



**AUDIOLOGY PRACTICE COMMITTEE MEETING MINUTES  
May 7, 2009**

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

**Committee Members Present**

Alison Grimes, Au.D.  
Naomi Smith, Au.D.  
Robert Hanyak, Au.D.

**Staff Present**

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

**Board Members Present**

Jennifer Hancock, M.A.  
Carol Murphy, M.A.

**Board Members Absent**

Paul Donald, M.D.  
Lisa O'Connor, M.A.

**Guests Present**

Dennis Van Vliet, Audiologist  
Clay Whirehead  
Jack Lynch  
Alexandra Feinberg, Speech-Language Pathologist  
Marcia Raggio, California Academy of Audiology  
Jody Winzelberg, California Academy of Audiology  
Katherine Demos, Department of Consumer Affairs  
Robert Powell, California Speech-Language-Hearing Association

**I. Call to Order**

Chairperson Grimes called the meeting to order at 10:00 a.m.

**II. Introductions**

Those in attendance introduced themselves.

**III. Legislation**

- A. SB 821- Omnibus Legislation – Senator Negrete McLeod- Entry-Level Licensing Standards for Audiologists (Doctorate Education) & Amendments to Audiology Aide Supervision Standards- (Review Survey Materials to Prepare Audiology Aide Regulatory Changes)**

Ms. Del Mugnaio reported that SB 821 was amended on April 30, 2009 and is an omnibus vehicle that would raise the entry-level educational standard for audiology to the doctorate training level and would make conforming changes to the required professional experience provisions regarding audiology doctoral students completing the requisite 4<sup>th</sup> year externship in another state. She

explained that omnibus bills typically include technical, noncontroversial, clean-up amendments related to licensing or enforcement provisions and, as such, do not tend to draw opposition. Ms. Del Mugnaio explained that since SB 821 includes several changes to different hearing arts provisions, there may be concern expressed over some of the changes unrelated to the audiology provisions, but that the Senate Business, Professions, and Economic Development Committee (BP&E) would work with the concerned parties to address the issues in order to avoid opposition that would defeat the bill.

Ms. Del Mugnaio reported that SB 821 also includes language that would delete the direct supervision requirement for audiology aides, thus providing the Board the flexibility to establish appropriate supervision parameters for audiology aides by regulation.

Ms. Del Mugnaio referenced the audiology aide duties and supervision survey materials that were posted on the website and sent to the entire audiology licensing population. She provided informal statistical data on the 93 responses received and distributed a handout that included a summary of the written responses from individuals who disagreed with the audiology aide sample task list and supervision parameters. Ms. Del Mugnaio indicated that 84% of those who responded disagreed with the audiology aide sample task list in its entirety and had varying degrees of dissatisfaction with the supervision parameters indicated for each task. She stated that the majority of those responding agreed with the tasks listed under the heading “Not an Audiology Function” where no regulation of the task is necessary.

Chairperson Grimes indicated that the American Academy of Audiology has been examining the issue of audiology assistants for a few years and indicated that there is a large body of audiologists across the country that is not in favor of creating another level of personnel in audiology, as they believe it is not in the best interest of the public and/or infringes on audiologists’ scope of practice. She did state that there are also many audiologists who understand the importance of audiology assistants, especially in light of the shortages in the audiology workforce and the demands for complex care placed on doctorate level practitioners.

Ms. Del Mugnaio indicated that the Audiology Practice Committee should begin analyzing the comments received and developing some draft regulatory language to further define the supervision standards for audiology aides pursuant to the changes reflected in SB 821.

Ms. Del Mugnaio indicated that the BP&E had some concerns about the provisions raising the entry-level standards for audiologists, given the wide-spread shortage of health care practitioners across the board in California, and stated that she had to educate the BP&E consultants on the progression of the change in the entry-level standard for audiology that has occurred over the last 12 years. She stated that she explained to the consultants that the necessity for the change stems from the discontinuation of all audiology Master’s degree programs in the country and the absence of accreditation for programs that are not at the doctorate level. Ms. Del Mugnaio explained that it is likely the BP&E will be interested in learning about other pathways or training options that may be developed in the future for students interested in an audiology career, as the doctorate training model is costly and does not provide adequate capacity.

Ms. Del Mugnaio stated that since the Board sought the assistance from the BP&E to carry the clean-up changes regarding audiology educational standards and the supervision of audiology aides, she forwarded a letter of support on behalf of the Board to the BP&E. She referenced the Board’s letter of support as included in the meeting packets.

