



BOARD MEETING MINUTES

Sacramento, CA 95815

February 8-9, 2018

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

Dee Parker, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 3:04 p.m. Ms. Parker called roll; five members of the Board were present and thus a quorum was established.

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

Board Members Present

Dee Parker, Board Chair
Marcia Raggio, Vice Chair
Rodney Diaz, MD, Public Board Member
Karen Chang, Public Board Member
Amnon Shalev, HAD, Board Member
Debbie Snow, Public Board Member
Patti Solomon-Rice, SLP, Board Member

Staff Present

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

Guests Present

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)
Beverly Dunbar, Pasadena City College, Speech-Language Pathology Assistant Program
Heidi Lincer-Hill – Chief, Office of Professional Examinations (OPES)
Tracy Montez – Department of Consumer Affairs (DCA), Division Chief
Amy Welch – Gandy - OPES
Amy White, California Academy of Audiology (CAA)

2. Swearing-In of Public Board Member Karen Chang and Reappointment of Speech-Language Pathology Board Member Margaret (Dee) Parker

Paul Sanchez swore in reappointed Board Member Ms. Parker and new Public Board Member Karen Chang.

Closed Session

3. Pursuant to Government Code Section 11126(c)(1), the Board Will Meet in Closed Session to Deliberate on the Preparation, Approval, Grading, or Administration of the Examinations.

The Board entered into closed session at 3:10 p.m.

4. 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.

D1-2012-85
Non-adopt

D1-2012-98
Non-adopt

Open Session

February 9, 2018 Reconvene at 9:00 a.m.

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

Dee Parker, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 9:17 a.m. Ms. Parker called roll; seven members of the Board were present and thus a quorum was established.

Board Members Present

Dee Parker, SLP, Board Chair
Marcia Raggio, AuD, Vice Chair
Rodney Diaz, MD, Public Board Member
Karen Chang, Public Board Member
Amnon Shalev, HAD, Board Member
Debbie Snow, Public Board Member
Patti Solomon-Rice, SLP, Board Member

Staff Present

Paul Sanchez, Executive Officer
Cesar Victoria, DCA Web Cast
Breanne Humphreys, Program Manager
Carla Newman, Enforcement Coordinator
Megan O'Carroll, Deputy Attorney General (DAG)
Kelsey Pruden, Legal Counsel
Karen Robison, Analyst

Guests Present

Miriam Blanchard, SLP

Karen Brandt, Administrative Law Judge (ALJ)

Carolyn Bower, Neurodynamics

Kristina C. Brady, Neuro Sound, Inc.

Vanessa Cajina, KP Public Affairs for Hearing Healthcare Providers (HHP)

Beverly Dunbar, Pasadena City College, Speech-Language Pathology Assistant Program

Jacque Georgeson, CAA University of the Pacific Audiology Program

Beth Jaramillo, Neuro Sound, Inc.

Charlette Moore

David Morledge

Melanie Venne, Neurodynamics

Amy White, CAA

9:30 a.m. – Petition Hearings

6. Petition for Reinstatement of Surrendered License- Taran Crocker, HA, License # 7542

The Board voted 7-0 to put over Mr. Crocker’s case until the next Board meeting to ensure that proper notice of the hearing is served.

7. Petition for Penalty Relief (Termination of Probation) – Miriam Blanchard, SP, License # 8627

Karen Brandt opened the hearing. Ms. O’Carroll presented the case to the Board. Ms. Brandt swore in Miriam Blanchard. Ms. Blanchard presented her case to the Board. Ms. O’Carroll cross examined Ms. Blanchard. Ms. Blanchard responded to the Board’s questions. Ms. O’Carroll gave her closing argument. Ms. Blanchard gave her closing argument.

Closed Session

The Board entered into closed session at 12:00.

8. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate on Above Petitions

11-2016-097

The Board deliberated on Ms. Blanchard’s petition for penalty relief.

Open Session

The Board returned to open session at 1:15 p.m.

