



BOARD MEETING MINUTES

Sacramento, California

July 18-19, 2019

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.

Full Board Meeting

Dee Parker, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 1:12 p.m. Ms. Parker called roll; six members of the Board were present and thus a quorum was established.

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

Board Members Present

Dee Parker, SLP, Board Chair
Marcia Raggio, AuD, Vice Chair
Christy Cooper, AuD, Board Member
Amnon Shalev, HAD, Board Member
Karen Chang, Public Board Member
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Breanne Humphreys, Operations Manager
Michael Santiago, Legal Counsel
Tenisha Graves, Enforcement Coordinator
Heather Olivares, Legislation/Regulation Analyst

Guests Present

Jacque Georgeson, University of the Pacific
Bryce Docherty, Hearing Healthcare Providers of California

2. Approval of the April 11-12, 2019 Board Meeting Minutes

M/S/C Raggio/Cooper

Motion to approve the April 11-12, 2019 meeting minutes. The motion carried 6-0.

3. Public Comment for Items not on the Agenda

Written public comment was received from Dr. Maria Abramson regarding the Auditory Processing Disorder information on the Board's website. Mr. Sanchez stated public comment cannot be discussed, but the issue can be added to a future agenda. Ms. Raggio stated the information should be reviewed and the Board should consider updating the information on the website. The written public comment will be referred to the Audiology Practice Committee to review and bring suggested language for the website to the Board at a future meeting.

4. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Above Petition and Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty.
5. Discussion and Possible Action on the Hearing Aid Dispensing Written Examination Requirement and the Possible Use of a National Examination Such as the International Licensing Examination (ILE) from the International Hearing Society (IHS).

Mr. Sanchez stated Business and Professions Code section 2538.25 requires hearing aid dispenser applicants to pass a written and practical exam. Mr. Sanchez reported the Board is responsible for the administration and development of the exam. Mr. Sanchez stated at least 44 states use the IHS International Licensing Examination. Mr. Sanchez stated a validation process would be required before the Board could change the required exam.

Ms. Raggio stated the test is administered by IHS, which represents hearing aid dispensers and it is unclear if the exam questions would be applicable to the audiology population. Mr. Sanchez stated the Board would work with the Office of Professional Exam Services (OPES) to determine whether the exam is a valid option for the Board. Mr. Shalev stated the Board would need to encompass the State laws with the IHS exam. Mr. Shalev requested Board staff invite OPES and IHS representatives to attend the next Board meeting.

The hearing aid dispensing written exam requirement and the possible use of a national exam will be referred to the Hearing Aid Dispensers Committee.

6. Discussion and Possible Action on Adding an Apprenticeship/Training Requirement for Hearing Aid Dispensers Prior to Taking the Practical Examination.

Mr. Sanchez reported AB 780 (Brough) would have created a new apprentice license as an alternate pathway to licensure. Mr. Sanchez stated Business and Professions Code section 2538.17 provides the Board with authority to require applicants to complete a course of instruction for the fitting and selection of hearing aids.

Mr. Shalev stated the Board should not create a new requirement without having the tools to fulfill the requirement. Bryce Docherty with Hearing Healthcare Providers of California (HHP) stated there isn't a formal hearing aid dispensing training program available in California, but rather hearing aid dispensing is an apprentice-based

profession. Mr. Docherty stated HHP is interested in a formal training program as an optional pathway to licensure but does not want it to be a requirement which may create a disincentive for people entering the profession. Ms. Chang expressed concern that a training program may become a requirement through legislation and the Board should prepare for that possibility.

This issue will be referred to the Hearing Aid Dispensers Committee to determine whether an apprenticeship or training program for hearing aid dispensers should be required prior to taking the practical exam.

7. Discussion and Possible Action on Clarifying in Regulation the Required Number of Clock Hours for Audiologists.

Mr. Sanchez stated Business and Professions Code section 2532.25, which was amended when a doctorate degree became a requirement for licensure, requires the Board to establish by regulation the required number of clock hours of supervised clinical practice necessary for the applicant. Mr. Sanchez reported the current requirement found in California Code of Regulations section 1399.152.2(c) is 300 clock hours.

Ms. Raggio stated the regulation is based on the master's degree model and is not appropriate for doctoral level training. Jacque Georgeson with the University of the Pacific (UOP) stated the RPE verification form requires 12 months of experience and UOP's externship is 1850 hours. Ms. Georgeson stated RPEs have completed their 1850-hour externship program early and have their RPE verification form returned by the Board because they didn't complete 12 months of experience. Ms. Georgeson provided information from other states regarding the requirements for externships. Ms. Raggio stated it is reasonable to eliminate the 12-month timeframe and use clock hours as the criteria.

