



BOARD MEETING MINUTES

Teleconference Meeting

May 13-14, 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 1:00 p.m. Gilda Dominguez was sworn in as a new Board Member. 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
Gilda Dominguez, SLP, Board Member
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Lisa Snelling, Licensing Coordinator
Tim Yang, Enforcement Analyst
Heather Olivares, Legislation/Regulation Analyst
Anthony Pane, DCA Legal Counsel
Brian Clifford, DCA Executive Office
Sean O'Connor, DCA Office of Information Services
Matthew Wainwright, DCA Legislative Affairs
Gloria Castro, Attorney General's Office
Rosemary Luzon, Attorney General's Office

Guests Present

Linda Pippert
Heather Rowan
Mengting Shieh
Shellie Bader
MaryEllen Hood
Sherwin Basil

Jody Winzelberg
Berry Tsao
Brywn Whatford
Shannon Ricci
Amy White
Graciela Castillo-Krings
Victoria Cesar
April Dolan
Christy Kirsch
Linda Oliver
Melanie Vaira
Amit Gosalia
Sarah Coulthurst
Joanne Slater
Jo Ann Linseisen
Marissa McRay
Heather Thompson
Nick Brokaw

2. Public Comment for Items not on the Agenda

There were no comments from the public, outside agencies, or associations.

3. Petition for Penalty Relief: Termination of Probation – Christine Stanton

A petition for early termination of probation was heard with Administrative Law Judge Erlinda Shrenger presiding. The people were represented by Deputy Attorney General Latrice Hemphill. The petitioner, Christine Stanton, was represented by Marglyn Paseka. Shauna Burchett appeared as a witness.

4. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including the Above Petition, Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

The Board met in closed session and subsequently adjourned for the day.

5. 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 8:59 a.m. Dr. Raggio called roll; six members of the Board were present and thus a quorum was established.

6. Public Comment for Items not on the Agenda

Dr. Amit Gosalia requested the Board reach out to him to work on the cognitive screening for audiologists issue.

7. Review and Possible Approval of the June 30, 2020 Board Teleconference Meeting Minutes

M/S/C Kaiser/Borges

Motion to approve the June 30, 2020 and February 5, 2021 Board meeting minutes. The motion carried 6-0.

8. Review and Possible Approval of the February 5, 2021 Board Teleconference Meeting Minutes

M/S/C Kaiser/Borges

Motion to approve the June 30, 2020 and February 5, 2021 Board meeting minutes. The motion carried 6-0.

9. Board Chair's Report

Dr. Marcia Raggio announced the appointment of Gilda Dominguez and welcomed her to the Board. Dr. Raggio provided the 2021 Board meeting dates and discussed the Board Committee assignments.

10. Executive Officer's Report
a. Administration Update

Paul Sanchez welcomed Gilda Dominguez to the Board and recognized Dee Parker for her service to the Board.

Sean O'Connor with DCA Office of Information Services provided an overview of the Business Modernization Project. Holly Kaiser inquired which services will be rolled out first. Mr. Sanchez stated licensing functions will be the priority.

Mr. Sanchez announced the Board moved to its new location and stated the office is being staffed on a rotational basis. Mr. Sanchez reported the Board has one vacancy for a Legislation and Regulation position.

b. Budget Report

Paul Sanchez provided an overview of the budget report provided by the DCA Budget Office. Dr. Marcia Raggio inquired about the Board's expenses for travel. Mr. Sanchez stated subject matter experts and examiners are still traveling to participate in hearing

aid dispenser examination development workshops and the hearing aid dispensers practical examinations.

c. Regulations Report

Paul Sanchez provided an overview of the regulations report. Mr. Sanchez announced that the AB 2138 regulations were recently approved by the Office of Administrative Law.

d. Licensing Report

Paul Sanchez provided an overview of the licensing report. Mr. Sanchez stated the Board has been receiving applications on a steady flow.

e. Practical Examination Report

Paul Sanchez provided an overview of the practical exam report. Mr. Sanchez stated the Board needs more examiners.

f. Enforcement Report

Paul Sanchez provided an overview of the enforcement report. Dr. Marcia Raggio inquired about separating the speech-language pathology and audiology complaints. Mr. Sanchez stated Board staff will provide separated data in an end of the year report.

11. DCA Update – DCA Board and Bureau Relations

Brian Clifford with the DCA Executive Office provided a Department update including permanent changes based on the COVID-19 pandemic and the State's reopening plans, Board vacancies, and mandatory sexual harassment training.

12. Overview of the Disciplinary Process

Gloria Castro and Rosemary Luzon with the Attorney General's Office provided an overview of the disciplinary process including the laws and regulations governing the Board's disciplinary work and the stages of the disciplinary process.

