

**TITLE 16. SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date

No public hearing has been scheduled for this proposed regulatory action.

Subject Matter of Proposed Regulations

Continuing Professional Development Requirements

Sections Affected

Sections 1399.160, 1399.160.1, 1399.160.2, 1399.160.3, and 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations (CCR).¹

Background and Statement of the Problem

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) is a state agency vested with the authority to license, regulate, and discipline within the practices of speech-language pathology, audiology, and hearing aid dispensing in accordance with Business and Professions Code (BPC) sections 2530.1 and 2531.02. The Board’s mandate and its mission is to protect the public by regulating approximately 35,000 speech-language pathologists, speech-language pathology assistants, speech-language pathology aides, audiologists, dispensing audiologists, audiology aides, hearing aid dispensers, hearing aid dispenser trainees, and temporary hearing aid dispensers who are licensed and registered with the Board and by disciplining licensees or registrants who violate the law. In order to protect the public, the Board establishes requirements for continuing professional development (CPD) to “assure the public of professional competence” for licensees regulated by this Board (BPC section 2532.6.)

Existing law, under BPC section 2531.95, authorizes the Board to adopt, amend, or repeal regulations that may be necessary to execute any provisions of the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act. The Board intends to use its authority to amend regulations regarding the CPD requirements for speech-language pathologists, audiologists, and dispensing audiologists.

¹ All CCR references are to Title 16 unless otherwise noted

There is no existing federal regulation or statute comparable to these proposed regulations.

CPD requirements are intended to protect consumers by ensuring licensees continue to improve their professional learning to maintain ethical and competent practice. Pursuant to BPC section 2532.6, the Board establishes requirements regarding the number of hours licensees are required to complete and the Board's approving and certifying CPD providers and courses. The Board permits CPD to be completed through self-study, which is a course delivery method where an individual learns in the time and place of their own choosing. Because self-study may not adequately improve professional learning, the Board limits the number of hours that can be completed through self-study. An issue with self-study became pronounced during the COVID-19 pandemic. It became unclear to licensees if it is considered self-study when CPD is delivered online. The proposed regulatory changes will clarify definitions to reflect advancements made to CPD courses delivered online, increase the number of self-study hours allowed to half of the total required CPD hours, and clarify current regulations by making CPD requirements consistent with the Board's CPD audit process and professional learning requirements for similar license types and course content.

Purpose, Rationale and Anticipated Benefits

Amend Section 1399.160 of Article 11 of Division 13.4 of Title 16 of the CCR

Amend subsection (a)

Purpose: Subsection (a) is amended to revise the definition of a CPD course and make grammatical corrections.

Rationale and Anticipated Benefits: This change is necessary as it became unclear to licensees during the COVID-19 pandemic when a CPD course delivered online is considered self-study. By omitting self-study from the list of courses and defining it in subsection (a)(1), the changes increase the clarity of this definition. Other changes include a grammatical correction for the purpose of clarity, and a revision which is consistent with writing and formatting style found in other parts of these regulations.

Renumber and amend subsection (b)

Purpose: Subsection (b) is renumbered to become paragraph (1) which is amended to redefine self-study as a course where the instruction and participation do not occur at the same time. It will also require a test be completed at the end of the course upon which a participant must obtain a grade of 70% or more.

Rationale and Anticipated Benefits: These changes reflect advancements made to CPD courses delivered online. During the COVID pandemic, licensees were required to rely heavily on online CPD courses to complete their CPD requirements due to the restrictions that were in place. Now that those restrictions are no longer in place, many of the CPD providers continue to deliver CPD courses online as a convenient way for

licensees to obtain their CPD hours. However, this creates a problem because the regulations are not clear as to when a CPD course delivered online is considered self-study. To address this problem, the proposed regulatory changes will revise the definition to make it clear that courses are considered self-study when the instruction and participation do not occur at the same time. This change will assist licensees in understanding when a CPD course delivered online is considered self-study, which is important because licensees are limited in the number of hours that can be completed through this course delivery method. Requiring an assessment or examination to be completed at the end of the course ensures that licensees demonstrate professional learning and improved competency as a result of taking the course. Specifying that the licensee needs a grade of 70% or more is necessary because it establishes a standard of measure to quantify learning and intellectual progress. A grade of 70% or more is a reasonable requirement because it signifies satisfactory or average performance.

