

By *Amelia J. [Signature]*

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

11 In the Matter of the Accusation Against:

Case No. 11-2013-19

12 **LINDA LOUISE WOLFF**
13 9506 Corsa Way
14 Stockton, CA 95212

ACCUSATION

15 Audiologist License No. AU 2177

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Paul Sanchez (Complainant) brings this Accusation solely in his official capacity as
20 the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid
21 Dispensers Board, Department of Consumer Affairs.

22 2. On or about September 3, 2002, the Speech-Language Pathology and Audiology
23 Board (Board) issued Audiology License Number AU 2177 to Linda Louise Wolff (Respondent).

24 On or about October 26, 2007, the Board issued Hearing Aid Dispenser License number HA
25 7291 to Respondent which was then merged with Dispensing Audiology License AU 2177,
26 effective December 22, 2009. The Dispensing Audiologist License was in full force and effect at
27 all times relevant to the charges brought herein and will expire on October 31, 2016, unless
28 renewed.

1 “(d) A statement to the effect that the aid or aids delivered to the purchaser are used or
2 reconditioned, as the case may be, if that is the fact.

3 “(e) The number of the Licensee’s license and the name and license number of any other
4 hearing aid dispenser or temporary licensee who provided any recommendation or consultation
5 regarding the purchase of the hearing aid.

6 “(f) The terms of any guarantee or written warranty, required by Section 1793.02 of the
7 Civil Code, made to the purchaser with respect to the hearing aid or hearing aids.”

8 7. California Code of Regulations, title 16, section 1399.126(b), states:

9 “Tests for significant air-bone gap shall be performed in a suitable environment using
10 appropriate equipment to establish threshold values and with appropriate masking procedures
11 employed.”

12 8. Civil Code section 1689.6(a)(1) provides in relevant part that the buyer has the right
13 to cancel a home solicitation contract offer until midnight of the third business day after the day
14 on which the buyer signs an agreement or offer of purchase.

15 9. Civil Code section 1689.7(a)(1) provides in relevant part that “in a home solicitation
16 contract or offer, the buyer’s agreement or offer to purchase shall be written in the same
17 language, e.g., Spanish, as principally used in the oral sales presentation, shall be dated, signed by
18 the buyer, and except as provided in paragraph (2), shall contain in immediate proximity to the
19 space reserved for his or her signature a conspicuous statement in a size equal to at least 10-point
20 bold type, as follows: ‘You, the buyer, may cancel this transaction at any time prior to midnight
21 of the seventh business day after the date of this transaction.’”

22 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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**FIRST CAUSE FOR DISCIPLINE
(Gross Negligence and Incompetence)**

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2 11. Respondent is subject to disciplinary action under section 2533(f) of the code, and
3 Title 16 California Code of Regulations section 1399.156 in that she was grossly negligent when
4 she failed to properly inspect the patient's ear canal and/or use an otoblock/otodam when taking
5 an impression. The circumstances are as follows:

6 12. On or about June 15, 2012, Respondent took an ear impression of patient M. B.¹'s left
7 ear at the Eskaton Care Center Manzanita, a rehabilitation and skilled nursing care facility.
8 Respondent then ordered a Siemen's, behind the ear hearing aid, but did not provide a written
9 receipt to the patient M.B. The hearing aid was delivered to the Eskaton facility in July 2012 and
10 was then fitted on patient M. B.'s left ear on July 23, 2012. The patient's wife attempted to
11 contact Respondent after the fitting because the left hearing aid was not providing benefit to
12 patient M.B.

13 13. Several weeks passed before Respondent responded to the patient's wife and then
14 visited patient M.B. on September 26, 2012. Respondent performed air conduction testing on
15 patient M.B., while he was lying down in his bed and determined that the hearing in the left ear
16 had decreased significantly and concluded that the patient had "sudden hearing loss" in the left
17 ear. Respondent offered to replace the patient's older right hearing aid at no cost since his left ear
18 could not benefit further, in Respondent's opinion, from a hearing aid.

19 14. Patient M.B. was taken to Kaiser Permanente Hearing Aid Center, in Sacramento on
20 the same day, September 26, 2012. Kaiser, Otolaryngologist, Dr. P. removed a "plastic foreign
21 body" from the patient's left ear canal. Prior to removal of the "foreign body" a Kaiser
22 audiologist, J.A. noted during otoscopy, that the foreign body appeared to be impression material
23 and that no oto-dam had been used when the impression was taken. After removal of the "foreign
24 object," Dr. P. observed that the tympanic membrane was macerated but mobile and placed the
25 patient on a course of otic drops for his left ear.

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28 ¹ The patient's full name will be turned over in discovery.

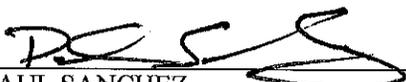
1 hearing aid to patient M.B. during the period of June 15, 2012, through July 23, 2012, at his
2 residence without a receipt and without the stated cancellation language required by law.

3 **PRAYER**

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

- 7 1. Revoking or suspending Audiologist License Number AU 2177, issued to Linda
8 Louise Wolff.
- 9 2. Ordering Linda Louise Wolff to pay the Speech-Language Pathology and Audiology
10 and Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of
11 this case, pursuant to Business and Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

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14
15 DATED: November 3, 2015


16 PAUL SANCHEZ
17 Executive Officer
18 Speech-Language Pathology and Audiology and Hearing
19 Aid Dispensers Board
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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