

By 

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 9 **BEFORE THE**  
**SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID**  
 10 **DISPENSERS BOARD**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
 11 **STATE OF CALIFORNIA**

12  
 13 In the Matter of the Accusation Against:

Case No. 11-2009-08

14 **STEVEN REICHENBACH**  
**12370 Hesperia Road, Suite 1**  
 15 **Victorville, CA 92395**

**A C C U S A T I O N**

16 **Audiologist License No. AU 2184**

17 Respondent.

18  
 19 Complainant alleges:

20 **PARTIES**

21 1. Annemarie Del Mugnaio (hereinafter "Complainant") brings this Accusation  
 22 solely in her official capacity as the Executive Officer of the Speech-Language Pathology and  
 23 Audiology and Hearing Aid Dispensers Board, Department of Consumer Affairs (hereinafter  
 24 "Board").

25 2. On or about October 30, 2002, the Board issued Audiologist License Number  
 26 AU 2184 to STEVEN REICHENBACH (hereinafter "Respondent"). The Audiologist License  
 27 was in full force and effect at all times relevant to the charges brought herein and will expire on  
 28 October 31, 2012, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Speech-Language Pathology and  
3 Audiology and Hearing Aid Dispensers Board, Department of Consumer Affairs, under the  
4 authority of the following laws. All section references are to the Business and Professions Code  
5 (Code) unless otherwise indicated.

6 4. Section 2531.5 of the Code states:

7 “The board shall issue, suspend, and revoke licenses and approvals to practice  
8 speech-language pathology and audiology as authorized by this chapter.”

9 5. Section 2533 of the Code states:

10 “The board may refuse to issue, or issue subject to terms and conditions, a license on  
11 the grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions  
12 upon the license of any licensee if he or she has been guilty of unprofessional conduct.

13 Unprofessional conduct shall include, but shall not be limited to, the following:

14 “...

15 “(f) Incompetence or gross negligence in the practice of speech-language pathology  
16 or audiology.

17 “(g) Other acts that have endangered or are likely to endanger the health, welfare,  
18 and safety of the public.”

19 6. California Code of Regulations, title 16, section 1399.156, states:

20 “Unprofessional conduct as set forth in Section 2533 of the code includes, but is not  
21 limited to the following:

22 “(a) Violating or conspiring to violate or aiding or abetting any person to violate the  
23 provisions of the Act or these regulations.

24 “...

25 “(c) Incompetence or negligence in the practice of speech-language pathology or  
26 audiology which has endangered or is likely to endanger the health, welfare, or safety of the  
27 public.”

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1 flat tracing for the right ear, and a left ear tracing that appeared to contain significant  
2 artifacts. There was no recommendation for any medical intervention for these findings.  
3 After the hearing aid evaluation, patient O.R. agreed to be fitted with bilateral Rexton  
4 Calibra 2 Free DM behind-the-ear hearing aids.

5 C. Respondent took ear impressions of patient O.R.'s right and left ear canals for  
6 custom earmolds to be fitted with hearing aids by, first, otoscopically evaluating patient  
7 O.R.'s ear canals which he found be clear. Next, respondent added a lubricant to both ear  
8 canals and placed protective otoblocks<sup>6</sup> in each ear canal. Impression material was then  
9 placed into patient O.R.'s ear canals and respondent waited for the material to cure. After  
10 five minutes, respondent removed the right ear impression without incident using a  
11 technique to release any vacuum pressure by manipulating the outer ear. Respondent used  
12 the same technique to remove the left ear impression but could not do so without significant  
13 discomfort to patient O.R. Respondent repeated the vacuum release procedure and added  
14 more lubricant around the perimeter of the impression in a further attempt to remove the left  
15 ear impression. Respondent also instructed patient O.R. to massage his left cheek in an  
16 attempt to move the lubricant further down the left ear canal. This procedure was repeated  
17 several times until respondent was able to remove the left ear impression.

18 D. In respondent's declaration to the Board, he stated that after he had removed the  
19 ear impression from patient O.R.'s left ear canal, he performed an otoscopic examination of  
20 the patient's left ear canal and found it to be free of bleeding, abrasions, or inflammation.  
21 He further stated that he performed a post-impression tympanometric evaluation and found  
22 patient O.R.'s left middle ear to be normal with an intact tympanic membrane.

23 E. On or about September 13, 2006, patient O.R. presented to the emergency room  
24 at K.P. Hospital with complaints of left ear pain. On evaluation, a foreign body was noted  
25 to be lodged in patient O.R.'s left ear canal which could not be removed by conventional

26 air pressure in the ear canal.

27 <sup>6</sup> An otoblock is a special cotton or foam dam which is inserted in the ear canal to protect  
28 the eardrum.

1 means without causing considerable discomfort to the patient. Patient O.R. was placed  
2 under general anesthesia and residual impression material and otoblock were removed from  
3 the left ear canal.

4 9. Respondent was incompetent in his practice of speech-language pathology or  
5 audiology involving patient O.R. which included, but was not limited to, the following:

6 (a) Respondent failed to discover the residual impression material and otoblock in  
7 patient O.R.'s left ear canal when he performed a post-impression removal otoscopic  
8 inspection on or about September 8, 2006.

9 (b) Respondent failed to document that his post-impression removal tympanometric  
10 evaluation of patient O.R.'s left ear canal showed an intact and normally moving eardrum.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Gross Negligence)

13 10. Respondent has further subjected his Audiologist's License No. AU 2184 to  
14 disciplinary action under sections 2531.5 and 2533, as defined by section 2533, subdivisions (f)  
15 and (g), of the Code, and Title 16, California Code of Regulations, section 1399.156, subdivisions  
16 (a) and (c), in that respondent was grossly negligent in his practice of speech-language pathology  
17 or audiology involving patient O.R., as more particularly alleged hereinafter:

18 11. Paragraph 8, above, is hereby incorporated by reference and re-alleged as if  
19 fully set forth herein.

20 12. Respondent committed gross negligence in his practice of speech-language  
21 pathology or audiology involving patient O.R. which included, but was not limited to, the  
22 following:

23 (a) Respondent failed to discover the residual impression material and otoblock in  
24 patient O.R.'s left ear canal when he performed a post-impression removal otoscopic  
25 inspection on or about September 8, 2006.

26 (b) Respondent failed to document that his post-impression removal tympanometric  
27 evaluation of patient O.R.'s left ear canal showed an intact and normally moving eardrum.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board issue a decision:

1. Revoking or suspending Audiologist License Number AU 2184, heretofore issued to respondent STEVEN REICHENBACH;
2. Ordering respondent STEVEN REICHENBACH, to pay the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: August 23, 2011

  
 ANNEMARIE DEL MUGNAIO  
 Executive Officer  
 Speech-Language Pathology and Audiology and Hearing  
 Aid Dispensers Board  
 Department of Consumer Affairs  
 State of California  
*Complainant*

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