Dr. Marcia Raggio inquired about the Board's role in the disciplinary process in regards to making a judgement about the lack of severity of the criminal act or violation of law. Ms. Luzon stated the Board's highest priority is public protection and the Board must look objectively at the legal standard and the guidance provided by the disciplinary guidelines.

Holly Kaiser inquired about DUI convictions. Ms. Luzon stated a DUI conviction can be disciplined under a charge of unprofessional conduct even after the first conviction.

Tod Borges inquired about the guidelines used in determining the length of a license suspension. Ms. Luzon stated the guidelines used by the Administrative Law Judge are the same disciplinary guidelines used by the Board.

Debbie Snow inquired about delays when rejecting a decision. Ms. Luzon stated the Board must balance acting expediently and ensuring due process.

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

Cherise Burns provided an update on the waivers approved by DCA including the modification of continuing education requirements for all licensees, modification of reactivation requirements for speech-language pathologists, modification of the direct monitoring requirements for Required Professional Experience (RPE) licenses and the direct supervision requirements for Speech-Language Pathology Assistant (SLPA) licenses, modification of the limitations on renewing of Hearing Aid Dispenser (HAD) temporary licenses and HAD trainee licenses, and modification of limitations and requirements for extension of RPE licenses. Ms. Burns stated as the State moves toward reopening, the Board will be working with DCA to unwind these waivers.

Ms. Burns reported two waivers were denied by DCA including modification of the 12-month fulltime professional experience requirement for licensure as an audiologist and modification of Board continuing education requirements to waive self-study restrictions. Ms. Burns stated the Board does not plan to request any new waivers.

Dr. Marcia Raggio inquired about the process for unwinding the waivers. Ms. Burns stated the process will be at DCA's discretion since the Board does not have authority to waive its own laws and regulations. Linda Pippert with CSHA stated there may be a challenge with meeting the RPE direct supervision requirements if parents do not send their children back to school in-person in the fall.

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

a. 2021 Legislative Calendar and Deadlines

Heather Olivares provided an update on the legislative session thus far and on upcoming legislative deadlines.

b. Board-Sponsored Legislation for the 2021 Legislative Session

- AB 435 (Mullin) Hearing aids: locked programming software: notice

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported the bill has received support from many stakeholders including the California Academy of Audiology, California Speech Language Hearing Association, Hearing Healthcare Providers California, and the Hearing Loss Association of America-East Bay Chapter.

Karen Chang inquired about the consumer notice being translated into other languages. Ms. Olivares stated there is not a requirement to translate the notice. Dr. Marcia Raggio stated the idea is this notification would be included as part of the delivery receipt for hearing aid sales.

- Proposed Legislation to Revise Business and Professions Code Section 2532.25 Relative to Audiology Licensing Requirements

Ms. Olivares provided an overview of the proposed provisions and stated the Board was pursuing including these provisions in the Business and Professions omnibus bill. Ms. Olivares reported the provisions will not be included in an omnibus bill and will instead be included as part of the Board's Sunset Review process in 2022.

c. Board-Specific Legislation for the 2021 Legislative Session

- AB 486 (Committee on Education) Elementary and secondary education: omnibus bill

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares stated one of the bill's provisions, sponsored by CSHA, would update terminology to require a speech-language pathologist to determine that a pupil's difficulty in understanding or using spoken language results from speech sound disorder, voice disorder, fluency disorder, language disorder, or hearing impairment or deafness. Ms. Olivares reported Board staff is recommending a Watch position.

Holly Kaiser stated she notified CSHA that the bill should be amended to remove "spoken" from spoken language since speech-language pathologists work with symbolic, written, and spoken language.

- AB 555 (Lackey) Special education: assistive technology devices

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported Board staff is recommending an Oppose Unless Amended position due to concerns that the bill does not specify that the hearing aid must be fit by a licensed hearing aid dispenser, dispensing audiologist, or school personnel holding an appropriate CTC credential.

M/S/C Kaiser/Chang

Motion to adopt an Oppose Unless Amended position on AB 555. The motion carried 6-0.

- AB 1361 (Rubio) Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported Board staff is recommending an Oppose Unless Amended position due to concerns with a provision authorizing a person with at least a master's degree in speech and language pathology to provide early childhood mental health consultation services. Ms. Olivares stated the bill does not require this person to hold a valid license or CTC credential and mental health services are outside of the scope of practice for speech-language pathology.

Holly Kaiser stated speech-language pathologists and occupational therapists have a role in serving as part of a mental health team. Ms. Olivares stated Board staff can include in the position letter that speech-language pathologists do have a role on teams while pointing out concerns regarding the scope of practice for speech-language pathology.

