probation until the deficiencies were cured.

Representatives from the ACAE addressed the Board with intent to gain Board approval as a recognized accrediting body for audiology training programs. The ACAE representatives provided a detailed overview of how the ACAE originated, the process for developing an accrediting body, and the development of its program accreditation standards specific to doctoral training in audiology. The representatives also presented information on its interactive web-based data collection system where training program data is stored, updated, and evaluated, and which is used for future program evaluations, improvement plans, and to share best practices amongst participating institutions.

**M/S/C: Smith/Hancock Recused Vote: Grimes**

The Board voted to acknowledge the ACAE as an accrediting body for audiology training programs for the purpose of state licensure eligibility for graduates from an ACAE accredited program.

Chairperson O'Connor also suggested that the Board write a letter of concern to the CAA regarding the rigid timeframes enforced by CAA for seeking initial accreditation given the fact that the CAA recently imposed a nine-month moratorium, and given the difficulties new programs may face in adhering to the imposed times frames while trying to meet the new programs proposed start dates.

**M/S/C: Murphy/Grimes**

The Board voted to approve sending a letter to CAA to express its concerns regarding the imposed accreditation timeframes and delegated to Chairperson O'Connor to craft the letter with input from Executive Officer Del Mugnaio.

## **VII. Discussion of Status of the Development of the Audiology Joint-Doctoral Training Programs in California**

Lydia Yu from the University of California (UC) Office of the President addressed the Board and provided an update from the UC system on joint program development. Ms. Yu stated that while both systems have attempted to work through the budget issues, there is still a remaining deficit in start-up resources. She commented that, given the state budget crisis and the mandatory 10% budget cuts from the higher education system budgets, there is little reserve to be allocated to new programs. Ms. Yu indicated that further discussion between the two systems (the Interim President of the UC and the California State University Chancellor's Office) is expected to occur within the next two weeks.

Mr. Ken O'Donnell from the California State University (CSU) Chancellor's Office addressed the Board via teleconference and reported that the CSU has not made any strides in terms of locating additional funding for the new programs. He stated that while the UC is seeking system-level support for the programs, the CSU is asking each campus to sustain start-up costs from the institution's discretionary funds. He commented that, given the recent budget cuts, it is unlikely that each campus

is going to have a surplus to devote to the audiology programs. He suggested that the start-up costs at the CSU campuses should be much less than the UC campuses, as the CSU already has the infrastructure in place for training students in audiology.

Mr. O'Donnell stated that the goal of meeting the fall 2009 program enrollment date does not appear to be viable given the unresolved budget issues.

Robert Sweetow from the University of California, San Francisco (UCSF) commented that the UC Graduate Council requires an approved budget to move forward with program implementation and there is still no finalized budget for the joint program. He stated that once he and Marcia Raggio of CSU San Francisco have an approved program budget, they could submit all of the necessary documentation to the Graduate Council within a month; however, there is still the issue of the program accreditation process. Mr. Sweetow stated that unless a budget is approved within the next few months, it would be almost impossible to project a fall 2009 program start date. He also commented that the UC counterpart of the joint venture with CSU brings more resources in terms of faculty, facility, and patient population to the partnership than does the CSU, and thus counters the argument that the CSU has a greater infrastructure in place and should bear less financial responsibility for start-up costs.

Ms. Raggio stated that potential students who have expressed a strong desire to pursue audiology training are starting to lose interest due to the delay in the training opportunities. She commented that the state cannot afford to abandon its responsibility to train new audiologists given the existing critical shortages in professional services.

