



BOARD MEETING MINUTES

Sacramento, CA 95815

May 31-June 1, 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 1:54 p.m. Ms. Parker 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

Dee Parker, Board Chair
Marcia Raggio, Vice Chair
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
Breanne Humphreys, Program Manager
Carla Newman, Enforcement Coordinator
Kelsey Pruden, Legal Counsel
Katrina Martinez, Analyst

Guests Present

Heidi Lincer, Chief, Office of Professional Examination Services (OPES)
Jacque Georgeson, University of the Pacific

2. Approval of the February 9, 2018 Board Meeting Minutes

M/S/C Solomon-Rice/Snow

- **Motion to approve the February 8-9, 2018 meeting minutes as amended. The motion carried 6-0.**

3. Public Comment for Items not on the Agenda

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

Closed Session

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.

The Board entered into closed session at 1:58 p.m.

Open Session

The Board returned to open session at 3:20 p.m.

5. Office of Professional Examination Services presented the 2017 Audiology Occupational Analysis

Heidi Lincer, Ph.D., Chief, Office of Professional Examination Services (OPES) explained that OPES provides professional consulting services to the DCA and develops our HAD written and practical exams. Ms. Lincer explained that occupational analyses establish exam validity through linking of exam content to critical job competencies. An occupational analysis is completed with interviews, research, focus groups, surveys, and data analysis. The audiology occupational analysis reviewed the overlap between the audiology and HAD descriptions of practice.

Ms. Lincer also presented OPES' analysis regarding the examination requirements for dispensing audiologists. This analysis was done, in part, to identify unnecessary barriers to licensure. Based on its review OPES determined that audiologists wishing to dispense hearing aids should not have to take the HAD Practical examination and that the Board should evaluate further whether the practical examination was creating an unnecessary barrier to licensure. This is because practice-related HAD tasks and knowledge are represented on national examination, performance-based assessments were incorporated into curriculum in 2008, and the HAD practical exam is designed for a different population than currently trained audiologists.

Ms. Raggio inquired as to whether intraoperative monitoring (IOM) was included in the occupational analysis. Ms. Lincer answered that IOM was included in the "implantable devices" section and explained that IOM is probably linked to other related tasks but not specifically outlined. Mr. Sanchez pointed out where it is referenced in the "diagnostic testing" section.

Mr. Sanchez reminded the Board that there is a legal requirement for audiologists to take and pass the practical exam which was determined when the Boards first merged. Even though the scope of practice for audiologists include the fitting of hearing aids, the dispensing license is required to *sell* hearing aids. Mr. Shalev opined the need to examine the percentage of pass-fail results for audiologists taking the HAD exams. Jacque Georgeson (UOP) described the requirement within curriculum standards for testing the knowledge and skill of taking ear mold impressions by audiology students in order for the university's program to be accredited.

June 1, 2018 Reconvene at 9:00 a.m.

Dee Parker, Board Chair, called the Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board meeting to order at 10:00 a.m. Ms. Parker called roll; six 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
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
Breanne Humphreys, Program Manager
Carla Newman, Enforcement Coordinator
Janson Tant, Deputy Attorney General (DAG)
Kelsey Pruden, Legal Counsel
Katrina Martinez, Analyst

Guests Present

Marshall Shoquist, AU
Timothy Aspinwall, Administrative Law Judge (ALJ)
Linda Pippert,
Alex Macilraith
Carolyn Bower
Christine Throm
Marni Novick
Caitlin Jung
Deanna Mcoy

Petition Hearings for Reinstatement of Licensure of Other Reduction of Penalty (Time Certain: June 1, 2018 at 9:00 a.m.)

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

The Board did not hear or discuss this petition.

7. Petition for Penalty Relief (Termination of Probation) – Marshall Shoquist, AU, License #461

Timothy Aspinwall opened the hearing. Mr. Tant presented the case to the Board. Mr. Aspinwall swore in Marshall Shoquist. Mr. Shoquist presented his case to the Board. Mr. Tant cross examined Mr. Shoquist. Mr. Shoquist responded to the Board's questions. Mr. Tant gave his closing argument. Mr. Shoquist gave his closing argument.

Closed Session

The Board entered into closed session at 11:24 a.m.

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

Case number 1I 2011-51

The Board deliberated on Mr. Shoquist's petition for penalty relief.

Open Session

The Board returned to open session at 12:30 p.m.

9. Update from Speech-Language Pathology Practice Committee and Possible Action on any recommendations from Committee

Patti Solomon-Rice updated the Board about the SLP Practice Committee meeting held on May 31, 2018. The Committee reviewed letters the Board received in support of tele-supervision. They discussed what "direct monitoring" is and the need for clarification within the regulations. The question of whether tele-supervision can be used to supervise RPE temporary licensees for the monthly requirement of direct monitoring was discussed. Ms. Solomon-Rice explained the need to further explore the issue of tele-supervision and the Committee will work with legal counsel to develop better definitions for supervision of RPE licensees. Ms. Solomon-Rice opined that the type of supervision should be based on the competencies of the RPE licensee. She concluded with the fact that the Committee is not opposed to tele-supervision but a clear outline for the types of supervision is needed.

10. Discussion and Possible Action on Audiology Intraoperative Monitoring

Marcia Raggio briefly reviewed the discussion of intraoperative monitoring (IOM) as part of the scope of practice for audiology from the Board meeting held on February 9, 2018. Ms. Raggio explained the frustration of audiologists being denied payment from insurance companies for IOM and the need for a letter from the Board recognizing IOM as within the scope of practice. A draft of the letter was developed by Ms. Raggio along with assistance from audiologists who perform IOM but there are questions remaining in order to finish writing the letter.

