

MEETING MINUTES - DRAFT
Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

March 11, 2015
Sacramento, CA

I. Call to Order

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:45a.m. Ms. Grimes called roll; nine members of the Board were present and thus a quorum was established.

Board Members Present

Alison Grimes, Board Chair
Patti Solomon-Rice, Vice Chair
Rodney Diaz, MD, Public Board Member
Jaime Lee, Public Board Member
Deane Manning, Board Member
Marcia Raggio, Board Member
Dee Parker, Board Member
Amnon Shalev, Board Member
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Lou Galiano, DCA Web Cast
Breanne Humphries, Program Manager
Sabina Knight, Legal Counsel
Anita Joseph, Enforcement Coordinator
Karen Robison, Enforcement Analyst

Guests Present

Sean O'Conner, Department of Consumer Affairs, Division Program and Policy Review
Becky Bingea, California Academy of Audiology (CAA)
Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Bryce Docherty, HHP
Linda Gifford
Jean Jackson, EBS Healthcare
Jan Jones Wadsworth
Heidi Lincer-Hill, Office of Professional Examination Services (OPES)
Marcus McArthur, Department of Consumer Affairs, Executive Office
Karen Munoz, Department of Consumer Affairs, Budget Office
Carol Murphy

Randy Sager, HHP
Dave Valerio
Dennis VanVliet, CAA
Raul Villanueva, OPES
Dennis Zanchi, SOLID, Training Solutions

Deane Manning, Hearing Aid Dispenser, and Marcia Raggio, Audiologist, were sworn in by Ms. Grimes to a new term as Board members.

II. Review and Approval of the November 7, 2014 Board Meeting Minutes

M/S/C – Solomon-Rice/Parker

- **Approved the November 7, 2014, Board Meeting Minutes as amended. The motion carried 8-0 with Dr. Diaz abstaining.**

III. Discussion/Possible Action on Testing or Increasing Standards for Foreign - Trained Speech Pathology Candidates

Patti Solomon-Rice gave a brief overview of the report on foreign - trained applicants.

A. Background/Historical Report

Ms. Murphy read a letter submitted by Speech-Language Pathologists (SLP) from the West Contra Costa Unified School District to the Board, dated June 2007 about their concerns regarding English language proficiency and qualifications of foreign - trained SLP's. Ms. Murphy reported on the different English language proficiency exams such as the International English Language Testing System (ILETS) and Test of English for International Communication (TOEIC); including the standardization of the exams, security measures taken to ensure their examinations are not compromised, and what other countries and/or departments use each examination. Ms. Murphy recommended the Board use the ILETS, standardized by Cambridge University, as the English Language Competency of Foreign-Trained Speech-Language Pathology examination.

B. Report on Testing for English Language Competency of Foreign-Trained Speech-Language Pathology Candidates

Mr. Villanueva began by giving an overview of OPES's mission and purpose. Mr. Villanueva gave a presentation that highlighted the licensure exam requirements, the accepted professional standards and the current evaluation methods. He then reported on the conclusion OPES came to after they evaluated the ILETS English proficiency examination.

Discussion ensued among the Board and guests about what level of English proficiency is needed to ensure those working with children do not inhibit their becoming proficient in the English language. Topics that were discussed were graduate programs not accepting those who lack proficiency in English, matching proficiency standards to a specific job, English communication problems being

addressed by the supervisor during the Required Professional Experience (RPE) evaluation and that the English language proficiency standard should be set high enough to protect the public but not so it is too limiting.

In addition, referring to the Commission on Teacher Credentialing and their special education programs, determine what the language development needs and expectations in school age children are and including audiologists in English language proficiency were included in the discussion.

M/S/C Grimes/Solomon-Rice

- **Ms. Grimes requested Ms. Parker and Ms. Solomon-Rice work on proficiency examination requirements for English Language Competency of Foreign-Trained Speech-Language Pathology Candidates. The motion carried 9-0**

IV. Update on California Commission on Teacher Credentialing (CTC) Speech-Language Pathologist Variable Term Waiver (VTW)

Ms. Solomon-Rice informed the Board the CTC met on January 9, 2015 and February 13, 2015. The CTC addressed reissuance amendments to the VTW for Speech-Language Pathology Assistants (SLPA) such as approving reissuance as long as the SLPA is in an accredited graduate program. An update from CTC on the February meeting was requested however; the Board had not received a response.

V. Ad Hoc Committee Report on Auditing the Supervision of Speech-Language Pathology Assistants

Ms. Parker reported that audits are needed in order to reduce the occurrence of SLPA's performing services outside their scope of practice. California Speech Hearing Association (CSHA) volunteered to help with guidelines and work with the Board on school problems. It was noted that the Board has jurisdiction over licensed SLP's and SLPA's in school settings. Ms. Parker and Ms. Snow will be working jointly with CSHA on this issue in order to educate school districts.

VI. Executive Officer and Board Staff Reports

A. Administration

1. Personnel

Mr. Sanchez informed the Board that Breanne Humphreys has been able to keep the office running, although the Board recently lost two staff members to retirement, by finding creative ways to acquire temporary staff. Mr. Sanchez acknowledged Lisa Snelling, seasonal clerk, for the great work she has been doing handling the receptionist duties at the Board. In addition, he informed the Board of the hiring of Nguyet Pham to fill the Office Technician position vacated by Tim Yang.

