



BOARD MEETING MINUTES
Los Angeles Airport Marriott
August 11-12, 2016

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issues were taken out of order during the meeting.

1. Call to Order / Roll Call / Establishment of Quorum

Alison Grimes, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 2:51 p.m. Ms. Grimes called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Alison Grimes, Board Chair
Patti Solomon-Rice, Vice Chair
Jaime Lee, Public Board Member
Marcia Raggio, Board Member
Dee Parker, Board Member
Annon Shalev, Board Member
Debbie Snow, Public Board Member

Board Members Absent

Rodney Diaz, MD, Public Board Member
Deane Manning, Board Member

Staff Present

Paul Sanchez, Executive Officer
Cesar Victoria, DCA Web Cast
Breanne Humphreys, Program Manager
Anita Joseph, Enforcement Coordinator
Kelsey Pruden, Legal Counsel
Karen Robison, Analyst

Guests Present

Toni Barrient, Consumer
Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Cindy Kim, West Coast Captioning

Closed Session

2. The Board went into closed session at 2:53 p.m.

1I-2015-60
Proposed Decision – Non-Adopt

Return to Open Session

The Board returned to open session at 3:30 p.m.

3. Public Comment for Items not on the Agenda

There were no comments from Public/Outside Agencies/Associations.

4. Review and Approval of the May 12-13, 2016 Board Meeting Minutes

M/S/C Parker/Shalev

- **Approve the May 12-13, 2016 Board Meeting Minutes as amended. The motion carried 6-0 with Ms. Lee abstaining**

5. Update on CPS-HR Workload and Staffing Analysis Report

Paul Sanchez updated the Board on the information CPS-HR reported on its analysis of the Board's work environment. Workload processes that CPS-HR studied included: identifying major tasks and the time needed to complete those tasks; identifying over/under staffing of existing workload; documenting work not being completed due to insufficient staffing levels; and comparing staffing levels and performance measures with those of DCA Boards similar in size. It was noted that the Board has not seen an increase in the number of staff comparable with the growth of the Board and the growth of the licensee population. The Board questioned if this data will allow for an increase in staff. Mr. Sanchez informed the Board that this report helps document the need for additional staff; but, the Board must still go through the budget process to request additional staff.

6. Executive Officer's Report

a. Administration Update

The Board is looking to recruit a licensing analyst who will assist the licensing unit in processing speech-language pathology and audiology applications.

b. Budget Report

The Board has expended most of the budget this fiscal year. As a result, the Board requested and received a budget augmentation to continue working enforcement cases. The Board has expended so much of its budget due to the amount of work. In the past, Board staff vacancies have resulted in work not being completed. The Board now has the staff to complete the work. The Board has also held eight practical examinations to date.

c. Licensing Report

Mr. Sanchez reported that in the past twelve months speech-language pathology (SLP and audiology (AU) application processing timeframes have improved. During this time, the Board experienced vacancies with the loss of experienced staff members; however, Tim Yang began processing applications and trained new licensing staff. This resulted in processing times being reduced by half. In reviewing the licensing table, the number of SLP licenses issued has almost doubled in the past five years, RPE's have increased approximately sixty percent, and hearing aid dispenser/dispensing audiology licenses have nearly tripled.

d. Hearing Aid Dispenser Practical Examination Report

The Board has held eight hearing aid dispenser practical examinations to date and two more are scheduled for later this year. In the future, the Board is considering holding practical examinations in Southern California. There are challenges to holding a practical examination due to requiring a specific type of setting to conduct the examination in order to maintain examination security.

e. Enforcement Report

Mr. Sanchez reported that with an increase of the licensing population comes an increase in complaints received by the Board. Complaints opened by the enforcement unit have increased approximately 33% over the past three years. A request to separate the SLP complaints from the Audiology complaints was fielded. Mr. Sanchez stated the report combines these two professions and Board staff would need to manually separate the information. He noted he may be able to give the information the Board is looking for in narrative form. The performance measures have improved since the spike in fiscal year 2014/2015, which was caused by a loss of staff and the training of new staff.

f. Board Strategic Plan Action Plan

Mr. Sanchez provided an update on the Strategic Plan. The Board staff has continued to work with SOLID to create an action plan to meet the goals and objectives. He noted that this is a five-year plan and he requested feedback regarding any questions, concerns, or reprioritization of objectives. Mr. Sanchez reported there are 30 objectives and 218 tasks in the current plan and approximately 10% have been completed to date. He recommended that concentrating the Board meetings on the objectives identified in the Strategic Plan will help staff meet those goals.

