



FULL BOARD MEETING MINUTES

February 13, 2009

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

Board Members Present

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

Staff Present

Annemarie Del Mugnaio, Executive Officer
Cynthia Alameda, Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel

Board Members Absent

Paul Donald, M.D.

Guests Present

Jody Winzelberg, Lucille Packard Children's Hospital
Mellonie Yang, Hearing Aid Dispensers Bureau
Pamela Petty, Department of Consumer Affairs Policy Review
Rebecca Bingea, University of California San Francisco
Kathy Matonak, Audiologist
Robert Powell, California Speech-Language-Hearing Association
Patti Solomon-Rice, California Speech-Language-Hearing Association
Holly Kaiser, California Speech-Language-Hearing Association
Lisa Satterfield, Newborn Hearing Screening Program, California Children Services
Jennifer Sherwood, Newborn Hearing Screening Program, California Children Services
Nancy Linn, Office of Professional Examination Services
Bob Holmgren, Office of Professional Examination Services
Robert Ivory, California Academy of Audiology

I. Call to Order

Chairperson O'Connor called the meeting to order at 8:45 a.m.

II. Introductions

Those in attendance introduced themselves.

III. Approval of Meeting Minutes for November 20, 2008 Advisory Committee Meeting Minutes

The Board discussed minor grammatical edits to the meetings.

M/S/C: Hanyak/Hancock

The Board voted to approve the November 20, 2008 Advisory Committee Meeting Minutes as amended.

IV. Election of Interim Officers and Committee Members

The Board voted to elect Lisa O'Connor as the Interim Chair of the Board and Alison Grimes as Interim Vice Chair, pending new appointments to the Board.

M/S/C Smith/Hancock

Interim Chairperson O'Connor appointed Ms. Murphy, Ms. Hancock, and herself to the Speech-Language Pathology Practice Committee

Interim Chairperson O'Connor appointed Ms. Grimes, Ms. Smith, and Mr. Hanyak to the Audiology Practice Committee

Interim Chairperson O'Connor agreed to serve on the Legislative Committee and also appointed Mr. Hanyak and Ms. Murphy to the Committee.

V. Discuss Responses From Educational/Survey Materials for Audiology Support Personnel

Ms. Del Mugnaio stated that the educational/survey materials regarding audiology support personnel duties and supervision parameters were recently mailed to the entire audiology licensing population. She indicated that the materials were also posted on the Board's website so that individuals could provide input electronically.

Ms. Del Mugnaio stated that, to date, the Board has only received a few responses and that the final response deadline was changed from February 26, 2009 to March 26, 2009, to allow interested professionals the opportunity to submit comments and recommendations. She stated that the Audiology Practice Committee will have an opportunity to review and analyze the responses at the Board's May 7-8, 2009 meetings.

VI. Discuss with Representatives from the Department of Health Care Services Newborn Hearing Screening Program Regarding Audiology Provider Education and Enforcement:

A. Newborn Hearing Screening Program Update

Dr. Hallie Morrow of California Children Services (CCS) provided an overview of the changes in the Newborn Hearing Screening Program (NHSP) since the law passed mandating universal newborn hearing screening in all hospitals in California. She provided the following statistics:

- Not all hospitals are certified to date; there were 90 uncertified hospitals in the state when the universal newborn hearing screening law took effect, and 47 of the 90 have been certified.
- There are 223 certified hospitals in California screening approximately 500,000 newborns each year.
- In 2007, 98% of babies born in certified hospitals were screened and 78% of all babies born in California received a newborn hearing screening.
- 2% of newborns must be re-screened due to failure of the initial hearing screening.
- 0.3% of babies born in certified hospitals are not screened.
- In 2006, the lost-to-follow-up rate in California was approximately 11% compared to 46% nationally.

- The lost-to-follow-up rate has increased slightly over the past few years: One of the contributing factors being that there are a limited number of providers to treat newborns, while the number of babies born in the state steadily increases.

B. Practice Standards for Pediatric Audiology

Ms. Jennifer Sherwood reported that the NHSP makes a concerted effort to provide education and outreach to its paneled providers and hospitals but is struggling with standard of care issues surrounding infant hearing diagnosis and intervention. She stated that, while there are a handful of comprehensive practice documents and position statements developed by national professional bodies regarding pediatric assessments, some audiologists still fail to use appropriate diagnostic assessments. Ms. Sherwood stated that she believes audiologists who fail to provide the documented standard of care place the public at risk and should be educated or possibly sanctioned. She commented that the NHSP has no enforcement program or authority and thus needs the Board's assistance with enforcement efforts.

Ms. Winzelberg expressed her concerns regarding the lack of paneling qualifications for Type C paneled providers who should have to possess some documented experience with the pediatric population. She also stated that there are highly skilled pediatric audiologists who choose not to work within the CCS system due to cumbersome paperwork issues and extremely low reimbursement rates.

Ms. Sherwood agreed but commented that the CCS authorization and billing processes and standard of care concerns with existing paneled providers are two separate issues.

Ms. Del Mugnaio stated that the Board is willing and able to assist with both education and enforcement efforts and has already been partnering with the NHSP to investigate cases involving alleged negligence or unprofessional conduct. She stated that the Board is prepared to develop an educational letter regarding standard of care expectations and professional accountability.

Ms. Grimes recommended sending all licensed and paneled audiologists a letter reminding them of their ethical and professional responsibilities to only engage in areas of practice where they are competent and skilled.

Ms. Del Mugnaio agreed to work with the NHSP on crafting a letter of education referencing the available pediatric hearing assessment and intervention guidelines and reminding audiologists of their professional conduct responsibilities.

Chairperson O'Connor commented that having a specialty certification in pediatric audiology would be extremely helpful with such competency issues and stated that she is hopeful that either the American Board of Audiology or the American Speech-Language-Hearing Association introduces the specialty certification criteria to the profession soon.

C. Access to Audiology Services

Ms. Lisa Satterfield addressed the Board regarding the crisis in provider access issues, stating that there are only about 47 Type C Communication Disorder Centers in the state and only one north of the Bay Area. She commented that of the 47 active Type C Centers, some may not treat CCS infants on a regular basis. Ms. Satterfield reported that, based on the population of infants that require diagnostic audiology services, approximately 11,000 infant appointments should be scheduled with paneled pediatric audiologists in the coming year. She stated that there are not

enough providers to meet this demand. Ms. Satterfield reported that she researched the reasons for provider withdrawal from CCS and cited:

- Payment delay/denial
- Incorrect payment
- Low reimbursement
- Information not made available regarding child's private insurance
- Authorization denials; however, these were noted as not a wide-spread problem among paneled providers, as CCS staff has made a concerted effort to work with providers on completing authorization requests correctly.

Ms. Winzelberg inquired about the status of the action items identified at the September 10, 2008 meeting with the Department of Health Care Services (DHCS) and Electronic Data Systems (EDS), which was facilitated by Assembly Member Jones. She stated that there were approximately ten action items that the DHCS and EDS were to address regarding claims, including processing problems, reimbursement for hearing aid batteries, potential future EDS claims training for all paneled audiologists in the state, and information technology infrastructure modification needs.

Ms. Del Mugnaio agreed to follow-up with Assembly Member Jones' Office, as all action was to be reported and tracked through Jones' staff.

Ms. Winzelberg stated that she recalled Jones' Office was going to coordinate a follow-up stakeholders meeting to report on progress and identify viable solutions to attract more qualified audiologists to the CCS program.

Ms. Satterfield stated that she is aware of a fair number of provider errors on claims and authorizations and indicated that CCS is working with the providers to educate them on completing claims forms properly. She also stated that Dr. Shie has been hired to work in the Medi-Cal Program to help address audiology reimbursement issues.

VII. Review Legal Opinion and Issues Related to Audiologists Participating in Hearing Aid Sponsored Programs by AARP Services Inc.

