



**Advisory Committee Meeting Minutes
November 20, 2008**

The Westin Hotel, LAX
5400 West Century Blvd., Rm 337
Los Angeles, CA 90045
(916) 263-2666

Advisory Committee Members Present

Lisa O'Connor, M.A., Chairperson
Alison Grimes, Au.D.
Naomi Smith, Au.D.
Robert Hanyak, Au.D.
Carol Murphy, M.A.
Jennifer Hancock, M.A.

Staff Present

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

Advisory Committee Members Absent

Paul Donald, M.D.

Guests Present

Judy Horning, Hearing Aid Dispensers Bureau
Mindy Newhouse, Speech-Language Pathologist
Randall Sager, Hearing Aid Dispensers Bureau
Steve Hartzell, Physical Therapy Board of California
Todd D'Btaunstein, Board of Vocational Nurses and Psychiatric Technicians
Beth Lippo Inabinet, Los Angeles County Office of Education
Debbie Newcomer, Hearing Aid Dispensers Bureau
Yvonne Crawford, Hearing Aid Dispensers Bureau
Cindy Ochoa, G 2nd Systems
Lorelei Caroblante, G 2nd Systems
Robert Holmgren, Office of Examination Resources Department of Consumer Affairs
Eileen Tyson, Educational Testing Service
Jonathon Murray, Educational Testing Service

I. Call to Order

Chairperson O'Connor called the meeting to order at 9:12 a.m.

II. Introductions

Those in attendance introduced themselves.

III. Approval of Meeting Minutes for August 22, 2008 Advisory Committee Meeting Minutes

The Committee discussed minor grammatical edits to the meetings.

M/S/C: Hancock/Hanyak

The Committee voted to approve the August 22, 2008 Advisory Committee Meeting Minutes as amended.

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

Ms. Del Mugnaio referenced the legislative request she prepared at the request of the Advisory Committee to expand the definition of supervision for audiology aides in order to provide greater flexibility in the supervision parameters, especially for the more routine tasks often assigned to audiology support personnel. She explained that the legislative proposal was forwarded to the Department for inclusion in an omnibus health bill.

Ms. Del Mugnaio stated that at the August 22, 2008 Advisory Committee Meeting, the members discussed sending an educational/data collection mailing to all licensed audiologists in the state in an effort to both inform audiologists about the existing requirements for audiology aide registration and to seek input regarding documented aide duties and supervision standards as noted in the Bureau's records of registered aides. Ms. Del Mugnaio referenced the educational materials and survey document she prepared for the mailing and asked the Committee to provide edits as necessary.

The Committee made minor edits to the sample audiology aide duties document and requested further clarity on the introduction letter with regard to audiology support personnel working in ENT offices where the supervision responsibility is actually that of an employed audiologist and, therefore, the support personnel must be registered with the Bureau.

Ms. Grimes requested that the documents be available electronically and that both the California Academy of Audiology and the California Speech-Language-Hearing Association be sent the survey materials.

Ms. Del Mugnaio stated that in addition to the regular mailing, the documents will be posted on the Bureau's website and will be made available by fax or direct email upon request. She stated that she would make the requested revisions to the documents and mail the packet of information to the licensee community as soon as possible.

V. Discussion Regarding September 10, 2008 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 Regarding Issues with Provider Authorizations and Reimbursements within the Medi-Cal Program

Ms. Del Mugnaio provided a written summary of the issues discussed at the meeting with the Department of Health Care Services DHCS and Electronic Data Systems (EDS), the payer of Medi-Cal claims for the state's California Children's Services (CCS) programs. She reported that the meeting was facilitated by Assembly Member Dave Jones and that she was asked to open the meeting with introductory comments regarding the issue of barriers to audiology professional services in the CCS programs and the compounding problems with untimely and inadequate provider reimbursements. Ms. Del Mugnaio stated that she referenced the Board's letter of July 30, 2008 to the key stakeholders regarding the issues of provider shortages and CCS program inefficiencies and focused her comments on the accountability of state agencies to provide high-level customer service to both its paneled providers, as well as program recipients. She stated that the meeting focused on opportunities to better educate audiology providers about billing and authorization practices and to improve the bureaucracy for obtaining authorizations for treatment and reimbursement. Ms. Del Mugnaio stated that the following action items were identified and assigned at the close of the meeting:

