



## **BOARD MEETING MINUTES**

May 12-13, 2016

2005 Evergreen Street, "Hearing Room"  
Sacramento, CA 95815

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

### **Full Board Meeting**

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

##### Board Members Present

Alison Grimes, Board Chair  
Patti Solomon-Rice, Vice Chair  
Marcia Raggio, Board Member  
Dee Parker, Board Member  
Amnon Shalev, 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

##### Staff Present

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

##### Guests Present

Becky Bingea, California Academy of Audiology (CAA)  
Tara Welch, DCA Legal  
Amy White, CAA

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

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

### 3. Board Election of Officers

The Board held its annual election of officers whose one year term will begin on July 1, 2016.

Mr. Shalev nominated Ms. Grimes for the position of Chair

- **The Board voted on the nomination of Ms. Grimes to the position of Chair. The motion carried 6-0**

Ms. Parker nominated Ms. Solomon-Rice for the position of Vice-chair.

- **The Board voted on the nomination of Ms. Solomon-Rice to the position of Vice-chair. The motion carried 6-0**

### 4. Review and Approval of the February 4-5, 2016 Board Meeting Minutes

- **Approve the February 4-5, 2016 Meeting Minutes as amended. The motion carried 5-0 with Mr. Shalev abstaining**

### 5. Board Regulations Process Overview

Mr. Sanchez informed the Board that there is a large workload in the area of regulations as the Board has been working on promulgating many regulations over the past eighteen months. The Board does not have the resources to delegate a staff member to work on regulations full time and has redirected enforcement staff to handle this work load. The Board is currently working on a Budget Change Proposal (BCP) to request additional staff specifically to handle regulations. He noted that Ms. Pruden has been a great help with the coordination of the rule making files and clarification with technical and legal issues. The regulation process was explained by Mr. Sanchez and Ms. Pruden to help Board Members better understand the timeline and processes that must be followed with each rule making file.. Questions that were answered included the time it takes a regulation to be approved from beginning to end, the consequence of not meeting the final filing deadline with the Office of Administrative Law (OAL), and raising fees to adequately staff the Board.

### 6. Discussion and Possible Action on Prioritization of Board's Rulemaking Files

The Board reviewed the pending rulemaking files and discussed their order of importance. The Board was informed that a couple of rulemaking files listed in this table will become obsolete if the Board approves proposed language in agenda item 7. The Board was informed that many of the regulations on the list may look familiar because they had been previously approved by the Board but were delayed due to staffing issues.

### 7. Proposed Regulations – Discussion and Possible Action

- a. Title 16, CCR, Section 1399.140 - Hearing Aid Dispenser Continuing Education

The Board was apprised that this regulation package has been disapproved by OAL due to technical issues and is coming before the Board to address the issues that resulted in the disapproval. The Board

addressed the comments received and approved staff recommended responses. The Board listened as Ms. Pruden outline an option, not listed in the memorandum, which modifies the proposed text by extending out the effective date. The process of making the changes and extending the date provides the Board with an opportunity to consolidate rule making files and include the Board-approved language to increase the amount of self-study hours to fifty (50) percent of the required amount of CE which is consistent with the Board's other licensing categories. The Board discussed each of the modifications and additional edits to the text.

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

- **Approve the staff recommended responses to Slater comments. The motion carried 6-0**

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

- **Approve the staff recommended responses to McCoy comments. The motion carried 6-0**

**M/S/C Shalev/Parker**

- **Move to approve the modified text with edits for a 15 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 rulemaking file. The motion carried 6-0**

b. Title 16, CCR, Section 1399.127 - Hearing Aid Dispenser Advertising

The Board was informed that proposed text to the hearing aid dispenser advertising language was approved by the Board in July 2013. The regulation is being brought back before the Board to revisit the language and approve amended text which brings clarity to the language and addresses issues faced by enforcement staff. The Board reviewed the staff-proposed new text and discussed additional edits to the language.