9. Public Comment for Items not on the Agenda

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

10. Approval of the May 11-12, 2017, August 10-11, 2017, October 26-27, 2017 and December 28, 2017 Board Meeting Minutes

M/S/C Diaz/Raggio

- **Motion to approved the May 11-12, 2017 meeting minutes as written. The motion carried 6-0 with Ms. Chang abstaining.**

M/S/C Solomon-Rice/Shalev

- **Motion to approve the August 10-11, 2017 meeting minutes as written. The motion carried 6-0 with Ms. Chang abstaining.**

M/S/C Raggio/Solomon-Rice

- **Motion to approve the October 26-27, 2017 meeting minutes as amended. The motion carried 5-0 with Mr. Diaz and Ms. Chang abstaining.**

M/S/C Diaz/Raggio

- **Motion to approve the December 28, 2017 meeting minutes as written. The motion carried 6-0 with Ms. Solomon-Rice abstaining.**

11. Update from Speech-Language Pathology Practice Committee

Ms. Solomon-Rice provided an overview to the Board about what was discussed at the SLP Practice Committee Meeting. She informed the Board that Melissa Jakubowitz presented the SLP Practice Committee with information on telepractice. The information that Ms. Jakubowski presented about telepractice included, but was not limited to, telepractice being a mode of providing services by many companies especially in schools, barriers preventing telepractice services, third party reimbursement issues, and holding licenses in multiple states. She opined that experience providing services should be required before a licensee is allowed to provide services by way of telepractice.

12. Update from the Hearing Aid Dispensers Committee

- a. Discussion and Possible Action Regarding California Code of Regulations 1399.119 – Direct Supervision (Hearing Aid Dispenser Trainees)

Mr. Shalev provided an overview to the Board about the concerns the HAD Practice Committee has with the amount of supervision that Hearing Aid Trainees (Trainees) receive while they are fitting and selling hearing aids. The HAD Practice Committee is specifically concerned with the safety of consumers when Trainees take ear mold impressions, ear inspections, and performing audiograms. Mr. Shalev informed the Board that staff and legal counsel are going to work on proposed language defining supervision, changing supervision requirements and supervision levels and bring the proposed language back to the HAD Practice Committee meeting in May 2018.

13. Update on the January 11, 2018 Meeting and Possible Action regarding Communications with California Children's Services (CCS)

Ms. Raggio updated the Board on the meeting that was held on January 11, 2018, with CCS that included Mr. Sanchez, Ms. Raggio representing the Board, Amy White representing CAA, and Alison Grimes. The meeting was held to set up lines of communication with CCS to address issues such as losing audiologists who no longer want to participate in CCS because of reimbursement problems, medical clearance issues, provider requirements, and one person within CCS to serve as a point of contact. Ms. White informed the Board that the Chief of Integrated Systems of Care, Sara Eberhardt-Rios and six staff members attended the meeting. Ms. White reported that Ms. Eberhardt-Rios was to identify one point of contact to serve as a liaison for CAA to go to with questions and that quarterly meetings would be held. Ms. White reported that there has been no contact from CCS regarding the next meeting, which should be held in April, or who has been given the role as the CCS liaison. Ms. Raggio remarked that this is becoming an access issue and a consumer protection issue. If we do not resolve the issues discussed in the meeting audiologists will drop out as CCS providers. Ms. White will be contacting Ms. Eberhardt-Rios the week of February 12, 2018, to reestablish contact and learn who the liaison is.

14. Discussion and Possible Action on Board's Development of Hearing Aid Consumer Fact Sheet

Ms. Raggio went over the changes that were made to the Hearing Aid Consumer Fact Sheet since the October 2017 Board meeting.

M/S/C Raggio/Snow

- **Motion to accept the revised Hearing Aid Consumer Fact Sheet and place it on the Board website as amended. The motion carried 7-0**

15. Discussion and Possible Action on Audiology Intraoperative Monitoring

Ms. Raggio introduced the topic of intraoperative monitoring (IOM) and noted that this job task was a part of audiology when she graduated. Carolyn Bower and Elizabeth Jaramillo spoke to the Board about the issue with insurance companies not remitting payment for services. They spoke about IOM being a part of the audiology curriculum that needs to be included as part of the scope of practice for audiologists. Audiologists are the only profession who has been trained for decades to read brain waves of nerve responses. In the profession, IOM has evolved over the years and requires additional, specialized training and education. Observation of cases, years of experience, and the passage of written and oral examinations are required to receive certification (examples include: CNIM, AABIOM, or ASNM certification) to perform the task of IOM. The history of IOM within the profession of audiologists was expanded upon and issues regarding patient safety and access to safe patient care when audiologists are unable to provide IOM was introduced. Dr. Diaz opined that audiologists are the best trained to perform IOM. Mr. Sanchez stated that the Board will look into IOM performed by audiologists.