7. Discussion of the Sunset Oversight Review

Mr. Sanchez provided an overview of the Sunset Review process. He noted that the Legislature looks at how the Board is doing, statistical numbers, new issues, needs, and changes in addition to reviewing the previous Sunset Review report to see where the Board was and where it is now.

a. Sunset Review Timeline

The Sunset Review oversight report is due December 1, 2016.

b. Sunset Review Background Questionnaire

Mr. Sanchez requested a subcommittee of the Board work on and gather information for the report.

c. Process

A letter was provided to the Board Members from the Senate Consultant on the Committee of Business Professions and Economic Development (BPED) advising the Board of the Sunset Review process. BPED states that they will look at the Board's statistical numbers, changes that have happened at the Board, needs and/or new issues that have arisen, and what progress the Board has made on issues identified in the 2012 Sunset Review.

d. Potential Legislative Concepts in Sunset Review Report

No discussion occurred on this topic.

e. Board Sunset Committee

The Board does not have a standing Sunset Review committee however the Board will revisit this issue at tomorrow's Board meeting. Committee members can volunteer or be appointed. The hope is that all Board members will help work on the report.

8. Discussion and Possible Action on the Proposed Board Member Manual

The Board Member Manual (Manual) is an important document that serves as a guide to the Board on procedural matters and will help the Board function. The Manual is a living document that can be revisited throughout the year for updates and changes. Kelsey Pruden led the discussion with the Board on each section of the Manual.

a. Board and Committee Structure

Mr. Sanchez proposed looking into changing the makeup of the committees from practice committees to business committees. He opined that it seemed like a lot of time is spent going over the information that was discussed during the committee meeting the day before.

b. Frequency of Meetings

Changing the frequency of meetings was discussed by the Board. It was mentioned that the Board meets quarterly and meeting less frequently could cause the Board to lose sight of items; therefore, no change was made.

c. Committees

- i. Business area (legislative, enforcement, etc.) vs. practice committees

The Board discussed two member Ad Hoc subcommittees that could work on profession specific topics and have the public members more engaged in committees that focus on subjects such as enforcement and budgets.

M/S/C Grimes/Parker

- **Motion that the presence of one (1) vote will result in holding the decision for Board discussion. The motion carried 7-1**

M/S/C Lee/Parker

- **Motion to adopt the Board Member Manual with the changes discussed today and any grammatical or technical errors. The motion carried 8-0**

9. Recess until August 12, 2016 at 9:00 a.m.

The Board went into recess at 4:40 p.m.

August 12, 2016 - 9:00 a.m. – 5:00 p.m. (or until completion of business)

1. Call to Order / Roll Call / Establishment of Quorum

Alison Grimes, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 9:00 a.m. Ms. Grimes called roll; eight 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
Dee Parker, Board Member
Marcia Raggio, Board Member
Annon Shalev, Board Member
Debbie Snow, Public Board Member

Board Members Absent

Deane Manning, Board Member

Staff Present

Paul Sanchez, Executive Officer
Cesar Victoria, DCA Web Cast
Breanne Humphreys, Program Manager
Anita Joseph, Enforcement Coordinator
Kelsey Pruden, Legal Counsel
Karen Robison, Administrative/Enforcement Analyst

Guests Present

Toni Barrient
Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Sherry Fulberry, California State University, Northridge (CSUN)
Mary Ellen Hood, California Speech-Language-Hearing Association (CSHA), Chapman University
Terry Kapp, CSHA
Cindy Kim, Close Captioning, West Coast Captioning
Brooke Lugatt, CSHA/TUSD
Beth Pioli, CSHA
Linda Pippert, CSHA
PJ Seymour, CSUN
Brittany Sheldon, CSUN
Roni Turick, CSHA

2. Update on English Proficiency Test Requirements and Foreign-Educated Speech-Language Pathology Applicants

Patti Solomon-Rice gave an overview of the English proficiency test requirements and foreign educated speech-language pathology applicants and noted that progress has been made. Ms. Pruden informed the Board that the Board will need a statutory change to move forward as there is no authority to promulgate regulations on this issue at this time.

3. Discussion and Possible Action on Auditing the Supervision of Speech-Language Pathology Assistants (SLPA)

The Board discussed the supervision of SLPA's, or lack thereof, and the need to perform audits in all practice settings. Dee Parker remarked that this is an issue with the Commission on Teacher Credentialing (CTC) and the discussion was moved to encompass the Variable Term Waiver (VTW) to catch overlapping concerns.

4. Speech-Language Pathologist Credential/Variable Term Waiver Update

Ms. Parker provided an update on the VTW and the criteria that must be met to be granted a VTW. It was noted that school administrators are missing the 3.0 grade point average when reviewing criteria for the VTW. Administrators also do not know the difference between SLP's and SLPA's and the tasks they can and cannot perform. The Department of Education will have a new Director of Special Education beginning September 1, 2016. A meeting with the new Director has been arranged to discuss this issue. Education is needed to inform administrators in school districts and

administration students about SLPA's so they know SLPA's must be licensed by the Board, are not regulated by the CTC, and what the many acronyms stand for.

M/S/C Parker/Solomon-Rice

- **Form an Ad Hoc Committee to assist staff in looking into VTW educational outreach. The motion carried 7-0**

5. Discussion and Possible Action on Audiology Committee Report and Recommendations

Ms. Grimes provided an oral report on the topics discussed during the August 11, 2016, Audiology Practice Committee meeting. Subjects discussed included the President's Council of Advisors on Science and Technology (PCAST) report, California Children's Services, and the approval of the May minutes. Mr. Shalev brought up the issue which was discussed during the Committee meeting of hearing aids that are locked by the manufacturer or dispensing entity that restricts consumer's access to reprogramming of their hearing aid. He suggested looking into adding this issue to the hearing aid dispenser advertising guidelines. Ms. Pruden will research to determine if there will be any conflict with Federal Regulations or potential conflict in California.

M/S/C Raggio/Shalev

- **Approve the Audiology Practice Committee report. The motion carried 7-0**

6. Update on METX, LLC v. Wal-Mart Stores Texas, LLC (E.D. Tex. 2014) 62 F.Supp.3d 569 Decision

Ms. Pruden briefed the Board on a case which came out of the Texas Federal Court to determine whether Food and Drug Administration (FDA) regulations preempted Texas Medical Board statutes.

7. Proposed Regulations – Discussion and Possible Action

- a. Title 16, CCR, Section 1399.170 – Speech-Language Pathology Assistants

The Board discussed the comments received during the 15-day comment period that ended on June 28, 2016 and reviewed the staff recommended responses. The Board acknowledged the comments received and noted they value what is said.

M/S/C Solomon-Rice/Parker

- **Accept all staff recommendations to comments. The motion carried 7-0**

8. Legislation Update, Review, and Possible Action

- a. [AB 1950](#) (Maienschein) Hearing aids: audio switch

This bill is in Committee and being held in suspense. Toni Barrient spoke on this bill and it explained how it came to be. She stated "You [the Board] really does care about us [hearing impaired]". It has been noted that this is a legislative issue as well as a Board issue and it should

be a hearing aid dispenser committee agenda item in the future. The Board will follow up on this bill.

b. [AB 2317](#) (Mullin) California State University: Doctor of Audiology degrees

This bill was in the Senate on Monday and sent to the Senate to concur and expected to go to the Governor within the next two weeks.

c. [AB 2859](#) (Low) Professions and vocations: retired category: licenses

This bill is on the consent calendar.

d. [SB 1155](#) (Morrell) Professions and vocations: licenses: military service

This bill is being held in suspense.

9. Discussion on Procedures Regarding Board Executive Officer Evaluation

The Board was informed by Mr. Sanchez that the Executive Officer (EO) evaluation is due and will be on the November agenda.

10. Future Agenda Items and Future Board Meeting Dates

Future agenda items include: Hearing Aids: Audio Switch, EO evaluation, Sunset Review, SLPA supervision, Foreign Educated Applicants, AB 796, AB 1715, AB 2004, SB 1034, SCR 136

- a. September/October – Additional Meeting to Discuss Sunset Report - TBD
- b. November 3-4, 2016 – Sacramento
- c. February 9-10, 2017 – San Diego
- d. May 11-12, 2017 – TBD
- e. August 10-11, 2017 – TBD

11. Adjournment

The Board adjourned at 1:25 p.m.