



## **BOARD MEETING MINUTES**

**February 9 - 10, 2017**

4200 Taylor Street  
 San Diego, CA 92110

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.

### **Full Board Meeting Open Session – February 9, 2017**

#### 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; 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  
 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

#### Staff Present

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

#### Guests Present

Toni Barrient, Hearing Loss Association of America (HLAA)  
 Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)

2. Public Comment for Items not on the Agenda

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

3. Review and Approval of the November 3-4, 2016, November 17, 2016, and December 16, 2016 Board Meeting Minutes

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

- **Motion to approve the November 3-4, 2016 Board Meeting Minute with edits. The motion carried 6-0**

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

- **Motion to approve the November 17, 2016 Board meeting minutes as written. The motion carried 6-0**

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

- **Motion to accept the December 16, 2016 Board meeting minutes as written. The motion carried 6-0**

4. Executive Officer's Report

a. Administration Update

Paul Sanchez updated the Board on staffing changes which included the loss of Francisco Del Pozo (licensing) and Nguyet Pham (support staff) and the hiring of Casey Triggs (licensing). He explained the turn over to the Board as staff develops their skills they move on to new opportunities.

b. Budget Report

Mr. Sanchez advised the Board to expect overspending in enforcement. A request to augment the Attorney General line item has been submitted. He noted that the Board will be closely monitoring spending through the end of the 2016-2017 fiscal year.

c. Licensing Report

Staff has been working hard to meet the processing goals as the licensee population grows.

d. Practical Examination Report

e. Enforcement Report

The higher number of complaints on the Speech and Audiology side was pointed out. Mr. Sanchez informed the Board that the large number of complaints is due to the higher licensee population there are a larger number of complaints on the Speech and Audiology side because the licensee population is higher.

## **Closed Session**

5. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Deliberate on Disciplinary Matters Including Petitions, Proposed Decisions, Stipulated Decisions, Defaults, and Any Other Disciplinary Matters.

11-2014-29

Stipulated Settlement - Adopted

## **Return to Open Session**

The meeting returned to open session and immediately went into recess until February 10, 2017.

## **February 10, 2017**

Alison Grimes, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:12 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  
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

### **Staff Present**

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

### **Guests Present**

Toni Barrient, HLAA  
Vanessa Cajina, HHP  
Joe Dobrik, Dobrik Hearing Care  
Toby Hill, HHP  
Cliff Johnson, HHP

## 6. Update on Board's Sunset Review and Hearings

Mr. Sanchez updated the Board on the Sunset Review and hearing schedule. The report was extensively detailed and the hearing is scheduled for 9:00 a.m. on March 6, 2017. Mr. Sanchez requests that all Board members be available the last two weeks of February to assist in responding to issues or questions raised by the Senate Committee.

## 7. Discussion and Possible Action Regarding Sunset Review Responses

The discussion of Sunset Review responses was included in the update on Board's Sunset Review and Hearings.

## 8. Report on Speech-Language Pathology Services Credential Variable Term Waiver and Supervision of Speech-Language Pathology Assistants

Dee Parker reported on the meeting with the Commission on Teacher Credentialing. She informed the Board of the topics discussed during the meeting which included the job of a SLPA, the training of SLPA's, and the misuse of SLPAs.

## 9. Update on the Approval Process for Speech-Language Pathology Assistant Training Programs

The last SLPA training program was approved prior to current staff members and the procedures for approving SLPA training programs are unable to be located. Ms. Solomon-Rice, Ms. Parker, and Breanne Humphreys along with staff from various colleges can work together on the development of a SLPA training program approval process. Meetings, when held, will be noticed so anyone can participate.

## 10. Overview of Continuing Education Requirements/Continued Professional Development for all Board Licensees

Mr. Sanchez gave an oral and visual presentation on the Continuing Education (CE) requirements for all the Board licensees. It was noted that the CE requirements are difficult to understand although information on the website does help clarify the requirements. Clearing up the CE language is a topic the Board can address.

## 11. Audiology Practice Committee Report

- a. Discussion and Possible Action on Recommendation regarding Continued Professional Development Requirements for DAUs – Title 16, CCR, Section 1399.160.3(e)(3)
- b. Discussion and Possible Action on Recommendations regarding Communication with California Children's Services (CCS)

Ms. Grimes reported to the Board the discussion of the Audiology Practice Committee. The Committee approved the August 11, 2016 Committee Meeting Minutes. She noted there was a motion to request that the Board amend the Continuing Education (CE) regulation to clarify and simplify the requirements to have more flexibility in achieving their CE hours. She mentioned that the Committee discussed the challenges with the CCS program. She noted that Ms. Raggio prepared a summary statement that outlines the challenges with CCS.

