



## **BOARD MEETING MINUTES**

February 4-5, 2016

For the sake of clarity, the meeting minutes are organized in numerical order to reflect their original order on the agenda; however, issued were taken out of order during the meeting.

### 1. Call to Order / Roll Call / Establishment of Quorum

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 1:20 p.m. Ms. Grimes called roll; five members of the Board were present and thus a quorum was established.

#### Board Members Present

Alison Grimes, Board Chair  
Patti Solomon-Rice, Vice Chair  
Marcia Raggio, Board Member  
Dee Parker, Board Member  
Debbie Snow, Public Board Member

#### Board Members Absent

Rodney Diaz, MD, Public Board Member  
Jaime Lee, Public Board Member  
Deane Manning, Board Member  
Amnon Shalev, Board Member

#### Staff Present

Paul Sanchez, Executive Officer  
Bryce Penney, DCA Web Cast  
Breanne Humphreys, Program Manager  
Anita Joseph, Enforcement Coordinator  
Kelsey Pruden, Legal Counsel  
Karen Robison, Enforcement Analyst

#### Guests Present

Cliff Johnson, KP Public Affairs for Hearing Healthcare Providers (HHP)  
Shelly Jones, DCA Executive Office  
Arthur Sturm, Rexton  
Dennis Van Vliet, California Academy of Audiology (CAA), Starkey

### 2. Public Comment for Items not on the Agenda

Dennis Van Vliet requested the practical examination process be included on a future Board meeting agenda.

3. Review and Approval of the November 6, 2015 Board Meeting Minutes, November 22, 2015 Board Meeting Minutes, and December 22, 2015 Board Meeting Minutes

**M/S/C Solomon-Rice/Parker**

- **Approve the November 6, 2015, November 30, 2015, and December 22, 2015 Meeting Minutes as amended. The motion carried 5-0**
4. Proposed Regulations – Discussion and Possible Action
    - a. Title 16, CCR, Sections 1399.152 – Supervised Clinical Experience Clock Hours

The Board discussed raising the minimum number of supervised clinical experience clock hours. Issues discussed included removing the term “clock hours” and audiologists being included in the language. The Board is mandated to establish a minimum number of clock hours and increasing the number of clock hours required should not be held up.

The Board was informed that “clock hours” is in statute; therefore, the wording can only be changed by the legislature. It was noted that there are two separate statutes that address SLP and AuD licensing requirements. Staff will look into this and bring the findings to the next Board meeting.

**M/S 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 was tabled until February 5, 2016, to allow staff to clarify the statute.**

**M/S/C Solomon-Rice/Raggio**

- **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 5-0**

- b. Title 16, CCR, Section 1399.140 – Hearing Aid Dispensers Continuing Education

The Hearing Aid Dispensers Continuing Education discussion is tabled until the next Board Meeting.

- c. Title 16, CCR, Sections 1399.131 & 1399.155 - Disciplinary Guidelines and Uniform Standards for Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers

Mr. Sanchez gave an overview of the Disciplinary Guidelines (Guidelines) and Uniform Standards explaining that the Uniform Standards specifically address substance abusing licensees. The Board reviewed and discussed each section of the Guidelines. The Board suggested adding rationale to probation

terms that currently do not have them, being consistent with the terms of probation for like violations, and minor changes in wording.

### **M/S/C Grimes/Parker**

- **Move to approve the all the changes that were discussed, delegate to the staff to make technical changes, notice 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 5-0**

The Board went into recess at 5:45 p.m.

### Call to Order / Roll Call / Establishment of Quorum

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:05 a.m. Ms. Grimes called roll; six members of the Board were present and thus a quorum was established.

#### Board Members Present

Alison Grimes, Board Chair  
Patti Solomon-Rice, Vice Chair  
Rodney Diaz, MD, Public Board Member  
Marcia Raggio, Board Member  
Dee Parker, Board Member  
Debbie Snow, Public Board Member

#### Board Members Absent

Jaime Lee, Public Board Member  
Deane Manning, Board Member  
Amnon Shalev, Board Member

#### Staff Present

Paul Sanchez, Executive Officer  
Bryce Penney, DCA Web Cast  
Breanne Humphreys, Program Manager  
Anita Joseph, Enforcement Coordinator  
Kelsey Pruden, Legal Counsel  
Karen Robison, Enforcement Analyst

#### Guests Present

Kathy Ellis, SLP  
Beth Faber Jacobs, Administrative Law Judge (ALJ)  
Cliff Johnson, KP Public Affairs for Hearing Healthcare Providers (HHP)  
Shelly Jones, DCA Executive Office  
Christine Rhee, Deputy District Attorney

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Dennis Van Vliet, CAA, Starkey  
Greta Yang, Court Reporter

5. Executive Officer's Report  
a. Administration Update

Mr. Sanchez informed the Board that Francisco Del Pozo was hired to replace Christy Small who left the Board in October 2015. He noted that our AARP temporary staff member's last day will be February 11, 2016.

b. Budget Report

Mr. Sanchez stated the Board would be spending most of its budget this fiscal year and will be working with Budgets to remain in the black. The Board has identified ways to stay within its budget which include releasing its Seasonal Clerk, looking into postponing planned examinations, and prioritizing cases that are with the Attorney General's Office. Additionally, the Board is working on regulations requesting an increase in fees.

c. Licensing Report

The Board has seen an overall growth in its licensing population while the amount of staff has remained the same. The Board is requesting additional staff through the State budget process to address the workload needs of the Board.

d. Practical Examination Report

There are plans to hold four practical examinations in 2016. The next practical examination will be held on February 27, 2016.

e. Enforcement Report

There has been an increase in the number of complaints received by the Board; however, processing time has decreased due to procedural improvements by staff. Staff is currently monitoring twenty-five probationers, with six testing and eight in tolled status.

f. Strategic Plan Update

The Strategic Plan will be available on the Board website after it has been published. Staff will be working with SOLID to develop an action plan to achieve the goals and objectives outlined in the Strategic Plan.