- Hold broader stakeholder meeting as organized by Assembly Member Jones' Office to discuss problems related to ambiguities in reporting requirements and processing of claims. Emphasis on improving automated scanning of claim forms.
- DHCS to provide audiology training seminars as were conducted across the state in 1999/2000 and again in 2004 (when the new Service Authorization Request and Treatment Authorization Requests forms were introduced). (Comment by DHCS: The training seminars held in prior years were not well attended.)
- DHCS and EDS offered to speak before SLPAB and/or the CAA at scheduled conference/meeting engagements to answer questions about provider responsibilities and program requirements. SLPAB/CAA will contact DHCS to make necessary scheduling arrangements.
- DHCS to provide a feasibility study to Assembly Member Jones on the cost of updating the Medi-Cal system database with an integrated IT system in order to achieve greater efficiency and functionality in processing claims and authorizations.
- DHCS to provide recommended links for the SLPAB and CAA website(s) that would refer providers to EDS contact information and general provider support information.
- EDS to develop and post on Medi-Cal website - fact sheets on Top Ten Billing Errors & Denial Claims related to Audiology Services.
- CCS/EDS to Provide Guidance on Seeking Reimbursements for Batteries
- CCS to provide training and oversight to local county CCS programs regarding maintaining current records on beneficiary private insurance information (for recording on SAR forms) and to ensure that consistent and reliable information is being provided by each of the county CCS programs to providers.
- Changes in Reimbursement Codes- Addition of New Codes for Routine Audiology Services

Ms. Grimes commented that the meeting may have been productive in terms of trouble-shooting minor paperwork issues, but that the more complex and systemic issues regarding DHCS's and EDS's labor-intensive administrative processes and the state's poorly funded Medi-Cal problems remain unresolved and will continue to deter audiologists from participating in the programs.

The Committee discussed the issues highlighted above and requested Ms. Del Mugnaio to follow-up with Assembly Member Jones' Office on a follow-up stakeholders meeting.

VI. Report on Telephonic Meeting of October 28, 2008 with the Department of Health Care Services Newborn Hearing Screening Program Regarding Audiology Provider Education and Enforcement

Ms. Del Mugnaio reported on the telephonic meeting with DHCS, Newborn Hearing Screening Program (NHSP) and referenced an outline she prepared of the topics discussed:

- Tele-Audiology – objective was to provide access to audiology providers (specifically for children in the northern CA regions)

- ✓ UC Davis telemedicine program staff willing to prepare/submit a federal grant application and offer site and technical assistance.
 - ✓ Complications with the contracting process prevented submission of the grant application.
 - ✓ Children's Medical Services (CMS) Branch/NHSP staff will explore future funding opportunities
 - ✓ Program is again exploring the role audiology providers in Sacramento may play in serving CCS clients in the Northern region
- Medi-Cal Bulk Hearing Aid Contract- Request for Proposal (RFP)
 - ✓ RFP draft was released for public input on October 27, 2008
 - Audiology Doctorate Program Development

Ms. Del Mugnaio indicated that she updated NHSP staff on the status of the developing audiology doctoral programs to be housed at University California, Los Angeles and University California, San Francisco and stated that the student enrollment benchmark is scheduled for fall 2010 with 12-15 student cohorts in each program.

- Provider Education Opportunities
- Joint Communications (NHSP/SLPAB) to provider population regarding standard of care issues, acceptable practice patterns (e.g., bone-conduction ABR, proper service documentation, common billing errors)

Ms. Del Mugnaio stated that the first practice guideline document is to be developed by the NHSP audiology staff in December 2008, and will be shared with the Advisory Committee to solicit input prior to distribution

- Cross Linking SLPAB/NHSP Websites for Updates and New Guidance Documents
- Discussed Reporting Relationship w/ SLPAB to Elevate Issues Regarding Standard of Care/Negligence

Ms. Del Mugnaio stated that the Bureau will implement new procedures for sending quarterly enforcement action reports to the NHSP. She reported that she counseled the NHSP on complaint and enforcement processes and explained the types of cases that typically result in administrative discipline and explained the degree of discipline that may be enforced depending on the public safety factor. Ms. Del Mugnaio stated that the enforcement discussions will continue with the NHSP as situations arise that may require Bureau intervention.