Renumber and amend subsection (c) and (d)

Purpose: Subsection (c) is renumbered to subsection (b). Subsection (d) is renumbered to subsection (c) and amended to remove the phrase “two years” from the definition of renewal period.

Rationale and Anticipated Benefits: Renumbering these subsections reflects the changes made to this section by these proposed regulatory changes. Redefining the term “renewal period” to remove the phrase “two years” is necessary as the Board has licensees who renew annually.

Renumber and amend subsection (e) and (f)

Purpose: Subsection (e) is renumbered to subsection (d). Subsection (f) is renumbered to subsection (e) and amended to clarify the definition of professional development and make a grammatical correction.

Rationale and Anticipated Benefits: Renumbering these subsections reflects the changes made to this section by these proposed regulatory changes. Clarifying the definition of “professional development” as CPD is necessary because the definition is intended to clarify that CPD also means “continuing education” (CE). The Board uses CE for the practice of hearing aid dispensing as used in BPC section 2538.18. CPD providers may also use CE to describe the courses they offer to licensees. Making a grammatical correction maintains consistency in the writing and formatting style found in other parts of the regulations.

Amend Section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the CCR

Amend subsection (a)

Purpose: Subsection (a) is amended to clarify these requirements are for when the renewal is for the first time, specify the licensee as speech-language pathology or audiology license holder, remove outdated requirements, specify course content requirements with a cross-reference to the applicable subsection under CCR section

1399.160.3, specify that courses must be taught by an approved provider with a cross-reference to CCR section 1399.160.7, and make grammatical corrections.

Rationale and Anticipated Benefits: Clarifying that this requirement is for the first-time renewal is necessary. The Board recognizes that licensees may not get a full two-year period prior to their first renewal because they are required to renew their license by the last day of their birth month and not the issue month (BPC section 2535.) Therefore, the Board has different CPD requirements for first time renewals to alleviate any burden that a shortened time period would cause.

Specifying the licensee types regulated by this subsection increases clarity by informing licensees that this requirement is for speech-language pathologists or audiologists because the Board has different requirements for licensees who hold both license types and for licensees that are also authorized to dispense hearing aids.

Removing outdated requirements reduces confusion and increases clarity. It is no longer necessary to specify a license expiration year. The previous statutory requirement enacted under Assembly Bill 205 (Chapter 1058, Statutes of 1998) was repealed under Senate Bill 305 (Chapter 516, Statutes of 2013), and the changes being made will not be burdensome for licensees to comply with once this rulemaking is approved making it no longer necessary to specify a license expiration year.

Specifying course content requirements is necessary as the Board establishes the number of hours required and limitations on course content and delivery methods that licensees need to be aware of. The Board specifies the number of hours pursuant to BPC section 2532.6. The Board establishes limitations on course content and delivery methods to ensure profession learning benefits patients/clients and it adequately improve professional learning. A cross-reference to the applicable subsection under CCR section 1399.160.3 is used to avoid unnecessarily duplicating requirements in accordance with the California Administrative Procedure Act.

Specifying that courses must be taught by an approved provider is necessary as a licensee cannot claim credit for a course that hasn't been approved by the Board pursuant to BPC section 2532.6(e). A cross-reference to CCR section 1399.160.7 is used to avoid unnecessarily duplicating requirements in accordance with the California Administrative Procedure Act.

Making grammatical corrections maintains consistency with the writing style used throughout the regulations. Removing the word "course" after the phrase "continuing professional development" maintains consistency with the statutory language found in BPC section 2532.6.

Amend subsection (b)

Purpose: Subsection (b) is amended to clarify these requirements are for when the renewal is for the first time, remove outdated requirements, specify course content

requirements with a cross-reference to the applicable subsection under CCR section 1399.160.3, specify that courses must be taught by an approved provider with a cross-reference to section 1399.160.7, and make grammatical corrections.

Rationale and Anticipated Benefits: The Board is clarifying that this requirement is for first time renewals, removing outdated requirements, specifying course content requirements and that courses must be taught by an approved provider, and making grammatical corrections based on the same rationale and anticipated benefits stated above that support the proposed CCR section 1399.160.1, subsection (a) changes.