**VIII. Discuss Development and Program Approval Issues with the Speech-Language Pathology Master's Degree Program at California State University San Marcos (*Suzanne Moineau, Ph.D., Program Director will be present to address the Board*)**

Ms. Moineau addressed the Board and explained that California State University San Marcos (CSUSM) has been developing a new Master's level program in Communicative Sciences and Disorders to address the critical shortage for speech-language pathologists. She stated that the initiative arose when the local San Diego school districts approached the College of Education at CSUSM and requested assistance in alleviating the shortage of qualified speech-language pathology practitioners to work in the public schools. She stated that the CSUSM's mission is to service the public schools and submitted an application for accreditation to the California Commission on Teacher Credentialing (CCTC) in October 2005. Ms. Moineau explained that she was hired in January 2006 to administer this program, at which time she believed it was beneficial to the program to seek accreditation through the American Speech-Language-Hearing Association (ASHA), as well. She stated that initially the program and curriculum was written with school-based practice in mind; therefore, much of the curriculum needed to be amended to meet the Council of Academic Accreditation (CAA) standards. Ms. Moineau explained that she spent much of the following year reviewing the standards, reworking and rewriting the program and curriculum, and obtaining institutional approval of the amendments. Ms. Moineau indicated that the changes reflect the CAA 2008 standards requirements and have been approved by the CCTC as of October 2007. She further explained that in early 2007 she began preparation of the application for "In-Candidacy" status through CAA; however, these efforts were halted by the moratorium that CAA issued in March 2007 on submission of new applications. Ms. Moineau explained that while CAA has lifted the moratorium, it has delayed the program review more than nine months. She further stated that, as part of the new CAA "In-Candidacy" application, programs have to guarantee CAA that they will not enroll any new students until the program has been granted In-Candidacy status, which is a documented 12-18 month review process. She stated that if CSUSM were to pursue CAA In-Candidacy status, it would be delayed by two years due to the timing of the moratorium and the new CAA review timeframes. Ms. Moineau explained that the CSUSM's program is scheduled to enroll students in fall

2008 and that this start date was communicated to the local school districts whose administrators are eager for the training to commence. Ms. Moineau explained that the CSUSM has every intention of applying for full accreditation through CAA; however, in order to do so, the school must produce student data and must have had a cohort of students already through the program. She explained that in order to open in fall 2008, CSUSM must forego the CAA application for In-Candidacy and would need to seek another form of approval from the Board in order to secure licensure eligibility for its first cohort of graduating students. She requested that the Board consider reviewing the CSUSM program for Board approval as authorized in the California Code of Regulations Section 1399.152. (e). She reiterated that the program has been written to comply with the 2008 CAA standards and has received approval at the institutional level (CSUSM's review committees for curriculum, budget and long-range planning, executive council and senate) and accreditation from the CCTC.

The Board discussed the option of reviewing the curriculum and administrative support of the program and decided it was appropriate for a two-member committee with specific expertise in program development to review the CSUSM materials.

Chairperson O'Connor delegated herself and Board member Hanyak to work together on the review and to report their recommendation to the Board at the May 22-23, 2008 Board meeting.

Chairperson O'Connor adjourned the meeting at 6:30 p.m.

## **February 28, 2008**

Chairperson O'Connor reconvened the full Board meeting at 8:53 a.m.

### **IX. Executive Officer's Report (Annemarie Del Mugnaio)**

#### **A. Report from the Cedars-Sinai Continuing Education Speech-Language Pathology Practices Issues Forum- January 15, 2008 –Cedars-Sinai Medical Center**

Executive Officer Del Mugnaio reported that she presented on the following topics at the Practices Issues Forum:

- Sunset review process
- Universal Licensure Support
- Foreign Trained Applicants – Communication barriers/Clinical Competence Issues/ Process for Obtaining Work Visas
- Examination Validation Studies
- New Continuing Professional Development Changes
- Encroachment Issues as related to Occupational Therapists/Behaviorists/ Early Interventionists

Chairperson O'Connor inquired about the state requirements for early intervention and whether someone must have an Early Intervention Credential to serve the 0-3 year old population.

Robert Powell explained that there is both an Early Intervention Credential and an assistant credential as issued by the CCTC. However, he indicated that licensed individuals should not be precluded from treating the 0-3 year old population.

Board member Smith indicated that the Local Education Agencies serve the 0-3 population with low incidence disabilities, while the Department of Development Services Regional Centers serve all other disabilities. She indicated that most often there is overlap in the support responsibility between the two governmental agencies.

Chairperson O'Connor commented that the Board should locate resource material on Early Intervention guidelines to include on its website, as the process is extremely confusing for practitioners and is likely more convoluted for parents of children in need of special services.

