



July 15, 2011

Department of Consumer Affairs
2005 Evergreen Street
"Hearing Room"
Sacramento, CA

Board Members Present

Lisa O'Connor, Chairperson
Alison Grimes, Au.D., Vice Chairperson
Sandra Danz, Hearing Aid Dispenser
Deane Manning, Hearing Aid Dispenser
Robert Green, Au.D.
Rodney Diaz, M.D.
Carol Murphy, M.A.
Jamie Lee, Esq.

Staff Present

Annemarie Del Mugnaio, Executive Officer
Spencer Walker, Legal Counsel
Breanne Humphreys, Staff
Michelle Mason, Staff

Board Members Absent

Monty Martin, M.A.

Guests Present

Cindy Kanemoto, DCA
Cynthia Peffers, HHP CA
Robert Powell, CSHA
Bill Barnaby, Sr., CSHA
Michael Susca, CSHA
Tricia Hunter, HHP CA
Louise Zimmerman
Becky Bingea, UCSF
Jackie Bryla, CSHA
Holy Kaiser, CSHA
Bill Barnaby Jr., CSHA

I. Call to Order

Chairperson O'Connor called the meeting to order at 10:33 a.m.

II. Introductions

Those in attendance introduced themselves.

III. Approval of Meeting Minutes January 26-27, 2011 Hearing Aid Dispensers Committee, Speech-Language Pathology Committee, & Full Board Meeting Minutes

The Board discussed minor edits to the meeting minutes of the May 19-20, 2011 Hearing Aid Dispensers Committee, Audiology Practice Committee, and full Board meeting minutes.

M/S/C: Grimes/Green

The Board voted to approve the meeting minutes as amended.

IV. Presentation by the American Board of Audiology Regarding the Pediatric Audiology Specialty Certification Examination- Discussion of Current National Examination – The Praxis Examination in Audiology

Torryn Brazell and Yvonne Sininger, of the American Board of Audiology (ABA), presented an overview of the new Pediatric Audiology Specialty Certification (PASC) Program and Examination. It was noted that the first administration of the exam was held April 10th, 2011 in Chicago.

Ms. Brazell outlined the steps involved in developing the PASC Examination:

1. Developed test blue print based on practice analysis
2. Trained subject matter experts
3. Formulated questions based on two key factors:
Q1: How important is it for a pediatric audiologist to know this information?
Q2: What are the consequences if pediatric audiologists do not possess this knowledge?
4. Pilot examinations given to key professionals
5. Standard setting workshop to determine passing score- Angoff method used
6. Score reports

Ms. Sininger reviewed the requirements for PASC:

1. Minimum of a graduate degree in audiology
2. 2000 hours as a paid professional experience as an Audiologist including
-550 of those hours in direct pediatric patient contact hours
-50 hours of case management of pediatric cases
3. 50 of the 150 hours of pediatric care must be in case management
4. Two letters from supervisor or another professional who must verify candidates work in the area of pediatric audiology

The following comments were in response to questions posed to Ms. Brazell and Ms. Sininger by the Board:

- As of now there is no standard form to track the requisite pediatric audiology hours.
- The current PASC Examination timeframe validity is 9 years.
- Every 3 years there is a re-certification cycle for certified audiologists which also includes requisite continuing education hours.
- The Audiology Practice analysis is updated every 5 years.
- 7/10 exam candidates received a passing score on the first administration of the PASC Examination.
- There are two methods of scoring: norm based (pass with a specific scale [i.e. 70%]) and criterion reference (based on level of difficulty)
- Exam will be administered twice a year at a cost of \$350.
- If a candidate fails the examination twice, they will need to provide evidence of further education in the specific areas the candidate was not successful on the exam.
- It is not an eligibility requirement to hold the ABA Certification in order to sit for the PASC Examination.

Ms. Del Mugnaio reported that the Educational Testing Service is in the process of revising the current Audiology Specialty Area Test. She stated that the current test will not be administered after July 2011 and that the revised test will be introduced in November 2011.