Amend subsection (c)

Purpose: Subsection (c) is amended to cross-reference subsection (a), specify the licensee as holding a speech-language pathology or audiology license, specify course content requirements with a cross-reference to the applicable subsection under CCR section 1399.160.3, specify that courses must be taught by an approved provider with a cross-reference to CCR section 1399.160.7, and make grammatical corrections.

Rationale and Anticipated Benefits: Adding a cross-reference to subsection (a) and specifying the licensee types increases clarity because it informs licensees that this requirement is applicable to speech-language pathologists or audiologists renewing their license after their first renewal. The Board is specifying course content requirements and that courses must be taught by an approved provider and making grammatical corrections identical to that made in subsection (a), above, based on the same rationale and anticipated benefits stated above that support the proposed CCR section 1399.160.1, subsection (a) changes.

Amend subsection (d)

Purpose: Subsection (d) is amended to cross-reference subsection (b), specify course content requirements with a cross-reference to the applicable subsection under CCR section 1399.160.3, specify courses must be taught by an approved provider with a cross-reference to CCR section 1399.160.7, and make grammatical corrections.

Rationale and Anticipated Benefits: Adding a cross-reference to subsection (b) and specifying the license type increases clarity because it informs licensees that this requirement is applicable to licensees holding both a speech-language pathologist and audiology license renewing after their first renewal. The Board is specifying course content requirements and that courses must be taught by an approved provider and making a grammatical correction which are identical to those stated in section 1399.160.1, subsection (a) based on the same rationale and anticipated benefits stated above that support the proposed CCR section 1399.160.1, subsection (a) changes. All other changes are grammatical corrections to maintain consistency with the writing style used throughout the regulations.

Add subsection (e)

Purpose: A new subsection (e) is added to require audiologists authorized to sell

hearing aids, referred to as dispensing audiologists, to certify at the time of renewal that they have completed their CPD as specified under the applicable subsection in CCR section 1399.160.3 from an approved provider under CCR section 1399.160.7. A cross reference to CCR section 1399.160.2 is added to specify exemption from CPD requirements.

Rationale and Anticipated Benefits: Adding this section is necessary because “all holders of licenses to sell or fit hearing aids” are required to “continue their education after receiving the license” pursuant to BPC section 2538.18. The Board is authorized to issue a license to an audiologist to sell hearing aids pursuant to BPC section 2539.1. Adding a cross-reference to the CPD exceptions in CCR section 1399.160.2, requiring licensees to certify the completion of their CPD hours at the time they apply for renewal, and specifying the number of CPD hours is required by BPC section 2532.6 is consistent with what the Board requires of other license types. Requiring dispensing audiologists to complete twelve (12) hours maintains consistency with the requirements this Board has for hearing aid dispensers as stated in CCR section 1399.140. The Board is specifying course content requirements and that courses must be taught by an approved provider based on the same rationale and anticipated benefits stated above that support the proposed CCR section 1399.160.1, subsection (a) changes.

Add subsection (f)

Purpose: Subsection (f) is added to require licensees who practice in both speech-language pathology and audiology and are authorized to sell hearing aids, to certify at the time of renewal that they have completed their CPD hours as specified under the applicable subsection in CCR section 1399.160.3 from an approved provider under CCR section 1399.160.7. A cross reference to CCR section 1399.160.2 is added to specify exemption from CPD requirements.

Rationale and Anticipated Benefits: Adding this section is necessary because licensees are required to continue learning for license renewal pursuant to BPC sections 2532.6 and 2538.18. Adding a cross-reference to the CPD exceptions in CCR section 1399.160.2, requiring licensees to certify the completion of their CPD hours at the time they apply for renewal, and specifying the number of CPD hours is necessary for the same rationale and anticipated benefits stated above that support the proposed CCR section 1399.160.1 subsection (e) changes. Requiring dual practice licensees who are authorized to sell hearing aids to complete sixteen (16) hours in speech-language pathology biennially ensures professional learning in this practice and maintains consistency with the requirements this Board has for dual practice licensees under subsection (d) and the renewal period as stated in BPC section 2535. Requiring this license type to also complete eight (8) hours in dispensing audiology annually ensures professional learning in the practices of audiology and hearing aid dispensing. Eight (8) hours is a suitable number of hours because it aligns with the number of hours a dual practice licensee would complete under subsection (d) if they were required to renew on an annual basis. The annual renewal period requirement maintains consistency with hearing aid dispensers as stated in CCR section 1399.140. The Board is specifying

course content requirements and that courses must be taught by an approved provider for the same rationale and anticipated benefits stated above that support the proposed CCR section 1399.160.1, subsection (a) changes.