Board member Smith agreed to consult a colleague of hers in the school district who has expertise in the approval process for Early Intervention services. Board member Smith stated that there is likely resource information readily available that the Board may use to develop frequently asked questions for its website.

## **B. Budget Update- Out-of-State Travel Request**

Executive Officer Del Mugnaio reviewed the FY 07/08 budget expenditure and projection report as of January 31, 2008, as included in the meeting packets. She stated that she will continue to monitor Attorney General expenses carefully, as the appropriated funding for enforcement has historically been insufficient (especially the past 2 years). Executive Officer Del Mugnaio stated that in the past the Board has been forced to redirect funding from other line items in order to support on-going enforcement efforts, especially disciplinary cases. She stated that the FY 07/08 budget includes an augmentation of \$72,000 for the examination validation studies for both the speech-language pathology and audiology licensing examinations.

Executive Officer Del Mugnaio stated that out-of-state travel funding will need to be secured in March for the National Council of State Boards of Examiners (NCSB) to be held October 16-18, 2008, in Vienna, Virginia. The state will only fund one person to travel to an out-of-state conference. She stated that Lisa O'Connor is already scheduled to attend the conference as a newly appointed NCSB board member and hopes to represent the Board as well; however, the Board will be transitioned to a Bureau by this date and this may impact her approval to travel. Executive Officer Del Mugnaio stated that the Department must approve a Bureau's out-of-state travel, which is prioritized among all other Departmental travel requests.

## **C. Review/Status of Proposed Regulations**

### **1. Qualifications for Clinical Supervisors of Students and Individuals Completing the Required Professional Experience- California Code of Regulations Section 1399.152.2- 1399.153**

Executive Officer Del Mugnaio reported that the final rulemaking file was finalized and submitted to the Department for review. She stated that the Department has 30 days to review the file before it can be filed with the Office of Administrative Law. She stated that the final regulations should be in effect by early May 2008.

Chairperson O'Connor requested that the recently developed ASHA documents regarding knowledge and skills for clinical supervision be included on the Board's website as a recommended link for further resource material.

Executive Officer Del Mugnaio indicated that she would request the permission of ASHA to link to the new documents once finalized by ASHA.

### **2. Audiology Aide Regulations – California Code of Regulations Section 1399.154-1399.154.2**



Executive Officer Del Mugnaio stated that the proposed language redefining the supervision standards for audiology aides is included in the meeting packets. She stated that the proposed regulations were not publicly noticed as she believes the Board needs to revisit the intent of the changes currently included in the language. Executive Officer Del Mugnaio commented that, after reviewing prior meeting minutes and supporting documents regarding the Board's intent to revisit the current aide regulations, it was clear that the Board was in favor of modifying existing standards to more clearly define the direct supervision of audiology aides for specific tasks and to provide a more indirect level of supervision for tasks that are currently provided by audiology aides but that do not require the physical presence of the supervisor. Executive Officer Del Mugnaio commented that the existing language does not appear to accomplish the intended goal. She inquired whether the audiology Board members would be interested in reviewing the preliminary documents as provided at earlier meetings and formulating a recommendation to the Board regarding the proposed changes to existing statutes and regulations.

Vice Chairperson Grimes and Board member Hanyak agreed to review the documents as compiled by Executive Officer Del Mugnaio in order to recommend a focused course of action to the Board.

#### **D. Examination Validation Study Schedule- Office of Examination Resources**

Executive Officer Del Mugnaio stated that the Board was scheduled to conduct its examination validation studies in fiscal year 07/08 for both the speech-language pathology and the audiology licensing examinations. However, after gathering the pertinent job analysis reports from ASHA and the Educational Testing Service (ETS), the Department's Office of Examination Resources concluded that the reports available to date are much too antiquated to use as a relevant "practice analysis" in order to validate the national examinations as required for the purpose of California licensure. Executive Officer Del Mugnaio stated that she has been in contact with representatives from ASHA to obtain the current job studies for both audiology and speech-language pathology once they are available. She stated that ASHA commissioned the ETS to complete the audiology practice analysis in late 2007; the study is scheduled to be finalized and available for public inspection by spring 2008. Executive Officer Del Mugnaio reported that ASHA has also informed her that a practice analysis for speech-language pathology should begin in 2008, with a prospective completion date in fall 2009. She reported that the Office of Examination Resources has agreed to use the funds appropriated this year for the work they must do to conduct the validation study, even though that work will not begin until late 2008.

