



BOARD MEETING MINUTES
Teleconference – Sacramento, Glendora, Lodi, Moorpark, and Stanford
March 1, 2024

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

Gilda Dominguez, Board Vice Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 11:31 a.m. Ms. Dominguez verified all meeting locations were open and called roll; six members of the Board were present and thus a quorum was established.

Board Members Present

Gilda Dominguez, Speech-Language Pathologist, Board Chair
Amy White, Dispensing Audiologist, Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Dandurand, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member (arrived at 12:49 p.m.)

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Lisa Snelling, Licensing Coordinator
Tim Yang, Enforcement Analyst
Yuping Lin, DCA Legal Counsel
Grace Arupo Rodriguez, DCA Regulation Counsel
Ann Fisher, DCA SOLID
Christi Van Eyken, DCA Legislative Affairs

2. Public Comment for Items Not on the Agenda

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Review and Possible Approval of the November 30 – December 1, 2023, Board Meeting Minutes

Ms. Dominguez opened the discussion on the review and possible approval of the minutes. Maria Liranzo provided a summary of the minutes.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to approve the November 30 – December 1, 2023, Board meeting minutes.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders)

4. Review and Possible Approval of the February 2, 2024, Board Meeting Minutes

Ms. Dominguez opened the discussion on the review and possible approval of the minutes.
Ms. Liranzo provided a summary of the minutes.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

Charles Sanders moved to approve the February 2, 2024, Board meeting minutes.

Amy White seconded the motion.

The motion carried 6-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders)

5. DCA Update – DCA Board and Bureau Relations

Ms. Dominguez invited staff from DCA Board and Bureau Relations to provide an update. Christi Van Eyken provided an update on the appointment of the Secretary for the California Business, Consumer Services and Housing Agency; Department of Finance budget letter regarding general fund deficit; DCA's Diversity, Equity, and Inclusion Committee; threat assessment training; changes to the Bagley-Keene Open Meeting Act; DCA's Federal Professional License Portability and State Registration portal; and Name and Gender Change Notification and Request for Confidentiality (SB 372, 2023).

Ms. Dominguez expressed her gratitude for the information provided. Ms. Van Eyken stated that she will inform DCA's Board and Bureau Relations of her gratitude.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

6. Board Chair's Report

Ms. Dominguez opened the discussion with the Board's Meeting Calendar and noted the next meeting in May will be in Sacramento and Teleconference, September at a location to be determined in Southern California, and November in Sacramento and Teleconference

Ms. Dominguez reported on the discussion from the Enforcement Ad Hoc Committee meeting.

Karen Chang asked if the Board is going to meet in person in southern California in September. Cherise Burns replied that Board staff will meet with the Board chair to determine if an in-person meeting is merited depending on the items on the agenda and noted that an exemption may be

requested if travel for in-person meeting is necessary. Paul Sanchez noted that the plan is to have an in-person meeting for items like a petition hearing.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

7. Executive Officer's Report

Ms. Dominguez invited Paul Sanchez to provide the Executive Officer's report. Mr. Sanchez reported an administration update on hiring two licensing staff and the recruitment of one enforcement position.

Mr. Sanchez reported on outreach efforts including Department of Finance budget letter regarding the reduction of expenditures in non-essential travel and noted that the Board may not attend as many in-person conferences but will continue to conduct outreach through video conferencing.

Mr. Sanchez reported on the budget including the fund condition and budget report.

Mr. Sanchez provided a brief report on the Board's regulations and deferred to the regulatory report. Mr. Sanchez noted that the Board will be assigned a new regulatory counsel.

Mr. Sanchez reported on licensing including processing times and practical examination results. Mr. Sanchez noted that the Board has cleared the licensing backlog.

Mr. Sanchez reported on enforcement including enforcement statistics and discipline for the last twelve months.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

8. SOLID Presentation on 2024 Strategic Planning Process for the Board

Ms. Dominguez invited Ann Fisher from the Department of Consumer Affairs SOLID unit to provide a presentation on the 2024 strategic planning process for the Board. Ms. Fisher presented information on the strategic planning process.

Ms. Dominguez asked how frequent the strategic plan is reviewed, updated, and made available to the public. Ms. Fisher replied that each board is different and noted some board have two-year plan where others do not. Ms. Fisher further noted that the Board's last plan ran from 2021 to 2024 and commented on the next plan will begin in 2024 and the end will depend on the number of objectives identified. Ms. Fisher stated that almost every board publishes their strategic plan and noted that the Board has its current plan on its website.

