



MEETING MINUTES

Teleconference Meeting

October 27-28, 2022

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.

Audiology Practice Committee

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

Dr. Marcia Raggio, Committee Chair, called the Audiology Practice Committee (Committee) meeting to order at 1:03 p.m. Dr. Raggio called roll; three members of the Committee were present and thus a quorum was established.

Audiology Practice Committee Members

Marcia Raggio, Dispensing Audiologist, Committee Chair

Karen Chang, Public Member (departed: 2:01 p.m.)

Tulio Valdez, Otolaryngologist, Public Member (arrived: 2:01 p.m.)

Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer

Cherise Burns, Assistant Executive Officer

Michael Kanotz, DCA Legal Counsel

Heather Olivares, Legislation/Regulation Analyst

Maria Liranzo, Legislation/Regulation/Budget Analyst

Tenisha Ashford, Enforcement Coordinator

Karen Halbo, DCA Regulation Counsel

Shelly Jones, DCA SOLID

Cesar Victoria, DCA Office of Public Affairs

2. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Review and Possible Approval of the September 23, 2020, Audiology Practice Committee Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of the minutes. Maria Liranzo provided a summary of the minutes. Dr. Raggio asked staff to explain the delay in presenting the minutes for the Board's approval. Ms. Liranzo replied that it was delayed due to limited staffing.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Amy White moved to approve the September 23, 2020, Audiology Practice Committee Meeting Minutes.

Karen Chang seconded the motion.

The motion carried 3-0. (Ayes: Raggio, Chang, White)

4. Discussion and possible action regarding Statutory and/or Regulatory Requirements Related to Audiology Aide Scope of Practice and Supervision Requirements as stated in Business and Professions Code (BPC) section 2530.2 and Title 16, California Code of Regulations (CCR) sections 1399.154 through 1399.154.7

Dr. Raggio opened the discussion and provided a background regarding requirements related to Audiology Aide scope of practice and supervision. Dr. Amy White commented on the history of the Speech-Language Pathology Assistant (SLPA) and if there is a need for a similar audiology assistant license.

Dr. Raggio inquired on what approach the Board should take. Dr. White replied that the aide license needs to be better defined and noted that the American Academy of Audiology issued a position statement on audiology assistants. Dr. White expressed concerns on establishing limitation to the current use of aides. Dr. Raggio commented on the Sunrise process to establish a new license and noted this would be the process the Board would take if it desired to create an audiology assistant. Paul Sanchez commented on the Sunrise process and regulatory process being equally challenging and noted that regulations regarding aides will need to be reviewed regardless.

Dr. White asked what the law permits an aide to perform. Dr. Raggio replied that regulatory language suggests an aide assists while the activity is occurring as opposed to an aide trained to perform a task that they would perform on their own once competent. Dr. White commented on the requirements for audiology aide and hearing trainee. Mr. Sanchez provided a background on the evolution of the Board and amendments to regulations regarding hearing aid trainee. Cherise Burns commented on the difference between audiology aide and hearing aid trainee.

Karen Chang asked if the Board could create something similar to SLPA. Dr. Raggio inquired on the evolution of the SLPA registration. Mr. Sanchez replied that SLPA was created out of necessity and a demand for services and the limitations of the Speech-Language Pathology Aide registration. Ms. Burns commented on Speech-Language Pathology Aides being similarly limited as an Audiology Aide. Mr. Sanchez stated that the Board needs to answer whether the current language limits the audiology services provided through an Audiology Aide provides and if there is a demand to go beyond those limitations. Dr. White commented on the differences of services provided by an Audiologist and Speech-Language Pathologist (SLP) and where those services are provided and how they are reimbursed.

Dr. Raggio commented on the motivation to create a SLPA license instead of broadening the aide license. Ms. Burns replied that professional associations will approach their licensing board to create a new license. Dr. White asked if there is a difference in billing for services performed by a SLPA and an aide. Mr. Sanchez commented on the limitations the current definition of SLP aide as it compares to SLPA. Ms. Burns commented on the requirements for SLPA. Dr. White commented on the differences of services provided by in the practice of audiology and speech-language pathology.