Renumber subsection (e)

Purpose: Subsection (e) is renumbered to subsection (g) and amended to make grammatical corrections.

Rationale and Anticipated Benefits: These changes reflect the changes made to this entire section by the proposed regulatory changes and maintain consistency in the writing and formatting style found in other parts of the regulations. The changes are without regulatory effect.

Add subsection (h)

Purpose: Subsection (h) is added to require a person whose license has been expired for two renewal cycles or more to complete the CPD hours requirements for the most recent renewal cycle before their license can be restored.

Rationale and Anticipated Benefits: This addition is necessary because the Board is unable to renew a license without the licensee completing the minimum number of the CPD hours established by the Board pursuant to BPC section 2532.6(b). A license can be expired for multiple renewal periods; therefore, it is necessary for the Board to specify the CPD requirements for a situation where a license has been expired for more than one renewal period. Requiring the licensee to complete the CPD courses for only the most recent renewal period is prudent because it would be unduly burdensome for a person to have to complete CPD hours for two or more renewal cycles before the Board can restore their license.

Amend Section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the CCR

Remove subsection (a)

Purpose: Subsection (a) along with paragraphs (1) and (2) are removed.

Rationale and Anticipated Benefits: The information in subsection (a) and paragraphs (1) and (2) doesn't align with the title of this section which can lead to confusion. Because these requirements are not exempted from the CPD requirements, they are removed and will be added to CCR section 1399.160.3 where the CPD requirements are described.

Renumber and amend subsection (b)

Purpose: Subsection (b) is renumbered to subsection (a) and amended to eliminate gendered pronouns and replace them with gender-neutral terms.

Rationale and Anticipated Benefits: This change reflects the changes made to this section by this regulatory proposal. Changing gendered terms to gender-neutral terms

parallels other efforts throughout the state in accordance with Assembly Concurrent Resolution No. 260 of 2018 and are without regulatory effect.

Renumber and amend subsection (c)

Purpose: Subsection (c) is renumbered to subsection (b) and amended to require a written request from licensees who request an exemption from the CPD requirements. Paragraph (1) is amended to align the CPD exemption based on military service with statutory requirements.

Rationale and Anticipated Benefits: Renumbering the subsection reflects the changes made to this section by these proposed regulatory changes. Requiring licensees to submit a written request for an exemption from the CPD requirements is necessary because the Board will not be able to make a determination without information explaining the reason for the request for an exemption. Paragraph (1) is amended to align the CPD exemption based on military service to BPC section 114.3, which requires the Board to “waive the renewal fees, continuing education requirements, and other renewal requirements” for licensees called to active duty as a member of the United States Armed Forces or the California National Guard.

Add subsection (c)

Purpose: Subsection (c) is added to specify that any CPD exemption granted is effective for only the current renewal period.

Rationale and Anticipated Benefits: Specifying that any CPD exemption granted is effective for only the current renewal period is necessary to allow the Board to review exemptions on a regular basis and ensure they are for the proper causes as defined by this section.

Amend Section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the CCR

Amend subsection (a)

Purpose: Subsection (a) is amended to specify the license and renewal type with a cross-reference to the applicable subsection under CCR section 1399.160.1, remove unnecessary, duplicative, and outdated requirements, revise sentence structures, make grammatical corrections, increase the number of allowable self-study hours to half of the total required hours, and limit the number of hours that can be obtained from courses with content not related to direct patient/client care to approximately one-third of the hours that can be completed through self-study.

Rationale and Anticipated Benefits: Specifying the license and renewal type is necessary because the Board has different CPD requirements for different license and renewal types. A cross-reference to the applicable subsection under CCR section 1399.160.1 is used to avoid unnecessary and duplicative requirements in accordance with the California Administrative Procedure Act.

Duplicative and outdated requirements are removed to reduce confusion and increases clarity. The information being removed can be found under CCR section 1399.160.1. The license expiration date is an outdated requirement that is no longer necessary. This is because the former statutory requirement enacted under Assembly Bill 205 (Chapter 1058, Statutes of 1998) was repealed under Senate Bill 305 (Chapter 516, Statutes of 2013), and the changes being made will not be burdensome for licensees to comply with once the regulatory changes are approved, as it is no longer necessary to specify a license expiration year.