Carolyn Bower answered questions from the Board regarding IOM. She explained that there is not a license offered for IOM nor is there a governing body for IOM. There are certifications available for IOM with different requirements to be certified. A hospital may hire either a technologist or an audiologist to perform IOM but the interpretation of the report is usually done by someone with a doctoral level degree (AuD or MD). She discussed the various ways that audiologists bill for IOM services including billing the insurance companies directly. Ms. Raggio explained that the letter developed does not have language within regulation to define IOM as within the scope of practice. She recommended that audiologists running into the issue of insurance companies denying payment should seek a legislative solution. Paul Sanchez described the need to identify the link between audiology and IOM. He discouraged that the Board cannot change statute to exclude other professions from performing IOM and suggested looking into how other states have handled this situation. Carolyn expressed the desire to add the letter to the Board's website in order to provide a link to the letter more easily. Mr. Sanchez explained that he will work with legal counsel to explore additional information required within the letter. Amnon Shalev asked whether there is evidence

that MD professionals receive more training or education for IOM. Carolyn responded that there is evidence that *some* MDs actually receive *less* training within their curriculum.

11. Executive Officer's Report

a. Administration Update

Mr. Sanchez informed the Board that there has been some recent staff turnover. He reminded the Board of the two positions approved for the new fiscal year. Presently recruiting for three vacancies (two in enforcement and one in licensing) in addition to the two new positions. Ms. Humphreys reported to the Board that on Monday a licensing analyst will join Board staff and a current licensing analyst will be promoted to an enforcement analyst.

b. Budget Report

Mr. Sanchez reviewed the FY 2017-2018 budget report with the Board. He informed the Board that we will soon update our database and software systems which will require funding. In addition to this, Mr. Sanchez expressed the need for licensees to renew their licenses online. These items will be included in future projections. Proposed fee increases will help to balance future costs.

c. Licensing Report

Mr. Sanchez showed the number of licenses issued thus far in the FY 2017-2018. He explained that the Board's licensing population is experiencing growth.

d. Practical Examination Report

Mr. Sanchez disclosed the results of the February 24, 2018 HAD practical exam. Mr. Shalev pointed out the number of audiologists who failed the exam and expressed the desire to see previous statistics.

e. Enforcement Report

Mr. Sanchez reviewed the number of enforcement cases the Board has had over the past few years and explained that the averages are often skewed by one case that takes longer to process but overall the average is about three years for disciplinary matters.

12. Proposed Regulations – Discussion and Possible Action

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

The Board reviewed the updated application, application checklist, and the associated fieldwork experience/employment work experience verification forms for registration as a speech-language pathology assistant. If the proposed regulation to include course requirement for SLPA regulations and scope of practice is approved the application will need to be updated to include question pertaining to this course.

b. 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 reviewed proposed changes to regulations including changes that have been approved in the past but are still pending approval. Edits made to the definition of “direct supervision” and the licensure requirements for supervisors were noted. Kelsey Pruden explained why the proposed changes have been removed for clarification purposes or to reduce redundancy. Additional proposed changes include a change to minimum fieldwork hours required to maintain consistency with ASHA requirements and national standards and to include evidence of completion of a course specific to SLPA regulations and scope of practice for bachelor’s degree holders.

M/S/C Solomon-Rice/Snow

- **Motion to notice regulation changes and delegate authority to the EO to make non-substantive changes. Motion carried 6-0**

c. Title 16, CCR, Sections 1399.131 & 1399.155 - Disciplinary Guidelines

Mr. Sanchez explained to the Board that the Disciplinary Guidelines have not been updated for many years. Ms. Pruden described the difficulty in combining the guidelines for the Hearing Aid Dispensing side and the Speech-Language Pathology/Audiology side of the Board. The result is an entirely new document. Guidelines should be specific enough but will act as a guide; it does not need to be all-inclusive. The Board discussed the new document and recommended minor changes.

M/S/C Shalev/Raggio

- **Motion to approve proposed language as modified and direct the EO to take necessary steps to initiate rule-making process, make non-substantive changes, and post proposed text for 45-day public comment period. Motion carried 6-0**

13. Legislation Update, Review, and Possible Action

a. AB 2138 (Chiu) Licensing boards: denial of application: criminal conviction

Alex Macilraith provided an overview of AB 2138. Mr. Macilraith explained that he has given the Board a high-level summary of the bill and that its purpose is to reduce barriers to licensure for applicants with criminal convictions. The bill would restrict Boards in making licensing determinations based on criminal convictions that have occurred within the previous five years only (excluding violent felonies). It limits the denial of a license only if the crime is directly and adversely related to the profession for which licensure is sought. The bill would prohibit the Boards denial of a license based on convictions that have been dismissed or expunged or if a showing of rehabilitation has been made. Probationary licenses would be limited to two years in length.

Mr. Sanchez further explained what this bill would mean to the Board. He discussed the fact that the Board’s primary concern is to protect the consumers. He questioned how the Board would like to respond to the bill. Mr. Macilraith described the impetus to reduce barriers for recidivism.

M/S/C Shalev/Snow

- **Motion to write a letter in opposition of AB 2138. Motion carried 5-0 with Ms. Chang abstaining**
- b. AB 1659 (Low) Healing arts boards: inactive licenses

Mr. Macilraith provided an overview of AB 1659 which would give the option for Boards to offer a reduced fee for inactive license renewals. The Board discussed what an “inactive” license is and why a licensee would want an inactive license.

14. Future Agenda Items and Future Board Meeting Dates

Future agenda items include supervision of HAD trainees, RPE tele-supervision regulations, California Children’s Services, locked hearing aids, and HAD practical exam for audiologists

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

15. Adjournment

The meeting adjourned at 2:45 p.m.