



MEMORANDUM

DATE	February 23, 2023
TO	Audiology Practice Committee
FROM	Marcia Raggio, Committee Chair
SUBJECT	Agenda Item 3: Discussion and possible action to Amend regulations regarding Audiology Aides as stated in Title 16, CCR sections 1399.154 through 1399.154.7

Background

The Board received reports that there was a lack of clarity regarding appropriate clinical tasks and supervision requirements for Audiology Aides. Supervisors have expressed concern that either Audiology Aides were being allowed to perform any and all clinical services normally provided by an Audiologist without the training or education of an Audiologist; or, supervision requirements were so strict that there was little point in utilizing an aide. In some cases, Audiology Aides have been reportedly trained to a level that a supervisor considers to be “competent” for a particular clinical task and then left to perform that task independently without supervision from a supervisor who is physically present. Reports of these types of misapplication of the regulations for Audiology Aides led to the Board discussing this issue at the October 10-11, 2019.

At the October 10-11, 2019 Board meeting, the Board discussed feedback received from audiology licensees who utilize Audiology Aides, including complaints of ambiguity regarding the regulatory requirements for the clinical tasks allowed to be performed by an Audiology Aide and the type of supervision required for Audiology Aides. The Board then directed the Audiology Practice Committee (Committee) to define the tasks an audiology aide can perform and the supervision necessary, and in addition, consider any legislative or regulatory changes needed toward implementation.

At the February 20, 2020 Audiology Practice Committee (Committee) meeting, the Committee discussed language from the American Academy of Audiology (AAA) and the American Speech-Language-Hearing Association (ASHA) regarding the role of an audiology assistant. The audiology assistant language is more closely aligned with Audiology Aides are in California. The language stated that audiology assistants

should be trained to do specific tasks that support the Audiologist without being allowed to make diagnostic decisions.

The Committee discussed concerns regarding whether and when the supervising Audiologist must be physically present because the regulations are unclear. The Committee decided that reviewing the AAA and ASHA lists of tasks recommended or not recommended for audiology assistants would be a good starting point to engage stakeholders in the development of a regulatory package (Note: these lists and associated materials have been updated since 2020). Board Staff brought to the Committee's attention that any regulatory package needed to explain why a particular task would be outside of the scope of responsibilities of an Audiology Aide and that it might be more effective to develop different levels of supervision requirements for Audiology Aides similar to the Speech-Language Pathology Assistant (SLPA) regulations. The Committee also discussed its concern that both AAA and ASHA recommend these individuals complete continuing education requirements, but understood that under current statute, that the Audiology Aide in California is a one-time registration with no renewal requirement or continuing education requirement, and that this issue would have to be addressed as part of the Sunset Review process.

At the February 2020 meeting, the Committee decided to work with staff to use the AAA and ASHA recommendations to help develop a list of tasks and supervision requirements for Audiology Aides for stakeholder consideration at a future meeting.

At the May 2022 meeting, the Committee delegated review of this topic to Dr. Raggio and Dr. White to continue discussions regarding lists of tasks and supervision requirements for Audiology Aides.

Since the May 2022 meeting, Dr. Raggio and Dr. White reviewed the materials on aide duties and various position papers on the issue, along with reviewing the way that Board staff review the current Audiology Aid application duties specified by the supervisor. During these discussions, Dr. Raggio and Dr. White came to the conclusion that a list of allowable tasks would never be exhaustive enough nor be able to keep pace with innovations in the field of audiology to be truly useful. Dr. Raggio and Dr. White then determined it may be more helpful to both the licensed public, applicants, and Board staff to concentrate on duties that were absolutely outside the scope of an Audiology Aide. In addition, they could provide additional clarity in the regulations on the role of the Audiology Aide within an audiology practice and criteria that could clearly delineate what tasks were outside the scope of practice of an Audiology Aide.

At the October 27-28 2022 meeting, the Audiology Practice Committee reviewed the current statutory and regulatory requirements related to the Audiology Aide scope of practice and supervision (Attachment A) and discussed the evolution of the aide designation, the practicalities of the aide designation given its scope limitations, and the potential for using SLPA supervision as a model for Audiology Aide supervision.