- Development of Pediatric Specialty Certifications

Ms. Del Mugnaio reported that both the American Board of Audiology (ABA) and the American Speech-Language-Hearing Association are developing independent specialty area certification standards for pediatric audiology. She stated that Jennifer Sherwood of the NHSP inquired about pre-requisites for the ABA certification examination and understood that the certification requirements may include the doctoral level education. Ms. Del Mugnaio commented that Ms. Sherwood expressed concern regarding such barriers to experienced audiologists who hold the Master's degree and have been successfully working with the pediatric population for several years.

Ms. Grimes commented that the ABA certification requirements may include the doctorate degree criteria; however, this would not preclude the state from recognizing the certification examination as a sub-specialty requirement or standard without the doctorate degree requirement. Ms. Grimes stated that she would seek further clarification from the ABA on the status of development of the pediatric specialty certification standards.

The Committee discussed the need for a pediatric specialty certification and provided examples of situations, especially in private insurance matters, where pediatric cases are referred to audiologists because they are the only audiology providers for that insurance carrier, and yet the audiologist has little to no experience or expertise working with the pediatric population.

Mindy Newhouse commented that it may be difficult to force insurance companies to panel specialty certificated personnel for select populations as it limits access and billing authorization.

- Next Face-to-Face Meeting SLPAB/NHSP

Ms. Del Mugnaio reported that NHSP representatives are interested in meeting with the Board at the first 2009 meeting to discuss the items noted above and to provide further follow-up information.

Ms. Grimes inquired whether other issues may be placed on the agenda for discussion with the NHSP at the next scheduled Board meeting. She stated that she would like to discuss oversight and quality control of newborn hearing screening contractors and the disproportionately high pass rates in comparison from that of national statistics.

Ms. Del Mugnaio stated that she will follow-up with the NHSP on the joint meeting schedule and agenda topics.

VII. Executive Officer's Report (Annemarie Del Mugnaio)

A. Budget Update

Ms. Del Mugnaio reviewed the budget expenditure and projection report as of October 31, 2008 for FY 08/09, as included in the meeting packets. She referenced the revenue chart included in the budget projection as prepared by Cynthia Alameda. Ms. Del Mugnaio stated that the Bureau may need to consider augmenting its staffing resources, especially in the area of probation monitoring, as the one staff person assigned to the Bureau's enforcement program, in addition to budget tracking and regulatory filing preparation, has too many competing work priorities. Ms. Del Mugnaio stated that she will work with the Department to determine the best course of action for securing additional personnel.

B. Review/Status and Implementation Issues of Proposed Regulations

- 1. Continuing Professional Development Amendments Related to Direct Client Care Courses and Qualifications for Clinical Supervisor's of Individuals Completing the Required Professional Experience (New Continuing Professional Development Requirements)- California Code of Regulations Sections - 1399.160.4 & 1399.153.**
- 2. Board Approved Institution Regulations – California Code of Regulations Section 1399.152 (e)**

Ms. Del Mugnaio stated that the Board, and now Committee, has reviewed and approved both regulatory amendments. The continuing professional development amendment would change the category of supervision training from an indirect client care activity to a direct client care activity providing greater

flexibility in the number of hours licensees may apply to both the general license renewal requirements while also meeting the new supervision training mandates. The proposal would also reflect a change in the supervision standards for refresher continuing professional development courses to be obtained every four years as opposed to every two years.

Ms. Del Mugnaio reported that the second regulatory amendment was also approved by the Board at a previous meeting and would clarify the Bureau's authority to approve training programs that are not accredited by a recognized accrediting body but where the program training standards are consistent with accreditation standards.

Ms. Del Mugnaio stated that both proposals would be submitted under one regulatory package to the Office of Administrative Law in January 2009, once the Board has been re-authorized, as of January 1, 2009.

