



**SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING
AID DISPENSERS BOARD**

2005 Evergreen Street, Suite 2100 Sacramento, CA 95815
P (916) 263-2666 F (916) 263-2668 | www.speechandhearing.ca.gov/



**TELEPHONIC BOARD MEETING MINUTES
September 14, 2010**

**Department of Consumer Affairs
Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board**
2100 Evergreen Street, Ste. 2100 Sacramento, CA 95815
(916) 263-2909

6061 Shelter Bay Ave.
Mill Valley, CA 94941
(415) 383-7029

**University of California, Los Angeles
Medical Center, Audiology Clinic**
200 UCLA MP, St. 540, Rm 21
Los Angeles, CA 90095
(310) 267-4650

**University of California, Davis Medical
Center**
Department of Otolaryngology - Head and
Neck Surgery
2521 Stockton Boulevard, Ste. 7200
Sacramento, CA 95817
(916) 734-8190

North Monterey County Unified
Special Services, Pod C
13994 Castroville Blvd.
Castroville, CA 95012
(831) 633-7054

Board Members Present

Lisa O'Connor, M.A., Chairperson
Alison Grimes, Au.D., Vice-chairperson
Sandra Danz, Hearing Aid Dispenser
Rodney Diaz, M.D., Otolaryngologist
Robert Green, Au.D., Audiologist
Deane Manning, Hearing Aid Dispenser
Monty Martin, M.A., Public Member
Carol Murphy, M.A., Speech-Language Pathologist

Guests Present

Erica Cano, Department of Consumer Affairs
Abbie Fox, Audiology Student UCLA

Contra Costa Regional Medical Center
2500 Alhambra Ave., Building 1, 2 South
Martinez, CA 94553
(925) 370-5284

28071 Bradley Rd.
Sun City, CA 92586
(951) 679-1139

4340 Golden Center Dr., Ste. E
Placerville, CA 95667
(530) 622-2020

400 Hoover Lane
Nevada City, CA 95959
530-265-0611 x233

Staff Present

Annemarie Del Mugnaio, Executive Officer
Claire Yazigi, Legal Counsel
Kathi Burns, Board Staff
Cynthia Alameda, Board Staff
Yvonne Crawford, Board Staff

I. Call to Order

Ms Del Mugnaio called the meeting to order at 12:05 p.m.

II. Introductions

Those present introduced themselves.

III. Discuss Pending Legislation AB 2072- Mendoza- Hearing Screenings; Resources and Services

Ms. Del Mugnaio explained that due to recent amendments, this bill no longer represented the original intent that had previously earned a support position from the Board. In fact, it took such a dramatic turn that the Board needed to consider an oppose position.

The amended bill would require the creation of a new council to develop resource information on communication options for children with diagnosed hearing impairments. Since the federal government has already developed and circulated such information across the country, there is concern that the mandates of AB 2072 are unnecessary, duplicative, and costly for California. In addition, AB 2072 would require audiologists to counsel families of hearing impaired children on all available communication options, regardless of the degree of the child's hearing loss, even though some options may not be the most advantageous or appropriate for the individual child/family. There is concern that counseling families on all communication options with no specific recommendation from the audiologist regarding the most appropriate intervention for the child may cause confusion for the parents. Some comments from the professional community regarding AB 2072 state that the bill appears to restrict the audiologist from working within his/her scope of practice and exercising professional judgment when counseling families.

Ms. Del Mugnaio, along with other stakeholders, met with Jennifer Kent, Deputy Legislative Secretary to the Governor, to discuss their concerns.

Ms. Grimes and Ms. Del Mugnaio drafted a letter from the Board to consider requesting veto action by the Governor. This letter was presented to the Board for review and consideration. The Board discussed the bill and its potential impact on families of hearing impaired children.

M/S/C: Manning/Danz

Vote: Unanimous

The Board voted to oppose the bill and send the proposed letter requesting that the Governor veto AB 2072.

