



BOARD MEETING MINUTES
Speech-Language Pathology and Audiology
and Hearing Aid Dispensers Board
Sacramento, CA
June 19, 2015

1. Call to Order

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:20a.m. Ms. Grimes called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Alison Grimes, Board Chair
Patti Solomon-Rice, Vice Chair
Jaime Lee, Public Board Member
Deane Manning, Board Member
Marcia Raggio, Board Member
Dee Parker, Board Member
Amnon Shalev, Board Member

Board Members Absent

Rodney Diaz, MD, Public Board Member
Debbie Snow, Public Board Member

Staff Present

Paul Sanchez, Executive Officer
Breanne Humphreys, Program Manager
Sabina Knight, Legal Counsel
Anita Joseph, Enforcement Coordinator
Bryce Penney, DCA Web Cast
Karen Robison, Enforcement Analyst
Marti Shaffer, Enforcement Analyst

Guests Present

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Cynthia Peffers, Hearing Healthcare Providers
Michelle Stout, Department of Consumer Affairs, Executive Office

2. Public Comment for Items not on the Agenda

There were no comments from Public/Outside Agencies/Associations.

3. Approval of the March 11, 2015 Board Meeting Minutes

Discussion of the Board meeting minutes included the following corrections: correcting CASHA to CSHA; adding motion carried and the vote to section IX; and change Child Care Services to California Children's Services.

M/S/C Manning/Solomon-Rice

- **Approve the Board meeting minutes as amended. The motion carried 7-0**

4. Consideration of Recommendations of Ad Hoc Committee regarding English-Language Competency and Foreign-Trained Applicants

Ms. Solomon-Rice updated the Board on the English-Language Competency and Foreign-Trained Applicant steps that the SLP Ad Hoc Committee proposed. Ms. Solomon-Rice presented a report that reviewed the March 11, 2015, discussion regarding English-Language Competency, identified three specific areas that need to be considered in regard to Foreign-Trained Applicants, and questions that need to be answered including: summary statement and what needs to be done. The three specific areas that need to be considered in regard to Foreign-Trained Applicants are: intelligibility; oral and written English competency; and academic and clinical competencies.

The Board discussed consumer protection, short and long term goals, recommended academic courses and a combined effort working on guidelines to set intelligibility standards and oral and written English competency. Ms. Solomon-Rice and Ms. Parker will meet with Board staff to develop a plan for areas one and three for the November Board meeting.

5. Consideration of Recommendations of Ad Hoc Committee regarding Speech-Language Pathology Assistant Supervision Requirements and Audits

The Speech-Language Pathology Assistant Supervision Requirements and Audits has been tabled until further notice.

6. Update and Possible Action on Process Issues and Delays with California Children's Services

Ms. Grimes informed the Board that half of the hearing impaired children are covered under California Children's Services (CCS). They are struggling with provider services, enrollment authorization and reimbursement issues. Ms. Grimes shared that there is an enormous gap in services from Stanford to UCLA. Cases and authorizations are not being reviewed by licensed audiologists and the process has slowed dramatically. She noted that the younger a child is diagnosed and receives help with hearing services the more favorable the outcome. A letter was sent to DHCS regarding these concerns/issues in October 2014, and has gone unanswered. Ms. Grimes is requesting the Board send a second letter to the Department of Health Care Services (DHCS) requesting a meeting to address these issues and the possibility of a letter also being sent to the Senate and Assembly pleading for better communication and address the issues.

M/S/C Grimes/Raggio

- **Delegate Ms. Alison Grimes, Ms. Marcia Raggio and Mr. Paul Sanchez to draft a letter to DHCS requesting a meeting. The draft will be forwarded to all Board Members for comments. The motion carried 7-0**

7. Update on Status of Request to the FDA for Exemption from Pre-Emption of Requirements - Mail Order and Catalog Hearing Aid Sales

The Exemption from Pre-Emption of Requirements - Mail Order and Catalog Hearing Aid Sales request is still under review by the FDA. A timeframe was not provided for the response.

8. Discussion and Possible Recommendation for an Increase in the Number of Self-Study Hours for Continuing Education

Mr. Sanchez provided the findings of research done by Board staff in regards to the definition of self-study, and the number of self-study hours allowed by other States as well as other DCA Boards. Mr. Sanchez presented a table of requirements as of this date for each profession and discovered that this Board is the second most restrictive in the country and the most restrictive in DCA when it comes to self-study hour. The Board discussed increasing the amount of CE self-study hours allowed per renewal cycle. Included in the discussion was raising the amount of self-study CE hours to 50% of the total required CE hours, passing a post course examination and not allow CE that promotes a specific manufacturers product. Mr. Shalev suggested that the number of self-study hours permitted for CE should also be increased for hearing aid dispensers.