Issues for Consideration

For additional clarity, the Committee wants to make all stakeholders aware that this agenda item only discusses Audiology Aide issues, discussion of a potential future licensure category for audiology assistants will be addressed separately at future meetings.

To begin discussions on the Audiology Aide scope of practice and clarifying the supervision, Board staff recommends reviewing the November 6, 2015 proposed regulatory changes regarding Audiology Aides as a starting place.

Additionally, during its 2022 Sunset Review, the Board recommended legislative changes regarding aides and the following were granted:

- Require speech-language pathology and audiology aide registrations to expire every two years and, at the time of renewal, require the supervisor of the aide to update the board on the duties the aide perform while assisting the supervisor in the practice of speech language pathology or audiology, and the training program and assessment methods the supervisor is utilizing to ensure the aide's continued competency.
- Define an audiology aide similar to speech language pathology aide as "any person meeting the minimum requirements established by the board who works directly under the supervision of an audiologist."

To implement statutory changes, Board staff recommends creating and codifying registration renewal requirements, including renewal form requirements. In reviewing the regulations regarding aides, Board staff recommend the Board add a new section for aide renewal, and make the following changes to its regulations:

- Language to codify the initial registration form and make current the registration process,
- Language to codify the notice of termination form, and
- Removal of any gendered terms and correct any grammatical errors.

The Committee may wish to consider changes that include the following:

- Incorporate previously discussed changes, see Attachment B.
- Align the requirements of a supervisor with supervision requirements for other license/registration types that require supervision.

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to direct staff to work with DCA Regulations Counsel to draft regulatory language that will begin clarifying the scope of practice and supervision for Audiology Aides as well as implement the statutory changes for Audiology Aides.

- Attachment A: Current Statutory and Regulatory Requirements Related to Audiology Aide Scope of Practice and Supervision
- Attachment B: Proposed regulatory changes regarding Aides as presented on November 6, 2015 (Draft)

Statutory and Regulatory Requirements Related to Audiology Aide Scope and Supervision

Business and Professions Code

Section 2530.2(m)

(m) "Audiology aide" means any person meeting the minimum requirements established by the board who works directly under the supervision of an audiologist. The board may by regulation exempt certain functions performed by an industrial audiology aide from supervision provided that their employer has established a set of procedures or protocols that the aide shall follow in performing these functions.

Section 2530.6

(a) Speech-language pathologists and audiologists supervising speech-language pathology or audiology aides shall register with the board the name of each aide working under their supervision.

(b) The number of aides who may be supervised by a licensee shall be determined by the board.

The supervising audiologist or speech-language pathologist shall be responsible for the extent, kind, and quality of services performed by the aide, consistent with the board's designated standards and requirements.

(d) A speech-language pathology and audiology aide registration shall expire every two years and is subject to the renewal requirements in Article 6 (commencing with Section 2535).

(e) At the time of registration renewal, the speech-language pathologist or audiologist supervising the speech-language pathology or audiology aide shall update the board on the duties the aide performs while assisting the supervisor in the practice of speech-language pathology or audiology, and the training program and assessment methods the supervisor is utilizing to ensure the aide's continued competency.

Section 2535

(a) All licenses issued as of January 1, 1992, shall expire at 12 a.m. of the last date of the birth month of the licensee during the second year of a two-year term if not renewed.

(b) All licenses issued under this chapter, except those licenses issued pursuant to subdivision (a), shall expire at 12 a.m. of the last date of the birth month of the licensee during the second year of a two-year term, if not renewed.

(c) To renew an unexpired license, the licensee shall, on or before the date of expiration of the license, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee.

Section 2538.11

(a) "Practice of fitting or selling hearing aids," as used in this article, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

The practice of fitting or selling hearing aids does not include the act of concluding the transaction by a retail clerk.

When any audiometer or other equipment is used in the practice of fitting or selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of the audiometer or other equipment shall be checked at least annually.

(b) A hearing aid dispenser shall not conduct diagnostic hearing tests when conducting tests in connection with the practice of fitting or selling hearing aids.

(c) Hearing tests conducted pursuant to this article shall include those that are in compliance with the Food and Drug Administration Guidelines for Hearing Aid Devices and those that are specifically covered in the licensing examination prepared and administered by the board.

