



## **BOARD MEETING MINUTES**

### **Teleconference Meeting**

### **February 25, 2022**

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, items may have been 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 (Board) meeting to order at 9:01 a.m. Dr. Raggio called roll; eight members of the Board were present and thus a quorum was established.

#### Board Members Present

Marcia Raggio, Dispensing Audiologist, Board Chair  
Holly Kaiser, Speech-Language Pathologist, Vice Chair  
Tod Borges, Hearing Aid Dispenser  
Karen Chang, Public Member  
Gilda Dominguez, Speech-Language Pathologist  
Debbie Snow, Public Member  
Tulio Valdez, Otolaryngologist, Public Member  
Amy White, Dispensing Audiologist

#### Staff Present

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Heather Olivares, Legislation/Regulation Analyst  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Tenisha Ashford, Enforcement Coordinator  
Lisa Snelling, Licensing Coordinator  
Michael Kanotz, DCA Legal Counsel  
Karen Halbo, DCA Regulations Counsel  
Brianna Miller, DCA Executive Office  
Bryce Penney, DCA Web Cast  
Ann Fisher, DCA Web Cast

#### Guests Present

Bryce Docherty  
Linda Pippert  
Maret Wilson Walker  
Mengting Shieh

## 2. Swearing In New Board Members

Dr. Marcia Raggio swore in Dr. Tulio Valdez as a member of the Board, whereupon Dr. Valdez took the oath of office administered by Dr. Raggio.

Board members welcomed Dr. Valdez to the Board.

Linda Pippert, a member from the public, congratulated Dr. Valdez for his service to the Board.

## 3. Public Comment for Items not on the Agenda

Maret Wilson Walker, Board Member with California Speech-Language Hearing Association, commented on the Board's communication with the licensing population and provided suggestions for improvement.

## 4. Review and Possible Approval of the August 12-13, 2021, Board Teleconference Meeting Minutes

Maria Liranzo provided a summary of the August 12-13, 2021, Board Teleconference Meeting Minutes.

There was no Board discussion nor comments from the public, outside agencies, or associations.

**Holly Kaiser moved to approve the August 12-13, 2021 Board meeting minutes.**

**Tod Borges seconded the motion.**

**The motion carried 8-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, Valdez, White)

## 5. Review and Possible Approval of the October 7-8, 2021, Board Teleconference Meeting Minutes

Maria Liranzo provided a summary of the October 7-8, 2021, Board Teleconference Meeting Minutes.

Holly Kaiser requested amendments on page 2 paragraph 3 to replace "removes" with "reduces."

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

**Tod Borges moved to approve the October 7-8, 2021 Board meeting minutes, as amended.**

**Debbie Snow seconded the motion.**

**The motion carried 8-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, Valdez, White)**

6. Review and Possible Approval of the November 22, 2021, Board Teleconference Meeting Minutes

Maria Liranzo provided a summary of the November 22, 2021, Board Teleconference Meeting Minutes.

There was no Board discussion nor comments from the public, outside agencies, or associations.

**Gilda Dominguez moved to approve the November 22, 2021 Board meeting minutes.**

**Holly Kaiser seconded the motion.**

**The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Dominguez, Snow, Valdez, White; Abstain: Chang)**

7. Board Chair's Report

Dr. Marcia Raggio discussed the 2022 Board and Committee Meeting Calendar and noted that the next meeting will be in-person in Sacramento unless stated otherwise. Dr. Raggio also noted that Committee assignments includes the new Board members and commented on forthcoming committee meetings and the issues that will be discussed.

There was no Board discussion nor comments from the public, outside agencies, or associations.

8. Executive Officer's Report

Paul Sanchez reported on the Business Modernization Project, funding for the project from the California Department of Technology, and project funding for an additional staff.

Mr. Sanchez reported on the budget and Fund Condition. Mr. Sanchez commented on the "Months in Reserve" found under the fund balance in the Fund Condition. Holly Kaiser inquired about changes to the budget for in-person meeting during COVID-19 State of Emergency. Mr. Sanchez replied that he doesn't believe there were any permanent changes to the Budget. Ms. Burns commented on the 5% reduction requested by the Governor for SFY 2020-21 and noted the areas the Board reduced its cost to meet that request. Ms. Burns further commented on increased enforcement expenditures.

Mr. Sanchez provided a brief report on the Board's regulation and directed members to the regulation report under Item 13 for more detail.

Mr. Sanchez reported on the licensing processing times, practical examination results, licenses issued, and licensee population. Mr. Sanchez noted the licensee population growth and commented on the need for additional staff. Dr. Marcia Raggio inquired about the retired licensee population. Ms. Burns replied that the licensee data only includes active, inactive, and expired and able to renew, and noted the canceled, which are the retired license, or expired beyond a certain date are not included.