Ms. Del Mugnaio reported that the arrangement involving AARP and HearUSA, wherein audiologists may participate in a prepaid referral system, was brought before the Board by the California Academy of Audiology (CAA) in order to determine whether audiologists may legally participate in such an arrangement under the California Business and Professions Code. She referenced the Department of Consumer Affairs' legal opinion included in the meeting packets, which concluded that participation by a licensed audiologist in the arrangement (i.e., *a licensee who pays an annual fee and a credentialing fee in order to participate in a hearing aid discount program sponsored by AARP Services Inc. and HearUSA wherein the licensee's name would then appear on a directory of providers made available to AARP member*), is a violation of Business and Professions Code Section 650 and is considered an unlawful referral arrangement. Ms. Del Mugnaio indicated that the legal opinion is a privileged communication between legal counsel and the Board; however, the Board may waive the attorney-client privilege and release the opinion to the public for proper notification.

The Board reviewed the opinion and determined that releasing the legal document to the public and posting it on the website was in order.

The Board requested that Ms. Del Mugnaio forward the opinion to the CAA, the American Academy of Audiology, and the Hearing Aid Dispensers Bureau, in addition to posting it on the Board's website.

Ms. Del Mugnaio stated that she would also contact HearUSA to inform the company of the California prohibition.

M/S/C Grimes/Hanyak

The Board voted to waive the attorney-client privilege and release the legal opinion dated January 12, 2009 to the public for proper notification.

VIII. Executive Officer's Report (Annemarie Del Mugnaio)

A. Budget Update

Ms. Del Mugnaio referenced the budget expenditure and projection report as of December 30, 2008 for FY 08/09 included in the meeting packets. She explained that the Governor and Legislature are still negotiating the 09/10 budget details. Ms. Del Mugnaio reported that the considerable reversion (savings) noted in the projection is due to the 10% salary reduction for all staff as a result of the Governor's Executive Order S-16-08 and the mandatory 2 days per month furlough. Depending on whether the existing legal challenges prevail and overturn the administrative furlough, the savings noted on the projection may be considerably lower. She reported that she is pursuing a budgetary request to augment the existing staff by adding one additional staff person in 2010/2011 who would serve as a program support analyst handling duties such as criminal history background checks, the new retro-active fingerprinting project, probation monitoring, and other analytical support functions. The cost to the Board would be approximately \$75,000 on-going and could be supported without the need for a fee increase to licensees.

B. Review/Status and Implementation Issues of Proposed Regulations

1. Clean-up Package -Continuing Professional Development Amendments Related to Supervision Requirements and Board Approved Institution Regulations (California Code of Regulations Sections -1399.152 (e), 1399.153.3, & 1399.160.4)

Ms. Del Mugnaio referenced the regulatory provisions included in the meeting packets and stated that, while the members have seen and approved the language at previous meetings in separate forms, the last being the Speech-Language Pathology and Audiology Advisory Committee Meeting on August 22, 2008, the Board must adopt the language in its current governance structure before the regulatory change can be filed with the Office of Administrative Law.

M/S/C Hanyak/Hancock

The Board adopted the proposed regulatory language California Code of Regulations Sections 1399.152 (e), 1399.153.3, and 1399.160.4 related to continuing professional development coursework for supervisors and provisions clarifying board-approved institutions.

2. License Renewal Requirements- Retroactive Fingerprinting – (Adopt California Code of Regulations Section- 1399.157.3)

Ms. Del Mugnaio stated that the Department of Consumer Affairs (DCA) is urging all allied health boards to institute a mandatory re-fingerprinting process as a condition of license renewal for all licensees who were issued their initial license prior to December 31, 1999. She explained that the impetus for the retroactive fingerprinting stems from media reports that surfaced last year documenting instances where licensed registered nurses, who had questionable criminal history records, were never investigated by the Board of Registered Nursing because the Board did not institute criminal history clearances until early 1990. She stated that, while the SLPAB has been requiring fingerprint clearances as a condition of licensure since 1974, there is no reliable method for the Board to verify information collected and retained by The Department of Justice (DOJ) prior to 1999 when LiveScan was introduced. Ms. Del Mugnaio explained that the LiveScan process allowed the DOJ to transmit and store records electronically, which may be accessed through a database. She stated that the DOJ has made every attempt to enter older records into the new electronic system, but found that not all information was accurately stored for retrieval. Ms. Del Mugnaio indicated that in order for allied health boards/bureaus to have confirmation of the fingerprint records on file with the DOJ, the agencies must consider some form of retroactive fingerprinting.