M/S/C Raggio/Solomon-Rice

- Motion to assign Ms. Raggio the task of working with Intraoperative Monitoring professional's and CAA to develop a letter supporting audiologists in their work performing Intraoperative Monitoring. The motion carried 7-0

16. Executive Officer's Report
a. Administration Update

Mr. Sanchez informed the Board that two positions have been approved for the next fiscal year. One position is allocated to provide administrative support and one is a senior analyst to work on legislation and regulations.

b. Budget Report

The budget report was not discussed.

c. Licensing Report

The licensing report was not discussed.

d. Practical Examination Report

The practical examination report was not discussed.

e. Enforcement Report

The enforcement report was not discussed.

17. Proposed Regulations – Discussion and Possible Action

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

The Board discussed the proposed fee increase and noted one edit to the SLPA application fee. Ms. Chang inquired about increasing fees in the future and was informed that the Board is increasing fees to the statutory limit with this regulation. Mr. Sanchez informed the Board that a fiscal imbalance will lead to the Board pulling money from the reserves to continue operating. The Board needs additional funds to support its growing licensee population.

M/S/C Snow/Solomon-Rice

- **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 rule making file. The motion carried 7-0**

b. Title 16, CCR, Sections 1399.170.13 and 1399.170.14– Speech-Language Pathology Assistant Application and Requirements for Renewal

The Board began discussing edits to the proposed language. The Board assigned the task of amending the proposed language to the SLP Practice Committee.

c. Title 16, CCR, Section 1399.129 and 1399.157.1 – Notice to Consumer

The Board discussed the changes to the proposed language. They discussed the wording client vs. patient and verified that the term registration is included in the definition of license.

M/S/C Shalev/Raggio

- **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 rule making file. The motion carried 7-0**

d. Title 16, CCR Section 1399.152 – Approved Institutions (Speech and Audiology)

The Board talked about the changes to the language. Mr. Sanchez stated he tried to remove references to organizations to be neutral. It was also noted that the proposed language references both the old and new licensing requirements.

M/S/C Raggio/Chang

- **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 with Ms. Snow abstaining.**

e. Title 16, CCR Sections 1399.152.2, 1399.153, 1399.170, 1399.170.4, 1399.170.6, 1399.170.10, 1399.170.11, and 1399.170.15 – Speech-Language Pathology Supervised Clinical Experience, Required Professional Experience Speech-Language Pathology Assistant Training Programs, Speech-Language Pathology Assistant Requirements and Qualifications for Registrations

The Board assigned the task of amending the proposed language to the SLP Practice Committee.

18. Legislation Update, Review, and Possible Action

- a. AB 1659 (Low) Healing arts boards: inactive licenses.

The Board was informed that AB 1659 is early in the process and establishes an inactive license option.

- b. SB 198 (Galgiani) Hearing aid dispensers: cerumen: management: tympanometry

The Board was informed that SB 198 did not make it out of committee.

- c. AB 11 (McCarty) Early and Periodic Screening, Diagnosis, and Treatment Program: screening services

The Board did not discuss AB 11.

19. Future Agenda Items and Future Board Meeting Dates

Future agenda items include locked hearing aids, intraoperative monitoring, SLP telepractice, and SLPA regulations.

- a. May 10-11, 2018 – Bay Area

The Board made the decision to hold the May 2018 Board meeting in San Francisco.

- b. August 9-10, 2018 – San Diego
- c. November 8-9, 2018 – Sacramento
- d. February 7-8, 2019 - Los Angeles
- e. May 2-3, 2019 TBD

20. Adjournment

The meeting adjourned at 3:37 p.m.