Ms. Dominguez stated that she only sees the 2016-2020 plan and asked where the current plan is located. Ms. Burns replied that it is under the forms/publications tab on the Board's website. Ms. Dominguez stated that she found the 2016-2020 plan under Board Activity. Ms. Burns noted to update the Board Activity webpage.

John Dandurand asked if times will be allotted at the Board meeting for discussion on the strategic plan. Ms. Burns replied that it will be part of the Board meeting and will be scheduled during either the May or September meeting. Ms. Burns commented on the process and noted that the Board will review inputs from external stakeholders, Board members, and staff. Mr. Sanchez commented to encourage Board members to review the current plan and identify goals that can turn in to objectives or projects. Mr. Sanchez stated that this is used to make budget changes and changes in the office.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

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

Ms. Dominguez invited Ms. Liranzo to provide the legislative report. Ms. Liranzo reported on the legislative calendar and deadlines, legislation implementation, Board-sponsored legislation and noted the omnibus proposal does not have a bill number but Board staff will continue to monitor all bills for the Board's proposal.

Ms. Liranzo reported on bills with active positions taken by the Board and noted Assembly Bill (AB) 381 died in the Assembly and the vetoed was sustained for Senate Bill (SB) 635.

Ms. Liranzo reported on bills with recommended watch status and noted AB 477 died in the Assembly and SB 763 died in the Senate. Ms. Liranzo furthered noted that AB 1816, AB 1900, AB 1928, AB 1949, AB 2011, AB 2269, SB 908, and SB 935 were added to the watch status.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

10. Legislative Items for Future Meeting

Ms. Dominguez asked for legislative items for future meeting. Ms. Burns stated that Board staff do not have any items.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

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

Ms. Dominguez invited Ms. Liranzo to provide the regulatory report. Ms. Liranzo provided an update on the Board's regulatory packages and noted items that require Board review and approval.

Mr. Dandurand asked why proposed changes to regulations regarding fingerprinting requirements had no action since 2022 and what will happen to it. Ms. Burns replied that, during the fiscal review, it was determined that the Board may need to ask for an additional position through a budget change proposal and noted that Board staff will review it again to see if it can be absorbed within current positions as the Board received a new licensing position this past year. Mr. Sanchez

commented on the regulatory packages and how they are prioritized. Mr. Sanchez stated that any fiscal impact will affect the time it takes. Mr. Sanchez further noted that the Board hasn't had a regulatory analyst until recently and that many of the packages were backlogged and may be delayed as the Board catches up.

Ms. Dominguez asked for public comments on the regulatory report.

Megan McCann asked when the proposed changes to regulations regarding SLPA supervision would go into effect. Ms. Liranzo replied that the Board anticipates a July 1st effective date if the Office of Administrative Law approves and files it with the Secretary of State.

Ms. Liranzo provided a background on proposed changes to regulations regarding hearing aid dispensing continuing education and noted that Board staff do not recommend additional changes to the text. Ms. Liranzo further noted public comments are included in the meeting materials and that Board staff drafted responses to public comments for Board review and approval.

Ms. Dominguez asked for Board discussion. There was no Board discussion.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

Charles Sanders moved to approve the proposed Board responses to comments on proposed regulatory text for Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144, as noticed.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders, Valdez)

Ms. Liranzo provided a background on proposed changes to regulations regarding continuing professional development for speech-language pathology (SLP) and audiology and noted that Board staff do not recommend changes in response to public comment for the reasons stated in the meeting material. Ms. Liranzo further noted that Board staff recommend the Board to modify the text in section 1399.160.4(f) to say, "outside the acceptable course content" instead of "outside the scope of continuing professional development," which is much clearer to the information contained in the subsection. Ms. Liranzo mentioned that an Addendum to the Initial Statement of Reasons would be a part of the notice.

Ms. Dominguez and Dr. Amy White expressed support to amend to the text to make changes to section 1399.160.4(f).

Grace Arupo Rodriguez noted that the text noticed in the meeting materials include the changes to section 1399.160.4(f).

Ms. Dominguez asked for public comments. There were no comments from the public, outside

agencies, or associations.

Amy White moved to modify the proposed regulatory text for 16 CCR sections 1399.160 through 1399.160.4, and direct staff to take all steps necessary to notice the modified regulatory text and addendum to the ISOR.

Tod Borges seconded the motion.