**M/S/C Grimes/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 rulemaking file. The motion was withdrawn**

**M/S/C Grimes/Shalev**

- **Move to approve the proposed text as amended 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 rulemaking file. The motion carried 6-0**

c. Title 16, CCR, Section 1399.170 - Speech-Language Pathology Assistants

Modified language is being brought before the Board to approve which, among other minor changes to the text, incorporates the Supervised Clinical Experience Clock Hours which were approved during the February 4-5, 2016 Board meeting.

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

- **Move to approve the proposed text for a 15 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 rulemaking file. The motion carried 6-0**

8. Executive Officer's Report

a. Administration Update

The Board will be adding one permanent staff position by July 1, 2016. This position was attained through the budget change proposal process and will work in licensing to further improve processing times.

b. Budget Report

The Board is scheduled to spend most of its budget this fiscal year. Enforcement and conducting the practical examination are the two areas that have seen an increase in spending.

c. Licensing Report

Licensing is in a better position at this point in time than in previous years. We are seeing the results of process improvements and hard work. Processing timeframes are lower thanks to a team effort by our licensing team.

d. Practical Examination Report

The Board is testing more frequently than in prior years and holding workshops in partnership with the Office of Professional Examination Services to make improvements to the practical examination.

e. Enforcement Report

The Board has held meetings with the Division of Investigation (DOI) which has helped the understanding of DOI processes and workload issues. DOI processing time statistics will continue to decrease as older cases are completed. It is noted that the Board has a large amount of cases pending with the Office of the Attorney General for a Board of our size.

f. Strategic Plan Update

The published Strategic Plan was given to the Board members. Mr. Sanchez informed the Board that staff is working with the SOLID team to create an action plan to complete the goals and objectives within the four (4) year timeframe. The action plan should be available by the August Board meeting.

In addition, Mr. Sanchez has met with Board stakeholders over the past few months to discuss topics that are important to them.

**Closed Session**

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

1C 2012 85  
Stipulated Settlement - Adopted

1C 2012 98  
Stipulated Settlement - Adopted

**Return to Open Session**

10. The Board recessed at 5 p.m.

**May 13, 2016**

Alison Grimes, Board Chair, called the Speech-Language Pathology and Audiology and 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.

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

**Board Members Present**

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

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Board Members Absent

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

Staff Present

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

Guests Present

Becky Bingea, CAA  
David Chriss, Chief, Division of Investigations (DOI)  
Rex Cowart, Northern Commander, DOI  
Linda Pippert, California Speech-Language Hearing Association (CSHA)  
Dennis Van Vliet, AuD, Starkey Hearing Technologies  
Tara Welch, DCA Legal  
Amy White, CAA  
Stephanie Whitley, Supervising Investigator, DOI

2. Public Comments for Items not on the Agenda

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

3. Presentation about Division of Investigation

The Division of Investigation (DOI) gave a presentation to the Board in which they explained their role in the Board's Enforcement Program. Mr. Chriss informed the Board that DOI was created in 1961 to provide investigative services for the various entities within the Department of Consumer Affairs (DCA). He spoke about the process of how complaints are handled and the types of cases they handle. Mr. Cowart and Ms. Whitley informed the Board that DOI has its own webpage and reported that licensees and the public can contact DOI directly if they have concerns. Ms. Whitley explained how her unit triages complaints and forwards them to the appropriate field office to investigate. DOI answered questions from Board members to help them gain a better understanding of the role DOI plays in the Board's Enforcement program.

4. Discussion and Possible Action to Seek a Legislative Change to Eliminate Speech-Language Pathology Aide Designation

Ms. Solomon-Rice spoke about the differences between the Speech-Language Pathology Aide (Aide) and the Speech-Language Pathology Assistant (SLPA). The Board discussed various issues including Aides not requiring special training, the impact on the accessibility to services, consumer protection, how Aides are used to perform duties out of their scope of expertise. There was discussion on how the

Aides designation may be encouraging unlicensed practice in the field of speech-language pathology. The Board was provided information that Aides have been working in school districts as instructional assistants assigned to provide speech therapy activities to children for many years and that SLPA job tasks need to be disseminated to school districts so they are not working outside their scope of practice.

