



**FULL BOARD MEETING MINUTES**  
**August 20, 2009**

Department of Consumer Affairs  
1625 North Market Blvd.  
"Eldorado Room"  
Sacramento, CA  
(916) 263-2666

**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.  
Monty Martin, M.A.

**Staff Present**

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

**Board Members Absent**

Paul Donald, M.D.

**Guests Present**

Susan Kaplan, University of California, Davis  
Bill Barnaby Jr.  
Rebecca Bingea, University of California, San Francisco  
Dennis Van Vliet, California Academy of Audiology  
Kathy Sabel, Department of Health Care Services  
Richmond Rada, Department of Health Care Services  
Susan Kidwell, San Joaquin Delta Community College  
Robert Powell, California Speech-Language-Hearing Association  
Jeff Toney, Department of Consumer Affairs  
Jody Winzelberg, California Academy of Audiology

**I. Call to Order**

Chairperson O'Connor called the meeting to order at 1:35 p.m.

**II. Introductions**

Those in attendance introduced themselves.

**III. Approval of Meeting Minutes for May 7, 2009 Audiology Practice Committee Meeting Minutes, Speech-Language Pathology Practice Committee Meeting & Full Board Meeting Minutes**

The Board discussed minor grammatical edits to the meeting minutes.

**M/S/C: Hanyak/Murphy**

The Board voted to approve the meeting minutes as amended.

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

Ms. Del Mugnaio distributed the written Executive Officer Report, which included the following status updates and pending projects:

##### **A. Budget Update**

Ms. Del Mugnaio referenced the budget expenditure and projection report as of June 30, 2009, as included in the meeting packets. She noted that there is 5% reversion (savings) included in the projection. The projected reversion takes into account 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. The AG's budget was, once again, fully expended. In FY 09/10 the Board will receive an additional \$22,000 for enforcement costs as a result of a budget change proposal approved last year. As reported last meeting, the Board is pursuing a budgetary request to provide funding for a "shared" probation monitoring position that would provide probation monitoring services for the Board, the Board of Podiatric Medicine, and Physician Assistants Committee. The probation team would provide monitoring services for each of the agency's probationers and would report directly to the respective Board's enforcement coordinators on probationary compliance status. This approach serves the Board well in terms of enabling staff to focus attention on probation monitoring responsibilities without having to fund a new position at the Board. The initial cost to the Board would be approximately \$38,000 and then \$34,000 on-going, and could be supported without the need for an impending fee increase to licensees. Performance measure will also be documented to demonstrate the overall effectiveness of the new probation monitoring approach.

In FY 09/10, the Board's operating budget (excluding fixed costs and mission critical funding such as enforcement funding) has been reduced by 15% due to a mandate from the Governor's Office. The targeted reduction amount is approximately \$33,594. At the next board meeting, a budget projection will be provided showing the reduction in appropriated funding

##### **B. Review/Status and Implementation Issues of Proposed Regulations**

###### **1. Review Final Statement of Reasons and Language for 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 reported that the regulation package was filed with the Office of Administrative Law and the forty-five (45) day public comment period closed on July 27, 2009. The Board received two comments on the proposed regulations and both comments supported the changes as reflected in the Final Statement of Reasons included in the meeting packets. However, the California Speech-Language-Hearing Association (CSHA) requested the Board consider simplifying the continuing professional development requirements for licensed practitioners by increasing the number of self-study hours from a maximum of four (4) hours to six (6) hours to coincide with the requisite six (6) hours of "initial" supervision training for individuals supervising Required Professional Experience (RPE) Temporary License holders. CSHA cites that the disparity in required hours as currently proposed is confusing for licensees and results in unintentional compliance issues.

The Board discussed the comments as submitted by CSHA and reviewed the Final Statement of Reasons prepared by Ms. Del Mugnaio, which included support and justification for the proposed changes increasing the number of self-study hours from four (4) to six (6) hours in order to simplify and conform the continuing professional development requirements for supervisors with the overall license renewal requirements.