The motion carried 7-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders, Valdez)

Ms. Liranzo provided a background on proposed changes to regulations regarding hearing aid dispensing advertising, and noted a public comment requested a hearing which was held earlier today. Ms. Liranzo commented on the recommendations the Board may consider.

Ms. Burns commented on the recommendation to include all persons licensed to dispense hearing aids in the advertising and research Board staff conducted. Ms. Burns stated that Board staff found a website that didn't have: a supervisor listed when a trainee was listed, the correct license title and instead used the title hearing instrument specialist, or a license number.

Dr. White asked if the letters for hearing aid dispenser should be "HAD." Ms. Burns replied that the letters on the license of a hearing aid dispenser is "HA."

Dr. White and Mr. Dandurand expressed support to amend the text to accommodate the public comment of advertising a website address that includes the information required in section 1399.127(c).

Mr. Dandurand commented on the recommendation to consider the use of QR code instead of a website address and ask if this should be considered. Mr. Dandurand also asked if the letters for a dispensing audiologist should be "DAU." Ms. Burns replied that "HAD" and "DAU" are often used to reference those license type but the letters used on the license are "HA" for hearing aid dispenser and "AU" for dispensing audiologist. Ms. Burns noted that speech-language pathology has a "SP" license and not SLP.

Dr. White commented on the recommendation to advertise a QR code instead of a website address and stated that it may be a barrier for older consumers. Dr. White further stated that the QR should be in addition to the website address. Dr. Charles Sanders expressed agreement with Dr. White's comment and noted that a QR would not maximize accessibility to information for older individuals. Ms. Dominguez and Tod Borges expressed agreement with Dr. White's and Dr. Sanders's comments.

Ms. Chang commented on websites not having the required information and asked Ms. Burns about Board staff research on websites without license numbers. Ms. Burns replied that is correct, Board staff found a website without a license number, and trainees were not being identified as a trainee that requires supervision.

Dr. White commented on licensees being responsible for making sure their website is up to date and asked if it would be acceptable if the required information is on both the website and advertisement, but the website is outdated and the advertisement is current. Ms. Burns replied that she believed it would be one or the other.

Mr. Borges asked if the text needs to specify that the website has to be updated. Mr. Sanchez replied that it's an understanding that having a website is an advertisement. Mr. Borges noted that a licensee may advertise their website but it could be outdated. Ms. Burns commented on the enforcement of laws and regulations.

Dr. White commented on the language and asked Mr. Borges if it is not clear. Mr. Borges replied that it is listed clearly. Mr. Sanchez commented on websites being advertising and needing to conform with the advertising regulations. Ms. Chang commented on the older population needing hearing aids not using computers. Mr. Borges and Ms. Dominguez expressed agreement with the comment. Mr. Borges noted that it is becoming less typical.

Ms. Dominguez asked those working in the field if they work with consumers who have challenge retrieving information online or are they relying on family members. Dr. Sanders replied that consumers will rely on family members who can use the internet. Dr. White stated that it is now more rare to come across someone who doesn't have a cellphone or smartphone and noted those that don't have family members that help the consumer with getting information. Mr. Borges commented on rural areas that may not have access to internet and stated that it should be available to the individual without having to jump through hoops to get that information.

Dr. White asked if a phone number would be an obstacle for consumers to obtain information. Mr. Borges replied that it may be for the person and expressed concern for consumers needing to look for the information.

Ms. Burns asked if a telephone number should be included in the advertisement. Mr. Dandurand asked if the assumption is that people are not advertising with a phone number. Ms. Burns replied that if it is not required, a licensee may choose to not include it to save advertising space. Mr. Sanchez commented on the purpose of the regulations and that it was intended to provide necessary information any consumer would like to know like the location and licensees that work there. Mr. Sanchez stated that there is a business incentive to include information that will help promote their business like a phone number. Ms. Chang expressed support to include a telephone number in the advertisement and expressed agreement with Mr. Sanchez's comment on the business incentive to include phone number and website address, or address.

Mr. Dandurand asked if promotional items like balloon, shirt, or hats are considered as advertising. Mr. Sanchez replied that promotional materials may not be sufficient to open an enforcement case. Ms. Liranzo noted that there are definitions for "public communication" and "advertising" in the law.

Mr. Borges stated that it would be reasonable if the consumer has the ability to get the information either by calling or checking the internet.

Ms. Arupo Rodriguez commented on the proposed regulatory language and asked if there is a suggestion to require a phone number. Ms. Arupo Rodriguez noted that, based on the discussion so far, it appears the address and license number is sufficient and that including a phone number is a business judgment of the licensee. Mr. Dandurand stated that the required information address and license number protects consumer from not being misled.