Mr. Sanchez informed the Board that there are approximately thirty (30) registered Aides who submit a one (1) time application fee of \$10 and do not renew their registrations. Ms. Pruden noted that Aides could have been eliminated when SLPAs were added in 1998. She opined that the legislature may have thought there was still a need for Aides at the time. Mr. Sanchez remarked that the needs in the field have likely changed over the years and that eliminating Aides will require statutory changes. The elimination of the Aide designation is an issue that can be further discussed as an issue for legislation during Sunset Review.

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

- **Direct staff to seek statutory change to eliminate the Speech-Language Pathology Aide designation during Sunset Review. The motion carried 6-0**

#### 5. Discussion and Possible Action Regarding Foreign Educated SLP Applicants and English Proficiency Test Requirements

Ms. Solomon-Rice reported on English Proficiency for Foreign Educated applicants. She supplied a matrix which provided application and English proficiency requirements from different healing arts Boards. The Board and public discussed implementing English proficiency, Physical Therapy Board cut off score, and how the speaking portion of the examination works on an online test. Ms. Pruden stated the Board did not have the authority to require English Proficiency at this time and that she needed to research Federal laws to see if any will prohibit this requirement.

#### 6. Audiology Practice Committee Report – Discussion and Possible Action

Ms. Grimes presented the Audiology Practice Committee report. She noted that there has been communication with California Children Services (CCS) and the next phone conference may be in June. Ms. Grimes reported that the AuD licensing requirements are being clarified; specifically supervised clinical experience and require professional experience. In addition, the Committee was informed that changes at the national and state levels are being forecasted that might impact audiology training programs.

#### **M/S/C Raggio/Parker**

- **Motion to accept the report. The motion carried 6-0**

#### 7. Legislation Update, Review, and Possible Action

- a. AB 1707 (Linder) Public records: response to request

The Board did not discuss this bill.

b. AB 1950 (Maienschein) Hearing aids: audio switch

Ms. Raggio spoke about this bill. Discussion ensued and it was mentioned that this bill would be problematic as written due to advancing and obsolete technology and the Board being required to develop and update a disclosure brochure. The Board discussed options such as writing a letter of support about educating consumers about available technologies that may help their communication problems, not supporting the bill as currently written, and to take a wait and see position.

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

- **Motion for Ms. Raggio and Ms. Grimes write a letter opposing the current language of the bill unless amended. The letter should also express the Board's support for the concept of the bill. The motion carried 6-0**

c. AB 2317 (Mullin) California State University: Doctor of Audiology degrees

The Board discussed this bill and about sending a letter of support of the current language of the bill.

**M/S/C Raggio/Parker**

- **Motion to write a letter supporting the current language of the bill. The motion carried 6-0**

d. AB 2606 (Grove) Crimes against children, elders, dependent adults, and persons with disabilities

The Board did not take a position on this bill.

e. AB 2701 (Jones) Department of Consumer Affairs: boards: training requirements

The Board did not discuss this bill.

f. AB 2859 (Low) Professions and vocations: retired category: licenses

The Board decided to watch this bill.

g. SB 1033 (Hill) Medical Board: disclosure of probationary status

The Board did not take a position on this bill.

h. SB 1155 (Morrell) Professions and vocations: licenses: military service

The Board did not take a position on this bill.

i. SB1195 (Hill) Professions and vocations: board actions: competitive impact



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Ms. Pruden explained this bill came about from the North Carolina Dental Board antitrust lawsuit, how it affects the Board as a whole and how it affects the rulemaking packages. The Board decided to watch this bill.

8. Future Agenda Items and Future Board Meeting Dates

Items identified as future agenda items include Sunset Review, hearing aids that are locked from being serviced by a company other than the original manufacturer, English proficiency requirements, SLPA supervision audits, and President's Council of Advisors on Science and Technology (PCAST).

- a. August 11-12, 2016 – Los Angeles
- b. November 3-4, 2016 – Sacramento
- c. February 9-10, 2017 – TBD

The Board decided to hold the February 2017 Board meeting in San Diego

- d. May 11-12, 2017 – TBD

The Board decided to hold the May 2017 Board meeting in the Bay Area.

- 9. The Board adjourned at 3 p.m.