Revising sentence structures and making grammatical corrections are necessary to align with statutory language found in BPC section 2532.6 and the Board's CPD audit process. As a condition of renewal, licensees certify that they have met the required CPD hours on their renewal form. The Board verifies the completion of the CPD hours through an audit. During a CPD audit, the Board requests from the licensees being audited course completion documents for the renewal cycle being audited, at which point the licensee will "claim" to the Board the courses they have completed. Using the course completion documents, the claim is reviewed by Board staff to determine compliance with the CPD requirements in terms of total number of hours obtained, CPD provider status, and whether the course content meets the requirements established by the Board.

Increasing the number of allowable self-study hours gives licensees a greater ability to complete their CPD requirements from courses where instruction and participation do not occur at the same time. The Board determined at its November 2015 meeting to increase the number of self study hours to half of the required hours. The Board continues to limit the number of allowable self-study hours because self study may not adequately improve professional learning as compared to learning with people. For this license and renewal type, half of the required hours is six (6) hours and this is stated in this subsection.

Specifying the number of hours for courses with content not related to direct patient/client care is necessary as it ensures professional learning is related to services patients/clients receive and not on practical or related subjects such as managed care issues or service delivery models. Two (2) hours is a suitable number of hours for courses as defined in CCR section 1399.160.4(c)(3) or CCR section 1399.160.4(c)(4) because it aligns with the number of hours found in subsections (c), (d), and (f)(1) and the hours are approximately one-third of the hours that could be completed through self-study.

Amend subsection (b)

Purpose: Subsection (b) is amended to specify the license and renewal type with a cross-reference to the applicable subsection under CCR section 1399.160.1, remove unnecessary, duplicative, and outdated requirements, revise sentence structures, make grammatical corrections, increase the number of allowable self-study hours to half of the total required hours, and limit the number of hours that can be obtained from courses

with content not related to direct patient/client care to approximately one-third of the hours that could be completed through self-study.

Rationale and Anticipated Benefits: The Board is specifying the license and renewal type, removing duplicative and outdated requirements, revising sentence structures, and making grammatical corrections all for the same rationale and anticipated benefits as stated above that support the proposed CCR 1399.160.3, subsection (a) changes. The Board is increasing the number of self-study hours for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The Board is increasing the number of hours to half of the required hours, which for this license and renewal type is four (4) hours and this is stated in this subsection. The Board is specifying the number of hours that can be obtained from courses with content not related to direct patient/client care for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. As already discussed, this is approximately one-third of the hours that could be completed through self-study, which for this license and renewal type is one and one half (1.5) hours and this is stated in this subsection. This requirement will be applicable to both licenses to ensure professional learning requirements are similar in both types of practice.

Amend subsection (c), paragraphs (1) & (2)

Purpose: Subsection (c) is amended and paragraphs (1) and (2) are removed and combined with subsection (c) to specify the license and renewal type with a cross-reference to the applicable subsection under CCR section 1399.160.1, revise sentence structures, make grammatical corrections, remove unnecessary, duplicative, and outdated requirements, and increase the number of self-study hours to half of the total required hours.

Rationale and Anticipated Benefits: The Board is specifying the license and renewal type, revising sentence structures, making grammatical corrections, and removing duplicative requirements for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The eight (8) hours requirement is removed because it is outdated as a result of the increase in allowable self-study hours. The Board is increasing the number of self-study hours for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The Board is increasing the number of hours to half of the required hours, which for this license and renewal type is twelve (12) hours and this is stated in this subsection.

Amend subsection (c), paragraph (3)

Purpose: Subsection (c)(3) is renumbered to (c)(1) and amended to change and clarify what is unacceptable hearing aid course content, revise sentence structures, and make grammatical corrections.

Rationale and Anticipated Benefits: These changes will maintain consistency with

proposed changes to CCR section 1399.140.1 as discussed at the Hearing Aid Dispensers Committee (Committee) on May 12, 2022, and adopted by the Board on August 12, 2022. The Board determined that experienced dispensers may benefit from learning about equipment, devices, or other products their patients or clients use as advancements in technology is common in this practice. However, the Board determined that continuing education courses should not focus on marketing, launching, or demonstrating the marketability of hearing aid equipment, devices, or other products because dispensers must maintain ethical practices when providing services to patient/client. Dispensers should have no interest in providing particular hearing aid equipment, devices, or other products as it should be selected to achieve a safe, comfortable, and effective hearing experience for everyday living on the basis of individual needs. When dispensers are taught about how to market a particular hearing aid product to their patient/client, this may create a conflict-of-interest by putting the equipment, devices, or other products before their patient/client's individualized hearing needs. The Board is revising sentence structures and making grammatical corrections for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes.

