



BOARD MEETING MINUTES

Teleconference Meeting

February 5, 2021

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

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board meeting to order at 9:11 a.m. Dr. Raggio called roll; six members of the Board were present and thus a quorum was established.

Board Members Present

Marcia Raggio, AuD, Board Chair
Holly Kaiser, SLP, Vice Chair
Tod Borges, HAD, Board Member
Karen Chang, Public Board Member
Dee Parker, SLP, Board Member
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Anthony Pane, DCA Legal Counsel
Karen Halbo, DCA Regulations Counsel
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Heather Olivares, Legislation/Regulation Analyst

Guests Present

Carol Mackersie
Shellie Bader
Dan Newmark
Bryce Docherty
Leigh Kjeldsen
Jody Winzelberg
Maria Grijalva
Evelyn Merritt
Cherysse Lanns
Ryan Perez
Erik Breitling

Alexis Ronney
Whitney Mast
Nick Brokaw
Christy Kirsch
Lindsay Cockburn
Amit Gosalia
Sally Pesco
Carolyn Bower
Melanie Gilbert
Bryce Penney
Linda Pippert

2. Public Comment for Items not on the Agenda

Dr. Amit Gosalia stated that cognitive screening is not explicitly in the scope of practice for audiologists. Dr. Gosalia requested the Board issue a statement that audiologists can perform cognitive screenings for referral purposes and work to add cognitive screenings to the scope of practice for audiology.

3. Review and Possible Approval of the November 20, 2020 Board Teleconference Meeting Minutes

Holly Kaiser suggested changes to the minutes regarding public comment received from Michele Linares regarding continuing education credits for the CSHA virtual convention.

M/S/C Borges/Chang

Motion to approve the November 20, 2020 Board meeting minutes as amended. The motion carried 6-0.

4. Board Strategic Plan Approval

Paul Sanchez provided an overview of the Strategic Plan and stated the next step is for Board staff to work on developing an Action Plan. Mr. Sanchez stated the Board will need to approve the Strategic Plan as is or with suggested changes.

The Board made a change to goal 5.1 regarding program administration in order to improve clarity as follows: Utilize technology to develop methods to improve and increase responsiveness to telephone inquiries from stakeholders to improve their access to the information they need.

M/S/C Snow/Borges

Motion to approve the Strategic Plan as amended. The motion carried 6-0.

5. Board Chair's Report

2021 Board Meeting Calendar

Dr. Marcia Raggio provided an overview of the upcoming Board Meeting dates and stated they are all scheduled to be teleconferences at this point.

Board Committee Updates

Dr. Raggio reported that some of the Board's Committees have vacant positions. Dr. Raggio asked for Board member's interest in serving on the Board's Committees. Dr. Raggio reported the Board will also be forming a Sunset Review Ad Hoc Committee, Enforcement Ad Hoc Committee, and Legislation Ad Hoc Committee.

6. Executive Officer's Report

Administration Update

Paul Sanchez reported the Board is moving forward with the Business Modernization Project which will allow applicants and licensees to complete online transactions. Cherise Burns also reported that the Business Modernization Project will allow consumers to file complaints online and interact with Board staff.

Dr. Marcia Raggio inquired about the Board's costs for the Business Modernization Project. Mr. Sanchez stated Board staff could get that information. Cherise Burns stated licensing fees will be used to pay for this project and there will be no additional fees to pay for it.

Mr. Sanchez reported the Board's office will be relocating to a more adequate location. The new location will meet current requirements for social distancing.

Mr. Sanchez also reported the Board will start working on the Sunset Review report soon.

Mr. Sanchez reported the Board is recruiting for an Associate Governmental Program Analyst position to assist with legislation and regulations.

Budget Report

Paul Sanchez provided an overview of the expenditure report. Mr. Sanchez stated the Board's expenditures have increased for enforcement cases referred to the Attorney General's Office.