#### **E. DCA Board & Bureau Consumer Advocacy Conference, November 17-21, 2008, Los Angeles**

Executive Officer Del Mugnaio reported that the Department of Consumer Affairs is joining forces with the boards and bureaus, as well as many consumer advocacy groups, and will conduct a week long consumer summit in Los Angeles the week of November 17, 2008. She stated that the concept is that each board/bureau will conduct their independent fall 2008 quarterly meeting during the week of the consumer summit and will also be present to attend other relevant consumer protection forums. Executive Officer Del Mugnaio stated that this will provide board members an opportunity to interact with appointed officials from other boards and meet leaders from the Department and the various consumer groups. She stated that the Board's meeting (which will be a "Bureau" meeting by this date) is scheduled for Thursday, November 20, 2008.

#### **F. Miscellaneous- Internal Audit Status Update/ Howe Avenue Move Update/Website Changes**

Executive Officer Del Mugnaio reported that the Department audited the Board's internal operations and noted significant deficiencies in the Board's cashiering functions and other minor deficiencies with the Board's Strategic Plan and Required Professional Experience licensing processes. She stated that she and staff completed the majority of the necessary operational changes with the exception of amending the Board's Strategic Plan. Executive Officer Del Mugnaio stated that she has requested guidance from the Department regarding the necessary plan modifications and has been instructed that further guidelines will be forthcoming. She stated that she will notify the Board at such time that another strategic planning session may be scheduled and commented that it may be necessary to contract with an outside facilitator. She further reported that the 180-day follow-up audit review is underway.

Executive Officer Del Mugnaio reported on the following operational updates:

- The Department is in the process of completing the 180-day follow-up audit to review the Board's documented progress on the deficiencies noted in the initial audit findings. The staff is working toward reaching compliance with its cashiering processes and should be prepared to demonstrate such during the 360-day final audit review to be conducted late June/July 2008.
- The Board Office move date is March 21, 2008. There is a notice on the Board's website regarding the relocation timeline and the new office address.
- The Board's webpage layout has been changed to reflect the new web design state standards. The homepage and linked resources pages are organized under tool bar headings with mouse over-lay navigation.
- A final 2007/08 Continuing Professional Development audit statistics report is included in the meeting packets.

Chairperson O'Connor appointed Board member Hanyak to the Audiology Practice Committee and the Licensing and Education Committee.

## **X. Legislation**

### **A. SB 797 – SLPAB Sunset Extension- Discussion of Possible Transition to Bureau Under the Department of Consumer Affairs – (*Representative from Department of Consumer Affairs*)**

The Director of the Department of Consumer Affairs Carrie Lopez provided an overview of the transition of the Board to a bureau status. She explained the circumstances surrounding the unintentional sunset of four boards within the Department as of July 1, 2008: Speech-Language Pathology and Audiology Board, Dental Board, Board of Vocational Nursing and Psychiatric Technicians, and Board of Barbering and Cosmetology. Ms. Lopez commented on the Department's intent to maintain stability of all of the Board's operations and action plans for addressing its professional and strategic issues. She explained that the Department has invited existing Board members to serve as advisory committee members once the Board's authority has transitioned to a bureau within the Department. Ms. Lopez also commented on the Department's commitment to work with the existing executive officers of the affected boards to secure some continuity during the transition phase. Ms. Lopez stated that the transition in the authority of the boards will have no impact on their consumer protection roles and instituted programs and should not interrupt the business functions of the entities. She stated that the Department is approaching the transition as a temporary reorganization of authority and that there is no opposition for supporting a legislative movement to reauthorize the entities as boards on January 1, 2009.