Mr. Sanchez reported on enforcement and disciplinary actions. Mr. Sanchez commented on a staff vacancy last year and its impact to investigation timeframes.

Dr. Raggio inquired about incomplete applications. Ms. Burns replied with information on Board staff efforts to reduce incomplete applications and how this should be improved after the Board transitions to the new information technology system.

Mr. Sanchez announced that he will be presenting at the California Speech-Language Hearing Association conference on March 26, 2022 in Pasadena. Karen Chang inquired about attending the conference to hear the Board's presentation. Ms. Kaiser replied that she can inquire on her behalf.

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

## 9. DCA Update – DCA Board and Bureau Relations

Brianna Miller welcomed and congratulated new Board members.

Ms. Miller provided an update on COVID-19 safety measures, remote meetings, vaccination requirements for in-person meetings, appointments and recruitments, DCA's Regulation Unit, Enlightened Licensing Project, new Compliance and Equity Officer, and Board member training and reporting requirements.

There was no Board discussion nor comments from the public, outside agencies, or associations.

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

Cherise Burns provided an update on DCA Waivers related to the COVID-19 State of Emergency. Ms. Burns commented on the modification of the reactivation requirements of Speech-Language Pathologists set to expire on April 1, 2022, and modification of the direct monitoring/supervision requirements for Required Professional Experience and Speech-Language Pathology Assistant set to expire on March 31, 2022. Ms. Burns noted there are no indications of any extensions to these waivers.

Ms. Burns commented on expired waivers previously approved by DCA and noted there are no indications of any extensions to these waivers.

There was no Board discussion nor comments from the public, outside agencies, or associations.

#### 11. Update on the Board's 2022 Sunset Review

Paul Sanchez provided a summary of the Sunset Review process and the report. Mr. Sanchez noted the Sunset Review hearing will be on March 10, 2022. Cherise Burns commented on the Sunset Review process and hearing.

Dr. Marica Raggio inquired about additional questions prior to the Sunset Review hearing. Mr. Sanchez replied that there may be questions and a background document provided in the near future.

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

#### 12. Update on Board's Filing of Public Comment Regarding U.S. Food and Drug Administration Proposed Rule on Medical Devices; Ear, Nose and Throat Devices; Establishing Over-the-Counter Hearing Aids

Dr. Marica Raggio provided a summary on what the Board expressed in their public comment to the U.S. Food and Drug Administration (FDA) regarding the proposed rule on Over-the-Counter hearing aids.

Holly Kaiser inquired about the statement regarding the age verification. Dr. Raggio replied by clarifying the statements which includes FDA's reasoning and the Board's comments and positions to FDA's reasoning.

Bryce Docherty, Legislative Advocate on behalf of Hearing Healthcare Providers of California, commented on the International Hearing Society guidance document provided to the Board's Executive Officer regarding their position regarding the proposed FDA regulations.

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

Maria Liranzo provided an update on Board regulations and noted one item for possible discussion and action to adopt proposed regulatory text.

- a. Discussion and Possible Action to Amend and/or Adopt Regulations Regarding Speech-Language Pathology Assistants Requirements as stated in Title 16, CCR sections 1399.170 through 1399.170.20.1

There was no Board discussion nor comments from the public, outside agencies, or associations.

- b. Discussion and Possible Action to Adopt Regulations Regarding Uniform Standards Related to Substance-Abusing Licensees as stated in Title 16, CCR sections 1399.102, 1399.131, 1399.131.1, 1399.155, and 1399.155.1

There was no Board discussion nor comments from the public, outside agencies, or associations.

- c. Discussion and Possible Action to Initiate a Rulemaking Regarding Required Professional Experience Direct Supervision Requirements and Remote or Tele Supervision by Amending Title 16, CCR sections 1399.153 and 1399.153.3

Maret Wilson Walker, Board Member with California Speech-Language Hearing Association (CSHA), commented on the proposed regulation regarding RPE supervision and the gap between the regulation's effective date and the end of COVID-19 State of Emergency waivers. Ms. Walker noted CSHA provided the Board with survey results regarding the implications of the waivers expiration. Cherise Burns commented and Paul Sanchez on the gap between the waivers ending and the proposed regulation and provided an overview of the regulatory process for this proposed regulation.

Mengting Sheih, a member from the public, commented on the proposed regulations regarding RPE supervision and inquired if there are any considerations to extend the COVID-19 State of Emergency waivers. Ms. Burns replied that the Board requested that DCA extend the waiver but noted there are no indications of any extensions being granted.