The Audiology Practice Committee will contact the directors of the new and existing programs with a standard set of questions and will provide the Board with additional information at the next meeting.

8. Executive Officer's Report a. Administration Update

Mr. Sanchez reported the Board recently hired a new licensing analyst, Theo Ross. Mr. Sanchez stated the Board is also recruiting for another licensing analyst position, a part-time analyst position to assist with regulations, and an office technician position.

b. Budget Report

Mr. Sanchez reported the Board is on track to meet the budget projections. Mr. Sanchez also provided an overview of the Board's fund condition and stated in Fiscal Year 2019-20 the Board is projected to spend more than the anticipated revenue.

c. Licensing Report

Mr. Sanchez stated the Board is in its peak licensing season and staff process about 4,000 applications per year. Mr. Sanchez also reported that online license renewals are now available.

d. Practical Examination Report

Mr. Sanchez reported that a practical exam was held on April 6th and another exam will be held on July 27th.

e. Enforcement Report

Mr. Sanchez reported in Fiscal Year 2017-18 the Board received over 300 complaints, which was a spike. The Board has returned to the normal range of approximately 150 complaints per year.

**Petition Hearings for Reinstatement of Licensure or Other Reduction of Penalty
(Time Certain: July 19, 2019 at 9:00 a.m.)**

9. Petition for Reinstatement of Revoked or Surrendered License – Michael Trythall, Audiology, License Number 2225

The administrative law judge opened the hearing. Veronica Vo presented the case to the Board. The administrative law judge swore in Michael Trythall. Ms. Vo questioned Mr. Trythall and Mr. Trythall responded to Ms. Vo's questions. Mr. Trythall responded to the Board's questions. Ms. Vo had no further questions.

Closed Session

10. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Above Petition and Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty.

Open Session

11. Discussion and Possible Action regarding Speech-Language Pathology and Audiology Fees (As Stated in Title 16, California Code of Regulations, sections 1399.157, 1399.170.13, and 1399.170.14)

Ms. Olivares explained in 2015 the Board approved a regulatory proposal to increase the fees and made a policy decision that the SLPA fees should be lower than the SLP fees. However, the regulatory proposal was revised in 2018 and the Board approved an application fee of \$150.00 for SLPAs, which is above the statutory maximum. Ms. Olivares provided an overview of the revised regulatory proposal which returns to the Board's original intent that SLPA fees should be lower than SLP fees.

M/S/C Chang/Snow

Motion to approve the proposed regulatory language and delegate authority to the Executive Officer to make changes consistent with Board policy. The motion carried 6-0.

The Board approved the regulatory language to increase the fees for the speech-language pathology and audiology professions, but this is the first step in the process and not the final approval. The regulatory proposal still needs to go through the formal rulemaking process set forth in the Administrative Procedure Act.

12. Legislation Update, Review, and Possible Action

a. Legislative Report

Ms. Olivares reported the Legislature is currently on summer recess until August 12th.

b. Board-Specific Legislation

- AB 598 (Bloom) Hearing aids: minors

Ms. Olivares provided an overview of recent amendments, which would require coverage be provided by a contracted provider and require a pediatric audiologist provide services for children under 5 years of age. Ms. Olivares recommended the Board continue to Support the bill.

Ms. Raggio asked for clarification regarding the recent amendment requiring coverage be provided by a contracted provider. Ms. Olivares stated this amendment is most likely an attempt to remove some of the opposition to the bill.

Ms. Cooper stated there is not a separate license for pediatric audiologist. Ms. Raggio responded the American Academy of Audiology has a voluntary certification for pediatric audiologist.

Mr. Shalev expressed concern that requiring coverage be provided by a contracted provider restricts access to the consumer.

M/S/C Chang/Cooper

Motion to direct Board staff to send a position letter in Support of the bill that outlines concerns regarding consumer access and that a pediatric audiologist isn't defined. The motion carried 6-0.

- AB 780 (Brough) Hearing aid dispensers: practice: cerumen management: apprentice license

Ms. Olivares reported the bill was held in the Assembly Appropriations Committee and will not be moving forward this year.