Dr. White asked if Board members were okay with the proposed language as amended or if they would like to include a telephone number. Ms. Chang replied that she is okay with the proposed

language and noted that the licensee will lose business from those who prefer to call. Mr. Dandurand and Ms. Dominguez expressed agreement with Ms. Chang's comment.

Mr. Borges expressed concern that most of his patients do not have a computer and the information should be readily available without the need of a website. Ms. Arupo Rodriguez asked if a phone number should be required. Mr. Borges replied that he is not he is speaking of the address instead of allowing the website. Ms. Liranzo clarified that it can be amended to include the telephone number and website.

Ms. Arupo Rodriguez asked if a name should be required. Ms. Burns asked if the name was not already included in the advertisement. Mr. Borges stated that the information should be clearly visible on the advertisement, and they could call to get the additional information.

Ms. Liranzo stated that any changes can be considered as the discussion is to modify the text but that it has to be done today. Ms. Liranzo recommended language that would require a phone number and website to be advertised if they include the required information. Mr. Borges stated that he wanted to consider another alternative. Mr. Dandurand asked whether the proposed text would include at minimum the telephone number. Dr. White clarified how the language would read to include the telephone number.

Ms. Burns stated that the proposed text does not require a name. Mr. Borges stated that he is okay with requiring a name with the license number and he wanted the information on the advertisement instead of having the information on the website and having the website on the advertisement. Ms. Liranzo commented on the rationale of the public comment that provided the recommended language. Mr. Dandurand commented on the issue of time when advertising on television or radio and asked if we could require a phone number and a website. Ms. Burns recommended language that would require a phone number to be advertised. Dr. White stated that the recommended language could require a phone number to be advertised with website address and that telephone is a required information on the advertisement.

Ms. Dominguez asked if it can be added as the third required information. Ms. Liranzo and Ms. Burns replied that it would not have the same effect. Mr. Sanchez commented on requiring this information for consumer protection. Mr. Borges commented on consumer protection and people not having access to a computer or internet.

Ms. Arupo Rodriguez asked the Board what it would like the language to do so that staff can draft language and stated that it would be poor advertising if someone doesn't include their name or phone number. Dr. White replied that the question is whether there should be a website exemption and not the information required. Mr. Borges expressed agreement with Dr. White's response.

Mr. Dandurand stated that he doesn't think the website exemption would negatively impact consumers it will just impact what consumers access their services. Ms. Chang expressed agreement with Mr. Dandurand's comment and noted the concerns of senior populations in rural areas. Dr. Sanders stated that the consumer will need to have the internet if they have a complaint or concern unless they are going to call the Board. Mr. Dandurand commented on the current population using hearing aids and how they access information, and noted the internet is here to stay and the regulations should reflect that.

Mr. Dandurand and Ms. Chang expressed support for the language as it is amended in the meeting

materials.

Ms. Dominguez asked if the required information would include the name and license number or just the license number. Ms. Liranzo replied that it is similar with the telephone number and the name will not be required. Ms. Burns noted that most websites have the person's name and phone.

Mr. Dandurand asked for clarification that the name won't be required. Ms. Burns replied that it is presumed that it will be included. Dr. Sanders noted that the language requires a license number for all persons and as such you will want to identify the person with the license number. Mr. Sanchez stated that the Board may wish to add the name if it wants to require that information. Ms. Liranzo stated that it can be added on to section 1399.127.(c)(2) which will read as "the name and license number of all persons licensed to dispense hearing aids at the locations advertised." Dr. Sanders and Dr. White expressed support with the suggested language.

Ms. Dominguez asked for public comments.

Joe Bartlett expressed his gratitude for the Board's discussion and commented on the discussion around the telephone number and name. Mr. Bartlett expressed support to require a name with the license number.

Charles Sanders moved to modify the proposed regulatory text for 16 CCR section 1399.127, and direct staff to take all steps necessary to notice the modified regulatory text, as amended.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Dominguez, White, Borges, Chang, Dandurand, Sanders, Valdez)

12. Future Agenda Item

Ms. Dominguez asked for future agenda items. Ms. Liranzo stated that Board staff do not have any items.

Ms. Dominguez asked for public comments. There were no comments from the public, outside agencies, or associations.

13. 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.

Ms. Dominguez noted that the Board will not meet to discuss disciplinary matters.

14. Adjournment

The meeting adjourned at 2:31 p.m.