Ms. Del Mugnaio suggested that Board hold public hearings regarding changing the law to acknowledge a subspecialty in Pediatric Audiology and the need for a qualifying examination.

V. Executive Officer's Report
A. Budget Update

Ms. Del Mugnaio reviewed the expenditures reports with the Board for both the Speech-Language Pathology and Audiology budget and the Hearing Aid Dispensers' budget as of Month 11, ending on May 31, 2011. Ms. Del Mugnaio reported that the reversion to the fund should come in about 14% for the Speech and Audiology Fund and about 5% for the Hearing Aid Dispensers Fund once all end of year expenditures are reported.

B. Status of Proposed Regulations

1. Consumer Protection Enforcement Initiative (California Code of Regulations 1399.150.3, 1399.151, 1399.156, & 1399.156.5)

Ms. Del Mugnaio reported that the notice package for the regulations was filed with the Office of Administrative Law on June 14, 2011 and that no hearing is scheduled for the proposed regulations. She stated that a hearing may be scheduled should a member of the public request one. Ms. Del Mugnaio stated that the forty-five (45) day public comment period will close on August 8, 2011, at which time she will begin preparing the final rulemaking documents.

2. Dispensing Audiologists Renewal Fee/Continuing Professional Development Amendments (California Code of Regulations Sections -1399.157, 1399.160.3-1399.160.6) – Discussion of Course Approval Process

Ms. Del Mugnaio explained that the proposed regulations as approved by the Board at the May 19-20, 2011 Board meeting included language modifications which:

- Provides that non-dispensing audiologists may not obtain continuing professional development (CPD) hours in hearing aid dispensing courses where the content focuses on equipment, devices, or other products of a particular manufacturer.
- Provides for a minimum number of CPD hours that must be completed by an individual who holds dual licensure in both speech-language pathology and dispensing audiology. The proposed provision would require a dually licensed individual to obtain sixteen (16) hours in CPD for the biennial speech-language pathology license and eight (8) hours of CPD in dispensing audiology annually.

Ms. Del Mugnaio addressed CPD requirements for dual licensure and stated that there are currently seventeen (17) licensees in California who currently hold dual licensure. She stated that these licensees have been sent the proposed changes.

Ms. Del Mugnaio reported that the proposed regulations for dispensing audiologists, that are currently in effect as emergency provisions, were filed with the Office of Administrative law on June 14, 2011 and that no public hearing for the proposed regulations was scheduled. Ms. Del Mugnaio stated that the forty-five (45) day public comment period will close on August 8, 2011, at which time she will begin preparing the final rulemaking documents.

3. Continuing Education Requirements for Licensed Hearing Aid Dispensers- California Code of Regulation Section 1399.140-1399.143

Ms. Del Mugnaio stated that the proposal to modify the Hearing Aid Dispensers continuing education program was approved at the May 19, 20, 2011 Board meeting and that a notice package will be prepared in late August.

C. Executive Orders - Hiring Freeze / Travel Restrictions / Staff Recruitment / Personnel Issues- New Executive Officer Performance Evaluation Process

Ms. Del Mugnaio reported on the status of the state's on-going hiring freeze, but stated that there has been some relief in that the boards and bureaus within the Department of Consumer Affairs may recruit Department staff through promotion opportunities. She reported that Cynthia Alameda has taken another job within the Department and that she has hired Patty Rodriguez as her replacement. Ms. Rodriguez has been with the Department for approximately fifteen (15) years and will bring a wealth of experience with her to the Board. Ms. Rodriguez will begin her new position as the Board's Enforcement Analyst on July 18th, 2011.

Ms. Del Mugnaio reported that the Department has introduced a new Executive Officer Performance Evaluation process and the new process is now available for Board's to utilize as an evaluation method for their respective Executive Officer.