**M/S/C: Grimes/Hancock**

**The Board voted to approve changes to the proposed regulations increasing the number of self-study continuing professional development hours from a maximum of four (4) hours to a maximum of six (6) hours in order to align the self-study hours with the requisite six (6) hours of supervision training that must be obtained by those supervising Required Professional Experience temporary license holders. The Board voted to delegate to Ms. Del Mugnaio the task of preparing the 15-day notice and modified text to send to the public and further authorized Ms. Del Mugnaio to adopt the final text and Final Statement of Reasons if no further comments opposing the modified language are received during the 15-day comment period.**

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

Ms. Del Mugnaio explained that the Board adopted the proposed language as included in the meeting packets at the May 7, 2009 meeting. She reported that she has been working with the Department to obtain a cross-reference list of licensees who may be impacted by the retro-active fingerprint language. Unfortunately, there is a delay in obtaining the data-match information. Ms. Del Mugnaio indicated that she will pursue filing the regulations absent the data at this point, as the Board should have the authority to pursue retroactive fingerprinting if a situation arises where a criminal history record or clearance record is not available through DOJ on a licensed practitioner. She explained that a parallel effort is being pursued in the Legislature, Senate Bill 389, to provide statutory authority for boards and bureaus that do not already have the legal authority, to require retroactive fingerprinting. Ms. Del Mugnaio explained that she recently learned that the bill did not pass out of Committee for fiscal reasons and is now a two-year bill. A complete analysis of SB 389 was included in the meeting packet under the agenda item VII A.

## **C. Examination Validation Study (Audiology)– Draft Report**

Ms. Del Mugnaio referenced the draft report from the Office of Professional Examination Services (OPES) for the Audiology Examination Validation Study as included in the meeting packets and explained that the report has been presented for the Board’s review and consideration as a Board-adopted validation report. The report findings conclude that the current National Practice Analysis as reviewed by two panels of audiology subject matter experts provides a comprehensive description of the practice of audiology in California and is the basis for the development of the national audiology examination. The findings would serve to validate the national praxis examination in audiology for the purpose of California state licensure.

Nancy Linn of OPES was present to address the Board. The Board inquired about survey instrument and demographic data collection and reported statistics. Ms. Linn stated that data collected for the purpose of the examination validation study can be useful in identifying practice trends, succession needs based on retirement statistics, scope of practice trends, access issues, etc. She stated that if the Board chooses to adopt the validation report, a final bond copy will be prepared by OPES for each board member.

**M/S/C: Hanyak/Murphy**

**The Board voted to adopt the Examination Validation Report for Audiologists as prepared by the Office of Examination Resources.**

**D. Miscellaneous- Governor Schwarzenegger's Allied Health Care Initiative**

Ms. Del Mugnaio welcomed and introduced Monty Martin, a newly appointed Board member who was appointed by the Senate Rules Committee to serve as a public member of the Board. Mr. Martin works for the Nevada County Superintendent of Schools.

Mr. Martin addressed the Board and provided information on his professional background and expressed his interest in serving on the Board.

Ms. Del Mugnaio announced the appointment of the new Director of the Department of Consumer Affairs, Brian Stiger. Mr. Stiger has worked for and with the Department for a number of years; recently Mr. Stiger served as the Executive Officer for the Board of Chiropractic Examiners. The following bio was included in the meeting packets:

*Stiger served as executive officer for the Board of Chiropractic Examiners since 2007, where he successfully reformed and restructured the board's enforcement program, significantly decreasing complaint processing time and reducing the backlog of consumer complaints. From 2004 to 2007, he served as chief of the Bureau of Home Furnishings and Thermal Insulation. Stiger previously served as chief of the Bureau of Electronic and Appliance Repair from 2002 to 2004, where he helped make improvements to the operational efficiencies of the bureau and increase enforcement positions without increasing the budget. Additionally under DCA, he held the position of staff services manager I from 1996 to 2002, associate personnel analyst from 1994 to 1996 and associate governmental program analyst from 1993 to 1994. In these positions, Stiger worked with the various boards, bureaus and programs under DCA to resolve a variety of administrative issues and improve core functions including enforcement activities. Prior to that, Stiger served as associate printing plant superintendent for the Department of General Services from 1990 to 1993 and bindery manager for Sacramento Blue Print from 1978 to 1990.*

Director Stiger made an appearance at the Board meeting and introduced himself to the Board members and offered his assistance should any questions or concerns arise regarding the Department's services to the Board.

Ms. Del Mugnaio reiterated the information provided to the Board at the May 7, 2009 Board meeting regarding Governor Schwarzenegger's Allied Health Initiative. She explained that the initiative is a public-private partnership of resources (\$32 million over a three year period) dedicated to improving access to California's health care workforce. The funding will be directed toward health care training and employment programs/needs. Ms. Del Mugnaio stated that in the coming year, the Board should begin to work closely with the Legislative Committees on program funding opportunities, especially in light of the critical need for new doctoral training programs in audiology.