C. Examination Validation Study Schedule- Office of Examination Resources

Ms. Del Mugnaio reported that two examination validation study workshops will be held, the first on January 22-23, 2009, and the second on May 7-8, 2009, to review the audiology national examination specifications. She reported that the ASHA Audiology Job Analysis Report was now available and that the Office of Administrative Law will use the data in the report to determine whether the identified task and knowledge statements of audiology practice are reflected and weighted appropriately on the national examination.

Ms. Grimes inquired whether a Board member can serve as a subject matter expert for the workshops.

Ms. Del Mugnaio responded and stated that Board members should not serve as subject matter experts, as the Board members will be charged with reviewing and voting on the final recommendation report from the workshops and there needs to be some separation of duties.

Ms. Del Mugnaio reported that the examination validation study for speech-language pathology will begin later in 2009 or early 2010, once the national job analysis report for speech-language pathology is developed.

Ms. O'Connor stated that ASHA has committed to revisit the issue of speech-language pathology assistant credentialing standards as part of the 2009/10 job analysis.

D. Update on Board Action Items

Ms. Del Mugnaio reviewed the status of each action item as noted on the action item table included in the meeting packets and reported the following:

1. Correspondence with the Council on Academic Accreditation Regarding Program Review Processes

The Bureau received correspondence from the Council on Academic Accreditation dated October 15, 2008 regarding the Bureau's correspondence requesting flexibility in the CAA's candidacy review schedule to allow new programs the opportunity to receive timely feedback on accreditation and pre-accreditation applications. The CAA letter expressed the Council's commitment to assisting new programs with the application processes and moving the programs through the accreditation process expeditiously.

2. Communications with the Department of Developmental Services Regarding the Use of Behaviorists in Regional Centers

The Bureau sent a letter on October 28, 2008 to the Department of Developmental Services (DDS) regarding a recent complaint received by the Bureau expressing concern over the regional centers' use of behaviorists to provide communication therapy to non-verbal children. To date, the Bureau has not received a response from DDS; however, DDS did call the Bureau to verify receipt of the information.

Ms. Del Mugnaio reviewed the other actions items with the Committee as follows:

- Follow-up w/ASHA on the Development of the Pediatric Audiology Specialty Certification Standards.

The Bureau is still waiting for a response from ASHA's division of specialty certification regarding the status of development.

Mr. Hanyak agreed to follow-up with ASHA, as he serves as an audiology advisory board member.

- Develop Resource Material Regarding Protocol and Personnel Involved in Early Intervention Services

Ms. Smith distributed a fact sheet comprised of information from DDS's website and the Department of Education's website as related to the Early Childhood Education Credential.

Ms. O'Connor requested further detail be added to the reference material delineating the age groups that each personnel authorization, either credentialed or licensed, is authorized to treat and how the professionals collaborate treatment plans as the child progresses.

Ms. Smith agreed to provide further detail in the reference material and submit a new document for review at the next scheduled meeting.

E. Miscellaneous- New SLPAB member appointments/terms/ New Licensing Renewal Provisions/Website Changes

Ms. Del Mugnaio stated that the Governor's Office is not requesting the existing Advisory Committee members to submit new board member applications in order to be considered for reappointment to the Board in January 2009. She stated that the Department has already contacted the Advisory Committee members to determine their individual interest in continuing to serve as Board members once the Board is re-authorized.

Ms. Del Mugnaio reported that the Bureau's website has been updated with new application forms and new profession practice information related to endoscopy provisions. She provided copies of the website information to the Committee for review.

Ms. Del Mugnaio reported that the Department has recommended that all health boards and bureaus update their license renewal forms to include questions inquiring about licensure discipline or criminal convictions. She stated that the Press uncovered some information related to licensed health care professionals who had criminal records that were not investigated or considered by the responsible licensing agency. She reported that since this can pose a serious consumer protection issue, the Governor's Office has worked with the Department to develop methods whereby licensing agencies can

obtain any disciplinary or criminal history information. Ms. Del Mugnaio stated that another mechanism being considered by some health boards is retroactive fingerprinting, wherein licensees must be fingerprinted or re-fingerprinted as a condition of license renewal. She commented that some agencies did not require fingerprint clearances as a condition of licensure for many years following the inception of the governmental regulation for a particular health profession. Ms. Del Mugnaio reported that the Board has required fingerprint clearances as a condition of licensure since its inception in 1974. However, it may be difficult to obtain criminal history records for individuals licensed prior to the 1990s since the Department of Justice's (DOJ's) records were not automated at that time and the DOJ's newer, automated systems may not track the manual data. Ms. Del Mugnaio reported that she will advise the Board at the next meeting as to whether further fingerprinting requirements should be implemented for speech-language pathologists and audiologists.