Regulations Report

Paul Sanchez provided an overview of the regulations report that shows the regulations the Board is currently working on and their status.

Dr. Marcia Raggio requested Board staff to provide an overview of the rulemaking process. Cherise Burns provided a brief overview of the process including the Board discussing desired revisions to the regulations, Board approval of the regulatory text, Board staff developing regulatory documents such as the Initial Statement of Reasons, an internal DCA and Agency review process, the official rulemaking process starting with the initial public comment period, responding to public comments, developing the Final Statement of Reasons, and completing the Office of Administrative Law review process.

Holly Kaiser inquired if there is a flow chart available to provide an overview of the regulatory process. Cherise Burns stated she has a flow chart that can be shared and posted on the Board's website.

Licensing Report

Paul Sanchez provided an overview of the licensing cycle times. Mr. Sanchez stated the 6-week cycle time is due to unexpected absences and challenges due to working remotely.

Practical Examination Report

Paul Sanchez provided an overview of the exam results from the practical exams held in November 2020. Mr. Sanchez stated the Board is experiencing challenges recruiting exam proctors.

Tod Borges inquired whether participation as an exam proctor will count as live continuing education hours. Cherise Burns stated that after a review of the regulations, the Board determined that exam proctors for the hearing aid dispensing practical exam will receive live continuing education hours. Mr. Borges suggested highlighting on the Board's website that live continuing education hours are available for proctoring the hearing aid dispensing practical exam.

Enforcement Report

Paul Sanchez provided an overview of the disciplinary actions during the past 12 months.

7. DCA Update – DCA Board and Bureau Relations

Carrie Holmes, DCA Deputy Director for Board and Bureau Relations provided a DCA update including the reopening of DCA offices with safety measures following the closures due to COVID-19, the Board Member vacancies, form 700 filings, and the mandatory sexual harassment training.

8. Discussion and Possible Action Regarding Audiology Examination Requirement: Consideration of The New Praxis Audiology Examination and Its Passing Score Recommendation (As Stated in Title 16, California Code of Regulations (CCR) section 1399.152.3)

Dr. Marcia Raggio stated Educational Testing Services revised the subject test for audiology and developed home-based testing capabilities. Dr. Raggio reported the previous exam passing score is 170 and for the new exam, the recommended passing score is 162.

Holly Kaiser inquired how applicants from other states with a lower minimum exam score would be handled if the Board does not adopt the new recommended exam score. Cherise Burns stated if California requires a different minimum passing score, regardless if an applicant qualifies for licensure in another state, they would be required to meet the passing score requirements in California to obtain licensure.

Cherysse Lanns with the University of the Pacific stated that this issue directly impacts current students applying for externships and graduation. Ms. Lanns reported current students are being directed to take the older Praxis Exam; however, ASHA is only accepting the older Praxis Exam through August 31, 2021.

Melanie Gilbert inquired how different standards across the states would impact interstate compacts in the future. Cherise Burns stated the new Praxis Exam will be accepted by the Board, but the difference would be the minimum required passing score.

Holly Kaiser inquired if information is available from other states with similar licensure requirements regarding the Praxis Exam score they have adopted. Dr. Raggio stated New York has been found to be comparable to California in the past. Paul Sanchez stated the Board regularly conducts an occupational analysis to determine the validity of the exam.

Dr. Raggio referred this issue to the Audiology Practice Committee.

M/S/C Kaiser/Parker

Motion to adopt a passing score of 162 for the new Praxis Exam. The motion carried 6-0.

9. Update on Speech and Hearing Related DCA Waivers related to the COVID-19 State of Emergency

Cherise Burns provided an update on the DCA waiver requests submitted in response to the COVID-19 State of Emergency. Regarding waivers approved by DCA, Ms. Burns stated DCA is committed to extending waivers through the end of the pandemic and the Board anticipates necessary waivers will continue to be extended.