M/S/C Solomon-Rice/Raggio

- **Direct staff to draft language increasing the allowable amount of self-study CE hours to 50%, require a post course assessment examination and restricting courses that promote manufacturer products. The motion carried 7-0**

9. Proposed Regulations – Discussion and Possible Action

- a. Title 16, CCR, Sections 1399.152, 1399.153, 1399.170, 1399.170.4, 1399.170.6, 1399.170.10, 1399.170.11, 1399.170.15 - Speech-Language Pathology Assistant/Supervised Clinical Experience

The Board requested changes be made to the proposed language regarding clinical hours (300 to 375), settings, and range of disorders. Ms. Parker will work on amending the proposed language.

- b. Title 16, CCR, Sections 1399.154.-1399.154.7 - Speech-Language Pathology or Audiology Aides

M/S/C Raggio/Solomon-Rice

- **Delegate Ms. Marcia Raggio and staff to rework language. The motion carried 7-0**

- c. Title 16, CCR, Section 1399.157 - Speech-Language Pathology and Audiology Fees

Mr. Sanchez informed the Board that to increase staff and to meet the operational needs of the Board fees need to be increased. In 2012, the Legislative Joint Committee recommended augmenting staff so the licensing time frames would be more reasonable. The Board does not have sufficient number of staff to complete tasks for the current licensing population, which is steadily growing, in the established timeframes. The Board has to have enough revenue to support the expenditures being proposed. He stated that if the fees are not raised the Board will be operating with a negative budget by the fiscal year 2018/2019. It was noted that the last time Speech-Language Pathology and Audiology fees were increased was in 2002.

M/S/C Solomon-Rice/Parker

- **Move to approve the proposed text for a 45 day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

d. Title 16, CCR, Section 1399.129 - Hearing Aid Dispenser Examination and Licensing Fees

The Board was informed that this section of law was repealed many years ago and the purpose of this proposed regulation is to re-establish the regulation and consolidate the fees in one section. There are no changes to fees.

M/S/C Manning/Parker

- **Move to approve the proposed text for a 45 day public comment period; delegate to the EO the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and make any technical and non-substantive changes that may be required to complete the rule making file. The motion carried 7-0**

e. Title 16 CCR, Division 13.3, Section 1399.100 – 1399.144 - Hearing Aid Dispensers - Non-substantive, Technical Changes

The Board discussed each change to the hearing aid dispenser regulations and voted to approve the proposed text. This addresses the merger of the Speech-Language Pathology & Audiology Board and Hearing Aid Dispensers Board.

M/S/C Solomon-Rice/Manning

- **Delegate staff to move forward with the rulemaking package. The motion carried 7-0**

- f. Title 16 CCR, Division 13.4, Section 1399.150-1399.199.14 - Speech-Language Pathology and Audiology - Non-substantive, Technical Changes

The Board discussed each change to the Speech-Language Pathology and Audiology regulations and voted to approve the proposed text.

M/S/C Solomon-Rice/Manning

- **Delegate staff to move forward with the rulemaking package. The motion carried 7-0**

- 10. Executive Officer's Report
 - a. Administration Update

Mr. Sanchez introduced staff to the Board and acknowledged the hard work they do to keep the Board running. He informed the Board that the first phase of CPS-HR Consulting (CPS) has commenced. This phase consists of interviewing Board staff to capture all work tasks, workloads and time frames to determine if the Board is operating efficiently and has sufficient staff to keep up with the operational needs of the Board. Mr. Sanchez reminded the Board that Strategic Planning will be held during the August Board meeting and that members of Solid, DCA's training department, will be contacting them. The Strategic Planning session will probably take a day and a half and a short Board meeting will follow. He also informed the Board that this is the year DCA employees' and Board/Bureau/Commission members must complete the Sexual Harassment Training course and there is post course examination. Ms. Humphreys will send out the link to the course which must be completed by December 31, 2015 and must be completed every two years.

- b. Budget Report

Mr. Sanchez briefed the Board on the budget condition. The Expenditure Projection Report reflects that the Board will be spending most of its budget with a surplus of 2%. Mr. Sanchez also discussed the revenue report and the fund condition. He explained what information each report reflects and how that information may affect the Board. Ms. Grimes discussed the amount of money owed by Governor's Office to the Board. Mr. Sanchez confirmed that that is being paid over the period of three years.