VIII. Update from Committee Member Lisa O'Connor On Credentialing Reform

Chairperson O'Connor reported that the Commission on Teacher Credentialing (CTC) met on November 6, 2008, to consider revisions to the various credentials, but since neither Mike McKibben nor Jan Jones Wadsworth could be present, the issue of the new Communication Disorders (CD) Credential was postponed until the December meeting of the CTC. The training directors also met in October (October 10, 2008) and Mike McKibben was present to give the training directors an update on the new CD Credential. His message was essentially the same in that he said the intention of the credential is to meet the needs of students who are at risk for academic problems, and is not intended to replace the role of speech-language pathologists in the schools. He further stated that while the initial purpose of the credential was to address the shortage of speech-language pathologists, it evolved into a credential to fulfill another specific need, that is, preparation of special teachers to meet the needs of students at risk. Members of the training directors group expressed concern about how the standards were written, especially since the wording appears to indicate that this "teacher" is to have the same knowledge base in language and the assessment of language/communication disorders that a speech-language pathologist should possess. Mr. McKibben disagreed and further noted that the next meeting of the CTC will be held on December 13, 2008, where the Commission would consider the newly revised credential standards for related services credentials, including speech-language pathology, audiology, and the new CD credential. Mr. McKibben further reported that the Commission is planning to submit implementation of Title V regulations for the new CD credential by January 2009.

The Committee discussed the process for submitting comments to the proposed Title V regulations, once released, and asked Ms. Del Mugnaio to monitor the CTC website for the regulatory notice.

IX. Legislation

A. Review Proposed Legislation - Request for Entry-Level Licensing Requirements For Audiologists

Ms. Del Mugnaio referenced the legislative proposal included in the meeting packets and reported that she submitted a proposal to the Department that would raise the entry-level licensing requirements for audiologists to the doctoral training standard and create equivalency provisions for audiologists completing their clinical externship in other states under the auspices of a Board-approved audiology doctoral training program where provisional licensing is not required. She stated that the proposal was previously approved by the Board, before its transition to Bureau status, and has forwarded the proposal to the Department for consideration as an omnibus legislative amendment.

B. Other Proposed Legislation of Interest to the Committee

No further legislation of interest was discussed under this agenda item.

X. Review Proposed Procedural Changes for Evaluating the Training and Competency of Foreign Educated Applicants

A. Discuss Evaluation Forms and Process for Expert Reviewers Evaluating Foreign Transcripts

Ms. Del Mugnaio referenced a transcript evaluation form she prepared for the Bureau's expert reviewers to use when evaluating the educational preparation of foreign applicants. She reported that, thus far, the Bureau has secured five expert reviewers, but is interested in more participants so that the existing five experts are not overwhelmed with applications.

The Committee reviewed the expert reviewer form and discussed changes in the expert reviewer guidelines as included on the form.

Chairperson O'Connor requested that the instructions provided on the form for the expert reviewers clearly detail the educational and clinical standards that are to be verified and documented in order to recommend that the foreign-trained applicant has met equivalent training standards.

Ms. Del Mugnaio agreed to make the suggested edits prior to sending the forms to the expert reviewers.

B. Report from Carol Murphy on Experience Participating in the Test of English for International Communication (TOEIC) Examination

Ms. Murphy reported on her experience as an examinee of the TOEIC examination and indicated that she believed the examination was a direct measure of communication in that the speaking portion of the examination appeared to focus on intonation and stress. She stated that she intentionally paused during the oral examination and, at points, delayed her responses in order to assess whether such pausing would be captured by the raters.