Ms. Burns asked if there is a need for someone to perform routine task. Dr. White replied that health technicians in Veterans Affairs medical facilities perform otoscopy and ear impression, and train clients on use and care of a hearing aid device. Dr. Raggio commented on tasks SLPAs perform as not posing a risk to consumer safety whereas tasks in audiology may pose a higher risk. Dr. White asked if aides should be required to complete a certain amount of education. Dr. Raggio replied that education is required for a SLPA and not for an Audiology Aide. Dr. White inquired what other tasks aside from otoscopy and ear impression would pose a risk to consumer safety. Dr. Raggio replied that tympanometry could present a risk to consumer safety.

Dr. Raggio and Dr. White asked if Board staff can provide information regarding the development of the SLPA license. Mr. Sanchez replied that Board staff can research the information.

Dr. Raggio inquired on the supervision requirements for SLPA. Ms. Liranzo replied that the level of supervision is based on the duties performed by the SLPA and noted that regulations specify this and duties outside their scope of practice. Ms. Burns noted that they can be found in Title 16 of the California Code of Regulations sections 1399.170, 1399.170.2, and 1399.170.3. Dr. White commented on the level of SLPA supervision requirements. Dr. Raggio commented on guardrails set on duties performed by SLPA.

Dr. Raggio inquired about the changes to SLPA supervision requirements. Ms. Liranzo replied that the Board desires a higher level of supervision for SLPAs after initial licensure and proposed changes that will require 20 percent per week for the SLPA's work schedule during the first 90 days of work following initial licensure to be immediate supervision.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

5. Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical and Professional Experience as stated in BPC Sections 2532.2 and 2532.25 and Title 16, CCR section 1399.152.2

Dr. Raggio opened the discussion regarding audiology supervised clinical and professional experience. Ms. Burns provided a background on the survey that was provided to audiology programs. Dr. Raggio provided a background on previous discussion on this topic.

Ms. Burns commented that Board staff will present the data collected from the survey at the next committee meeting. Dr. Raggio inquired on the deadline to complete the survey. Ms. Burns replied that the deadline was December 31, 2022.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

6. Adjournment

The meeting adjourned at 2:09 p.m.

Hearing Aid Dispensing Committee

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

Tod Borges, Committee Chair, called the Hearing Aid Dispensing Committee (Committee) meeting to order at 2:32 p.m. Mr. Borges called roll; four members of the Committee were present and thus a quorum was established.

Hearing Aid Dispensing Committee Members

Tod Borges, Hearing Aid Dispenser, Committee Chair
Marcia Raggio, Dispensing Audiologist
Karen Chang, Public Member (arrived: 2:45 p.m.)
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Michael Kanotz, DCA Legal Counsel
Heather Olivares, Legislation/Regulation Analyst
Maria Liranzo, Legislation/Regulation/Budget Analyst

Tenisha Ashford, Enforcement Coordinator
Karen Halbo, DCA Regulation Counsel
Shelly Jones, DCA SOLID
Cesar Victoria, DCA Office of Public Affairs

Guest Present

Linda Oliver
Marty and Bob

2. Public Comment for Items Not on the Agenda

Mr. Borges asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Review, Discussion, and Possible Action on Regulations Regarding Hearing Aid Dispensing Trainees as stated in Title 16, California Code of Regulations (CCR) sections 1399.114 through 1399.119

Mr. Borges opened the discussion regarding regulations related to hearing aid dispensing trainees. Ms. Liranzo provided a background and summary of changes. Mr. Borges asked for public comments. There were no comments from the public, outside agencies, or associations.

Mr. Borges asked where in the language should the termination of supervision be specified. Ms. Liranzo replied that this language is specified in section 1399.118 regarding training which is only applicable to trainee and not temporary licensee, and suggested to add it to either sections 1399.116 or 1399.119. Mr. Borges commented on having it specified in both sections. Dr. Raggio, Dr. Valdez, and Dr. White commented on having it specified in one section. Dr. Raggio noted a misspelling in section 1399.118(c).