Section 2538.20

It is unlawful for an individual to engage in the practice of fitting or selling hearing aids, or to display a sign or in any other way to advertise or hold himself or herself out as being so engaged without having first obtained a license from the board under the provisions of this article. Nothing in this article shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of fitting or selling, or offering for sale, hearing aids at retail without a license, provided that any and all fitting or selling of hearing aids is conducted by the individuals who are licensed pursuant to the provisions of this article. ...

Section 2539.1

(a) (1) On and after January 1, 2010, in addition to satisfying the licensure and examination requirements described in Sections 2532 and 2532.2, no licensed audiologist shall sell hearing aids unless he or she completes an application for a dispensing audiology license, pays all applicable fees, and passes an examination, approved by the board, relating to selling hearing aids.

(2) The board shall issue a dispensing audiology license to a licensed audiologist who meets the requirements of paragraph (1).

(b) (1) On and after January 1, 2010, a licensed audiologist with an unexpired license to sell hearing aids pursuant to Article 8 (commencing with Section 2538.10) may continue to sell hearing aids pursuant to that license until that license expires pursuant to Section 2538.53, and upon that expiration the licensee shall be deemed to have satisfied the requirements described in subdivision (a) and may continue to sell hearing aids pursuant to his or her audiology license subject to the provisions of this chapter. Upon the expiration of the audiologist's license to sell hearing aids, the board shall issue him or her a dispensing audiology license pursuant to paragraph (2) of subdivision (a). This paragraph shall not prevent an audiologist who also has a hearing aid dispenser's license from maintaining dual or separate licenses if he or she chooses to do so.

(2) A licensed audiologist whose license to sell hearing aids, issued pursuant to Article 8 (commencing with Section 2538.10), is suspended, surrendered, or revoked shall not be authorized to sell hearing aids pursuant to this subdivision and he or she shall be subject to the requirements described in subdivision (a) as well as the other provisions of this chapter.

(c) A licensed hearing aid dispenser who meets the qualifications for licensure as an audiologist shall be deemed to have satisfied the requirements of paragraph (1) of subdivision (a) for the purposes of obtaining a dispensing audiology license.

(d) For purposes of subdivision (a), the board shall provide the hearing aid dispenser's examination provided by the former Hearing Aid Dispensers Bureau until such time as the next examination validation and occupational analysis is completed by the Department of Consumer Affairs pursuant to Section 139 and a determination is made that a different examination is to be administered.

Title 16 California Code of Regulations (CCR)

Section 1399.154. Definitions.

As used in this article, the term:

(a) "Speech-language pathology aide" means a person who

(1) assists or facilitates while the speech-language pathologist is evaluating the speech and/or language of individuals or is treating individuals with a speech-language and/or language disorder and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(b) "Audiology aide" means a person who

(1) assists or facilitates while an audiologist is evaluating the hearing of individuals and/or is treating individuals with hearing disorders, and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(c) "Supervisor" means a licensed speech-language pathologist who supervises a speech-language pathology aide or a licensed audiologist who supervises an audiology aide.

(d) "Industrial audiology aide" means an audiology aide who conducts pure tone air conduction threshold audiograms for the purpose of industrial hearing testing in addition to other acts and services as provided in these regulations.

Section 1399.154.1. Registration of Aides.

Before allowing an aide to assist in the practice of speech-language pathology or audiology under his or her supervision, a supervisor shall register each aide with the Board on a form provided by the Board and pay the registration fee required in Section 1399.157. Regardless of their title or job classification, any support person who functions as a speech-language pathology or audiology aide and facilitates or assists a supervisor in evaluations or treatment shall be registered with the Board. In the application for registration, the supervisor shall provide to the Board, his or her proposed plan for supervising and training the speech-language pathology or audiology aide. The proposed plan for training shall be in accordance with Section 1399.154.4 and shall include the supervisor's training methods, the necessary minimum competency level of the aide, the manner in which the aide's competency will be assessed, the persons responsible for training, a summary of any past education, training and experience the aide may have already undertaken, and the length of the training program and assessment of the aide's competency level. The Board shall review the application for compliance with the requirements of this

article and notify the supervisor of its disposition of the application for registration and whether further information is required in order to complete its review.

