



May 20, 2011

Hilton San Diego Mission Valley
901 Camino del Rio South
San Diego, CA 92108
(916) 263-2666

Board Members Present

Alison Grimes, Au.D., Vice Chairperson
Sandra Danz, Hearing Aid Dispenser
Deane Manning, Hearing Aid Dispenser
Robert Green, Au.D.
Rodney Diaz, M.D.
Monty Martin, M.A.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Diane Dobbs, Legal Counsel
Breanne Humphreys, Staff
Michelle Mason, Staff

Guests Present

Cindy Kanemoto, DCA
Cynthia Peffers, HHP CA
Debbie Riley, SLP
Tricia Hunter, HHP CA
Meredith Nunally
Mary Agnes Matyszewski, Administrative Law Judge
Lori J. Forcucci, Deputy Attorney General

Board Members Absent

Lisa O'Connor, M.A., Chairperson
Carol Murphy, M.A.

I. Call to Order

Vice Chairperson Grimes called the meeting to order at 9:10 a.m.

II. Introductions

Those in attendance introduced themselves.

III. Approval of Meeting Minutes January 26-27, 2011 Hearing Aid Dispensers Committee, Speech-Language Pathology Committee, & Full Board Meeting Minutes

The Board discussed minor edits to the meeting minutes of the January 26-27, 2011 Hearing Aid Dispensers Committee, Speech-Language Pathology Committee, and full Board meeting minutes.

M/S/C: Manning/Grimes

The Board voted to approve the meeting minutes as amended.

IV. Hearing on Petition for Reinstatement of Revoked/Surrendered License - NUNALLY, MEREDITH SP 12617

The Board heard the Petition Hearing for the Reinstatement of the Surrendered License of Ms. Meredith Nunally.

Board convened in closed session.

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

A. To Deliberate on Petition for Reinstatement

The Board adjourned the full board meeting and went into closed session at 10:45 a.m. to deliberate the decision of the Petition Hearing.

VI. Executive Officer's Report

A. Budget Update

Ms. Del Mugnaio reviewed the expenditures reports with the Board for both the Speech-Language Pathology and Audiology budget and the Hearing Aid Dispensers' budget as of Month 9, ending on March 31, 2011. She explained the expenditure trends and projected reversions.

B. Status of Proposed Regulations

1. Consumer Protection Enforcement Initiative (California Code of Regulations 1399.150.3, 1399.151, 1399.156, & 1399.156.5)

Ms. Del Mugnaio referenced the proposed regulations in the meeting packets and stated that the Board had approved the language at a previous meeting and delegated to staff to file the Notice of Proposed Action. She stated that the regulatory notice will be filed in June 2011.

2. Speech-Language Pathology Assistant - Supervision and Field Work Experience Requirements (California Code of Regulations 1399.170, 1399.170.6, 1399.170.10, 1399.170.11 & 1399.170.15)

Ms. Del Mugnaio referenced the proposed regulations regarding speech-language pathology assistant supervision and fieldwork requirements, as included in the meeting packets, and stated that the proposal was reviewed by the Speech-Language Pathology Practice Committee at the January 26, 2011 meeting. Ms. Del Mugnaio stated that, based on comments and feedback from interested parties regarding current speech-language pathology assistant training program provisions, she is proposing the Board consider amending Section 1399.170.4(b)(1) to require that the speech-language pathology assistant training program director must hold a valid license in speech-language pathology or equivalent credentials. Ms. Del Mugnaio stated that the current provisions do not require the training program director to possess specific credentials or licensure in the field of speech-language pathology. She reported that a few programs have employed program directors who possess credentials in a health discipline other than speech-language pathology, and that the lack of a program director's specific knowledge and experience in the field has presented problems in terms of developing appropriate curriculum, coordinating clinical experiences, advising students, and providing direction to program instructors.

Ms. Del Mugnaio requested that the Board consider the additional proposed amendment.

The Board discussed the amendment and decided to table the matter until the July Board meeting, as the professional speech-language pathology Board members were not present to discuss the proposed changes.

C. Executive Orders - Hiring Freeze / Travel Restrictions / Staff Recruitment / Personnel Issues

Ms. Del Mugnaio reported on the status of the state's on-going hiring freeze and opportunity for limited recruiting within the Department of Consumer Affairs.

Ms. Del Mugnaio also reviewed Governor Brown's Executive Order restricting state personnel from incurring travel expenses for any non-essential or non-mission critical travel. She reported that Board meetings where critical policy and program issues are being discussed are deemed mission critical; however, agencies are being encouraged to conduct business in their local vicinities to reduce travel and facility costs.

Ms. Del Mugnaio announced the recruitment of the new Program Manager, Breanne Humphreys, and the Non-Sworn Special Investigator, Michelle Mason.

