

DEPARTMENT OF CONSUMER AFFAIRS

TITLE 16. Speech-Language Pathology and Audiology And Hearing Aid Dispensers Board

FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations

Uniform Standards

Sections Affected

Sections 1399.102, 1399.131, and 1399.131.1 of Division 13.3 and sections 1399.155 and 1399.155.1 of Division 13.4, Title 16 of the 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 September 30, 2022 and ended on November 15, 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 four (4) written comments during the 45-day public comment period:

- Two (2) in support, and
- Two (2) had no comments.

The Administrative Procedure Act (APA) does not require the Board to respond to positive written comments received 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 December 13, 2022 Board meeting, the Board considered the written comments and determined that no changes to the proposed regulatory text were necessary 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 licensees and public safety within the industries the Board regulates and neither enhances nor inhibits industry growth.

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, or 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 licensees and public safety within the industries the Board regulates and does not enhance or inhibit industry growth.

Anticipated Benefits of this Proposal

The proposed regulations will benefit the health and welfare of California residents and worker safety by protecting residents and workers from unfit licensees and provide the Board with an effective and consistent standard to intervene quickly and discipline substance-abusing licensees. The proposed regulations are not expected to affect the state's environment.

Consideration of Alternatives

The Board determined that no reasonable alternative to the regulatory proposal considered by the Board or otherwise identified and brought to its attention (discussed below) would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Incorporation By Reference

The document incorporated by reference in this proposed regulation is the “DCA Uniform Standards Regarding Substance-Abusing Healing Arts Licensees, March 2019.” It would have been cumbersome, unduly expensive, or otherwise impractical to publish this document in the California Code of Regulations. The document was made available to the public through the Board’s website or upon request by contacting the persons named in the Notice of Proposed Action.

Summary of Comments and Board Response

Summary: Melanie Lopez and Meghan Hechinger commented to express not having any comments.

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.

Summary: Emily Garcia commented on making this applicable to speech-language pathology assistants.

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 regulatory action will be applicable to all licensees regulated by the Board who the Board finds evidence that they are a substance-abusing licensee.