Executive Officer Del Mugnaio reported that SB 797, which was once an urgency vehicle to extend the sunset of the affected boards, will be amended to provide for transitional continuity of these agencies once they become bureaus on July 1, 2008, and will include provisions for retaining the executive

officers as bureau chiefs, the board members as advisory committee members, and other operational authority provisions. She explained that due to the constitutional prohibition regarding extending an agency by urgency legislation, the Senate Business Professions and Economic Development Committee determined that the reauthorization of the Board should be accomplished by a non-urgency legislative vehicle. She stated that once the new bill has been identified, she will share such information with the Board.

The Board discussed the transition to the bureau status and inquired about the procedural changes that must occur once the Board becomes a Bureau, in terms of delegation of authority to the Director of the Department for making all policy, regulatory, and enforcement decisions.

Executive Officer Del Mugnaio stated that more information will be provided at the May 22-23, 2008 Board meeting regarding such procedural changes.

### **B. Legislation Regarding Eliminating the Requirement for Audiologists to Hold the Hearing Aid Dispensers License**

Executive Officer Del Mugnaio reported that the California Academy of Audiology (CAA) had approached Senator Wiggins regarding authoring legislation to eliminate the need for audiologists to hold the hearing aid dispensers license. She stated that she participated in meetings with Senator Wiggins, along with audiologists Jody Winzelberg and Robert Ivory who represented CAA, and with CAA's lobbyists Barry Brokaw and Jim Stassy. The Board and the representatives from CAA attempted to explain the rationale for eliminating the requirement that audiologists hold both Audiology and Hearing Aid Dispenser licenses. Executive Officer Del Mugnaio reported that she and the CAA representatives explained to Senator Wiggins that audiologists are highly-trained hearing specialists who receive substantially more formal training than hearing aid dispensers regarding selecting and fitting appropriate hearing amplification, and who already hold a state regulatory license to practice their profession and to monitor any competency issues. She reported that other supporting arguments were made regarding the confusion to consumers as to which Board regulates which profession and at what point it is appropriate to file a complaint with the other entity. Executive Officer Del Mugnaio stated that CAA also provided documents to Senator Wiggins regarding the audiology course work, clinical experience, and routine examinations that are included in audiologists' training. She explained that the Hearing Healthcare Providers are opposed to the concept, as the group believes that audiologists should be required to take and pass the same practical examination administered to hearing aid dispensers in order to demonstrate competency in hearing aid selection and fitting. Executive Officer Del Mugnaio reported that during the meeting Mr. Ivory noted that audiologists are already authorized to perform hearing aid evaluations and selection of hearing instrumentation in current statute and that this issue is not one of competency or scope of authority. Executive Officer Del Mugnaio stated that she noted that the change in authority is about the sale of the hearing aid and the execution of the contract, which is not included as a part of the hearing aid practical examination. She stated that Senator Wiggins ultimately declined to carry the provisions during the 2007-08 legislative session.

Executive Officer Del Mugnaio indicated that she has engaged in further discussions with CAA, and since the Board is on record as supporting the elimination of the dual licensure issue, she was attempting to research other options for moving forward with the initiative. She recommended that the Board request a legal opinion from Board Legal Counsel George Ritter regarding the existing statutory authority for audiologists to select and fit hearing instruments in order to provide potential legislators with the appropriate legal conclusion: that the initiative to eliminate the need for audiologists to hold the hearing aid dispensers license is not an expansion of the current scope of practice for audiologists, and thus, does not pose a consumer protection risk.

**M/S/C: Hanyak/Smith**

The Board voted to delegate to Legal Counsel Ritter the task of developing a legal opinion regarding the audiologist's scope of practice authority to select and fit hearing instrumentation and to waive the attorney-client privilege of the opinion so that the information may be shared with other interested parties.

### **C. Other Legislation of Interest to the Board**

No other legislation was discussed.