6. Swearing-in of Reappointed Board Members

Ms. Solomon-Rice and Dr. Diaz were sworn in as Board Members by Ms. Grimes.

7. Hearing on Petition for Early Termination of Probation – Kathryn Ellis, SLP, License # 15760

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The Board heard the Petition for Early Termination of Probation of Ms. Ellis. The hearing was presided over by ALJ Beth Faber Jacobs. Deputy District Attorney Christine Rhee represented the State. Ms. Ellis represented herself.

8. Pursuant to Government Code Section 11126 (c) (3), the Board will Meet in Closed Session to Deliberate on above Petition

The Board went into closed session at 11:45 a.m.

The Board returned to open session at 12:20 p.m. and immediately recessed for lunch.

9. Review and Approve Support Letter for Legislation to Allow Additional Audiology Doctoral Programs through the California State University System

The Board discussed the support letter and recommended including the number of AuD's practicing, graduating, retiring and needed in California and mention how many programs were lost when legislation changed to require a doctorate degree.

#### **M/S/C Parker/Diaz**

- **Send a support letter for Legislation to allow additional Audiology Doctoral Programs through the California State University System with amendments. The motion carried 6-0**

10. Discussion and Possible Action to Eliminate Speech-Language Pathology Aide Designation

The discussion to eliminate the Speech-Language Pathology Aide designation has been tabled.

11. Update and Discussion on Requirements and Processes on Foreign-educated Speech-Language Pathology Applicants

Ms. Humphreys informed the Board of the changes that were made to the foreign-educated speech-language pathology requirements. Mr. Sanchez thanked everyone involved in the work that was done.

12. Discussion and Possible Action of Outreach/Education to Audiologists on Aide Registration

Ms. Grimes gave an overview of the educational letter that Ms. Raggio worked on to address the registration of Aides by Audiologists. Mr. Sanchez stated that once approved this information will be on the Board website and an e-mail will be sent out by CAA. Discussion included sending this information out as a renewal insert, adding information on termination of an Aide needed to the communication, and that the Board would need to be sent a termination of supervision notice.

#### **M/S/C Solomon-Rice/Raggio**

- **Approve Aide communication with added language. The motion carried 6-0**

13. Review and Approve Board Letter to California Children’s Services (CCS) Regarding the Lack of Access to Audiology Services for CCS Participants

Ms. Grimes gave background on the history regarding the lack of access to audiology services for CCS participants and that there was no response to a previous letter requesting a meeting to discuss this concern. During the Board discussion it was noted that the name of the Chief of the Department of Health Care Services is needed, this issue has been a problem for decades, and that CAA lobbyist are willing to contact DHCS. Mr. Sanchez stated that this is a good first step for this Board.

**M/S/C Snow/Raggio**

- **Approve the letter to send to DCHS. The motion carried 6-0**

14. Update on President’s Council of Advisors on Science and Technology Report: Aging America and Hearing Loss: Imperative of Improved Hearing Technologies

Ms. Grimes gave an overview of the changes the President’s Council of Advisors on Science and Technology Report (PCAST) recommends regarding hearing loss in aging Americans. Topics brought up during the discussion were the deregulation of the sale of hearing aids so that access is available over the counter, similar to glasses you can purchase at many stores, pricing not regulations will affect access, is there truly harm to the public using low power hearing aids, and those who need the help of a doctor. Other issues that arose is the stigma associated with hearing aids, the Federal Drug Administration (FDA) and the Federal Communication Commission (FCC) needing to change regulations, how far will the FDA and FCC changes go, and hearing aid access for low income Californians with hearing loss.

15. Presentation and Discussion Regarding Recent Guidance on the North Carolina State Board of Dental Examiners v. Federal Trade Commission (North Carolina)

Ms. Pruden briefed the Board on the North Carolina State Board of Dental Examiners v. Federal Trade Commission decision. She gave an overview of the Attorney General opinion and noted that Mr. Sanchez and Ms. Grimes attended training on this issue in September 2015. Ms. Pruden stated although a majority of non-professionals make up the majority of the Board there could be a violation due to who is leading the discussion and that there has been talk about changing the composition of the Board. Ms. Grimes stated that consumer protection is the mandate not personal gain.

16. Future Agenda Items and Future Board Meeting Dates

Ms. Grimes advised the Board that it is important for the public and licensees to attend the Board meetings and the meetings should be held in various locations so they can attend. Mr. Sanchez requested the Board send him two day blocks of availability in August and November for Board meetings.

- a. May 12-13, 2016 -Bay Area or Sacramento
- b. August 11-12, 2016 – Los Angeles
- c. November 3-4, 2016 – Sacramento
- d. February 9-10, 2017 – TBD
- e. May 11-12, 2017 - TBD

17. Adjournment

The meeting adjourned at 2:45 p.m.