Ms. Del Mugnaio reported that the restrictions regarding state personnel travel is still in force and as such, the Board must continue to be very conservative in expending travel funds. She stated that the next Board meeting is scheduled to take place in San Francisco, however, the meeting location will likely change to Sacramento to reduce travel and meeting room expenditures.

VI. Chairperson's Report- Report on the Department of Consumer Affairs Director's Conference Call and Information Regarding Continued Competency

Chairperson O'Connor reported that she has been participating in conference calls with the Director of the Department of Consumer Affairs and other Board Chairs and Vice-Chairs where the subject of continued competency for health care providers has been a reoccurring topic of interest. Chairperson O'Connor addressed the opportunities for the Board to transfer its continuing professional development program and the traditional method of requiring a specified number of hours in approved coursework to a more tailored method of individual licensee assessment and testing. She stated that she and Ms. Del Mugnaio have discussed the possibility of inviting a representative from the Citizen Advocacy Center (CAC) to attend a future Board meeting and educate the Board on existing continued competency program models.

Ms. Del Mugnaio referenced the Board of Podiatric Medicine's continued competency requirements and provided the Board with complaint statistics demonstrating the relationship of requiring continued competency for license renewal and how implementing the model reduced overall complaint activity.

Ms. Del Mugnaio stated she will contact the CAC and invite a representative to present information to the Board at the next Board meeting.

VII. Report from the Department of Consumer Affairs, Office of Information Services on the BreEze Project- Debbie Balaam

Ms. Balaam of the Department of Consumer Affairs reported on the status of the BreEze Project:

- BreEze will be replacing existing antiquated data systems and will provide an integrated program with document image storage.
- Includes a new online segment for status of applications, complaints, and license renewals and will retain functionality for cashiering, generating reports, and auditing. Such processes will provide for greater efficiency and record tracking.
- Includes cross-referencing of license capabilities (Cosmetology and Hearing Aid)
- System design is approximately two-years at which time all boards and bureaus will have phased in to the new program.
- The Department is still in contract negotiations with the vendor, Accenture, for a total program cost of 38.6 million dollars.
- The project is scheduled to start in September 2011 with the first phase of boards/bureaus moving to the new BreEze system.
- The Board is scheduled for the second phase of transition beginning February 2013. However, preliminary business processes and functions will be identified by staff and the BreEze project team within the next month.
- Once the contract with the vendor is finalized and signed, actual project costs will be shared with the boards and bureaus.

VIII. Practice Committee Report

Speech-Language Pathology Committee Report and Recommendations Regarding Telepractice, Provisions for Speech-Language Pathology, Regulations Regarding Supervision and Field Work Experience Requirements for Speech-Language Pathology Assistants, and Status of the Proposal to Conduct a Standard Setting Study for the Test of English for International Communication (TOEIC) Examination

Ms. Murphy provided an overview of the issues discussed at the Speech-Language Pathology Committee meeting and outlined the recommendations of the Committee before the Board:

- The Committee had approved the public statement regarding speech-language pathologists, audiologists, and hearing aid dispensers providing services via telehealth.

M/S/C: Grimes/Murphy

The Board voted to adopt the recommendation of the Committee and approve the statement regarding telehealth as modified by the Committee and delegated to Ms. Del Mugnaio to post the statement on the Board's website.

- The Committee reviewed and approved changes to existing regulations regarding speech-language pathology assistant (SLPA) program requirements including Section 1399.174 requiring the SLPA Training Program Director to hold a license or equivalent credentials in speech-language pathology.

M/S/C: Murphy/Grimes

The Board voted to adopt the recommendation of the Committee and approve the proposed regulation changes regarding supervision and training program requirements for speech-language pathology assistants (California Code of Regulations Section 1399.170-1399.170.11)

- Ms. Murphy indicated that there has been no response thus far from the Educational Testing Service regarding the Board's inquiry to the standard setting study process for the TOEIC Examination.

M/S/C: Grimes/Green

The Board voted to adopt the report and recommendation of the Committee.