The Committee reviewed Ms. Murphy's examination results, as included in the meeting packets, and noted that Ms. Murphy's speaking scores were impacted by the pausing, as the score was less than perfect.

Before discussing the examination specifications, the Committee invited representatives from both the Educational Testing Service and G 2nd Systems to address the Committee and provide an overview of the administration and distribution of the TOEIC examination.

C. Presentation by the Educational Testing Service (ETS) and G 2nd Systems on TOEIC Examination Development, Administration, and Benchmarking

Eileen Tyson, Director of Client Relations Global Division ETS, and Jonathon Murray, Product Manager Global Division ETS, presented information to the Committee on the TOEIC content and explained that the TOEIC is designed to evaluate the four areas of communication: speaking, writing, reading, and listening, and provides a direct measure of a test taker's English proficiency to determine whether the person can successfully communicate in a work environment. The ETS representatives provided the following information regarding the TOEIC:

- It is a relatively new examination, published in December 2006.

- Exam participants are graded on pronunciation, intonation and stress, grammar, vocabulary, and cohesion.
- ETS has developed a rating scale for test results; however, there is no established pass/fail cut-off score.
- Agency must develop pass/fail standards by conducting a benchmark study.
- Most TOEIC examination raters are located in U.S., with the exception of two raters in Canada.
- Raters must undergo extensive training and are subjected to on-going calibration tests.
- The rating system is a secured on-line process with continual monitoring by scoring leaders.
- All raters must have a linguistic background to qualify.
- A minimum of three raters must score each portion of every examination to ensure objectivity

Cindy Ochoa and Lorelei Carobolante of G 2nd Systems addressed the Committee and explained that G 2nd Systems is the preferred vendor for the TOEIC examination and provides examination analysts and benchmarking studies for agencies interested in using the examination. G 2nd Systems also provides examination administration services and site training. Currently, there are four test centers in California that offer the TOEIC examination: San Francisco, the Bay Area, Los Angeles, and San Diego. The Commission on Graduates of Foreign Nursing Schools (CGFNS) will be conducting a standard setting study in early 2009 in order to establish the TOEIC examination as a language proficiency standard for Visa Screen. The representatives from G 2nd Systems provided an overview of the benchmarking process as follows:

- Comprise a group of subject matter experts to identify minimum acceptable communication standards for the profession.
- Determine the characteristics of qualified versus unqualified non-native English speakers.
- Form a group of test participants (Live Sample), comprised of both qualified and unqualified participants, and administer examination.
- Analyze examination results and establish minimum cut-off scores.

The Committee discussed the options surrounding conducting a benchmark study for the TOEIC examination and the challenges surrounding identifying an agreed upon minimum communication standard within the profession, as well as the fiscal challenges of entering into a contract to perform the study.

Ms. Del Mugnaio stated that she would research the Bureau's funding to determine if resources are available to conduct a benchmarking study within the next year.

The Committee also discussed the qualifications of the examination raters and determined that a letter should be forwarded to ETS to inquire whether a separate set of qualifications could be established for examination raters who rate only speech-language pathology candidates in order to ensure the raters have extensive training in the appropriate communication skills for a speech and language professional.

Ms. Murphy agreed to draft the letter and forward it to ETS on behalf of the Committee.

Secretary Rosario Marin of State and Consumer Services Agency addressed the Committee and thanked the members for their valuable and essential public service. Secretary Marin shared her personal experiences with the services of both speech-language pathologists and audiologists and expressed her appreciation for the health care contributions of both professions. She also thanked

the Committee members for their participation in the Summit and expressed how pleased she was the Summit's attendance and overall success.

XI. Licensing/Enforcement Statistical Data

The Committee reviewed the statistical data as provided by staff.

XII. Public Comment on Items Not on the Agenda

No further public comments were made.

XIII. Announcements

Schedule of Board Meetings for 2009

The Committee scheduled the following meetings for 2009 Board meetings:

- February 12-13, 2009 San Francisco
- May 7-8, 2009 San Diego
- August 20-21, 2009 Sacramento
- November 5-6, 2009 Los Angeles

XIV. Adjournment

Chairperson O'Connor adjourned the meeting at 4:20 p.m.

Annemarie Del Mugnaio, Executive Officer