Abbie Fox, audiology doctoral student, thanked the Board for its action in requesting that the Governor veto the bill.

IV. Consider Future Legislation

A. Regarding Fee Increases for Hearing Aid Dispensers and Dispensing Audiologists

Ms. Del Mugnaio reported that the Hearing Aid Dispensers fund is dwindling and will

become insolvent in 2012. As such, it is necessary that the Board increase licensing and application fees for dispensing practitioners. Since the fees are already at statutory maximums, a statutory amendment will need to occur first, followed by a regulatory amendment. With the Board's direction, Ms. Del Mugnaio will seek legislative assistance to enact a fee increase for all practitioners who dispense hearing aids.

The Board discussed the possible reasons for the current funding imbalance and the necessity of a fee increase. The Board requested that Ms. Del Mugnaio survey other related hearing arts boards to determine the established fee schedule and the method employed to develop the appropriate fee structure.

M/S/C: Grimes/Green

Vote: Unanimous

The Board voted to direct Ms. Del Mugnaio to seek an author to carry legislation and then seek regulatory changes to increase license and application fees for dispensing practitioners.

B. Amendments to 1793.02 Civil Code Regarding Warranty Provisions for Assistive Devices-Hearing Aids

Ms. Del Mugnaio presented the draft legislative language prepared by Ms. Powell, the Board's legal counsel, which will allow the Board authority to craft by regulation provisions for refunds related to the sale and purchase of hearing aids in California.

Ms. Del Mugnaio asked the Board to authorize her to seek an author for this legislative amendment. Once in place, the Board may then develop regulations to specify how refunds of hearing aids should be handled by hearing aid dispensers in California.

M/S/C: Danz/Murphy

The Board voted to direct Ms. Del Mugnaio to seek an author for this legislative amendment.

V. Review Proposed Regulations

A. Status Update on Dispensing Audiologists' Renewal Fee/Continuing Professional Development Amendments (California Code of Regulations Sections -1399.157, 1399.160.3-1399.160.6)

Ms. Del Mugnaio reported that the proposed regulatory amendments regarding the license renewal fee and annual renewal cycle, as well as the continuing professional development requirements for audiologists authorized to dispense hearing aids, were filed as emergency regulations with the Department, and will be filed with the Office of Administrative Law (OAL) within the next few weeks. Once filed with OAL, a decision will be issued within ten (10) days and, upon approval by OAL, the regulations will become effective.

The Board will have 180 days to file a notice package and schedule a public hearing on the regulation to ensure opportunity for public comment on the changes.

Staff will begin notifying the public and preparing for implementation of the regulations.

B. Consumer Protection Enforcement Initiative (California Code of Regulations 1399.150.3, 1399.151, 1399.156, & 1399.156.5)

Ms. Del Mugnaio presented the final draft of the proposed language that will incorporate many of the items contained in Senate Bill 1111 into regulation, and asked that the Board approve the language so that the regulation package may be noticed and a regulatory hearing scheduled.

M/S.C: Grimes/Green
Vote: 6-1; Manning opposed.

The Board voted to adopt the language and schedule the matter for hearing.

VI. Public Comments on Items Not on the Agenda

None.

VII. Announcements – Reschedule October 21-22, 2010 Board Meeting

Ms. O'Connor reported that she participated in a Departmental Executive/Board member telephone conference call that morning that described the difficulties facing boards and bureaus due to the lack of a budget, furloughs, and travel prohibitions.

Due to the budget impasse, furloughs, and travel prohibitions, it was decided that the previously scheduled October Board meeting would be cancelled, and the next meeting would occur as scheduled in San Francisco in January, except that, due to furloughed Fridays, the dates would be changed from January 27 and 28, to January 26 and 27, 2010.

The following Board meetings are scheduled as follows:

January 26 & 27, 2010 – San Francisco
April 13 & 14, 2010 – San Diego
July – Sacramento (dates to be determined)

VIII. Adjournment

Meeting was adjourned at 1:22 p.m.