1399.154.2. Responsibilities of Aide's Supervisor.

A supervisor of a speech-language pathology or audiology aide shall:

- (a) Have legal responsibility for the health, safety and welfare of the patients.
- (b) Have legal responsibility for the acts and services provided by the speech-language pathology or audiology aide, including compliance with the provisions of the Act and these regulations.
- (c) Be physically present while the speech-language pathology or audiology aide is assisting with patients, unless an alternative plan of supervision has been approved by the Board. A supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the application form. An industrial audiology aide may only be authorized to conduct puretone air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review the patient histories and the audiograms and make necessary referrals for evaluation and treatment.
- (d) Evaluate, treat, manage and determine the future dispositions of patients.
- (e) Appropriately train the speech-language pathology or audiology aide to perform duties to effectively assist in evaluation and/or treatment. A supervisor shall establish and complete a training program for a speech-language pathology or audiology aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which he or she will be assisting the supervisor.
- (f) Define the services which may be provided by the speech-language pathology or audiology aide. Those services shall not exceed the competency of the aide as determined by his or her education, training and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

1399.154.3. Maximum Number of Aides.

A supervisor shall not supervise more than three (3) speech-language pathology or audiology aides. The Board may authorize more than three supervisees if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that he or she can adequately supervise more than three aides.

1399.154.4. Training of Aides.

Before a speech-language pathologist or audiologist allows an aide to assist in the practice of speech-language pathology or audiology under his or her supervision, a speech-language pathology or audiology aide shall complete a training program established by the supervisor. The training program shall include, but is not limited to:

- (a) Instruction in the skills necessary to perform any acts or services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the Code. The supervisor is not required to repeat any training which may have already been received by the aide because of any prior education, training and experience.

(b) A supervisor shall require a speech-language pathology or audiology aide to demonstrate his or her competence to perform any acts or provide any services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the Code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology or audiology aide only to perform those acts or to provide those services for which he or she has been provided training and has demonstrated competency.

(c) A supervisor shall instruct a speech-language pathology or audiology aide as to the limitations imposed upon his or her duties, acts or services by these regulations, by his or her training and skills, and by the evaluation and treatment plan for any patient.

(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.

1399.154.5. Notice of Termination.

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the Board, in writing, of such termination and the date thereof.

1399.154.6. Noncompliance with Article.

Failure of a supervising licensee to comply with the provisions of this article may result in a forfeiture of the privilege to supervise an aide.

1399.154.7. Aide Experience Not Applicable to Qualifications for Licensure.

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience required in Section 2532.2(c) of the code or the required professional experience required in Section 2532.2(d) of the code.

Proposed regulatory changes regarding Audiology Aides as presented on November 2015

1399.154.1.1 Supervision of Audiology Aide.

For the purposes of the supervision of an audiology aide, the following supervision terms shall apply:

(a) "Direct supervision" means on-site observation and guidance by the audiology supervisor while the audiology aide is treating a patient or client. Direct supervision performed by the supervising audiologist may include, but is not limited to, the following: observation of a portion of the testing or treatment procedures performed by the audiology aide, coaching the audiology aide, and modeling for the aide.

(b) "Indirect supervision" means the supervising audiologist is not at the same facility or in close proximity to the audiology aide, but is available to provide supervision by telephonic or electronic means. Indirect supervision activities performed by the supervising audiologist may include, but are not limited to, demonstration, record review, review and evaluation of recorded sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail. Indirect supervision may be provided to an industrial audiology aide, if all of the following conditions are met:

(1) An alternative plan of supervision has been approved by the board.

(2) The supervisor includes the proposed plan with his or her application form.

(3) The only activity the industrial audiology aide performs outside the physical presence of the supervisor is pure tone air conduction threshold audiograms.

(4) Following the completion of any pure tone air conduction threshold audiograms, the supervisor reviews the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.

(c) "Immediate supervision" means the supervising audiologist is physically present during services provided to the patient or client by the audiology aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.2. Responsibilities of Speech-Language Pathology Aide's Supervisor.

A supervisor of a speech-language pathology ~~or audiology~~ aide shall:

(a) Have legal responsibility for the health, safety and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the speech-language pathology ~~or audiology~~ aide, including compliance with the provisions of the Act and these regulations.

(c) Be physically present while the speech-language pathology ~~or audiology~~ aide is assisting with patients, unless an alternative plan of supervision has been approved by the board. ~~A supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the application form. An industrial audiology aide may only be authorized to conduct puretone air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.~~

(d) Evaluate, treat, manage and determine the future dispositions of patients.

(e) Appropriately train the speech-language pathology ~~or audiology~~ aide to perform duties to effectively assist in evaluation and/or treatment. A supervisor shall establish and complete a training program for a speech-language pathology ~~or audiology~~ aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which he or she will be assisting the supervisor.

(f) Define the services which may be provided by the speech-language pathology ~~or audiology~~ aide. Those services shall not exceed the competency of the aide as determined by his or her education, training and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.25. Responsibilities of Audiology Aide's Supervisor.

A supervisor of an audiology aide shall:

(a) Have legal responsibility for the health, safety and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the audiology aide, including compliance with the provisions of the Act and these regulations.

(c) Provide the appropriate level of supervision to the audiology aide when he or she is engaged in direct client or patient care or assisting with patients.

(d) Evaluate, treat, manage and determine the future dispositions of patients.

(e) Appropriately train the audiology aide to perform duties to effectively assist in evaluation and/or treatment.

A supervisor shall establish and complete a training program for the audiology aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which he or she will be assisting the supervisor.

(f) Define the services that may be provided by the audiology aide in the supervision plan for the particular aide and setting, in keeping with Board requirements (Section 1399.154.1), and list those tasks that an aide will not conduct (Section 1399.154.8).

(g) Ensure that the audiology aide is wearing a nametag, at all times while working, with their name and registration status displayed in at least 18-point type.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.3. Maximum Number of Aides.

A supervisor shall not supervise more than three (3) speech-language pathology or audiology aides. The board may authorize more than three supervisees if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that he or she can adequately supervise more than three aides.

1399.154.4. Training of Aides.

Before a speech-language pathologist or audiologist allows an aide to assist in the practice of speech-language pathology or audiology under his or her supervision, a speech-language pathology or audiology aide shall complete a training program established by the supervisor. The training program shall include, but is not limited to:

(a) Instruction in the skills necessary to perform any acts or services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the code. The supervisor is not required to repeat any training which may have already been received by the aide because of any prior education, training and experience.

(b) A supervisor shall require a speech-language pathology or audiology aide to demonstrate his or her competence to perform any acts or provide any services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology or audiology aide only to perform those acts or to provide those services for which he or she has been provided training and has demonstrated competency.

(c) A supervisor shall instruct a speech-language pathology or audiology aide as to the limitations imposed upon his or her duties, acts or services by these regulations, by his or her training and skills and by the evaluation and treatment plan for any patient.

(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.5. Notice of Termination.

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the board, in writing, of such termination and the date thereof.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.6. Noncompliance With Article.

Failure of a supervising licensee to comply with the provisions of this article may result in a forfeiture of the privilege to supervise an aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

1399.154.7. Aide Experience Not Applicable to Qualifications for Licensure.

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience required in Section 2532.2(c) of the code or the required professional experience required in Section 2532.2(d) of the code.

1399.154.8. Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide

(a) An audiology aide may not perform any of the following functions:

(1) Conduct diagnostic evaluations;

(2) Interpret diagnostic data;

(3) Alter treatment plans;

(4) Provide counseling or advice to a client or a client's parent or guardian which is beyond the scope of the client's treatment;

(5) Sign any documents in lieu of the supervising audiologist i.e., treatment plans, client reimbursement forms, or formal reports;

(6) Discharge clients from services;

(7) Make referrals for additional services outside the audiology practice;

(8) Unless required by law, disclose confidential information either orally or in writing to anyone not designated by the supervising audiologist;

(9) Represent himself or herself as an audiologist;

(10) Fit or sell a hearing aid without possessing a valid hearing aid dispensers license or a valid hearing aid trainee license;

(11) Independently adjust hearing aids or cochlear implant settings;

(12) Perform those procedures that require a high level of clinical acumen and technical skill, e.g., diagnostic VNG, ENG, ABR interpretation;

(13) Perform any task without the express knowledge and approval of a supervising audiologist, or

(14) Violate HIPPA regulations/laws/requirements