**V. Update from Board Member Lisa O'Connor**

**A. 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 presented information on the National Council of State Boards (NCSB) Conference 2009 and provided an overview of the conference agenda. She indicated that the 2009 NCSB Conference will focus on regulating telepractice and Chairperson O'Connor stated that the information shared on telehealth should be valuable to the Board in terms of considering future regulatory provisions for speech-language pathology and audiology.

## **VI. Practice Committee Reports**

Vice Chairperson Grimes provided an overview of the matters discussed at the Audiology Practice Committee meeting and outlined the topics discussed and the recommendations before the Board (included under the Audiology Practice Committee Meeting Minutes).

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

**The Board voted to accept the report and recommendations of the Audiology Practice Committee**

Chairperson O'Connor summarized the discussion from the Speech-Language Pathology Practice Committee Meeting (included under the Speech-Language Pathology Practice Committee Meeting Minutes).

**M/S/C: Murphy/Smith**

**The Board approved the report and recommendations of the Speech-Language Pathology Practice Committee.**

## **VII. Proposed Legislation**

Ms. Del Mugnaio referenced the bill analysis summary as included in the written Executive Officer's report and reviewed with the Board the status of the bills listed below. Ms. Del Mugnaio stated that at the May 7, 2009 meeting the Board requested Ms. Del Mugnaio track the following bills but there was no support or opposition taken by the Board.

### **A. Senate Bill 389 (Negrete McLeod) Fingerprinting Authority**

The bill has been pulled off calendar and directed as a two-year bill. There have been fiscal issues identified with the bill especially as it relates to the retroactive fingerprinting mandates of the Contractors State Licensing Board.

### **B. Senate Bill 638 (Negrete McLeod) Regulatory Boards/Operations**

The bill was re-referred to the Committee on Rules as of April 20, 2009 and has not been calendared for further legislative hearings.

### **C. Senate Bill 820 (Negrete McLeod/Aanestad) Healing Arts/Peer Review**

The bill was heard in Assembly Appropriations on August 19, 2009 and is continuing through the legislative process.

#### **D. Assembly Bill 613 (Beall) Medi-Cal Treatment Authorization Requests**

AB 613 is currently on suspense in Appropriations and will not move forward this legislative session due to the impact to the General Fund.

#### **E. Assembly Bill 1310 (Hernandez) Healing Arts: Database**

The bill was heard in Senate Appropriations on August 17, 2009 and is continuing through the legislative process.

#### **F. Legislation of Interest to the Board**

There was no further legislation discussed.

### **VIII. Licensing / Enforcement Statistical Data- Report on Improved Enforcement Efforts**

The Board reviewed the statistical data as provided by staff.

Ms. Del Mugnaio provided an overview of the new enforcement reform model as proposed by the Department of Consumer Affairs and stated that she has been working closely with the Department and the budget office to identify resources that may be necessary in order to implement the proposed reforms, which include augmenting staff in the areas of complaint intake, investigations, and legal counsel (both in-house deputy attorney general staff and paralegals). Ms. Del Mugnaio explained that the enforcement reform is designed to improve efficiency and overall effectiveness in the boards' and bureaus' enforcement efforts so that practitioners who are negligent or pose a risk to the public are adjudicated in a timely manner. She stated that legislative efforts are underway to provide statutory authority and authorize resources for the proposed changes. Ms. Del Mugnaio reported that more information will be forthcoming at the next scheduled Board meeting.

### **IX. Closed Session (pursuant to Government Code Subsections 11126(a)(1) & (c)(3) Proposed Stipulation and Settlement for Probation In the Matter of the Accusation Against Guadalupe Garcia, AU 685**

The Board convened into closed session to discuss the proposed stipulation in the matter of the Accusation against Guadalupe Garcia, AU 685.

The Board reconvened into open session.

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

No further public comments were presented.

### **XI. Announcements- Next Board Meeting/Strategic Planning Session- August 20-21, 2009 Sacramento**

Ms. Del Mugnaio announced that there was an error on the meeting notice and agenda with respect to the next scheduled meeting. She indicated that the next meeting will be held in November in southern California. The Board discussed proposed dates, taking into account the Friday furloughs, and scheduled the next Board meeting for November 4-5, 2009 in southern California. A future meeting was scheduled for February 24-25, 2010 to be held in San Francisco, which depending on the outcome of Assembly Bill

1535, may be the first meeting of the merged Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

## **XII. Adjournment**

Chairperson O'Connor adjourned the meeting at 4:00 p.m.