Ms. Del Mugnaio reported that, in addition to the fingerprinting process, the DCA has also added disciplinary and criminal conviction questions to the license renewal forms so that licensees are required to notify the Board of any events that occurred within the 2-year license renewal period. She stated that the regulatory language included in the packets would authorize the Board to require retroactive fingerprinting of licensees as a condition of license renewal and would also require certain disclosures of criminal history to the Board upon request.

Mr. Hanyak inquired whether licensees would be provided advanced notice of the new requirement so that the fingerprints may be obtained in advance of the license renewal.

Ms. Del Mugnaio confirmed that advance notification would be sent to all affected licensees.

Chairperson O'Connor inquired whether a LiveScan fingerprint form would be sent with each license renewal.

Ms. Del Mugnaio indicated that licensees would be directed to download the form from the Board's website or contact the Board for a copy to be sent by mail.

M/S/C Hancock/Murphy

The Board adopted the proposed regulations California Code of Regulations Section- 1399.157.3, which would require licensees who were issued a license prior to January 1, 1999 to be re-fingerprinted as a condition of license renewal, and would also require licensees to disclose any criminal convictions or disciplinary action taken against a licensee that occurred within the two previous years. The Board agreed that the effective date of the provisions would be amended into the language once the rulemaking file was prepared for submission to the Office of Administrative Law.

C. Examination Validation Study (Audiology)– January 22, 2009 Work Shop Report

Ms. Del Mugnaio reported that the first audiology examination validation workshop was held on January 22, 2009 in Sacramento and was facilitated by Nancy Linn from the Office of Professional Examination Services (formerly the Office of Examination Resources). She stated that four subject matter experts attended the workshop to review the examination blueprint and to analyze the American Speech-Language-Hearing Association's practice analysis survey instrument for audiology. Ms. Del Mugnaio announced that Nancy Linn will be addressing the Board later in the

meeting to provide a report on the workshop and explain the next steps in the examination validation study process, including the geographical survey included in the meeting packets and the practice analysis survey that will be mailed to all licensed audiologists in the state. Ms. Del Mugnaio explained that the purpose of the demographic survey is to collect profiling data on audiologists in terms of years in the profession, client base, geographical location, certifications held, and other specialty areas of practice the person engages in, such as intraoperative monitoring of the auditory and vestibular systems or invasive cerumen removal. She stated that the information on a geographical profiling survey may be used to assess workforce needs and trends. She stated that the practice analysis survey collects data on important knowledge base and skill sets that an audiologist should possess for entry-level practice. Ms. Del Mugnaio reported that the next scheduled workshop will be held May 7-8, 2009, and that new subject matter experts were needed for the workshop. She explained that the subject matter experts attending the second workshop would be analyzing the data collected from the geographical and practice analysis survey instruments and comparing the data with the national examination blueprint to determine if the knowledge and skill statements reflected are congruent with entry-level professional practice in California.

The Board made suggested edits to the geographical survey instrument.

Ms. Del Mugnaio indicated that she received copyright permission from ASHA to distribute the practice analysis survey to California licensees for the purpose of the Board's examination validation study.

Ms. Nancy Linn provided a report to the Board on the January 22, 2008 workshop.

D. Update on Board Action Items

1. Status of Communications with the Department of Developmental Services Regarding the Use of Behaviorists in Regional Centers

Ms. Del Mugnaio reported that correspondence was sent to the Department of Developmental Services (DDS) on October 28, 2008, regarding the most recent complaint received by the Board involving the inappropriate use of behaviorists to provide speech and language therapy to children receiving services through the Regional Center. She stated that she contacted DDS January 26, 2009, to determine if any activity/investigation had occurred with respect to the complaint and was told that the case was assigned to the Community Operations Division and that the Board would receive correspondence from DDS within the near future. Ms. Del Mugnaio stated that she would follow up with the status of the complaint before the next Board meeting.

2. Resource Material Regarding Early Intervention Services

Ms. Smith provided reference material to the Board that was designed as a website posting describing the credentials and licensing authority for providers serving children in the Early Start Programs.