Amend and subsection (d), paragraphs (1) & (2)

Purpose: Subsection (d) is amended and paragraphs (1) and (2) are removed and combined with subsection (c) to specify the license and renewal type with a cross-reference to the applicable subsection under section 1399.160.1, revise sentence structures, make a grammatical correction, remove unnecessary duplicative and outdated requirements, and increase the number of allowable self-study hours to half of the total required hours.

Rationale and Anticipated Benefits: The Board is specifying the license and renewal type, revising sentence structures, making a grammatical correction, and removing duplicative requirements for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The five (5) hours requirement is removed because it is outdated as a result of the increase in self-study hours allowed. The Board is increasing the number of self-study hours for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The Board is increasing the number of hours to half of the required hours, which for this license and renewal type is eight (8) hours and as such is stated in this subsection.

Add subsection (d), paragraph (1)

Purpose: Subsection (d)(1) is added to specify hearing aid course content requirements for an audiology licensee when the licensee practices in both speech-language pathology and audiology with a cross-reference to subsection (c)(1).

Rationale and Anticipated Benefits: This subsection is added to maintain the CPD requirements consistent for audiology license. As defined in BPC section 2530.2(k), the practice of audiology can include hearing aid recommendation and evaluation

procedures. To ensure professional learning is not solely about hearing aids, the Board establishes limitations to the number of hours that can be obtained for this course content. A cross-reference is used to avoid unnecessary and duplicative requirements because regulations are to be adopted with non-duplication in accordance with the California Administrative Procedure Act.

Amend subsection (e), paragraphs (1) & (2)

Purpose: Subsection (e) is amended and paragraphs (1) and (2) are removed and combined with subsection (e) to specify the license and renewal type with a cross-reference to the applicable subsection under CCR section 1399.160.1, revise sentence structures, make grammatical corrections, remove unnecessary, duplicative, and outdated requirements, increase the number of allowable self-study hours to half of the total required hours, and increase the number of hours that can be obtain from courses with content not related to direct patient/client care to approximately one-third of the hours that could be completed through self-study.

Rationale and Anticipated Benefits: The Board is specifying the license and renewal type, revising sentence structures, making grammatical corrections, and removing duplicative requirements for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The three (3) hours requirement is removed because it is outdated as a result of the increase in allowable self-study hours. The Board is increasing the number of self-study hours for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The Board is increasing the number of hours to half of the required hours, which for this license and renewal type is six (6) hours and this is stated in this subsection. The Board is increasing the number of hours that can be obtain from courses with content not related to direct patient/client care because, as discussed above in support of the proposed CCR section 1399.160.3, subsection (a) changes, this is approximately one-third of the hours that could be completed through self-study, which for this license and renewal type is two (2) hours and this is stated in this subsection.

Amend and renumber subsection (e), paragraph (3)

Purpose: Subsection (e)(3) is renumbered to (e)(1) and amended to state more clearly what constitutes unacceptable hearing aid course content, revise sentence structures, and make grammatical corrections.

Rationale and Anticipated Benefits: The Board is clarifying what is unacceptable hearing aid course content, revising sentence structures, and making grammatical corrections for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (c)(1) changes. The Board requires this license type to complete fifty (50) percent in courses related to hearing aids because dispensing audiologists are permitted to practice in both audiology and hearing aid dispensing. This will ensure professional learning in both practice areas.

Amend subsection (f)

Purpose: Subsection (f) is amended to specify the license and renewal type with a cross-reference to the applicable subsection under CCR section 1399.160.1.

Rationale and Anticipated Benefits: This change keeps the writing style consistent with the other changes made in these proposed regulatory changes. The Board is specifying the license and renewal type for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes.

Amend subsection (f), paragraph (1)

Purpose: Subsection (f)(1) is amended and subparagraphs (A) and (B) are removed and combined with subsection (f)(1) to revise sentence structures, make grammatical corrections, remove unnecessary, duplicative, and outdated requirements, and increase the number of allowable self-study hours to half of the total required hours.