M/S/C Chang/Borges

Motion to adopt an Oppose Unless Amended position on AB 1361. The motion carried 6-0.

d. Healing Arts Legislation for the 2021 Legislative Session

- AB 1236 (Ting) Healing arts: licensees: data collection

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares stated Board staff is recommending an Oppose position due to concerns with increased workload and costs for the Board.

Dr. Marcia Raggio inquired if the Board's Business Modernization Project would allow the Board to collect the required data. Cherise Burns stated the Business Modernization Project is not intended to collect the required data, but would make it easier to add-on a survey to an application or renewal. Ms. Olivares stated this bill is more of a concern for boards on an older IT system and not as much of a concern for boards on the BreEZe system.

Karen Chang inquired about other boards that have adopted an Oppose Unless Amended position. Ms. Olivares stated the Board of Pharmacy adopted an Oppose Unless Amended position and requested amendments that the Office of Statewide Health Planning and Development (OSHDP) collect the data and the Board of Pharmacy would include a notice with their renewals to respond to OSHDP's survey. Cherise Burns stated including a notice with the renewals would increase the Board's costs.

M/S/C Borges/Kaiser

Motion to adopt an Oppose position on AB 1236.

Brian Clifford stated DCA has been working with OSHPD to share this data and suggested the Board not take an Oppose position on this bill because there should not be implementation concerns. Ms. Burns inquired if the bill's requirements would be implemented by DCA. Mr. Clifford stated he did not anticipate significant costs to implement this bill.

Tod Borges inquired if the Board takes an Oppose position at this time could the Board change their position at a later time. Ms. Olivares stated the Board would have an opportunity to adopt a new position at the August meeting. Board members decided to Watch the bill at this time and Mr. Borges withdrew his motion.

e. DCA-Wide Legislation for the 2021 Legislative Session

- AB 29 (Cooper) State bodies: meetings

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares stated Board staff is recommending an Oppose position due to concerns with limiting Board discussion and preventing some agenda items from being discussed. Cherise Burns stated this bill would limit bringing updated information to Board meetings.

M/S/C Kaiser/Dominguez

Motion to adopt an Oppose position on AB 29. The motion carried 6-0.

- AB 107 (Salas) Licensure: veterans and military spouses

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares stated Board staff is recommending an Oppose Unless Amended position due to concerns with the removal of a current provision that would allow a temporary license to become invalid if the application for permanent licensure is denied.

M/S/C Kaiser/Snow

Motion to adopt an Oppose Unless Amended position on AB 107. The motion carried 6-0.

- AB 225 (Gray) Department of Consumer Affairs: boards: veterans: military spouses: licenses

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares stated Board staff is recommending an Oppose Unless Amended position due to concerns with the removal of a current provision that would allow a temporary license to become invalid if the application for permanent licensure is denied.

M/S/C Dominguez/Kaiser

Motion to adopt an Oppose Unless Amended position on AB 225. The motion carried 5-0.

- AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported Board staff is recommending a Watch position.

- AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported Board staff is recommending a Support position.

Dr. Marcia Raggio stated there are glitches with using the visual component. Cherise Burns stated other boards that used the visual features have experienced some members getting kicked off the meeting.

M/S/C Kaiser/Borges

Motion to adopt a Support position on AB 885. The motion carried 6-0.

- AB 1026 (Smith) Business licenses: veterans

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported Board staff is recommending a Watch position.

Dr. Marcia Raggio inquired if there is a reason to not adopt a Support position on this bill. Ms. Olivares stated a Watch position is recommended due to the revenue loss to the Board; however, since the Board has a small licensing population of military personnel and spouses the revenue loss would be minimal. Paul Sanchez inquired if the Board has received an estimate of the IT costs. Cherise Burns stated IT costs are usually minimal one-time costs.

Tod Borges expressed support for military veterans and families and recommended the Board consider adopting a Support position. Holly Kaiser, Dr. Marcia Raggio, Gilda Dominguez, and Debbie Snow also expressed support for military veterans.

M/S/C Borges/Chang

Motion to adopt a Support position on AB 1026. The motion carried 6-0.

- SB 607 (Roth) Professions and vocations

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported the bill was recently amended to authorize Board members to attend a teleconference from an undisclosed location. Ms. Olivares stated in light of these amendments, the Board may wish to adopt a Support or Support If Amended position to specify that only application fees are waived.

Board members expressed concerns about the vagueness of which fees the Board would be required to waive. Paul Sanchez suggested the Board could Watch the bill and direct Board staff to reach out to legislative staff to clarify the fee waiver. The Board decided to Watch the bill.

- SB 731 (Durazo) Criminal records: relief

Ms. Olivares provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Olivares reported Board staff is recommending a Watch position.

