



MEMORANDUM

DATE	May 11, 2022
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 12f: Discussion and possible action to Amend regulations regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4, and 1399.170.7

Background

From a regulatory perspective, Continuing Professional Development (CPD) requirements are intended to protect California consumers by ensuring that licensees continue to increase their professional knowledge, skills, and abilities in order to maintain ethical and competent practice and enhance services provided to consumers. The last time changes to the regulations on CPD requirements were made was in 2010 when the Board addressed concerns regarding the lack of regulations for dispensing audiologists.

Since that time, there has been considerable advancements in online self-study and online interactive (live) CPD opportunities. In November of 2015, the Board approved revisions to the current CPD requirements. These revisions would allow up to half of the required CPD hours to be accrued through self-study courses. In May of 2016, the Board reviewed those regulations again and made additional changes. Due to limited staff resources, this regulatory package has been delayed and no further Board discussion or actions have been made since 2016.

The issue of self-study hours became more pronounced during the COVID-19 pandemic, where CPD requirements were temporarily waived through and the Department of Consumer Affairs (DCA) waivers, but not the limitation on self-study hours as they were more difficult to obtain from DCA.

In August of 2021, the Audiology Practice Committee reviewed the Board approved CPD regulatory revisions from 2016 and determined revisions to the definition of self-study were necessary but that the ability to use self-study for 50 percent of the required CPD hours was adequate.

In August of 2021, the Speech-Language Pathology Practice Committee reviewed the Board approved CPD regulatory revisions from 2016 and determined that additional revisions were necessary to update the definition of self-study and to potentially increase the percentage of self-study allowed for Speech-Language Pathologists. In October 2021, staff developed revised regulatory language for the Committee's consideration, but the Committee determined that regulatory revisions from 2016 with were adequate with revisions to the definition of self-study.

In accordance with the direction of the Committee, Board staff has developed revised regulatory language for the Board's consideration. Board staff and the DCA Legal Counsel has also identified additional changes for the Board's consideration.

Summary of Changes

The most recent proposed changes include the following:

- 1399.160.1
 - Specified license type in each subdivision.
 - Inserted cross reference to exemptions in subdivisions (c) and (d).
 - Added new subdivisions for Dispensing Audiology and dual license holders in Speech-Language Pathology and Dispensing Audiology.
- 1399.160.2
 - Replaced gender text.
 - Added a new subdivision regarding the timeframe an exemption is valid.
- 1399.160.3
 - Specified license type in each subdivision.
 - Inserted provision for first time renewal regarding related or indirect client care courses. This required hours to change in other subdivisions so they are proportionally consistent across the different license type.
 - Self-study is “half” of the required hours.
 - For related or indirect client care courses, they are “one-third” of the required self-study hours. Provisions subjected to changes are subdivisions (e)(2) and (f)(2)(B).
 - Corrected cross references in subdivisions (d), (f)(1), and (f)(2) regarding hearing aid dispenser courses.
 - Added new subdivisions to cross reference RPE and SLPA supervisor CPD requirements.
- Removed section 1399.160.7 regarding board-approved providers, which will be combined with a regulatory package with hearing aid dispensers.

Discussion Questions

1. In light of the discussion and possible action to amend hearing aid continuing education course content, would the Board like to review and amend sections 1399.160.3(c)(3) and 1399.160.3(e)(3)?

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the regulatory language and initiate the rulemaking process.

Move to approve the proposed regulatory text for Sections 1399.160 through 1399.160.4 direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1399.160 through 1399.160.4 as noticed.

Attachment A: Revised Self-Study CE_CPD Hours Proposed Language

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

PROPOSED REGULATORY LANGUAGE
Speech-Language Pathologists and Audiologists
Continuing Professional Development Requirements

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Adopt section 1399.160 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160. Definitions.

As used in this article:

(a) A continuing professional development “course” means a form of systematic learning at least one hour (60 minutes) in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, and self-study courses.