- AB 1075 (Holden) California State University: speech-language pathologist programs

Ms. Olivares provided an overview of recent amendments, which would require the California State University (CSU) system, upon appropriation of General Fund dollars, to allocate the funds through competitive grants to campus speech-language pathologist programs. Ms. Olivares stated money has been appropriated through the State budget. Ms. Olivares recommended the Board continue to Support the bill or move to a Watch position.

Mr. Sanchez stated the Board should continue to Support the bill due to the need for additional speech-language pathologists and recognizing the Legislature for addressing the need.

Ms. Raggio stated enrollment is increased through more faculty and the grant writing process makes sense because the number of faculty varies throughout the CSU programs.

- SB 617 (Glazer) Audiologists and hearing aid dispensers: sales of hearing aids

Ms. Olivares reported the bill was amended to address a pharmacy technician issue and will no longer be monitored by Board staff.

c. Healing Arts Legislation

- SB 425 (Hill) Health care practitioners: licensee's file: probationary physician's and surgeon's certificate: unprofessional conduct

Ms. Olivares provided an overview of the bill and stated the Board does not anticipate an increase in enforcement workload. Ms. Olivares recommended a Support or Watch position.

Ms. Snow stated this is a consumer protection issue and often bad practitioners are not reported, but rather passed from one institution to another.

M/S/C Snow/Cooper

Motion to Support the bill. Motion carried 6-0.

- SB 639 (Mitchell) Medical services: credit or loan

Ms. Olivares provided an overview of the bill and stated the Board does not anticipate an increase in enforcement workload. Ms. Olivares recommended a Watch position.

d. DCA-Wide Legislation

- AB 5 (Gonzalez) Worker status: employees and independent contractors

Ms. Olivares provided an overview of the bill and stated the bill would not impact the Board's use of subject matter experts or examiners. Ms. Olivares recommended a Watch position.

- AB 193 (Patterson) Professions and vocations

Ms. Olivares reported the bill is not moving forward this year and will no longer be monitored by Board staff.

- AB 312 (Cooley) State government: administrative regulations: review

Ms. Olivares reported the bill is not moving forward this year and will no longer be monitored by Board staff.

- AB 476 (Blanca Rubio) Department of Consumer Affairs: task force: foreign-trained professionals

Ms. Olivares provided an overview of the bill and stated the bill may increase the Board's pro rata paid to the Department of Consumer Affairs. Mr. Sanchez stated the financial impact to the Board would be minor. Ms. Olivares recommended a Watch position.

- AB 544 (Brough) Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Ms. Olivares reported the bill is not moving forward this year and will no longer be monitored by Board staff.

- AB 613 (Low) Professions and vocations: regulatory fees

Ms. Olivares reported the bill is not moving forward this year and will no longer be monitored by Board staff.

- AB 1076 (Ting) Criminal records: automatic relief

Ms. Olivares provided an overview of the bill and stated current law allows certain arrest and criminal conviction information to be sealed through a court petition process and this bill would make the process automatic. Ms. Olivares recommended a Watch position.

- AB 1545 (Oberholte) Civil penalty reduction policy

Ms. Olivares reported the bill is not moving forward this year and will no longer be monitored by Board staff.

- SB 53 (Wilk) Open meetings

Ms. Olivares provided an overview of the bill and stated the bill would impact Staff's ability to work with Board Members without providing public notice. Mr. Shalev expressed concern regarding closed Board meetings which must be publicly noticed and then the public must leave for the closed session.

- SB 225 (Durazo) Citizens of the state

Ms. Olivares provided an overview of the bill and stated the bill would have minimal impact on the Board. Ms. Olivares recommended a Watch position.

Mr. Shalev stated a person without permanent legal status should not be able to hold civil office. Ms. Chang stated a person in the State without legal status is still a consumer and should have the same opportunity to sit on the Board.

M/S/F Shalev/Cooper

Motion to Oppose the bill. The motion failed 2-1 with Ms. Snow, Ms. Raggio, and Ms. Parker abstaining.

- SB 601 (Morrell) State agencies: licenses: fee waiver

Ms. Olivares provided an overview of the bill and stated the bill would not require the Board to reduce or waive any licensing fees but would authorize the Board to establish an application process if the Board wishes to reduce fees. Ms. Olivares recommended a Watch position.

13. Future Agenda Items and Future Board Meeting Dates

Ms. Chang requested a status update on adding probation monitoring costs to the disciplinary guidelines.

Mr. Sanchez reported the next Board Meeting will be October 10-11 in Long Beach. Ms. Chang recommended using other State offices for meeting locations.

14. Adjournment

The meeting adjourned at 1:39 p.m.