- c. Licensing Report

Peak RPE, SLP and Audiology application season has arrived and processing time frames are expected to increase. Application processing procedures are being reviewed to determine if procedures can be improved. Mr. Sanchez noted part of the analysis that CPS is performing will address business processes.

- d. Practical Examination Report

A practical examination was held on May 16, 2015, and the Board is scheduled to hold a follow-up examination in July 2015. The Board is planning to hold additional examinations in September and November. Board staff is working on the exam application process to be more efficient.

e. Enforcement Report

The Board has referred 12 cases to the AG for formal discipline this year. Mr. Sanchez acknowledged that the Board continues to submit formal discipline information to the National Practitioner Data Bank (NPDB). It was clarified that Stipulated Settlements are reported to the NPDA because it is a disciplinary action. He explained that the Board changed the way work is distributed and this change is reducing the time it takes to process and close cases. In addition, Mr. Sanchez informed the Board that if a couple of cases take longer to process, the average processing timeframe will increase because the overall number of complaints the Board receives is low.

11. Review and Approval of Proposed Board Manual

Mr. Sanchez stated that most Boards have a manual which is given out to orient and train new Board members as well as keeping important documents and information at hand for existing Board members to access. This Board does not have a Board Manual at this time. A draft of the Proposed Board Manual is expected to be distributed by November 2015.

12. Legislation Update, Review, and Possible Action

Information regarding proposed legislation that may affect the Board can be brought to our attention by anyone. Currently, a DCA legislative analyst helps locate any pending legislation that will affect the Board. The Board is not required to act on any proposed legislation.

a. AB 12 (Cooley) State Government: Administrative Regulations: Review

The Board voted to watch this bill.

b. AB 85 (Wilk) Open Meetings

The Board voted to watch this bill.

c. AB 259 (Dababneh) Personal Information: Privacy

The Board did not vote to take a position on this bill.

d. AB 333 (Melendez) Healing Arts: Continuing Education

The Board did not vote to take a position on this bill.

e. AB 483 (Patterson) Healing Arts: Initial License Fees: Proration

The SLPAHAD is being removed from this bill therefore; the Board did not discuss taking a position.

- f. AB 507 (Olsen) Department of Consumer Affairs: BreEZe System: Annual Report

The Board did not vote to take a position on this bill.

- g. AB 750 (Low) Business and Professions: Licenses

The Board did not vote to take a position on this bill.

- h. AB 964 (Chau) Civil Law: Privacy

The Board did not vote to take a position on this bill.

- i. AB 1060 (Bonilla) Professions and Vocations: Licensure

The Board did not vote to take a position on this bill.

- j. SB 570 (Jackson) Personal Information: Privacy: Breach

The Board did not vote to take a position on this bill.

- k. SB 467 (Hill) Professions and Vocations

The Board did not vote to take a position on this bill.

13. Election of Board Officers

Mr. Sanchez gave an overview of the election process and the roles of the Chair and Vice-chair. He noted that elections are required to be held on an annual basis.

Ms. Grimes was nominated to the position of Chair.

M/S/C Solomon-Rice/Shalev

- **The Board voted on the nomination of Ms. Grimes to the position of Chair. The motion carried 7-0**

Ms. Solomon-Rice was nominated to the position of Vice-chair.

M/S/C

- **The Board voted on the nomination of Ms. Solomon-Rice to the position of Vice-chair. The motion carried 7-0**

14. Discussion of Executive Officer Evaluation Process

The annual Executive Officer performance evaluation is due. The evaluation form including instructions and due dates will be distributed to the Board. Ms. Grimes and Mr. Manning will work together on the evaluation.

15. Future Agenda Items and Future Board Meeting Dates

- a. August 20-21, 2015 - San Francisco

The August Board meeting is scheduled to be in San Francisco; will last one and one-half days; and cover Strategic Planning and Board business.

- b. November 5-6, 2015 - San Diego
- c. February 4-5, 2016 - Sacramento
- d. May 11-12, 2016 (Location to be determined)

Closed Session

16. Pursuant to Government Code Section 11126 (c) (3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters

1C-2010-155
Stipulated Settlement - Adopted

1I-2012-66
Stipulated Settlement - Adopted

Return to Open Session

17. The Board meeting adjourned at 2:40p.m.