(b) A ~~“self-study course”~~ Asynchronous Continuing Professional Development” means a form of systematic learning ~~performed at a licensee's residence, office, or other private location including~~ where course instruction and licensee participation in the course do not occur simultaneously. These include, but are not limited to, viewing or listening to recorded courses, or participating in “self-assessment testing” (open book tests that are completed by the licensee, submitted to the provider, graded, and returned to the licensee with correct answers and an explanation of why the answer chosen by the provider was the correct answer). A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course offering affords participants the opportunity to interact with an instructor and/or other course participants. courses where material is delivered via the Internet, or CD-ROM/DVD, correspondence, or self-study and which require completing and passing an assessment or examination of the course content.

(c) “Synchronous Continuing Professional Development” means any form of systematic learning where the course instruction and licensee participation in the course are occurring simultaneously.

(ed) A continuing professional development “provider” means an accredited institution of higher learning, a nonprofit education association, a nonprofit professional association,

an individual, or other organization that offers continuing professional development courses and meets the requirements contained in this article.

(de) A “renewal period” means the ~~two-year~~ period that spans from a license's expiration date to the licensee's next expiration date.

(ef) An “operational plan” means a detailed, written description which contains information that explains how the provider intends to conduct business, advertise its courses, provide educational services, and meet the minimum standards established in this article.

(fg) “Professional development” shall have the same meaning and effect as the term “continuing education” when interpreting the provisions in this Article.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Sections 2532.6(b), 2532.6(c)(1), 2532.6(e) and 2532.6(f), Business and Professions Code.

Adopt section 1399.160.1 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.1. License Renewal Requirements.

(a) Except as provided in Section 1399.160.2, a speech-language pathology or an audiology licensee whose license expires in the year 2001, when applying to renew their license for the first time, shall certify in writing, when applying for license renewal by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has~~ completed twelve (12) hours of continuing professional development ~~courses~~.

(b) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2001~~, shall certify in writing, when applying to renew both licenses for license renewal the first time, by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has~~ completed eight (8) hours of continuing professional development ~~courses~~ for each license for a total of sixteen (16) hours.

(c) Except as provided in Section 1399.160.2 and subsection (a), a licensee who holds a speech-language pathology or an audiology license shall certify in writing, when applying for license renewal, by signing a statement under penalty of perjury that during the preceding renewal period the licensee ~~has~~ completed twenty-four (24) hours of continuing professional development ~~courses~~.

(d) Except as provided in Section 1399.160.2 and subsection (b), a licensee who holds

both a speech-language pathology license and an audiology license, ~~shall certify in writing, when applying for license renewal to renew both licenses, by signing a statement shall certify~~ under penalty of perjury that during the preceding renewal period the licensee ~~has completed sixteen (16) hours of continuing professional development courses for each license for a total of thirty-two (32) hours.~~

(e) Except as provided in Section 1399.160.2, a licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code, when applying for license renewal, shall certify under penalty of perjury that during the preceding renewal period the licensee completed twelve (12) hours of continuing professional development.

(f) Except as provided in Section 1399.160.2, a licensee who holds both a speech-language pathology license and a dispensing audiology license, when applying for license renewal, shall certify under penalty of perjury that during the preceding renewal period the licensee completed sixteen (16) hours of continuing professional development in speech-language pathology biennially and eight (8) hours of continuing professional development in dispensing audiology annually for a total of thirty-two (32) hours.

~~(g)~~ A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify the completion of the continuing professional development requirement by producing a record of course completion, upon request by the Board, is subject ~~the~~ to disciplinary action under Section 2533(e) of the Code.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Sections 2532.6(b), 2532.6(c), 2532.6(d) and 2533(e), Business and Professions Code.

Adopt section 1399.160.2 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.2. Exemptions from Continuing Professional Development.

~~(a) An initial licensee shall complete at least twelve (12) hours of continuing professional development, of which no more than four (4) hours may be earned through the following activities prior to his or her first license renewal:~~

~~(1) No more than (2) hours of self-study activities,~~

~~(2) No more than (2) hours from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4), or in indirect client care courses as defined in Section 1399.160.4(c)(3).~~

(ba) A licensee is exempt from the continuing professional development requirement if ~~his or her~~ their license is inactive pursuant to Sections 703 and 704 of the Code.