Rationale and Anticipated Benefits: The Board is revising sentence structures, making a grammatical correction, and removing duplicative requirements for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The four (4) hours requirement is removed because it is outdated as a result of the increase in allowable self-study hours. The Board is increasing the number of self-study hours for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The Board is increasing the number of hours to half of the required hours, which for this license and renewal type is eight (8) hours and this is stated in this subsection.

Amend subsection (f), paragraph (2)

Purpose: Subsection (f)(2) is amended and subparagraphs (A) and (B) are removed and combined with subsection (f)(2) to revise sentence structures, make grammatical corrections, remove unnecessary, duplicative, and outdated requirements, correct the course content requirement, increase the number of allowable self-study hours to half of the total required hours, and increase the number of hours that can be obtain from courses with content not related to direct patient/client care to approximately one-third of the hours that can be completed through self-study.

Rationale and Anticipated Benefits: The Board is revising sentence structures, making grammatical corrections, and removing duplicative requirements for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The four (4) hours requirement is removed because it is outdated as a result of the increase in allowable self-study hours. The Board is increasing the number of self-study hours for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes. The Board is increasing the number of hours to half of the required hours, which for this license and renewal type is four (4) hours and this is stated in this subsection. The Board is correcting the course content requirement

with a cross-reference to subsection (e)(1) which maintains the CPD requirements consistent for a dispensing audiology license. This is because dispensing audiologists are permitted to practice in both audiology and hearing aid dispensing and as such the Board needs to ensure professional learning in both practices. A cross-reference is used to avoid duplicative requirements because regulations are to be adopted with non-duplication in accordance with the California Administrative Procedure Act. The Board is increasing the number of hours that can be obtain from courses with content not related to direct patient/client care because, as discussed above in support of the proposed CCR section 1399.160.3, subsection (a) changes, this is approximately one-third of the hours that could be completed through self-study, which for this license and renewal type is one and one half (1.5) hours and this is stated in this subsection.

Amend subsections (g) and (h)

Purpose: Subsections (g) and (h) are amended to specify the renewal period, revise sentence structures, and make a grammatical correction.

Rationale and Anticipated Benefits: The renewal period is specified because the Board recognizes that a course may be taught every year, which is useful to licensees. The Board found it prudent to increase clarity by stating that it is once per renewal period because, without it, it would be interpreted as a one-time for any time the licensee is licensed with this Board. The Board is revising sentence structures and making grammatical corrections for the same rationale and anticipated benefits as stated above that support the proposed CCR section 1399.160.3, subsection (a) changes.

Amend subsection (i)

Purpose: Subsection (i) is amended to make a grammatical correction.

Rationale and Anticipated Benefits: Making a grammatical correction maintains consistency in the writing and formatting style found in other parts of the regulations. Adding the word “educational” before the word “course” maintains consistency with the Board’s disciplinary guidelines entitled “Disciplinary Guidelines July 16, 2004.” Educational course is a term and condition used in reaching a decision on a disciplinary action that requires the disciplined licensee to complete coursework related a violation they are being disciplined. Adding the word “requirements” after “continuing professional development” maintains consistency with the statutory language found in BPC section 2532.6.

Add subsections (j) and (k)

Purpose: Subsections (j) and (k) are added to specify CPD requirements for supervisors of required professional experience (RPE) temporary license holders and speech-language pathology assistants (SLPAs).

Rationale and Anticipated Benefits: Informing supervisors of CPD requirements they are required to complete in order to supervise others promotes transparency in the Board’s renewal process. Supervision is a specific set of skills to manage others and provide

leadership that generally requires development through specialized training and/or experience. The academic and experience requirements to become licensed are imposed to prepare for entry-level practice and not management-level practice. Newly licensed SLPs and audiologists do not have experience supervising another person pursuant to 1399.153.7, therefore an educational requirement is necessary for RPE supervisors. SLPA supervisors are required to complete CPD pursuant to BPC section 2538.1(b)(7). A cross-reference is used to avoid duplicative requirements because regulations are to be adopted with non-duplication in accordance with the California Administrative Procedure Act.

Add subsection (I)

Purpose: Subsection (I) is added to allow licensees to claim CPD for no more than two (2) hours for participating in the Board’s occupational analyses.