Mr. Borges asked about the timeframe for the continuing education (CE) in section 1399.116(d). Ms. Liranzo commented that the language suggests its four hours for every new supervision. Dr. Raggio and Dr. White commented that this is not the intention. Mr. Borges asked how it was going to be verified. Ms. Liranzo replied that it will be an item Board staff will look if the person is a supervisor and their CE is audited. Ms. Burns commented that the intent may be when the person becomes a supervisor for the first time and noted that RPE supervision in section 1399.153.3 uses the language "prior to assuming responsibility as a RPE supervisor." Dr. White expressed agreement to using similar language and tie it to the supervisor and not the trainee.

Dr. Raggio asked what happens if there is a lapse in maintaining this requirement. Ms. Burns replied that it could be language to include as it hasn't been discussed previously. Mr. Borges and Dr. White commented on requiring the four-hour requirement to be completed if the supervisor fails to maintain the two-hour requirement. Ms. Burns noted the suggested change.

Mr. Borges asked if record retention for the CE requirement be different from the renewal requirement and suggested four years. Ms. Burns noted the suggested change.

Mr. Borges inquired of Board staff how Business and Professions Code 2538.30 relates to section 1399.199. Ms. Liranzo replied that the Board had concerns that trainees are operating a business unsupervised because they are currently required to be supervised for 20 percent of the time and inquired on situations that need to be addressed by these proposed changes such as when a supervisor is unavailable or at a different location. Dr. White asked if this is an issue if one hundred percent supervision is required during the first ninety calendar days of supervision. Mr. Borges asked if there is a way to have an alternate supervisor. Ms. Burns replied that a place to provide an alternate supervisor can be added to the application and noted that the proposed regulations will require supervisors to provide direct supervision after the first ninety calendar days which is defined as the supervisor being on site. Mr. Borges and Dr. White inquired on the eighty-twenty supervision requirements. Ms. Liranzo replied that proposed changes being reviewed today was adopted in 2018 to change the 80/20 supervision because the regulations does not specify the type of supervision for the 80 percent of the trainee's time which may indicate that they may be independently operating a business. Dr. White commented on trainees performing tasks that it is not client care such as answering the phone, scheduling, or cleaning. Ms. Burns asked if "indirect" supervision should be defined. Dr. Valdez inquired on the number of businesses with multiple dispensers. Mr. Borges replied that a majority of businesses have one dispenser. Dr. White commented on RPEs working at different locations and having different supervisors at those different locations and meeting the requirements to supervise. Mr. Borges and Dr. White expressed agreement to add language regarding multiple supervisors. Ms. Burns noted the suggested changes.

Ms. Liranzo asked if it was common for trainees to be at different locations or branches. Mr. Borges replied that theoretically they would if their primary supervisor isn't available. Ms. Liranzo commented that Board staff may need to add language regarding branch locations as there is a form that is not specified in regulations.

Ms. Liranzo asked if the definitions related to this regulation align with the goals of the proposed changes, specifically if a temporary license holder should be a supervisor. Mr. Borges suggested that only permanent license holders should be supervisors. Dr. Raggio, Ms. Chang, and Dr. White expressed agreement to the suggested change. Ms. Liranzo noted the suggested change and commented that the definition will be amended to make it also applicable to Dispensing Audiologists.

Dr. Raggio asked if the definition of "training" should be amended to include audiometry to fit a hearing aid. Ms. Burns replied that the language can be amended to align with statutory language which is "the practice of fitting or selling."

Ms. Borges asked if sections 1399.115 and 1399.116 are in alignment. Ms. Burns suggested cross-referencing and inquired of Karen Halbo for suggested changes. Ms. Halbo replied that the suggested change may not be a problem.

Mr. Borges asked for public comments. Linda Oliver asked if there is a stipulation regarding experience a dispenser must have before supervising. Ms. Liranzo replied that 1399.116(b)(1) will require that a dispenser have three consecutive years of experience.

4. Review, Discussion, and Possible Action on Regulations Regarding Hearing Aid Dispenser Advertising Requirements as stated in Title 16 CCR section 1399.127

Mr. Borges opened the discussion regarding regulations related to hearing aid dispensing advertising requirements. Ms. Liranzo provided a background and summary of changes.