The Board discussed the information regarding provider authority and oversight and suggested minor edits to the reference material.

Ms. Del Mugnaio agreed to post the information on the Board's website at www.slpab.ca.gov in an effort to educate parents and other interested parties about Early Intervention Services.

E. Miscellaneous- SLPAB member appointments/ Department of Consumer Affairs 2009/2010 Board/Bureau Summit Plans

Ms. Del Mugnaio indicated that all board member appointments are on hold pending budgetary decisions and possible consolidation efforts on the part of the Administration.

Ms. Del Mugnaio reported that the Department is planning another broad DCA Summit to be held January 2010, possibly in San Diego. The Director is also considering holding two smaller Summits, one for all health care agencies and the other for vocational agencies. The smaller Summits may be meetings of board/bureau chairs, executive officers, and other interested board members from like industries/professions. At a meeting on February 11, 2009, plans for the health care summit were discussed and the tentative date for the meeting was set for April 15, 2009, to be held in Sacramento at the DCA headquarters from 1:30-4:00 p.m. Topics of interest that may be discussed in breakout sessions include economic impact on professional workforce disaster recovery efforts- health practitioner involvement, probation monitoring, diversion programs for licensees with chemical dependencies, inactive license status (conditions for re-activation), foreign trained practitioners, under-served populations, and medical waste disposal.

Ms. Del Mugnaio reported that she spoke on legislative and regulatory issues at the Speech-Language Pathology Practices Issues Forum at Cedars Sinai Medical Center on January 13, 2009. She noted that approximately 90-100 professionals attended the forum, and the forum provided free continuing education hours to the local community. Ms. Del Mugnaio stated that other items on the agenda included changes in federal provisions impacting speech-language pathology services, global outreach efforts, autism updates, and changes in Medi-Cal billing.

Ms. Del Mugnaio reported that both she and Chairperson O'Connor are scheduled to present at the California Speech-Language-Hearing Association Conference in Long Beach on March 8, 2009, at the Long Beach Convention Center. The session is, "What's on Your Mind," and will cover information about the Board's Sunset Review process, as well as an update of regulatory and legislative activity affecting licensees in California.

IX. Update from Board Member Lisa O'Connor A. Credentialing Reform

Chairperson O'Connor reported that the Commission on Teacher Credentialing (CTC) has adopted the staff recommendations regarding the proposed Communication Disorders (CD) Credential. She stated the next step in the process would be for the CTC to adopt Title V regulations to implement the new CD credential standards. Chairperson O'Connor indicated that the Board will track the progress of the regulation filing and is prepared to submit comments regarding the ambiguity of the new training standards that have been proposed thus far. She reported that other credentialing reform discussions held at CTC meetings surround the possibility of changing the credential standards for audiology, and possibly speech-language pathology, to a health credential modeled after the nursing health credential tiered model.

Ms. Smith explained the two-tiered model and indicated that the first tier would require a state license in the professional field, and then the second-tier credential would require the health care professional to obtain additional coursework specific to public education services.

Chairperson O'Connor commented that there is already a two-tier credential for speech-language pathology and is uncertain why such changes to the credential system would be beneficial in creating

greater access to services. She stated that the Board and several individual speech-language pathologists, as well as representatives from the California Speech-Language-Hearing Association, have provided public comment before the CTC on the credentialing reform proposals, noting that the standards proposed for the new CD credentialing are too broad, difficult to interpret, and appear to directly overlap with speech-language pathology services. Chairperson O'Connor further stated that it is difficult to imagine how training programs will be able to implement the new program given the existing demands on limited faculty at most institutions.

Chairperson O'Connor stated that Robert Powell would be attending the California Advisory Committee on Special Education on February 26, 2009, to address the profession's concerns over the new CD credentialing standards.

Ms. Del Mugnaio indicated that she would track the progress of the proposed Title V regulations and would alert the Board when public comments should be submitted.

B. National Council of State Boards of Examiners in Speech-Language Pathology and Audiology – Conference 2009- New Orleans, LA, September 10-12, 2009

Chairperson O'Connor reported that she is now President Elect of the National Council of State Boards of Examiners in Speech-Language Pathology and Audiology (NCSB) and is planning the annual conference in September 2009 to be held in New Orleans. She indicated that one of the focused topics at the fall conference will be telepractice by speech-language pathologists and audiologists. Chairperson O'Connor indicated that the NCSB is in need of greater audiology representation and is searching for interested audiologists to serve on the NCSB Executive Board.

X. Legislation

A. Review Proposed Legislation - Request for Entry-Level Licensing Requirements For Audiologists

Ms. Del Mugnaio reported that the proposal to raise the entry-level standards for audiology to the doctoral degree has been forwarded to the Senate Business, Professions, and Economic Development Committee, and also to the Assembly Business and Professions Committee for consideration as an initiative for an omnibus Committee bill. She reported that both she and Barry Brokaw (representing the California Academy of Audiology) met with Committee staff on February 11, 2009, to discuss the need for the bill and to neutralize any concerns about the initiative being one of degree inflation or elevation of professional status. Ms. Del Mugnaio reported that, at this point, the bill language is being drafted by Legislative Counsel as an unbacked bill until a Committee or an independent author agrees to carry the bill. She stated that Legislative Counsel contacted her to provide input on the draft language, which will include an uncodified statement of legislative intent with findings and declarations regarding the need for the changes. Ms. Del Mugnaio stated that the history and rationale of the measure should help to allay concerns regarding barriers to entry-level practice. She stated that she is not aware of any opposition to the change in entry-level requirements and will report the progress on the measure at the next meeting.

B. Audiology Support Personnel Supervision Standards

Ms. Del Mugnaio reported that the legislative proposal to broaden the supervision standards for audiology aides was accepted by the Department as an omnibus provision and will be included in a Committee health bill this Legislative session. She stated that once the language takes shape and has been assigned a bill number, she will share the information with the Board.

C. Elimination of the Hearing Aid Dispensers License for Audiologists

Ms. Del Mugnaio reported that the California Academy of Audiology is working with legislators to author a bill that will eliminate the need for audiologists to hold the hearing aid dispensers license in California. She reported that both she and Barry Brokaw met with legislators to discuss the proposal, provide background, and communicate the Board's long-standing support of the initiative. Ms. Del Mugnaio reported that the professional association for the hearing aid dispensers, the Hearing Health Care Providers, has raised concerns before legislative staff regarding the audiologists' alleged high failure rates on the hearing aid practical examination and argued that low performance by audiologists is a competency issue.

Ms. Del Mugnaio reported that some audiologists have shared their experiences with the practical examination, contending that the examination is not a test of competence but rather a perfunctory assessment of whether an audiologist can follow instructions with no professional judgment. She stated that both she and Mr. Brokaw educated legislative staff on the extensive formal training of the audiologist in that audiologists are examined and evaluated on their knowledge and technical abilities with the selection and fitting of hearing amplification at multiple stages during their formal training program, whereas the hearing aid practical examination is the only assessment of competence for a hearing aid dispenser.

Chairperson O'Connor inquired whether the elimination of the dual licensure provision would effectuate a merger of the two regulatory agencies.

Ms. Del Mugnaio responded and stated that a merger would require specific legislation moving the regulatory and licensing authority for all hearing aid dispensing activity to the Board.

Ms. Winzelberg stated that the language being submitted for the bill will reference only the authority for audiologists to sell hearing aids, since the selection and fitting responsibilities are already provided for in the audiologist scope of practice, as confirmed by the Board's legal opinion prepared by staff counsel, George Ritter.

Ms. Del Mugnaio stated that the proposal should be in bill form soon and will provide updates on the status of the legislation to the Board.

D. Governor's Proposal to Consolidate the Speech-Language Pathology and Audiology Board and the Hearing Aid Dispensers Bureau

Ms. Del Mugnaio stated that the Governor has presented a list of suggested board/bureau consolidation efforts that the Legislature may take as part of an efficiency measure. She reported that a merger of the Hearing Aid Dispensers Bureau with the Speech-Language-Pathology and Audiology Board is among the suggested consolidations.