## **B. AB 1535 – Assembly Member Jones- Authorization for Audiologists to Dispense Hearing Aids**

Ms. Del Mugnaio referenced the bill in the meeting packets and the Board's letter of support as sent to Assembly Member Jones on March 9, 2009. She stated that AB 1535 would eliminate the need for licensed audiologists to hold the hearing aid dispenser's license in order to sell hearing aids in California. Ms. Del Mugnaio reported that AB 1535 passed out of its first policy hearing in the Assembly Business and Professions Committee with all but one member supporting the bill and the one exception vote being an abstention. She stated that Barry Brokaw, representing the California Academy of Audiology, along with Jody Winzelberg, testified on behalf of audiologists in the state supporting the measure as a necessary change that will promote greater consumer access to the full spectrum of hearing health care and eliminate unnecessary duplication in regulatory oversight. Ms. Del Mugnaio reported that she testified on the consumer benefit of having highly qualified audiologists authorized to provide both audiological assessments and appropriate intervention, especially for the more vulnerable and often complex cases involving the pediatric and elderly population. She further stated that the professional organization opposing the bill, the Hearing HealthCare Providers (HHP) testified that AB 1535, if passed, presents a consumer protection threat, as a number of audiologists are not properly educated about hearing aid selection, fitting, and warranty issues and thus should have to take and pass a hearing aid practical examination in order to demonstrate competency. Ms. Del Mugnaio stated that representatives for the HHP cited a significantly high failure rate (approximately 40-50%) by audiologists on the hearing aid practical examination and contend that this failure rate demonstrates a lack of knowledge on hearing aid selection and fitting. She reported that the actual average failure rate by audiologists is closer to 30%.

Ms. Del Mugnaio reported that the next legislative hearing on AB 1535 will be an Assembly Appropriations hearing where the fiscal impact of the bill will be addressed, including the reduction in licensing revenue for the Hearing Aid Dispensers Bureau by approximately 48-50% should audiologists be exempt from holding hearing aid dispensers licenses. She stated that the reduction in revenue for the Bureau is significant and will likely result in more in-depth discussion regarding merging the Board with the Hearing Aid Dispensers Bureau.

Ms. Del Mugnaio stated that she will continue to represent the State's interest in supporting the bill through the Senate policy hearings and will report to the Board at the next scheduled meeting.

## **IV. Update on Dissemination of Legal Opinion Regarding Prohibition on Audiologists Participating in Hearing Aid Sponsored Programs by AARP Services Inc.**

Ms. Del Mugnaio referenced the Department of Consumer Affairs' legal opinion regarding a hearing aid discount program sponsored by AARP Service Inc. and HearUSA wherein audiologists may participate in the program for a fee and be included on an AARP provider referral list. She indicated that the opinion, as reviewed and approved by the Board at the meeting on February 13, 2009, concluded that the arrangement was unlawful, as it violates Business and Professions Code Section 650 regarding prohibited referrals and, as such, shared the opinion with HearUSA, the American Academy of Audiology (AAA), the California Academy of Audiology, and the Hearing Aid Dispensers Bureau, in addition to posting it on the Board's website. Ms. Del Mugnaio reported that she received feedback from a representative of AAA who indicated that the opinion was not reflective of the AAA position and only applied to California licensees.

Chairperson Grimes indicated that the AAA sought legal guidance regarding the arrangement and was advised that the AAA should not be involved in regulating or providing advice to any private party on such business practices and maintains a neutral position on such issues.

Ms. Winzelberg indicated that she encountered similar dialogue with individuals from AAA regarding the opinion.

Ms. Del Mugnaio indicated that the representative from AAA requested minutes from the February 13, 2009 meeting regarding the discussion of the AARP Service Inc. program and stated that she informed the individual that the minutes would be available once approved by the Board following the May 7, 2009 meeting.

**V. Update on Collaboration with the Department of Health Care Services Newborn Hearing Screening Program Regarding Audiology Provider Education and Enforcement**

Chairperson Grimes reported that the Department of Health Services Newborn Hearing Screening Program (NHSP) is holding an educational symposium in July on pediatric hearing detection and intervention best practices. She indicated that she is scheduled to present at the symposium and that Ms. Del Mugnaio has been invited to speak on scope of practice issues, as well.

Ms. Del Mugnaio referenced an educational letter included the meeting packets that was developed in partnership with the NHSP to be disseminated to all licensed audiologists in the state informing practitioners about the national practice guidelines and established standard of care provisions for pediatric hearing detection and intervention. She stated that the letter is an outreach effort to better educate licensees serving the pediatric population about the expectations for pediatric hearing services and to notify licensees of their legal and professional responsibilities to adhere to the recognized practice guidelines. Ms. Del Mugnaio stated that she received an email from the NHSP earlier that day requesting minor edits to the letter, which she shared with the Committee.

Chairperson Grimes recommended that information be added to the letter acknowledging the external barriers that may impact the timing and degree of services rendered by the audiologist, such as insurance constraints and cooperation of participating families.

**M/S/C: Smith/Hancock**

The Committee voted to recommend to the Board to approve the educational letter regarding pediatric hearing detection and intervention as amended, and directed Ms. Del Mugnaio to send the letter to all licensed audiologists in the state.

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

Ms. Del Mugnaio reported that she has not received any follow-up information from the University of California regarding the progress of the doctoral programs scheduled to enroll students in fall 2010.

Chairperson Grimes adjourned the meeting at 11:15 a.m.