- d. Discussion and Possible Action to Adopt Regulations Regarding Dispensing Audiologist Examination Requirement as stated in Title 16, CCR section 1399.120, 1399.121, 1399.122, and 1399.152.4

There was no Board discussion nor comments from the public, outside agencies, or associations.

- e. Discussion and Possible Action to Amend Regulations Regarding Board Location and Processing Times as stated in Title 16, CCR sections 1399.101, 1399.113, 1399.150.1, 1399.151.1 1399.160.6, and 1399.170.13

There was no Board discussion nor comments from the public, outside agencies, or associations.

- f. Discussion and Possible Action Regarding Continuing Professional Development Requirements for Speech-Language Pathologists, Audiologists, and Speech-Language Pathology Assistants as stated in Title 16, CCR sections 1399.160 through 1399.160.13 and Title 16, CCR section 1399.170.14

There was no Board discussion nor comments from the public, outside agencies, or associations.

- g. Discussion and Possible Action to Adopt Regulations Regarding Notice to Consumers as stated in Title 16, CCR sections 1399.129 and 1399.157.1

Ms. Liranzo provided a background on the proposed regulations regarding Notice to Consumers and a summary of the changes made to the previously approved regulatory language.

There was no Board discussion nor comments from the public, outside agencies, or associations.

**Karen Chang moved to approve the proposed regulatory text for Sections 1399.129 and 1399.157.1, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations of Sections 1399.129 and 1399.157.1 as noticed.**

**Holly Kaiser seconded the motion.**

**The motion carried 8-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, Valdez, White)

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

Heather Olivares provided an update on the legislative calendar and deadlines.

Ms. Olivares provided an update on bills for active position recommendations. Ms. Olivares provided a summary of Board staff position recommendation on Assembly Bill (AB) 1662 by Assemblymember Gipson regarding licensing board disqualification from licensure due to criminal conviction. Dr. Marcia Raggio inquired about the background of AB 1662. Ms. Olivares replied with a brief background of AB 1662 and its impact to the Board. Cherise Burns and Paul Sanchez commented on the history of bills related to this issue and impact of AB 1662 to the Board and Board staff workload.

There were no comments from the public, outside agencies, or associations on AB 1662.

**Tod Borges moved to adopt an Oppose Unless Amended position on AB 1662 unless the bill is amended to require the prospective applicant to pay a fee to cover**

**the costs of the request for predetermination and submit the Board's live scan form or fingerprint "hard" card with the required fingerprinting fee to get accurate conviction information from the Department of Justice and Federal Bureau of Investigation.**

**Gilda Dominguez seconded the motion.**

**The motion carried 8-0.** (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, Valdez, White)

Ms. Olivares provided an update on bills with active positions taken by the Board and recommended watch status. Ms. Olivares noted new recommended watch bills after they were amended this year but died: AB 227 (Davies) regarding Governor's appointment and AB 1498 (Low) regarding DCA board members per diem. Ms. Olivares further noted new recommended watch bills that Board staff will continue to monitor: AB 1687 (Seyarto) regarding the California Emergency Services Act and suspension of statutes and regulations and AB 1733 (Quirk) regarding State bodies' open meetings.

Bryce Docherty, Legislative Advocate on behalf of Hearing Healthcare Providers of California, commented on the Governor's budget restoring the ten percent provider rate reduction for limited number of medical providers due to AB 97 (Chapter 3, Statutes of 2011), and efforts to expand resources for the hearing aid coverage for children.

#### 15. Legislative Items for Future Meeting

Dr. Marcia Raggio solicited legislative items for future meeting from the Board. Heather Olivares provided additional bills that were introduced that will be added for future meetings:

- AB 2686 (Committee on Business and Professions)
- AB 2806 (Blanca Rubio)
- SB 1031 (Ochoa Bogh)
- SB 1365 (Jones)
- SB 1453 (Ochoa Bogh)

Dr. Raggio inquired if the Governor's budget would fall under legislative item. Cherise Burns and Paul Sanchez commented on the Governor's budget as legislative item for future meeting.

Dr. Raggio solicited legislative items for future meeting from the public. There were no comments from the public, outside agencies, or associations.

#### 16. Future Agenda Items

Dr. Marcia Raggio solicited future agenda items from the Board. Holly Kaiser suggested discussion on the Board's communication with the licensing population.



Dr. Raggio solicited future agenda items from the public. There were no comments from the public, outside agencies, or associations.

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

The Board did not meet in a closed session.

18. Adjournment

The meeting adjourned at 11:39 a.m.