(eb) A licensee may submit a written request for exemption from the continuing professional development requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption was granted. If the request for exemption is denied, the licensee is responsible for completing the full amount of continuing professional development required for license renewal. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing professional development requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing professional development requirement is granted, it shall be valid only for the current renewal period.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(d), Business and Professions Code.

Adopt section 1399.160.3 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.3. Continuing Professional Development Requirements.

(a) A licensee who holds a speech-language pathology or an audiology license, whose license expires in the year 2004 when applying to renew their license for the first time, shall accrue at least twelve (12) hours of continuing professional development courses as defined in Section 1399.160.4. A licensee may accrue no more than ~~four (4)~~ six (6) of the required hours of continuing professional development courses ~~through by way of self-study courses during this renewal period.~~ In addition, a licensee may accrue no more than two (2) hours of the required hours of continuing professional development from courses related to the discipline of speech-language pathology or audiology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) during this renewal period.

(b) A licensee who holds both a speech-language pathology license and an audiology license ~~that expire in the year 2004, when applying to renew both licenses for the first time,~~ shall accrue at least eight (8) hours of continuing professional development courses as defined in Section 1399.160.4 for each license for a total of sixteen (16) hours. A licensee may accrue no more than ~~two (2)~~ eight (8) of the required hours of continuing professional development courses ~~through by way of self-study courses for each license.~~ In addition, a licensee may accrue no more than two and one-half (2.5) hours of the required hours of continuing professional development from courses related to the discipline of speech-language pathology and audiology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3) for each license during this renewal period.

(c) ~~A~~ Except as provided in subsection (a), a licensee who holds a speech-language pathology or an audiology license shall accrue at least twenty-four (24) hours ~~during a single renewal period of continuing professional development courses as defined in Section 1399.160.4 per renewal period.~~ A licensee may accrue ~~no more than eight (8) hours of continuing professional development courses through the following activities during a single each renewal period:~~

(1) No more than ~~six (6)~~ twelve (12) of the required hours by way of self-study activities,

(2) No more than four (4) hours from courses related to the discipline of speech-language pathology or audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Not more than 50% of the continuing professional development hours required of a licensed ~~non-dispensing~~ audiologist, may be in hearing aid courses, but and shall not be obtained from courses where the content focuses on equipment, devices, or other products of a particular publisher, manufacturer or company or corporation.

(d) ~~A~~ Except as provided in subsection (b), a licensee who holds both a speech-language pathology license and an audiology license, shall accrue at least sixteen (16)

hours of continuing professional development ~~courses~~ as defined in Section 1399.160.4 and 1399.160.3(c)(3) for each license for a total of thirty-two (32) hours per renewal period. A licensee may accrue ~~no more than five (5) hours of continuing professional development through the following activities during each renewal period~~ for each license, subject to the following limitations:

(1) No more than ~~two and one-half (2.5)~~ eight (8) of the required hours by way of self-study activities for each license,

(2) No more than two and one-half (2.5) hours for each license from courses related to the discipline of speech-language pathology ~~or~~ and audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(e) A licensed audiologist authorized to dispense hearing aids as provided by Section 2539.1 of the Code shall accrue at least twelve (12) hours of continuing professional development per annual renewal period as defined in Section 1399.160.4 annually. A licensed audiologist authorized to dispense hearing aids may accrue ~~no more than (3) hours of continuing professional development courses through the following activities during a single each renewal period, subject to the following limitations:~~

(1) No more than ~~one and a half (1.5)~~ six (6) of the required hours by way of self-study activities,

(2) No more than ~~one and a half (1.5)~~ two (2) hours from courses related to the discipline of audiology, as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(3) Exactly 50% of the continuing professional development hours required of a licensed audiologist authorized to dispense hearing aids, shall be obtained from courses related to hearing aid dispensing but and shall not be obtained from courses where the content focuses on the equipment, devices, or other products of a particular manufacturer or company. The remaining 50% of the continuing professional development required of a dispensing audiologist shall be relevant to the practice of audiology as defined in Section 2530.2(k) of the Code and shall not be obtained from hearing aid dispensing courses as provided for in this section.