Ms. Mellonie Yang, Chief of the Hearing Aid Dispensers Bureau, addressed the Board regarding the proposed merger and provided an overview of the Bureau's operations. She indicated that there have been no further implementation details or legislation to date that would solidify the merger of the Bureau with the Speech-Language Pathology and Audiology Board. Ms. Yang provided the following operational details of the Bureau:

- Administers its own examination programs, both a written and practical hearing aid dispensers exam, utilizing volunteer proctors who are reimbursed for travel expenses only.

- Has an in-house enforcement program, but has limited resources for investigations. Ambiguities in the law make some enforcement efforts difficult.
- Complaints are mediated through the Department's Complaint Mediation Unit, which has worked well in terms of providing complaint resolution for consumers.
- Future goals include using the investigatory arm of the Department's Division of Investigation
- Interest and need to regulate hearing aid dispensing business entities.
- Overall lack of resources for education and outreach of the hearing aid dispensing workforce.

Ms. Yang commented that efficiencies may be achieved by merger the Bureau and the Board in that the hearing aid dispensers industry would benefit from the Board's established enforcement procedures and from the overall sharing of best practices.

Ms. Del Mugnaio stated that one recurring issue that is now in the form of a bill is the move to eliminate the requirement for audiologists to hold the hearing aid dispensers license and take the hearing aid dispensers examinations in order to sell hearing aids. She commented that historically there has been discussion regarding the high failure rates by audiologists on the practical examination and inquired whether such statistics are available.

Ms. Yang indicated that the statistics are being collected and will be provided to the Board, but that she is aware that there is a much higher failure rate on the part of both audiologists and hearing aid dispensers on the practical examination.

Ms. Del Mugnaio inquired about when the most recent examination validation study report for the hearing aid dispensers practical examination was completed.

Ms. Yang stated that she was uncertain as to when the most recent examination validation study for both the written and practical examinations was completed, but would follow-up with the Board. She indicated that the Bureau works closely with the Office of Professional Examination Resources on test development to ensure that the test format and questions result in objective measurements of competency and skill. Ms. Yang further stated that the examination proctors include both hearing aid dispenser and audiologist volunteers who are carefully trained to be objective observers.

Ms. Winzelberg inquired as to why some of the stations of the practical examination are timed and stated that speed in execution would not be a factor in a professional setting for audiologists or hearing aid dispensers. She also commented that the timing issue becomes a deterrent if the examination proctor is inexperienced and does not provide concise instructions to the test taker.

Ms. Matonak commented that she has been made aware of problems with lengthy processing timelines for those applying to take the examinations and delays in issuing temporary licenses to interns. Ms. Matonak stated that she also learned that if someone serves as a test subject for a test participant, that subject may not take the hearing aid dispensers practical examination for two years.

The Board discussed the governance structure of the merged professions in terms of board member seats and the equal representation of professional members from each of the three professions: speech-language pathology, audiology, and hearing aid dispensing.

Ms. Grimes commented that a merged board would create greater public transparency of the overlapping professional issues regarding the practice of audiology and hearing aid dispensing.

Ms. Del Mugnaio indicated that she would track the progress of the Governor's consolidation proposal.

E. Legislation of Interest to the Board

No further legislation of interest was discussed under this agenda item.

Ms. Del Mugnaio indicated that many proposals are still being drafted at Legislative Counsel and are not yet in bill form. The last day for bills to be introduced is February 27, 2009.

XI. Discuss Issues Related of Oral Language Proficiency Assessment for Internationally Trained Students

A. Communications with the Educational Testing Service (ETS) on Examination Administration for the Test of English for International Communication (TOEIC)

Ms. Del Mugnaio reported that she had a telephone conference with Eileen Tyson, Director of Client Relations Global Division ETS, Jonathon Murray, Product Manager Global Division ETS, Fung Yu, Program Support ETS, and Carol Murphy on February 11, 2009, to discuss the possibility of employing specially qualified raters who would be assigned to rate speech-language pathology test takers in order to assess high intelligibility of language proficiency. She reported that ETS representatives indicated that selecting specific raters for certain test takers would compromise the objectivity of the scoring rubric and would not be advised. Ms. Del Mugnaio stated that she was informed by ETS staff that two new standard setting workshops for the TOEIC examination would be held in June or July 2009, and invited the Board to participate. She stated that Ms. Tyson also indicated that ETS is developing a new high-level language proficiency examination for professions such as speech-language pathology and that the new examination should be available in about a year.

