

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13.4.
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
**Speech-Language Pathology Assistant
Program and Academic Requirements**

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than Tuesday, December 27, 2022**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2531.95 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section 2538.1, the Board is considering amending sections 1399.170.4, 1399.170.10, and 1399.170.11 of title 16 of the California Code of Regulations (CCR).¹

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The 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

¹ All CCR references are to Title 16 unless otherwise noted.

dispensing in accordance with 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, 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 regulations on standards and requirements for SLPAs in CCR sections 1399.170.4, 1399.170.10, and 1399.170.11.

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

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 since has made no major revision to the SLPA regulations.

The following is a summary of the proposed changes the Board seeks to make:

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

This section is amended to add requirements for program directors when SLPA programs apply to be a Board-approved program. Terms are defined to increase clarity in the newly added requirements. These changes will enhance the Board's mission to protect the public by ensuring program directors are in good standing with the Board, experienced, and not a risk to the public when instructing or directing students entering the profession.

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

This section is amended to increase the minimum number of field work hours, and to correct a missing comma and a misspelling. These changes will align with current educational and practice standards and enhance the Board's mission to protect the public by ensuring individuals who wish to be a licensed SLPA are better trained prior to licensure.

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

This section is amended to increase the minimum number of field work hours consistent with the changes above and reduce slightly the measure of equivalent work experience

needed, consistent with the work experience requirements necessary to obtain other licenses. These changes will align with changes made to other regulation sections in this rulemaking and define terms similarly to how those terms are used in other parts of the regulations or the BPC.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will have the following benefits to 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.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE: None

DISCLOSURES REGARDING THIS PROPOSED ACTION

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The regulations do not result in a fiscal impact to the state. The regulations are not anticipated to result in increased workload or costs to review and approve SLPA training programs.

The Board notes that every SLPA program currently approved by the Board is in compliance with the proposed regulations and will not need to be re-evaluated due to the regulations.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. 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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

The 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 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.

Benefits of Regulation:

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.

Cost Impact on Representative Private Person or Business

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 Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has made the initial determination that the proposed regulatory action will not have a significant adverse economic impact on small businesses. This initial determination is based on the fact that the Board has merely eight (8) Board-approved SPLA programs, which are already in compliance with the proposed regulatory experience standard.

Additionally because all Board-approved SPLA programs are at public community colleges, the Board does not anticipate any small businesses being impacted by the need to comply with this regulation over its lifetime.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1601 Response Road, Suite 260 Sacramento, CA 95815 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request made to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 1601 Response Road, Suite 260 Sacramento, CA 95815.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Maria Liranzo; Legislation, Regulations, and Budget Analyst
Address:	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board 1601 Response Road, Suite 260 Sacramento, CA 95815
Telephone No.:	(916) 905-5441
E-Mail Address:	SpeechandHearingRegulations@dca.ca.gov

The backup contact person is:

Name: Cherise Burns, Assistant Executive Officer
Address: Speech-Language Pathology and Audiology
and Hearing Aid Dispensers Board
1601 Response Road, Suite 260 Sacramento, CA 95815
Telephone No.: (916) 905-5454
E-Mail Address: SpeechandHearingRegulations@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with amendments noted, as well as modified text, if any, and the Final Statement of Reasons when completed, can be accessed through the Board's website at https://www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml