



Audiology Practice Committee Meeting
Minutes
May 22, 2008

Department of Consumer Affairs
2005 Evergreen Street
"Hearing Room"
Sacramento, CA
(916) 263-2666

Committee Members Present

Alison Grimes, Au.D., Chairperson
Naomi Smith, Au.D.
Robert Hanyak, Ph.D., Au.D.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Cynthia Alameda, Staff Analyst
Lori Pinson, Staff Analyst
George Ritter, Legal Counsel

Board Members Present

Lisa O'Connor, M.A.
Carol Murphy, M.A.
Jennifer Hancock, M.A.

Board Members Absent

Paul Donald, M.D.

Guests Present

Marcia Raggio, Audiology Program Director, San Francisco State University
Rebecca Binge, University of California San Francisco
Robert Layne, Assembly Member Dave Jones' Office
Ian McDonald, Achieva Corporation
Yvonne Crawford, Hearing Aid Dispensers Bureau

I. Call to Order

Chairperson Grimes called the meeting to order at 1:17 p.m.

II. Introductions

Those present introduced themselves.

III. Discussion of Proposed Statutory Changes for Audiology Support Personnel Including Expansion of Supervision Parameters and Scope of Responsibility

Ms. Del Mugnaio referenced the issue paper she developed and included in the meeting packets that provided the background on the discussion surrounding amending existing audiology aide regulations to provide greater clarity and flexibility in the use of audiology support personnel. She explained that, because the existing statute defines audiology aides as support personnel who work under the *direct* supervision of an audiologist, it would be necessary for the Board to seek a legislative amendment to change the enabling law before attempting to restructure the aide regulations. She explained that by solidifying the authority in statute to use audiology

aides under varying levels of supervision, the Board's intended regulatory changes would be clearly supported by law. Ms. Del Mugnaio also pointed out that the audiology aide regulations, California Code of Regulations 1399.154(b), do not specifically authorize audiology aides to assist with vestibular function studies, but rather refer only to assisting with hearing evaluations and related therapies. She explained that the Board's position statement on "Support Personnel and Supervision Requirements" as posted on the website is not consistent with the existing regulatory provisions for audiology aides. Ms. Del Mugnaio recommended that the Board consider a regulatory amendment adding "vestibular function" to existing provisions, thereby authorizing audiology aides to provide such support services.

Members of the Committee and the public discussed examples of routine functions commonly provided by audiology support personnel and other very general administrative functions that are provided by other staff within an audiology professional practice. The Committee noted that many routine functions may not necessarily be the practice of audiology and, therefore, may not need to be incorporated into the audiology aide regulations, such as hearing aid troubleshooting, replacement of hearing aid batteries, and providing general equipment instructions to a client.

The Committee determined that examining a comprehensive list of common audiology support personnel duties would assist them with redefining the supervision parameters in statute and regulation.

Ms. Bingea suggested that the Board may want to extract data from its audiology aide registration documents on the duties and tasks routinely assigned to aides and the level of training and supervision exercised.

Chairperson Grimes and Mr. Hanyak agreed to develop a list of appropriate support level duties and associated supervision guidelines.

The Committee requested that Mr. Ritter develop a proposed statutory change authorizing audiologists to provide general supervision to audiology aides with more specificity on the type and degree of supervision to be provided in the implementing regulations.

IV. Discussion of Preparation of Stakeholders Meeting with Representatives from Department of Health Care Services, Medi-Cal Services Branch, California Children's Medical Services Branch, and Key Representatives from the Administration

Chairperson Grimes reported that she and Ms. Bingea met with a representative from Electronic Data Systems (EDS) to discuss issues with delayed and inconsistent claims processing. She indicated that, while her intention was to address the more systemic problems with poor communication and outreach on the part of EDS to its provider populations, the meeting centered on troubleshooting the completion and transmission of forms for Medi-Cal and California Children's Services (CCS). Chairperson Grimes indicated that the meeting was educational.

Chairperson Grimes commented on the significant impact of the limited number of audiologists willing to participate in the CCS system as a result of poor reimbursement rates and inefficient administration of claims. She stated that the problems within the CCS system date back more than 20 years but due to the recent increase in demand for universal newborn screenings and the need for follow-up intervention, the problems have reached crisis proportions.

Chairperson Grimes stated that the system recently lost two audiologists, one who served the entire Bakersfield region and the other in northern California where few CCS-paneled audiologists reside. She stated that the current limited number of paneled providers within CCS's Newborn Hearing Screening Program has created an untenable situation given that California births more than half a million babies per year who are recipients of Medicaid and thus qualify for subsidized diagnostic services.

Mr. Layne addressed the Board and stated that Assembly Member Jones is aware of these issues and is committed to finding solutions to help resolve the administrative inefficiencies so that more audiologists will be willing to participate in the CCS/ Medi-Cal programs. Mr. Layne reported that he has researched the reported procedural problems and has identified a few major procedures that he believes may be improved upon immediately:

- Create greater transparency in conditional approvals by clearing informing providers of all pertinent insurance information on the Service Authorization Request and Treatment Authorization Request forms.
- Thorough error detection procedures, including retraining staff to identify *all* errors or omissions on forms before returning forms to providers in order to reduce the number of times forms must be returned and resubmitted.

Chairperson Grimes expressed her appreciation to Assembly Member Jones and his staff for their support and efforts to help resolve the serious issues weakening the CCS program, but commented that the issue of poor reimbursement and mismanagement are far broader.

Mr. Layne agreed but stated that large-scale attempts to rebuild the entire system would take considerable time and, in the interim, progress can be made to correct the obvious procedural problems that are contributing to untimely delays in processing claims. He commented that audiologists should not lose money as a result of working within the CCS system.

Ms. Del Mugnaio inquired of Mr. Layne whether it would be helpful to send a letter from the Board to Assembly Member Jones documenting the Board's concerns and commitment to helping find both immediate and long-term solutions to the identified problems.

Mr. Layne welcomed the input and participation of the Board.

M/S/C: Smith/Hanyak

The Committee voted to recommend to the full Board that the Board develop a letter to Assembly Member Jones' office expressing the Board's concerns regarding the inefficiencies of the California Children's Service's billing and authorization procedures and offer to assist with convening a meeting of the pertinent stakeholders to discuss an improvement plan and best practices.

V. Review Legal Opinion on Audiologists' Existing Statutory Authority to Fit Hearing Aids and Discuss Current Efforts for Eliminating the Need for Audiologists to Hold the Hearing Aid Dispensers License

Mr. Ritter explained the legal conclusion of his opinion regarding the existing statutory authority for audiologists to fit and select hearing aids under the audiology license. He stated that the requirement for the additional hearing aid dispensing license pertains only to the sale of the product or device and the execution of the contract.

Ms. Del Mugnaio explained the recent events surrounding attempts by the California Academy of Audiology (CAA) to secure legislation that would eliminate the need for an audiologist to hold the hearing aid dispensing license. She further stated that the hearing aid dispensers' association was opposed to the elimination of the license for audiologists, citing that if the license were eliminated, audiologists would not be required to demonstrate competency on a practical examination in selecting and fitting hearing devices. Ms. Del Mugnaio commented that the opposition was immaterial as the statute governing audiologists already authorizes audiologists to select and fit hearing devices without a hearing aid dispenser's license. She stated that the regulation of hearing aid dispensing simply restricts unlicensed personnel from selling the device.

Chairperson Grimes stated that unless the hearing aid dispensing practical examination included questions regarding the sale of the product or the provisions of the contract, the argument made by the hearing aid dispensing association has no merit.

Ms. Del Mugnaio stated that CAA has been provided with the recent legal opinion by Mr. Ritter to use as further support in its quest to seek a legislative amendment eliminating the need for audiologists to hold two licenses in order to dispense hearing aids. She stated that additional documentation supporting the effort and allaying the concern regarding consumer harm would be the low incidence of complaints against audiologists who dispense hearing aids compared to the vastly greater number of complaints against hearing aid dispensers.

Ms. Del Mugnaio inquired of Ms. Crawford whether such statistics covering the last five years would be available in the existing database.

Ms. Crawford agreed to research the statistical data and provide the information, if available, to Ms. Del Mugnaio.

Ms. Del Mugnaio stated that she would track the progress of the CAA in seeking legislative action to eliminate the need for audiologists to hold the hearing aid dispensers license.

VI. Discussion of Status of the Development of the Audiology Joint Doctoral Training Programs in California

Ms. Del Mugnaio reported that the University of California (UC) and the California State University (CSU) are still struggling with resolving the budget gap of \$2 million in start-up funding per program. She stated that there have been discussions surrounding private subsidy of the public programs and whether private funding can be specifically earmarked for program start-up costs. Ms. Del Mugnaio reported that it may prove to be more financially feasible to develop the doctoral training programs as a single-system model as opposed to a joint program venture.

Chairperson Grimes stated that she believes a quality doctoral training program in audiology must include a medical component and that the CSU would not be equipped to offer medical facilities and training.

Ms. Raggio inquired about the process for public institutions to accept financial support in the form of underwriting by a private investor.

The Committee discussed several examples in which private businesses or employers provide subsidy to health and vocational public training programs.

Ms. Del Mugnaio agreed to research the process for public entities to accept private money.

Ms. Del Mugnaio suggested the Board forward a letter to the UC and CSU requesting a status update on the negotiations for resurrecting the plans to develop the two new doctoral training programs in the state, reiterating the critical need for the training and the responsibility of the higher education systems to provide the public training opportunities.

M/S/C: Hanyak/Grimes

The Committee voted to recommend to the full Board that a letter be forwarded to the UC and CSU requesting a status update regarding the development of the new doctoral training programs in audiology in the state.

Chairperson Grimes adjourned the meeting at 3:05 p.m.

Annemarie Del Mugnaio
Annemarie Del Mugnaio, Executive Officer