### **XI. Review Legislative Proposal Amending Entry-Level Licensing Requirements For Audiologists & Discussion of the Provisional Licensing of Audiology Doctoral Students Completing the Final Clinical Externship**

Executive Officer Del Mugnaio reviewed the proposed language that she and Legal Counsel Ritter developed and requested the Board to review the proposed language as included in the meeting packets. She stated that the Board had already approved at prior Board meetings the language relative to raising the entry-level licensing requirements for audiologists to the doctoral training standards as proposed in Section 2532.25 of the new language. She further stated that, at its October 26, 2008 meeting, the Board approved the plan to retain the requirement for audiologists completing the 4<sup>th</sup> year externship in California to hold the required professional experience temporary license, and delegated to Legal Counsel Ritter the task of crafting equivalency provisions for audiologists completing their clinical externship in other states under the auspices of a Board-approved audiology doctoral training program where provisional licensing is not required. Executive Officer Del Mugnaio stated that the amendments included in existing Section 2532.7 reflect the proposed equivalency language as prepared by Legal Counsel Ritter.

The Board reviewed the proposed language and discussed simplifying the new equivalency language for audiology doctoral students completing the 4<sup>th</sup> year externship in another state.

Executive Officer Del Mugnaio proposed that the equivalency language refer back to the new entry-level licensing provisions regarding the Board-approved audiology doctoral training program requirements.

**M/S/C: O'Connor/Grimes**

The Board voted to accept the proposed language as amended, adding provisions Business and Professions Code Section 2532.25 and amending Section 2532.7 regarding changing the entry-level licensing standards to reflect audiology doctoral training and to provide for equivalency of audiology doctoral students completing the clinical externship in another state.

Executive Officer Del Mugnaio indicated that she would forward the proposed language to the Senate Business Professions and Economic Development Committee with a request for inclusion in a legislative omnibus bill during the 2008 legislative cycle. She stated that she has already had preliminary discussions with the Committee consultant on the legislative initiative and may need to supply the Committee with supporting documentation evidencing the demand for the increase in training. Executive Officer Del Mugnaio commented that the Board may need to convince skeptics that the proposal is not an attempt at degree inflation, but is a public demand for more highly skilled and trained audiologists to serve the consumer health care needs. She requested the Board members

recommend any supporting documents that may be persuasive in this effort. The Board recommended the following professional literature as supporting evidence: The Joint Commission on Infant Hearing Standards, the UC Study Report on the Need for Doctoral Education in Audiology, and the Executive Summary supporting the new doctoral training standards for audiology developed for the Academic Senate of California State University San Francisco.

## **XII. Explore Options for Evaluating the Academic Training & Professional Competency of Foreign Educated Applicants Seeking Licensure**

Executive Officer Del Mugnaio stated that the Board has been examining the process for evaluating the education and professional training of foreign educated applicants to determine whether new controls or processes should be implemented in order to assess the foreign trained individual's professional competency to provide services in the state. She stated that the Board had categorized the three major review processes, at previous board meetings, that either need to be implemented by regulation or amended by policy to more carefully examine the knowledge and skills for those trained abroad. Executive Officer Del Mugnaio referenced the foreign educated training issues report as included in the meeting packets and outlined the action items for consideration as follows:

- Is the existing transcript evaluation process rigorous or detailed enough to assess academic equivalence to US training? Should the Board request the evaluation services to provide a specific health professions license evaluation report ( a few offer this option to licensing agencies) where specific criteria in terms of a minimum number of units, course descriptions, and clinical training specifications, are documented by the requesting agency, and provided to the evaluation service to use in determining academic equivalence. If yes, what information should be developed or exists as applicable for this purpose?
- Should the Board form an ad hoc committee to review the TOEFL examination in terms of gaining a better understanding of the exam scope and to assess whether the Board should require such an examination for all foreign educated applicants?
- Are there additional benchmarks or performance measures that should be added to the RPE requirements in terms of documented supervisor evaluations that may help identify clinical performance issues in foreign-trained? If so, what tools/forms should be implemented to capture such information? Would a form such as that supplied by ASHA for supervision during the Clinical Fellowship Year (CFY) be helpful?
- What additional training, if any, should be required for foreign trained applicants who can not demonstrate entry-level competency during their required professional experience?