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

- **Motion to accept the report as presented to the Board. The motion carried 6-0**
- **Motion to delegate to staff to bring back information to the Board regarding the courses that are available to Dispensing Audiologists. The motion carried 6-0**
- **Delegate to Ms. Raggio to work with CAA to facilitate a meeting with CCS. The motion carried 6-0**

### 12. Update on Board's Development of Telecoil Fact Sheet for Consumers

Ms. Raggio briefed the Board on the work that has been done so far on the Consumer Fact Sheet. She proposed working with HLAA to improve the content and HHP informed the Board they would be happy to assist as well.

### 13. Discussion and Possible Action regarding Performance of Tympanometry Services and Cerumen Management by Hearing Aid Dispensers and Hearing Aid Dispenser's Scope of Practice

Mr. Sanchez informed the Board that the topic of tympanometry and cerumen management by Hearing Aid Dispensers came up prior to a bill recently introduced, SB 198. The Board is unable to take a position on SB 198; however, the Board can discuss the topic noticed in the agenda which is adding the performance of tympanometry services and cerumen management to the hearing aid dispenser's scope of practice. Board staff is asked to provide legislative analysis on the impact these changes would have on the Board.

Discussion by the Board included the expansion of the scope of practice, having to test for these services which may have significant fiscal implications, and that tympanometry is not a hearing test that is helpful for the fitting and selling of hearing aids. Response by Ms. Cajina on behalf of HHP to the issues brought by the Board regarding cerumen management notes that this is a client access issue where one visit turns into three due to having to refer out for cerumen removal. HHP is in agreement with the Board on testing and has concerns about including cerumen management in the practical exam. Toby Hill, president of HHP, responded on tympanometry by stating that when they refer out for the air-bone gap the Otolaryngologist questions why they do not perform this test. He stated that if they do not perform a tympanometry test they are fitting a hearing aid blindly. Mr. Hill opined that the bone conduction testing is subjective due to the size and shape of the skull.

### 14. Discussion regarding Federal Drug Administration Guidance Document: Conditions for Sale for Air-Conduction Hearing Aids (December 12, 2016)

The Board reviewed and discussed the Federal Drug Administration Guidance Document: Conditions for Sale for Air-Conduction Hearing Aids. Senators Grassley and Warren have worked together to submit a bill that will improve access to hearing aids. The Board was informed that we have an exemption on file regarding the fitting of hearing aid to persons under the age of sixteen.

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

- a. Title 16, CCR, Sections 1399.131.1 & 1399.155.1 - Uniform Standards for Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers

Ms. Pruden reviewed with the Board changes to the proposed text that referred to the Disciplinary Guidelines in error.

#### **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 6-0**
- b. Title 16, CCR, Sections 1399.131 & 1399.155 - Disciplinary Guidelines

Ms. Pruden and Anita Joseph along with Mr. Sanchez led the discussion on the final proposal for the regulation text and Disciplinary Guideline booklet. The Board recommended edits to function in a license capacity, and accepted other staff recommendations to the booklet.

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

- **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 6-0**
- c. Title 16, CCR, Section 1399.127 - Hearing Aid Dispenser Advertising

The Board, led by Ms. Pruden, discussed the latest version of the proposed hearing aid dispenser advertising language. The Board was advised that the regulation does not need to be extensive since Business and Professions Code (BPC) 651 covers the issues. The Board was informed that they may adopt a precedential decision to establish an authoritative rule for subsequent advertising situations. As there is contention within the wording of the proposed text a decision was made requesting a committee be formed to continue working on the language.

#### **M/S/C Parker/Snow**

- **Motion to delegate Amnon Shalev and Marcia Raggio to work on the proposed Hearing Aid Dispenser text. The motion carried 6-0**

#### **16. Legislation Update, Review, and Possible Action**

- a. AB 12 (Cooley) State government: administrative regulations: review
- b. AB 77 (Fong) Regulations: effective dates and legislative review
- c. SB 27 (Morrell) Professions and vocations: licenses: military service

#### **17. Future Agenda Items and Future Board Meeting Dates**

- a. May 11-12, 2017 – Bay Area
- b. August 10-11, 2017 – TBD

The Board chose to hold the August Board meeting in Sacramento.

c. November 2017 – TBD

The Board chose to change the dates of the fall Board meeting to October 26-27, 2017, and hold the meeting in Southern California.

d. February 8-9, 2018, TBD

18. Adjournment

The meeting adjourned at 3:02 p.m.