Ms. Burns reported there have been two waivers denied by DCA. Ms. Burns stated a modification of the 12-month fulltime professional experience requirement for licensure as an audiologist was denied in May 2020 because the Department does not believe that waiving pre-licensure requirements, such as experience or competency exams, at this time is in the best interests of consumer protection. Ms. Burns stated a modification of the continuing education self-study requirements was denied in December 2020 because the Department has provided a general waiver of continuing education requirements during the pandemic and believes it would be unreasonable to allow licensees to complete all continuing education requirements via self-study as this would weaken consumer protections by not requiring some training be provided by a type of classroom or lecture type training that is verified.

Ms. Burns stated the Board has the option to submit additional waiver requests as additional needs are identified. Ms. Burns stated stakeholders can also submit a waiver request directly to the Department of Consumer Affairs.

Tod Borges inquired how the approved waiver information is being disseminated to licensees. Cherise Burns stated the information is sent to the listserv of licensees that have an email address on file with the Board. Ms. Burns stated the information is also posted on the DCA website and the Board's website within the highlighted alert section. Mr. Borges suggested using the Board's website to better advertise the information.

Holly Kaiser stated the denial of the self-study continuing education waiver is a concern due to the difficulty in accessing live courses. Ms. Kaiser stated that due to the pandemic and licensees balancing work and often having children at home, licensees need flexibility to access coursework. Mr. Borges stated obtaining live continuing education hours was a concern even before COVID-19. Paul Sanchez stated this issue can be added as a future agenda item.

Melanie Gilbert suggested the Board send a postcard or letter to licensees with information on how to find waiver information on the Board's website and how to be added to the Board's email listserv. Paul Sanchez stated the Board is collecting more email addresses and will look into making changes to the website to better share the waiver information. Dr. Marcia Raggio suggested working with the professional organizations to obtain updated email lists. Paul Sanchez stated the Board is sending COVID-19 updates to the professional organizations.

10. Legislative Report: Update, Review, and Possible Action on Proposed Legislation

Heather Olivares provided an overview of the legislative calendar including upcoming legislative deadlines. Ms. Olivares provided an update on the two legislative proposals approved by the Board. Ms. Olivares reported the Board Chair and staff met with Senate Business, Professions and Economic Development Committee staff and Republican caucus policy staff to discuss the legislative proposal relative to the

Audiology Licensing Requirements and its possible inclusion in the Committee omnibus bill. Ms. Olivares reported the Board Chair and staff also met with Assemblymember Kevin Mullin's legislative director to discuss the legislative proposal relative to locked hearing aids. Ms. Olivares reported Assemblymember Mullin agreed to be the Author of this bill and his staff submitted the bill request to the Office of Legislative Counsel to meet the January 22nd deadline.

11. Legislative Items for Future Meeting

Holly Kaiser suggested addressing the issue of foreign-trained speech-language pathologists and ways to streamline the application process. Paul Sanchez suggested that Board staff provide Ms. Kaiser with an overview of the Board's criteria and process for reviewing foreign-trained application prior to determining if the issue needs to be discussed in the SLP Practice Committee or bringing the issue to the full Board.

12. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

Heather Olivares reported the Board currently has two regulatory proposals going through the formal regulatory process. Ms. Olivares provided an update on the Speech-Language Pathology and Audiology Fee regulatory proposal and stated the proposal was submitted to Agency on December 28, 2020 and the Board is waiting for approval from Agency before the completed rulemaking package can be submitted to the Office of Administrative Law. Ms. Olivares also provided an update on the AB 2138 regulations and stated the completed rulemaking package was submitted to the Office of Administrative Law on November 18, 2020.

13. Future Agenda Items and Potential Dates for Standalone Committee Meetings

Tod Borges requested the continuing education requirements be added as a future agenda item. Dr. Marcia Raggio requested adding the scope of practice for audiologists relative to cognitive screenings be added as a future agenda item.

14. Adjournment

The meeting adjourned at 12:49 p.m.