Executive Officer Del Mugnaio reported that the Board recently sent a letter to all its approved transcript evaluation services inquiring about the process employed by each service to determine academic equivalence between foreign academic training and unit standards and the United States academic grading system. She stated that the Board requires that all foreign transcripts be evaluated based on a course-by-course assessment wherein each course is reviewed based on a course description and evaluated against a corresponding US academic course.

Chairperson O'Connor inquired as to the process employed by the services to determine the parity between the US course and the foreign coursework at the foreign institution.

Representatives of the evaluation services addressed the Board and provided an overview of the evaluation process, explaining that the evaluation has levels of review beginning with an assessment of the higher education systems and academic standards for a given foreign country, verifying the authenticity of the institution itself, a detailed review of the course content based on catalogue descriptions, and a grade and unit measure of the particular program. The representatives commented that the assessments are objective and resource materials documenting the educational criteria in the country of origin are consulted in order to make a determination of degree equivalence to US academic standards. The representatives indicated that a specific resource document as developed by the Board may be helpful in reviewing the curriculum requirements for US training specific to speech-language pathology or audiology.

Chairperson O'Connor stated that since the audiology profession has moved to the doctoral training standards, the foreign academic equivalency should not be an issue as she is not aware of any foreign audiology doctoral training programs.

Executive Officer Del Mugnaio stated that the licensure laws have not yet been amended to reflect the doctoral training standard for audiology, however, the transcript evaluation disparity has not been an issue with audiology training but rather is centered around foreign trained speech-language pathologists.

Board member Hanyak indicated that there is a significant degree of consistency and standardization in the training requirements amongst the state training programs and that it would be manageable to review the course catalogue requirements of a sampling of training programs and outline the comparable curriculum requirements. He stated that the research will likely conclude greater consistency in the undergraduate requirements and uniformity in course titles, with more disparity in course descriptions at the graduate level, however, the course content should be fairly consistent. Board member Hanyak stated that the course catalogue information for the training programs is available on the internet.

Chairperson O'Connor inquired about the clinical training evaluation and whether there is an assessment of the population served by the foreign student during the clinical training of the foreign program.

The representatives of the evaluation service noted that the clinical training is assessed and translated by hours and actual client base.

Executive Officer Del Mugnaio inquired whether the Board staff should continue to review the foreign transcripts to ensure that the foreign applicant has obtained the requisite 30 semester units at the graduate training level as required by regulation.

The Board concurred that the requirement for the 30 semester units should be retained and verified on foreign transcripts.

Board member Hanyak indicated that foreign applicants have approached faculty at the University of Pacific requesting the university to conduct a transcript evaluation per direction of the Board.

Executive Officer Del Mugnaio stated that the Board does not direct applicants to seek transcript evaluation from the state training programs for the purpose of demonstrating degree equivalence for state licensure. She explained that Board staff will inform applicants that the degree equivalence has not been satisfied based on the report from the transcript evaluation service and, therefore, the applicant may consult with a state training program on completing the necessary coursework in order to meet the licensing standards. Executive Officer Del Mugnaio also explained that some foreign educated are interested in pursuing registration as speech-language pathology assistants and, therefore, may be contacting a state training program to obtain the requisite 70 clinical hours.

Chairperson O'Connor stated that state university programs should not be responsible for evaluating foreign transcripts as faculty do not have the time or expertise to take on such an endeavor.

A public participant inquired whether a foreign trained practitioner licensed in another state or one who holds the Certificate of Clinical Competence (CCC) issued by ASHA would be eligible for state licensure even if the degree equivalence has not been verified by a transcript evaluation service.

Chairperson O'Connor stated that the Board would not license an individual who did not meet the degree equivalence regardless of their other licenses or certifications as ASHA recognizes a quadrilateral mutual agreement with countries that the Board does not endorse.

Executive Officer Del Mugnaio indicated that the Board also must address examining the evident language barrier issue that has been reported to the Board as problematic with some foreign-trained practitioners. She stated that the Board had discussed at prior meetings the concept of requiring foreign-educated applicants to pass a language competency examination as a condition of licensure. Executive Officer Del Mugnaio suggested that the Board assign a subcommittee to review one of the language-based competency examination used by US Immigration to assess English-language competency. She indicated that the Educational Testing Services (ETS) had provided her with a one-time examination tutorial to review the Test of English as a Foreign Language (TOEFL) examination.

