

**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**

Speech-Language Pathology Assistant Program and Academic Requirements

**Sections Affected**

Amend 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).<sup>1</sup>

**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 mission is to protect the public by regulating approximately 35,000 licensed 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 dispenser licensees. In order to protect the public, the Board adopts regulations to set speech-language pathology assistant (SLPA) standards and requirements (BPC section 2538.1).

Existing law, under BPC section 2531.95, authorizes the Board to adopt 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 this authority to amend the existing regulations on SLPA standards and requirements in CCR sections 1399.170.4, 1399.170.10, and 1399.170.11.

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

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<sup>1</sup> All CCR references are to Title 16 unless otherwise noted.

regulations.

The SLPA license was first established in 1999 under Assembly Bill 205 (Machado, Chapter 1058, Statutes of 1998) which required the Board to adopt regulations to set standards and requirements. The Board promulgated regulations in 2001 and has made no major revision since then to the SLPA regulations.

Since that time, however, educational and practice standards have naturally progressed and changed in line with the Board's proposed regulatory standard. Training programs established more rigorous requirements and, consequently, the Board's regulatory standards are now outdated. The proposed action will bring the regulatory standards in line with current educational practices and industry standards. Moreover, the role of program director is conspicuous and can be influential in the early career of a prospective SLPA. Consequently, the Board believes that program directors should model what it means to be a productive and exemplar SLPA: avoiding recent disciplinary misconduct, paying licensing fees, completing continuing education, and generally remaining in good standing with the Board. The proposal would ensure that program directors meet these high standards.

### **Purpose, Rationale, and Anticipated Benefits from this regulatory action**

#### ***Amend section 1399.170.4 of Article 12 of Division 13.4 of the CCR***

**Purpose:** The title is amended to replace the term "Application" with the term "Eligibility."

**Anticipated Benefit/Rationale:** This change is made to accurately reflect the content of this section, which pertains to the required program and academic qualifications for a SLPA training program to be a Board-approved program.

**Purpose:** Subsection (b) is added to specify qualifications that a program director of a SLPA training program must have. Paragraph (1) is added to require a program director to have a current, active, and unrestricted California license. Paragraph (2) is added to require a program director to have at least five (5) years of experience in practicing speech-language pathology. Paragraph (3) is added to require a program director to have no disciplinary action against their license within the past five (5) years.

**Anticipated Benefit/Rationale:** Adding subsection (b) is necessary as it ensures that program directors of Board-approved SLPA programs are in good standing with the Board, experienced, and not a risk to the public when instructing or directing students preparing to enter the profession. Paragraph (1) is necessary because a program director licensed in California will be familiar with the laws and regulations governing the practice of speech-language pathology in California. Furthermore, the requirement of a current, active, and unrestricted California license ensures the program director has paid

their fees, is in good standing with their Continuing Professional Development requirements and does not have any disciplinary actions limiting their ability to practice. Paragraph (2) is necessary to ensure the program director is experienced and competent in the functions and duties related to the profession. The Board chose five (5) years as a reasonable amount of time because a program director will have gone through at least two renewal cycles and may have gained experience supervising SLPAs. Paragraph (3) is necessary to avoid the inconsistent situation of the Board allowing SLPA program directors with disciplinary actions to instruct or direct students entering the profession about functions and duties for which the director has failed to demonstrate their own competency. The Board chose five (5) years as a reasonable amount of time during which a program director must have been able to stay in compliance with the laws and regulations that govern the practice of speech-language pathology in California because again, this is the time needed to complete two full renewal cycles and complete additional continuing education training, is consistent with the timeframe in paragraph (2), and five (5) years is an adequate period of time to demonstrate misconduct-free behavior.

Purpose: Subsection (c) is added to clearly define the terms “disciplinary action” and “restricted California license” to be a revoked or suspended license or a license placed on probation or subject to public reproof.

Anticipated Benefit/Rationale: Adding these definitions is necessary for clarity as the Board considers some actions as administrative actions, not disciplinary actions. Disciplinary actions occur when the Board enters the formal process with the Office of Administrative Hearings (OAH).