Ms. Humphreys and Ms. Mason addressed the Board and provided a summary of their respective employment experience.

VII. Chairperson's Report- Report on the Department of Consumer Affairs Director's Conference Call and Information Regarding Continued Competency

Vice Chairperson Grimes presented the report in Chairperson O'Connor's absence and referenced the written report prepared by Chairperson O'Connor regarding continued competency.

Vice Chairperson Grimes stated that the Board will be discussing continued competency models that may be adopted for speech-language pathology, audiology, and hearing aid dispensing at the July Board meeting, and may have guest speakers from the Citizen Advocacy Center attend the meeting to inform the Board on existing continued competency program models.

VIII. Practice Committee Reports

A. Hearing Aid Dispensers Committee Report Regarding the Status of the Proposed Continuing Education Regulation Changes, and the Legislative Proposal to Amend the Song-Beverly Consumer Warranty Act.

Mr. Manning provided an overview of the matters discussed at the Hearing Aid Dispensers Committee Meeting and outlined the recommendations of the Committee before the Board regarding the continuing education regulation proposal (included under the Hearing Aid Dispensers Committee Meeting Minutes).

M/S/C: Danz/Grimes

The Board voted to adopt the recommendation of the Committee and approve the filing of the regulation amendments (California Code of Regulations Sections 1399.140 – 1399.143) regarding continuing education (CE) for hearing aid dispensers.

B. Audiology Practice Committee Report and Recommendations Regarding Proposed Regulatory Amendments for Dispensing Audiologists' Renewal Fees and Continuing Professional Development, and Status of the Discussion Regarding the Pediatric Audiology Specialty Examination

Ms. Grimes provided an overview of the issues discussed at the Audiology Practice Committee meeting and outlined the recommendations of the Committee before the Board regarding the proposed regulations for the Dispensing Audiologists' renewal fees and continuing professional development provisions (included under the Audiology Practice Committee Meeting Minutes).

M/S/C: Green/Danz

The Board voted to adopt the recommendation of the Committee and approve the filing of the notice of proposed action regulatory package (California Code of Regulations Sections -1399.157, 1399.160.3-1399.160.6)

IX. Department of Consumer Affairs Director's Report – Updates from the Administration, New Policy Directives

Ms. Cindy Kanemoto provided the Department's Director's Report on behalf of Director Brian Stiger, and outlined the following projects and administrative updates:

Hiring Freeze

- On Tuesday, February 15, 2011, Governor Brown issued an Executive Order for a Statewide Hiring Freeze. The Order prohibits the hiring of employees or entering into personal services contracts to compensate for the effects of the hiring restrictions.
- The Order did provide an exemption process for positions that are essential to carry out certain responsibilities, including "core functions of departments' statutory missions."
- The Department of Finance also released a Budget Letter, which identified the process for submitting freeze exemption requests. These exemptions require a justification as to how the request meets the criteria related to the Board's statutory mission and also the consequences if the positions are not filled.
- The Department will continue to work with the Boards to submit exemption requests to include justifications based upon this new Order. These exemptions will be reviewed by the Department, State and Consumer Services Agency, Department of Finance, and then the Governor's Office.
- To date, the Department has had success in seeking exemptions.

Travel Restriction Executive Order

- On April 26, 2011, the Governor issued an Executive Order issuing restrictions on travel.
- No travel is permitted unless it meets the definition for "mission critical" under the executive order.

- The Department will work with the Boards to implement this order and ensure that the Boards and Bureaus are able to continue with their mission-critical travel and comply with the Order regarding all other travel.

Consumer Protection Enforcement Initiative

- The Department posted the third set of performance measures to the Department's Website.
- The measures show how long it takes from the receipt of a complaint until disciplinary action is taken, which is very helpful to the Board in reviewing their enforcement program.

SB1441

- The Department encourages this Board to move forward with regulations to implement the Senate Bill 1441 Uniform Standards.
- The implementation of SB1441 was an item that was brought up during Sunset Legislative Review Hearings.

BREEZE

- The BreEZe project has achieved another major milestone with the receipt of final proposals in March.
- The proposals were evaluated for their technical and administrative merit as well as how well they met the DCA's business needs.
- The cost of the final project is higher than anticipated. DCA is researching options for reducing the costs and is in negotiations with the vendor.
- Between April and August, the project will be securing the final contract approvals from Department of General Services and the Legislature. The contractor is anticipated to start August 2011.

EO Evaluation/Study

- The Department is working on developing a new Executive Officer Evaluation form. A working group made up of board members and an EO is developing the form criteria, and the new form is expected to be released by mid June.
- The Department had received several requests from boards asking to increase the salary for an Executive Officer. These requests have to be approved by the Department of Personnel Administration and the Governor's Office. The Department wanted to ensure that all board's EO salaries were reviewed to determine if the positions were at the appropriate salary and, therefore, the Department has contracted with a consultant to review all EO salaries and record any changes made in the last 10 years (e.g., increased staff, scopes of responsibility, etc.) in order to recommend an appropriate salary scale. The final report is expected to be released in August.

Posting information/Web casting

The Department strongly encourages the Board to post materials online for convenience to the public and as a cost-savings measure.

X. Legislation

A. Senate Bill 933 - Runner - Merger of the Speech-Language Pathologist and Audiologist/Hearing Aid Dispensers Practice Act(s)

Ms. Del Mugnaio reported that Senator Runner is carrying the bill to merge the Practice Acts for the Speech-Language Pathologist and Audiologist B&P Chapter 5.3 (Sections 2530 et.seq.) and the Hearing Aid Dispensers Chapter 7.5 (Sections 3300 et.seq.), pursuant to the merger of the two oversight bodies under AB 1535.

Ms. Del Mugnaio stated that there is no opposition to the merits of the bill on record; however, Tim Riker of the California Association of the Deaf, Sacramento Chapter, did raise some concerns regarding the governance of the Board and its overall mandates of consumer protection. Ms. Del Mugnaio stated that she communicated with Mr. Riker via email and invited him to attend a public Board meeting and observe the Board's policy making forums. She also invited Mr. Riker to address his concerns before the Board or directly with the Legislature.

Ms. Del Mugnaio reported that the bill has passed out of the Senate and is now in the Assembly Policy Committee.

B. Assembly Bill 675 - Hagman – Continuing Education

Ms. Del Mugnaio stated that AB 675, as proposed, would restrict boards from approving continuing education or continuing competency that advances or promotes labor organizing on behalf of a union, or that advances or promotes statutory or regulatory changes and political advocacy, and would restrict providers of courses from advertising that the course meets the continuing education requirements for license renewal. The bill would require a board, subject to specified procedural requirements, to withdraw its approval of a provider that violates that requirement for no less than 5 years.

Ms. Del Mugnaio reported that the bill was unsuccessful in passing out of the policy committee hearings.

C. Senate Bill 544 - Price- Professions and Vocations: Regulatory Boards

Ms. Del Mugnaio stated that SB 544 is a reinvention of the Senate Bill 1111 that was crafted to provide enforcement program improvements for the boards and bureaus within the Department. She stated that many of the provisions included in SB 544 have been proposed in the Board's CPEI regulatory proposal.

Ms. Hunter stated that the Nursing Association has concerns with the provisions of the bill and is continuing to work with the Senate Business and Professions Committee on further amendments. She stated that SB 544 is now a two-year bill, and will be reconsidered in the 2012 legislative session.

D. Amendments to 1793.02 Civil Code Regarding Warranty Provisions for Assistive Devices-Hearing Aids

Ms. Hunter indicated that HHP is currently seeking an author and vehicle for the proposal to amend the Song-Beverly Consumer Warranty Act as related to right of return provisions for hearing aids.

E. Other Legislation of Interest to the Board

Ms. Del Mugnaio presented information regarding Senate Bill 541 regarding the requirement for boards/bureaus to enter into contracts with expert consultants for

enforcement, examination, and licensing consultant services. SB 541 would enable boards and bureaus to utilize expert consultants under a simplified and expedited contract process. Ms. Del Mugnaio reported that boards currently utilize expert consultants and pay the consultants through an invoice process. In November 2010, the Department issued a memo requiring that all boards and bureaus enter into formal consulting services contracts with each expert consultant, as mandated by state law. The process to execute formal contracts for each consultant would create enormous backlogs for both the Department and the boards, and prevent the boards from securing expert services for enforcement and examinations in a timely manner.

Ms. Del Mugnaio suggested the Board consider supporting the measure.

M/S/C: Grimes/Manning

The Board voted to support SB 541 and delegated to Ms. Del Mugnaio the task of forwarding the appropriate support letter.

XI. Licensing / Enforcement/Examination Statistical Data

The Board reviewed the statistical data as provided by staff and requested information regarding the gathering of statistical information.

Each program area was presented independently, and a thorough review of the data was facilitated by Board staff.

XII. Public Comment on Items Not on the Agenda/ Future Agenda Items

No further public comments were presented.

XIII. Announcements- Future 2011 Board Meetings- July 14-15, 2011 Sacramento/ October 20-21, San Francisco

Next Scheduled Board Meeting July 14-15, 2011 in Sacramento

The Board confirmed the dates of the July 2011 and October 2011 board meetings, as noticed.

XIV. Adjournment

Vice Chairperson Grimes adjourned the meeting at 2:40 p.m.