Chairperson O'Connor indicated that she would be in favor of having all the members of the Speech-Language Pathology Practice Committee review examination as the recommendation to require a new examination is a major regulatory change that must be carefully measured.

The Board proceeded to discuss the need for a more comprehensive required professional experience (RPE) evaluation form in order for supervisors to document any competency and performance issues on a more frequent basis and to report such issues to the Board in a timely manner.

Chairperson O'Connor stated that the implementation of a new RPE tool should be a process employed for all RPEs not just the foreign trained.

The Board concurred and discussed existing ratings forms used by RPE supervisors in different work settings that may be useful as a template for the Board to consider.

Chairperson O'Connor delegated to Executive Officer Del Mugnaio the task of organizing a teleconference of the Speech-Language Pathology Practice Committee wherein the Committee members will discuss the following assignments: 1) Evaluating a sampling of state training program curriculum in speech-language pathology with a goal of developing a resource document to supply to transcript evaluation services. 2) Reviewing the ETS TOEFL examination. 3) Developing a new RPE clinical evaluation form in order for RPE supervisors to more frequently document the clinical performance of the RPE.

A member of the public expressed their concern regarding a personal experience working with a foreign educated practitioner who clearly did not possess the necessary professional knowledge and clinical skills and indicated that they were pleased that the Board was addressing the issue of assessing the foreign education and training of individuals trained outside of the U.S.

### **XIII. Examine Licensing Requirements & Possibility of Creating Reciprocity with Other States**

Executive Officer Del Mugnaio reported that the Board examined other state provisions regarding reciprocity at its October 26, 2008 Board meeting, at which time she agreed to conduct research on the process that other states employ to determine the equivalent licensing provisions. She stated that the information contained in the meeting packets represents the most recent information as provided by seven states that maintain some form of reciprocity with other state licensure boards. Executive Officer Del Mugnaio stated that the move toward creating reciprocity is a major legislative undertaking in that the Board would need to identify by statute and regulation the states that hold an equivalent or higher standard in entry-level professional requirements. She stated that there is also an issue in implementing reciprocity provisions in terms of whether the Board authorizes cross-border practice authorization. She commented that the issue for audiology should be explored further once California's licensing provisions have been amended to require the doctoral degree in audiology as the entry-level training standard.

Vice Chairperson Grimes commented that since the state is in desperate need of more providers, it would be beneficial to create some form of license reciprocity or portability in order to simplify the process for out-of-state licensees to move to California and practice audiology.

The Board discussed the process for establishing reciprocity provisions and agreed to table the issue until the licensing provisions for audiologists have been amended to reflect doctoral training as the entry-level standard.

### **XIV. Licensing/Enforcement Statistical Data**

The Board reviewed the statistical data as provided by staff.

Chairperson O'Connor requested that, if possible, she would like the staff to provide statistics on the number of speech-language pathology assistants registered who hold an Associates Degree versus the Bachelors Degree in order to track the trend of those seeking registration after completing the undergraduate study.

Staff Analyst Pinson agreed to research the available data to determine whether such reports can be generated from existing data.

### **XV. Public Comment on Items Not on the Agenda**

No further public comments were made at this time.

### **XVI. Announcements**

Chairperson O'Connor announced the future board meeting scheduled for May 22-23, 2008 in Sacramento, August 21-22, 2008 in San Diego, and November 20, 2008 in Los Angeles

### **BOARD WILL CONVENE IN CLOSED SESSION**

### **XVII. Closed Session (pursuant to Government Code Subsections 11126 (a)(1) (c)(3) Proposed Decisions/Stipulations/ Other APA Enforcement Actions**



**A. Proposed Stipulation and Settlement for Probation In the Matter of the Accusation Against Pamela Lee Ball Von Pinnon, AU 417**

**BOARD WILL RECONVENE IN OPEN SESSION**

**XVIII. Adjournment**

Chairperson O'Connor adjourned the meeting at 2:06 p.m.

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Annemarie Del Mugnaio, Executive Officer