Purpose: Subsection (b), (c), and (d) are renumbered to (d), (e), and (f).

Anticipated Benefit/Rationale: This change is for grammatical purpose and without regulatory effect. This maintains writing and formatting style with other portions of the regulations.

### ***Amend section 1399.170.10 of Article 12 of Division 13.4 of the CCR***

Purpose: Subsection (c)(1) is amended to correct a missing comma and the misspelling of the word “health.”

Anticipated Benefit/Rationale: This change is necessary in order to reduce confusion in the meaning of the regulation and align the writing and formatting style with other parts of the regulations.

Purpose: Subsection (c)(2)(B) is amended to increase the minimum number of field work hours from seventy (70) to one hundred (100) hours.

Anticipated Benefit/Rationale: This change is necessary as the requirement of only seventy (70) field work hours is out of date and no longer aligns with current practice standards. The public will benefit as this will help ensure individuals who wish to become a licensed SLPA are better trained prior to licensure.

***Amend section 1399.170.11 of Article 12 of Division 13.4 of the CCR***

Purpose: Subsection (b) is amended to increase the minimum number of field work hours from seventy (70) to one hundred (100) hours.

Anticipated Benefit/Rationale: This change is necessary for consistency and to align with changes made in section 1399.170.10(c)(2)(B) in these proposed regulations.

Purpose: Subsections (b)(2) and (b)(3) are renumbered to become subsections (b)(1)(A) and (b)(1)(B). Subsections (b)(1)(B) is amended to increase the minimum number of field work hours from seventy (70) to one hundred (100) hours and change the requirement for full-time work experience from nine (9) months to thirty-six (36) weeks.

Anticipated Benefit/Rationale: This change is necessary for consistency with the changes made in this rulemaking to Section 1399.170.10(c)(2)(B) and subsection (b) in this section regarding fieldwork hours equivalency for SLPA applicants with a bachelor's degree. The Board proposes to make a minor reduction from nine (9) months to thirty-six (36) weeks relating to the duration of full-time work experience hours, because it is consistent with the required statutory standard necessary to obtain licensure as a speech-language pathologist, as established in BPC section 2532.2, and is unnecessary for assistants to complete more hours than the requirement for speech-language pathologist licensees.

**Underlying Data**

1. SLPAHADB Sunset Review Report 2012
2. May-June 2018 Board Meeting Agenda, relevant materials, and Minutes
3. February 2020 Board Meeting Agenda, relevant materials, and Minutes
4. August 2021 Board Meeting Agenda, relevant materials, and Minutes
5. May 2022 Board Meeting Agenda, relevant materials, and Minutes
6. August 2022 Board Meeting Agenda, relevant materials, and Minutes
7. List of Board-Approved Speech-Language Pathology Assistant Training Programs

**Business Impact**

The Board has made the initial determination that the proposed regulatory action will not have a significant adverse economic impact on businesses or jobs. This initial

determination is based on the fact that the Board has merely eight (8) Board-approved SLPA programs, which are already in compliance with the proposed regulatory experience standard.

The Board is aware of costs that businesses may have to change their curriculum and/or program director to meet the new requirements. However, these changes can be implemented within normal business operations and the nominal hours updates and are not anticipated to result in additional workload or costs.

The Board is not aware of any other economic costs that may occur nor any effect the 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 businesses or individuals may incur complying with these regulations. The Board anticipates increases in public safety as individuals who wish to become licensed SLPAs will be better 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.

Because all Board-approved SPLA programs are presently offered at public community colleges, the Board does not anticipate any small businesses being impacted by needing to comply with these regulations.

### **Economic Impact Assessment**

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 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 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 requirements and does not enhance or inhibit industry growth within the industries the Board regulates.

It may affect the health and welfare of California residents. The proposed regulatory action may increase public safety as individuals who wish to be a licensed SLPA will be better 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 because the proposed regulatory action is related to licensing 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 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.

No such alternatives have been proposed, however, the Board welcomes comments from the public.