Mr. Borges and Dr. Raggio commented on specifying the field of study when advertising a Ph.D. Dr. Valdez asked if audiologists could use the title "doctor" or any variation of this term without the designation of AUD. Mr. Borges replied that the language states that you can't call yourself a doctor without specifying the field of study unless you are a physician or surgeon licensed in this state. Ms. Burns commented that they would need include AUD when advertising themselves as a doctor.

Ms. Liranzo asked if subsection (d)(4) regarding the advertisement of hearing tests needs to be clarified. Mr. Borges and Dr. Raggio commented on audiologists performing more testing than a Hearing Aid Dispenser and the language should differentiate the license type. Ms. Liranzo noted that this requirement would be applicable to both Hearing Aid Dispensers and dispensing audiologists. Ms. Chang inquired why the language cannot remain the same. Mr. Borges replied that this is only applicable to Hearing Aid Dispenser. Mr. Sanchez commented that a restriction like this would not apply to a dispensing audiologist. Mr. Borges and Dr. White suggested the language can state hearing test performed by a Hearing Aid Dispenser. Mr. Borges commented on not being familiar with the second part of subsection (d)(4). Dr. Raggio commented on the problem of hearing tests being advertised for research to get consumers to make a purchase after. Mr. Borges suggested pulling it out. Dr. White expressed agreement to the suggested change. Mr. Sanchez asked if an Audiologist advertises free hearing tests. Mr. Borges, Dr. White, and Dr. Raggio replied that they do. Dr. Raggio commented on advertising and third-party administrator issues. Dr. White commented on advertising and Medicare issues.

Ms. Liranzo inquired about consumers verifying price accuracy and holding national companies accountable if advertisements violate the proposed regulations. Mr. Borges and Dr. Raggio replied that there is no reliable way to verify price accuracy. Dr. White commented that the Board could look at sale receipts to determine the normal price of the device if a complaint was filed with the Board. Dr. Raggio and Dr. White commented on the manufacturer's suggested retail price (MSRP). Mr. Borges and Dr. Raggio

commented that most companies do not offer MSRPs. Ms. Chang commented on creating prices without the MSRP and asked if there was any way to regulate this requirement. Mr. Sanchez asked how Board staff would be able to determine if prices were inflated. Dr. White replied that the purchase agreements and sales receipts for a particular model would need to be reviewed and see how they were charged. Ms. Burns asked if Board staff would review purchase agreements and sales receipts. Dr. White replied that it would be Board staff if a complaint were filed. Ms. Sanchez commented on a prior investigation the Board conducted regarding the method to ascertain the actual price.

Mr. Borges inquired on the federal law regarding transparency and pricing. Dr. White replied that consumers must be made aware of cost they will be charged by a certain timeframe.

Ms. Burns inquired about the term “actual” and if another term would better fit with what has been discussed. Dr. White suggested changing the term to say “standard”. Mr. Borges expressed agreement with the suggested change.

Ms. Liranzo asked if the Committee would like to continue the discussion regarding a national company’s advertisements that violate the proposed regulations. Mr. Borges commented on the issue of dispensers being held accountable for something their national company did without their knowledge.

Ms. Halbo asked how the sentence will end for subsection (f). Ms. Liranzo replied it is when the advertisement is published or disseminated. Ms. Burns noted the errors on the document uploaded on the Board website.

Dr. White commented on this being the only way to enforce this requirement. Mr. Borges and Ms. Chang asked if the national company can be fined. Ms. Burns replied that it is outside the Board’s jurisdiction. Ms. Chang asked if Hearing Aid Dispensers are fined if their national company advertisement violates any of these requirements. Ms. Liranzo replied they would if a sale resulted from the advertisement. Ms. Chang asked if a warning is provided. Mr. Sanchez replied that the Board works with the licensees in cases of national companies and commented on the Board’s enforcement process. Ms. Burns commented that the language state “discipline or enforcement action” so the Board has many options in how it can enforce this requirement.

Ms. Burns asked DCA Legal about the use of the language being removed as educational materials. Ms. Halbo replied that restating the regulations is fine but if it goes beyond that, such as providing instructions, then it is considered an underground regulation. Ms. Liranzo noted the meeting materials includes a copy of the information currently on the Board’s website.