Rationale and Anticipated Benefits: BPC Section 139 requires state licensing boards to conduct occupational analyses and examination validation studies of licensure programs. As part of the occupational analysis, the Board surveys its licensed population to determine the tasks and knowledge needed for independent practice through an online survey questionnaire which can take approximately two hours to complete. This survey helps the Board review and validate the examination it requires for licensure. For this reason, the Board finds it prudent to allow licensees to claim CPD for completing the survey. Two (2) hours is a reasonable number of hours and consistent with existing Board policy, as the Board defines “one hour of instruction is equal to one hour of continuing professional development credit” in section 1399.160.5.

Amend Section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the CCR

Purpose: Subsections (b), (c)(1), (c)(4), and (f) are amended for grammatical corrections.

Rationale and Anticipated Benefits: Making grammatical corrections maintains consistency in the writing style used throughout regulations, and such changes are without regulatory affect.

Underlying Data

1. November 2015 Board Meeting Agenda, relevant materials, and Minutes
2. August 2021 Board Meeting Agenda, relevant materials, and Minutes
3. October 2021 Board Meeting Agenda, relevant materials, and Minutes
4. Board’s Sunset Review Report 2021
5. May 2022 Board Meeting Agenda, relevant materials, and Minutes
6. August 2022 Board Meeting Agenda, relevant materials, and Minutes
7. April 2023 Board Meeting Agenda, relevant materials, and Minutes

Business Impact

The Board has made the initial determination that this proposed regulatory action will not have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the Board is clarifying and broadening current regulations by increasing the number of allowed self-study hours and making CPD requirements consistent with the Board's CPD audit process and professional learning requirements for similar license types and course content.

The Board is not aware of costs that businesses or individuals may incur to comply with this regulation over its lifetime nor of any other economic costs. The Board is also not aware of any effect this proposed regulatory action will have on housing costs or impact to local agencies or federal funding to the State.

The Board is aware of benefits that may occur for businesses or individuals to comply with this regulation over its lifetime. Because the Board's authority is over licensees and not over all businesses within the industries the Board regulates, the Board cannot provide any estimates for the total number or type of businesses (e.g., private, nonprofit, public, or small business) that may be impacted by these proposed regulatory changes. The Board anticipates over 150 licensed CPD providers and over 26,000 licensees in the practice of speech-language pathology and audiology will be impacted by these proposed regulatory changes.

The Board anticipates licensees will benefit from decreased travel costs due to an increase in the number of allowed self-study hours and the increased clarity as to when a CPD course delivered online is considered self-study. The public will benefit from reduced service interruptions because their licensed practitioner will have a greater ability to complete their CPD without needing to take time off to attend an in-person CPD course. These types of benefits are unquantifiable and cannot be easily measured or estimated. Therefore, the Board cannot provide information on possible statewide benefits that may occur from this regulation over its lifetime.

Economic Impact Assessment

This Board has determined that this regulatory proposal will have the following effects:

It will not create new businesses or jobs within the State of California because the proposed regulatory action is related to licensing renewal requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

It will not eliminate existing businesses or jobs because the proposed regulatory action is related to licensing renewal requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

It will not affect the expansion of businesses within the State of California because the proposed regulatory action is related to licensing renewal requirements, and does not enhance or inhibit industry growth within the industries the Board regulates.

It will positively affect the health and welfare of California residents. The public will benefit from reduced service interruptions because their licensed practitioner will have a greater ability to complete their CPD without needing to take time off to attend an in-person CPD course. Licensees will benefit from decreased travel costs due to an increase in the number of allowed self-study hours and increased clarity as to when a CPD course delivered online is considered self-study.

It will not affect worker safety because the proposed regulatory action is related to licensing renewal requirements, and does not concern or impact worker safety.

It will not affect the state's environment because the proposed regulatory action is related to licensing renewal requirements, and does not concern or impact the State's environment.

Specific Technologies or Equipment

This regulatory proposal does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The Board's initial determination is that there is no reasonable alternative to the proposed regulatory action which would be more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons, and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Increase the number of allowable self study hours to one hundred (100) percent.

The Board rejected this alternative because it determined that fifty (50) percent was appropriate per committees' discussion in August and October of

2021. The Board continues to limit the number of allowable self-study hours because self study may not adequately improve professional learning as compared to learning with people.