Dr. Marcia Raggio expressed concerns about the Board not having access to these criminal records. Karen Chang inquired why Board staff is recommending a Watch position. Cherise Burns stated it is a moot point to Oppose this legislation since AB 2138 which passed a couple of years ago already prohibits using these criminal records to deny an application.

- SB 772 (Ochoa Bogh) Professions and vocations: citations: minor violations

Cherise Burns provided an overview of the bill's proposed requirements and where it is at in the legislative process. Ms. Burns stated the Board often uses cite and fine as part of its enforcement efforts and administrative fines serve the purpose of preventing future violations, protecting consumers, and supporting the cost of the investigation leading up to the citation. Ms. Burns reported Board staff is recommending an Oppose position.

Marcia Raggio inquired about the maximum fine. Paul Sanchez stated the Board can cite up to \$5,000.

M/S/C Borges/Snow

Motion to adopt an Oppose position on SB 772. The motion carried 6-0.

15. Legislative Items for Future Meeting

Heather Olivares stated Board staff are watching additional bills internally, but at this time there are no additional bills to bring to the Board's attention. Ms. Olivares stated this is also an opportunity for Board members to discuss any legislative items.

16. Discussion and Possible Action regarding Required Professional Experience Direct Supervision Requirements and Remote or Tele Supervision

Heather Olivares provided an overview of necessary changes to the definition of required professional experience. Ms. Olivares stated the current definition of required professional experience includes an inaccurate reference to the requirement for applicants to submit evidence of supervised professional experience. Ms. Olivares also stated the definition doesn't include a reference to Business and Professions Code section 2532.25, which provides the licensure requirements for audiologists that became effective January 1, 2008 when a doctorate degree became required for the practice of audiology. Ms. Olivares reviewed the changes to the definition of required professional experience and the changes to the reference citations in the regulatory text.

M/S/C Borges/Kaiser

Motion to approve the technical changes to the regulatory language. The motion carried 6-0.

The Board approved the regulatory language regarding the telesupervision of RPEs, 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.

17. Discussion and Possible Action Regarding Audiology Licensing Requirements (As Stated in Business and Professions Code Sections 2532.2 and 2532.25 and Title 16, CCR section 1399.152.2)

Cherise Burns stated the Board already approved legislative language regarding the requirement for 12 months of experience in Business and Professions Code section 2532.25(b)(2). Ms. Burns stated this legislative change will be part of the Board's sunset review process. Ms. Burns recommended the Audiology Practice Committee should review and discuss possible regulatory changes to clinical clock hours and clinical rotations.

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

Heather Olivares provided an update on the Speech-Language Pathology and Audiology Fees regulatory proposal. Ms. Olivares stated the regulatory package has been submitted to the Office of Administrative Law (OAL) and the Board is currently waiting for OAL to complete their review.

Ms. Olivares provided an update on the AB 2138 Licensing Boards: Denial of Application: Revocation or Suspension of Licensure: Criminal Conviction regulatory proposal. Ms. Olivares reported OAL approved this regulation on May 7, 2021.

19. Discussion and Possible Action Regarding Continuing Education/Continuing Professional Development Requirements (As Stated in Title 16, CCR sections 1399.140 et seq. and 1399.160 et seq.)

Cherise Burns stated the hearing aid dispenser and dispensing audiologist continuing education requirements are in section 1399.140 et seq. and the audiology and speech-language pathology continuing education requirements are in section 1399.160 et seq.

Ms. Burns stated the Board approved revisions to the continuing education requirements for speech-language pathologists and audiologists in 2015; however, since that time there have been considerable advancements in online self-study and online interactive continuing education opportunities. Board staff recommends the current continuing education requirements be reviewed by the relevant Practice Committees to determine if additional changes to the requirements are merited.

Holly Kaiser inquired if all of the continuing education requirements can be reviewed or only the changes already proposed in the regulatory proposal. Ms. Burns stated all of the requirements can be reviewed by the Practice Committees.

Ms. Burns read a number of written public comments received by the Board in support of revising the continuing education requirements. Melanie Vaira stated this is an important issue for speech-language pathologists and thanks the Board for addressing this issue. Linda Pippert stated the quality of online continuing education opportunities has greatly improved. Joanne Slater stated the live requirements in California are among the most stringent. Dr. Marcia Raggio requested the written public comments be included in the materials for the Committee meetings.

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

Karen Chang requested the Board discuss cognitive screenings for audiologists at the next meeting.

Holly Kaiser requested the Board discuss foreign-trained applicants at a future meeting. Paul Sanchez stated the process should be reviewed prior to being agendaized.

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

The Board previously discussed the closed session matters.

22. Adjournment

The meeting adjourned at 3:15 p.m.