

**TITLE 16. Speech-Language Pathology and Audiology  
And Hearing Aid Dispensers Board  
DEPARTMENT OF CONSUMER AFFAIRS**

**FINAL STATEMENT OF REASONS**

**Subject Matter of Proposed Regulations**

Speech-Language Pathology Assistant (SLPA) Program and Academic Requirements

**Sections Affected**

Sections 1399.170.4, 1399.170.10, and 1399.170.11 of Article 12 of Division 13.4 of Title 16, California Code of Regulations (CCR).

**Updated Information**

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

The 45-day public comment period began on November 11, 2022, and ended on December 27, 2022. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) did not hold a public hearing for this proposed regulatory action nor was one requested from any interested person or their authorized representative.

The Board received five (5) written comments during and after the initial 45-day comment period.

- One (1) in support,
- Two (2) expressed concerns with the proposed regulatory changes or recommended changes,
- One (1) inquired on the regulatory process, and
- One (1) not related to the proposed regulatory changes.

The Administrative Procedure Act (APA) does not require the Board to respond to written comments in support of a regulatory action during the final rulemaking process. However, the Board is required to respond to written comments that object or make recommendations regarding the regulatory action or the procedures followed by the Board in proposing the regulatory action.

During the February 24, 2023, Board meeting, the Board considered the written comments and determined to not make changes to the proposed regulatory text to accommodate the comments (discussed below).

## **Local Mandate**

This regulatory action does not impose a mandate on local agencies or school districts.

## **Small Business Impact**

The Board has determined that the proposed regulations will not affect small businesses. This is because the proposed regulatory action is related to licensing requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

## **Fiscal Impact**

The Board does not anticipate any increase in workload or costs to the state as a result of the proposed regulations.

## **Economic Impact**

The Board has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. This is because the proposed regulatory action is related to licensing requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

## **Anticipated Benefits of this Proposal**

The Board anticipates an increase in public safety as individuals who wish to be a licensed SLPA will be adequately trained prior to licensure, and Board-approved SLPA programs will be directed by program directors who are in good standing with the Board, experienced, and not a risk to the public when instructing or directing students entering the profession. It will not affect worker safety or the state's environment because the proposed regulatory action is related to licensing requirements and does not concern or impact worker safety or the State's environment.

## **Consideration of Alternatives**

The Board determined that there are no reasonable alternatives to the regulation or that has otherwise been identified and brought to its attention (discussed below) that would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome or would be more cost effective to affected private persons, and equally effective in achieving the purposes of the regulation in implementing the statutory policy or other provision of law.

## **Summary of Comments and Board Response**

**Summary:** The Board received a comment to express support to proposed changes to

SLPA supervision.

**Board Response:** The Board determined that no changes to the proposed regulatory text were necessary to accommodate this comment because SLPA supervision is the subject of another rulemaking and regulated by other regulation sections that are not involved in this proposed action.

**Summary:** The Board received a comment asking for guidance on public participation for public comment.

**Board Response:** The Board determined that no changes to the proposed regulatory text were necessary to accommodate this comment because no objection or recommendation was provided. *Note: Board staff responded to this comment and that response is included the response in the Public Comments.*

**Summary:** The Board received a comment inquiring if the requirements specified in the proposed regulations affect currently licensed SLPAs and if a bachelor's degree is the new education requirement to become licensed SLPA in California.

**Board Response:** The Board determined that no changes to the proposed regulatory text were necessary to accommodate this comment because no objection or recommendation was provided.

The proposed regulation will not change requirements for an already licensed SLPA nor will the Board require a bachelor's degree to be a licensed SLPA in California. This proposed regulation seeks to increase the number of the field work experiences required for applicants who apply for a SLPA license after the regulations' effective date. It also specifies qualifications for Board-approved SLPA training program directors and aligns full-time work experience with the statutory standard for a speech-language pathologist. The Board will continue to allow applicants to complete their education at a Board-approved SLPA program, bachelor's degree program in speech-language pathology or communication disorders from an accredited institution, or comparable out-of-state SLPA program.

**Summary:** The Board received a comment to express support and recommend changes to the proposed regulatory text. The comment suggested removing in sections 1399.170.10(c)(2) and 1399.170.11(c) the reference to ASHA's Spring 1996 SLPA Guidelines and replace it with their 2022 SLPA Scope of Practice. The comment also expressed support and recommended changes to changes proposed to be made to SLPA supervision in a different rulemaking.

**Board Response:** The Board determined to not make changes to 2 sections in the proposed regulatory text to accommodate the comment regarding references to an outdated ASHA document because the outdated document is also incorporated by reference in an existing regulatory section that was not included in this rulemaking

package, 16 CCR section 1399.170.6. The Board intends to update all three sections that cite to the outdated ASHA document in the one rulemaking to be able to meet the Office of Administrative Law’s “consistency” standard. The published notice for this rulemaking did not mention 16 CCR section 1399.170.6 as being changed by this rulemaking, as updating the outdated reference is not a goal of this rulemaking. To change 16 CCR section 1399.170.6 the Board would have to withdraw this package and re-submit it with a proposed revision to section 1399.170.6 included, which would delay the other important changes in this rulemaking including specifying the qualifications for SLPA training program directors, increasing the number of the required field work experience, and modifying the full-time work experience for out-of-state SLPA applicants. The Board declines to update the two references to the outdated ASHA document in this rulemaking and intends to pursue updating the references to the outdated ASHA document in 16 CCR sections 1399.170.6, 1399.170.10(c)(2), and 1399.170.11(c) in a separate rulemaking.

The Board determined that no changes to the proposed regulatory text were necessary to accommodate the comment regarding SLPA supervision because SLPA supervision requirements is the subject of another rulemaking, and are covered in regulation sections not mentioned in this proposed action.