(f) A licensee who holds both a speech-language pathology license and a dispensing audiology license shall accrue:

(1) At least sixteen (16) hours of continuing professional development ~~courses in speech-language pathology as defined in Section 1399.160.4 biennially, or and which no more than four (4) hours of the continuing professional development may be accrued through the following activities during a single each renewal~~

period:

(A) No more than ~~two and one-half (2.5)~~ eight (8) of the required hours by way of self-study activities,

(B) No more than two and one-half (2.5) hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(2) At least eight (8) hours of continuing professional development courses in dispensing audiology as defined in Section ~~1399.160.4~~ and 1399.160.3(e)(3) annually, ~~of and~~ which ~~no more than two (2) hours of continuing professional development courses~~ may be accrued through the following activities during a ~~single~~ each renewal period:

(A) No more than ~~one (1) hour~~ four (4) of the required hours by way of self-study activities,

(B) No more than ~~one (1) hour~~ one and one-half (1.5) of the required hours from courses related to the discipline of speech-language pathology as defined in Section 1399.160.4(c)(4) or in indirect client care courses as defined in Section 1399.160.4(c)(3).

(g) If a licensee teaches a course offered by a provider registered with the Board or an entity listed in Section 2532.6 of the Code, the licensee may claim credit for the same course ~~only once per renewal period~~, receiving the same amount of hours of continuing professional development credit as a licensee who attended the course.

(h) A licensee may not claim credit for the same course more than once per renewal period for hours of continuing professional development.

(i) A licensee who takes a continuing professional development course as a condition of probation resulting from disciplinary action by the Board may not apply the course as credit towards the continuing professional development requirement.

(j) A licensee who supervises a Required Professional Experience temporary license holder must complete the required supervision training as described in Section 1399.153.3.

(k) A licensee who supervises a Speech-Language Pathology Assistant must complete the required supervision training as described in Section 1399.170.15.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Sections 2532.6(b), 2532.6(c), and 2532.6(e), Business and Professions

Code.

Adopt section 1399.160.4 of Article 11 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.160.4. Continuing Professional Development Course Content.

(a) A licensed speech-language pathologist shall determine that the content and learning outcomes of a course are relevant to the practice of speech-language pathology as defined in Section 2530.2(d).

(b) A licensed audiologists shall determine that the content and learning outcomes of a course are relevant to the practice of audiology as defined in Section 2530.2(k).

(c) The content of a course shall pertain to direct, related, or indirect patient/client care.

(1) Examples of direct patient/client care courses for the practice of speech-language pathology include fluency disorders, voice disorders, motor disorders of speech, dysphagia, speech science, oral and written language disorders, aphasia and neurogenic disorders of language and cognition, augmentative and alternative communication, phonological/articulatory disorders language science, and patient/client counseling to facilitate recovery from, or adjustment to, a communication disorder.

(2) Examples of direct patient/client care courses for the practice of audiology include, auditory and vestibular assessment, auditory habilitation/rehabilitation, hearing assistive technology, industrial audiology/hearing conservation and hearing science.

(3) Indirect patient/client care courses cover pragmatic aspects of speech-language pathology or audiology practice (e.g., legal or ethical issues, consultation, record-keeping, office management, managed care issues, research obligations, technological applications related to assessment/diagnosis or intervention).

(4) Courses that are related to the discipline of speech-language pathology or audiology may cover general medical or educational offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, professional service delivery models, interdisciplinary case management issues, or medical pathologies related to neurological disorders that also result in communication difficulties.

(d) A provider shall ensure that a course has specific objectives that are measurable.

(e) Upon completion of a course, a licensee shall evaluate the course through some

type of evaluation mechanism.

(f) Courses considered outside the scope of continuing professional development include, but are not limited to, those in the following areas:

- (1) money management, the licensee's personal finances or personal business matters;
- (2) general physical fitness or the licensee's personal health;
- (3) presentations by political or public figures or other persons that do not deal primarily with the practice of either speech-language pathology or audiology;
- (4) tort liability;
- (5) courses that address increased office production or computerization, financial planning, employee benefits, marketing or motivational topics to increase productivity or profitability; and
- (6) courses in which the primary beneficiary is the licensee, not the consumer.

Note: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code.
Reference: Sections 2532.6(b), 2532.6(c), and 2532.6(e), Business and Professions Code.