2. Staffing

The Board is working on a contract with CPR-HR Consulting to analyze and evaluate the Board's workload to determine if staffing is adequate for the oversight of over 20,000 licensees. It was noted that the Board can increase staff if the Department of Finance (DOF) approves the funding. Mr. Sanchez has been looking into larger office space to accommodate future growth.

B. BreEZe Update

Mr. O'Connor gave an overview of the BreEZe system and how it will replace the Legacy systems currently in use. DCA learned lessons from the Phase 1 release in 2013 and came to the same findings as the Legislature did. At this time BreEZe Phase 3 transition, which SLPAHAD is a part of, is on hold. The estimated Phase 3 transition date is 2018, however; DCA will have a better timeline closer to the Phase 2 transition. Mr. Sanchez informed the Board that the conversion to BreEZe takes quite a bit of staff time and that putting the transition on hold was beneficial. However; the investment of staff and time the Board puts into the front end of the project will benefit the end product.

C. Budget

1. Proposed Fee Increase

Ms. Munoz and Mr. de los Reyes from the DCA Budget Office explained the budget fund condition. They spoke about the target reserve amount, how increasing fees affects the fund, and maintaining solvency within the Board. The Board discussed raising fees, the time frame of when the fee increase should be implemented, and Mr. Sanchez noted that licensees are typically supportive when fee increases were discussed.

M/S/C – Manning/Grimes

- **Delegate staff to work on regulatory language for fee increases, staff increases and revenue increases. The motion carried 9-0.**

D. Enforcement/Licensing/Examinations

Mr. Sanchez informed the Board that enforcement staff recently attended the Enforcement Training Academy conducted by SOLID. In addition, he updated the Board on the disciplinary actions and the probation monitoring staff is handling.

Application processing times have dropped over the past few weeks. This has been accomplished by implementing changes in procedures and staff. These changes included borrowing staff, application processing changes, supporting documentation tracking changes and transcript acceptance procedures.

It was noted that the practical examination pass/fail rate statistics seemed inconsistent. Mr. Sanchez stated the experience of the examinees at a particular examination will drive the statistics.

The Board has published a law book and the public can purchase it through the link on our website. The law book has three main sections, Statutes, Regulations and Related Laws.

E. Update on Proposed Regulation Packages

Ms. Robison updated the Board on the status of the proposed regulation packages.

F. Update on Hearing Aid Dispensers Practical Examination

VII. Discussion on Upcoming Strategic Planning

Mr. Zanchi presented an overview of the service SOLID will provide to assist the Board during their strategic planning session. Mr. Zanchi noted the process has changed from the service SOLID provided in the past. Strategic Planning is set for August 20-21, 2015, in San Francisco.

VIII. Legislation Update

A. Discussion on the Recent Changes to the Song-Beverly Act

Discussion among the Board about the recent changes to the Song-Beverly Act centered on the wording “warranty” instead of “right to return” and tolling time. Confusion between Song-Beverly warranty and manufacturer warranty ensued. Ms. Knight noted that “seller” means the “sellers warranty” and “under this section” refers to the “tolling section”. Ms. Knight informed the Board this section of law is a statute. HHP reported the intent of the law was to protect the hearing aid seller and purchaser but not infringe on the manufacturers responsibility and that the sellers warranty responsibility is limited to forty-five (45) days.

IX. Review/Discussion/Possible Action on the Proposed Regulatory Amendments for Audiology Aide Supervision Standards and Practice Limitations (16 CCR 1399.154-1399.154.4)

The Board discussed the changes made to the proposed regulatory amendments for Audiology Aide Supervision Standards and Practice Limitations. The Board was informed the language used to list the tasks Aids could perform however; the thought of the Board in 2010 was to list what tasks are outside the scope of practice. It was pointed out that a section of the proposed language conflicted with existing law and has been removed.

M/S/C Raggio/Grimes

- **Delegate to the EO to make any technical and non-substantive changes to the proposed language and move forward with the rulemaking package. The motion carried 7-1 with Dr. Rodney Diaz abstaining.**

X. Public Comment on Items Not on the Agenda

It is reported that there are issues with California Children Services (CCS) and audiology access for children. The CAA has expressed concerns and requests a letter of recommendation. Mr. Sanchez noted letters have been written in the past.

XI. Agenda Items and Future Board Meetings Dates

A. Agenda Items for Next Meeting

Items to be included on the next Board meeting agenda are the issues with CCS, Foreign Educated SLP's, SLPA work tasks, and increasing self-study hours.

B. Board Calendar

Dates for future Board meetings were set through May 2016.

XII. Discussion and Information on Public Notification of Enforcement and Disciplinary Actions

A. Information on Role of Disciplinary Guidelines in Enforcement Actions

CLOSED SESSION

XIII. Pursuant to Government Code Section 11126 (c) (3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters

1I-2013-73

Stipulated Settlement - Adopted

RETURN TO OPEN SESSION

XIV. Adjournment

The Board meeting adjourned at 4:30 p.m.