Ms. Del Mugnaio reported that she also spoke with Cindy Ochoa of G 2nd Systems about examination administration and informed Ms. Ochoa that the Board will not be moving forward with establishing examination schedules and sites until the standard setting studies through ETS are completed. She stated that Ms. Ochoa recommended reviewing the existing scoring matrix for the TOEIC examination, noting that currently test takers can achieve a perfect score despite scoring in the median-level on pronunciation or intonation. Ms. Del Mugnaio commented that the Board may want to develop a more rigorous scoring method.

Ms. Murphy agreed to serve on the ETS standard setting study workgroup.

B. American Speech-Language-Hearing Association's Document- *Guidance for Identifying and Supporting Students Who Speak English with Nonstandard Dialects or Accents*

Chairperson O'Connor provided background regarding the American-Speech-Language-Hearing Association's (ASHA) position statements for students who speak English with accents and reported that in 1998 the ASHA's Legislative Counsel adopted a position statement and guidelines to assist training programs with internationally trained students who were interested in pursuing a career in speech-language pathology or audiology. She stated that the draft document included in the meeting packets is likely a new addition to the existing guidelines. Chairperson O'Connor stated that ASHA's documents focus on supported students with professional training, which is in accordance with the association's mission. She commented that the Board has a much different role in that the Board must establish and enforce minimum requirements for entry-level practice, which should serve to protect the public welfare. Chairperson O'Connor stated that oral language

proficiency is an issue that the Board must consider in terms of establishing some measure of effective oral communication skills.

Ms. Del Mugnaio stated that initially she believed it was important for the Board to communicate with ASHA regarding its guidance documents, as the information in the professional literature did not appear to address the public welfare issues; however, after reading the comments submitted by Ms. Murphy, Ms. Hancock, and Chairperson O'Connor, it is clear that the Board's mission and ASHA's interests are focused in different areas and that a more uniform policy from the professional association and the state regulatory body was unlikely.

The Board discussed various communication disabilities that require some form of reasonable accommodation and how university training programs address appropriate accommodations for incoming students using the Americans with Disabilities Act assessment model.

Ms. Patti Solomon-Rice stated that the California Speech-Language-Hearing Association (CSHA) has formed a Diversity Committee that is formulating new guidelines for internationally educated student/practitioners.

Ms. Del Mugnaio stated that she would follow-up with CSHA representatives serving on the Diversity Committee to learn more about the new literature.

XII. Licensing/Enforcement Statistical Data

The Board reviewed the statistical data as provided by staff.

Ms. Winzelberg inquired whether individuals completing their required professional experience (RPE) must use the designator "RPE" on patient records or whether the designation Audiology Student "BA" was acceptable.

Ms. Del Mugnaio stated that the regulations require RPE Temporary License holders to use the designator "RPE" on all records.

XIII. Public Comment on Items Not on the Agenda

Ms. Raggio inquired about the status of the development of the audiology doctoral programs at University of California San Francisco (UCSF) and University of California Los Angeles (UCLA).

Ms. Del Mugnaio stated that, in her last conversation with Lydia Yu of the University of California (UC), the programs were still moving forward; however, new leadership within the UC system was meeting to discuss budgetary issues, as the higher education systems are facing another round of considerable state budget cuts this year.

Ms. Del Mugnaio indicated that she would follow-up with UC regarding the current status of program development at both institutions and provide an update at the Board meeting in May.

XIV. Announcements- Next Board Meeting May 7-8, 2009 San Diego and Schedule of Board Meetings for 2009

Ms. Del Mugnaio stated that the next meeting will be held May 7-8, 2009 either in San Diego or Sacramento depending on budgetary constraints. Future meetings are scheduled for August 20-21, 2009, tentatively scheduled for Sacramento, November 5-6, 2009 in Los Angeles

XV. Adjournment

Chairperson O'Connor adjourned the meeting at 1:47 p.m.