IX. Legislation

Ms. Del Mugnaio reviewed the following bills with the Board:

- A. Senate Bill 933 - Runner - Merger of the Speech-Language Pathologist and Audiologist/Hearing Aid Dispensers Practice Act(s)**
 - Merger of the practice acts of speech-language pathologist, audiologist, and hearing aid dispensers and merges the two existing funds.
 - The Board initiated the bill as a clean-up measure; letters of support have been forwarded.
 - The bill, if signed by the Governor, will take effect on January 1, 2012.
 - No opposition is reported at this time.
- B. SB 541- Price- Regulatory Boards: Expert Consultants**
 - SB 541 would enable boards and bureaus to utilize expert consultants under a simplified and expedited contract process.
 - The Board has taken a position of support on the bill; letters of support have been sent.
 - The bill is an urgency measure and takes effect upon signature by the Governor.
 - No opposition is reported.
- C. AB 415- Logue - Healing arts: Telehealth.**
 - Establishes the Telehealth Advancement Act of 2011 to revise and update existing law to facilitate the advancement of telehealth as a service delivery mode in managed care and the Medi-Cal Program.
 - The bill, if signed by the Governor, will take effect on January 1, 2012.
 - No opposition is reported at this time.
- D. Amendments to 1793.02 Civil Code Regarding Warranty Provisions for Assistive Devices-Hearing Aids**
 - Ms. Del Mugnaio reviewed the draft regulatory document with the Board outlining proposed right of return provisions for hearing aids.
 - The Hearing Health Care Providers is still in conversations with potential legislative authors for a 2012 bill.

E. Other Legislation of Interest to the Board

- Assembly Bill 136 – Beall- would Require the PUC to: expand the deaf and disabled program to include assistance to individuals with speech disabilities that impair access to and use of the telephone network and ensure funding for speech-generating devices, accessories, and mounting systems and specialized telecommunications equipment, including infrared telephones, speaker phones, and telephone interface devices; evaluate options for controlling the program costs of providing speech-generating devices, as part of an existing report to the Legislature; ensure that eligibility for speech-generating devices is limited to state residents who are certified as speech impaired by a licensed physician, licensed speech-language pathologist, or qualified state or federal agency; provide appropriate speech-generating equipment consistent with the recommendation of a licensed speech-language pathologist and with the economy, efficiency, and quality of equipment available for purchase in the state; be the provider of last resort and limit device costs to the Medi-Cal rate.
- The bill, if signed by the Governor, will take effect on January 1, 2012.
- No opposition is reported at this time.

The Board requested Ms. Del Mugnaio to research the background and genesis of the bill.

X. Licensing / Enforcement/Examination Statistical Data/ Enforcement Program Update

The Board reviewed the statistical data as provided by staff.

Ms. Del Mugnaio reported a large influx of applications submitted to the Board in May and June 2011, and stated that there has been an increase in overall processing times due to the volume of applications and supporting documents received in the last quarter of 2011.

XI. Public Comment on Items Not on the Agenda/Future Agenda Items

Representatives of the California Speech-Language-Hearing Association (CSHA) addressed the Board regarding lengthy delays in applicants receiving their licenses and requested the Board to revisit its application review policies and procedures. The CSHA representative requested the matter be placed on a future meeting agenda so that CSHA may engage with the Board on opportunities for expediting application review.

Cynthia Peffers of the Hearing Health Care Providers of California inquired about the status of the new audiology aide regulations and whether the Board was still pursuing new provisions for audiology support personnel.

XII. Announcements - Future 2011 Board Meetings October 20-21, Location TBD Discuss- 2012 Board Meeting Calendar

The Board identified its 2012 meeting schedule as follows:

- January 26-27, 2012
- April 19-20, 2012
- July 19-20, 2012
- October 18-19, 2012

XIII. Adjournment

Chairperson O'Connor adjourned the meeting at 2:10 p.m.