Mr. Borges asked why the information was being removed and replaced with the proposed language. Mr. Sanchez replied that previous DCA Legal counsel and the Board decided it wasn’t the best way to write regulations at the time they were reviewing

this section and could use the previous format for educational based on the revised regulations. Dr. White commented on the information being used on the website under a Question and Answer (Q&A) or Frequently Asked Question (FAQ) section.

Mr. Sanchez commented that the Committee can move forward with the text and Board staff can work with DCA in developing educational information and materials.

Ms. Liranzo and Mr. Burns commented on the changes discussed to subsection (d)(4) and subsection (e)(1). Ms. Chang, Dr. Raggio, and Dr. White expressed agreement to move the text forward to the Board.

Mr. Borges asked for public comments. Marty and Bob expressed their appreciation for the discussion.

Mr. Borges asked for committee discussion and public comments on the motion. There was no committee discussion nor comments from the public, outside agencies, or associations on the motion.

Marcia Raggio moved to approved regulations amending sections 1399.127 as amended to subsection (d)(4) and (e)(1) in the Committee.

Tod Borges seconded the motion.

The motion carried 5-0. (Ayes: Borges, Raggio, Chang, Valdez, and White)

5. Adjournment

The meeting adjourned at 4:11 p.m.

Full Board Meeting

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

Dr. Marcia Raggio, Board Chair, called the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) meeting to order at 9:03 a.m. Dr. Raggio called roll; seven members of the Board were present and thus a quorum was established.

Board Members

Marcia Raggio, Dispensing Audiologist, Board Chair

Holly Kaiser, Speech-Language Pathologist, Vice Chair

Tod Borges, Hearing Aid Dispenser

Karen Chang, Public Member

Gilda Dominguez, Speech-Language Pathologist

Debbie Snow, Public Member
Tulio Valdez, Otolaryngologist, Public Member (departed: 12:35 p.m.)
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Michael Kanotz, DCA Legal Counsel
Heather Olivares, Legislation/Regulation Analyst
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Karen Halbo, DCA Regulation Counsel
Shelly Jones, DCA SOLID
Cesar Victoria, DCA Office of Public Affairs
David Bouilly, DCA SOLID

Guest Present

Shellie Bader
Andrea Ball
Nicole Fields

2. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

3. Acknowledgement of Ms. Debbie Snow's Service to the Board

Dr. Raggio acknowledged Debbie Snow for her service to the Board and read the certificate of appreciation presented to Ms. Snow. Dr. Raggio, Paul Sanchez, and Holly Kaiser commented on Ms. Snow's service to the Board.

Ms. Snow expressed gratitude for comments and gifts provided in appreciated for her service.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

4. Review and Possible Approval of the August 11-12, 2022, Board Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of the August 2022 Board Meeting Minutes. Ms. Liranzo provided a summary of the minutes.

Dr. Raggio asked for Board comments or amendments. There was no Board discussion.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Karen Chang moved to approve the August 11-12, 2022, Board meeting minutes.

Tod Borges seconded the motion.

The motion carried 8-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, Valdez, White)

5. DCA Update – DCA Board and Bureau Relations

Dr. Raggio invited staff from DCA Board and Bureau Relations to provide an update.

Shelly Jones acknowledged Debbie Snow for her service to the Board and provided an update on the position filled in DCA's Board and Bureau Relations; establishment of the Diversity, Equity, and Inclusion Committee; Our Promise campaign; COVID-19 safety measures for in-person public meetings; state travel; and DCA's partnership with the unclaimed property program.

Dr. Raggio asked if individuals have to pay their own way to travel to states subject to California's state-funded and state-sponsored travel ban. Ms. Jones replied to confirm and commented on verifying the information.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

6. Board Chair's Report

Dr. Raggio opened the discussion with the Board and Committee Meeting Calendar and noted that there will be a discussion on the potential dates for 2023. Dr. Raggio also noted vacancies in committees once Ms. Snow's term ends.

Ms. Snow reported on the discussion from the Enforcement Ad Hoc Committee meeting held on October 27, 2022.

Dr. Raggio reported on the discussion from the Audiology Practice Committee meeting held on October 27, 2022.

Mr. Borges reported on the discussion from the Hearing Aid Dispensing meeting held on October 27, 2022.

Mr. Borges asked how long it takes before proposed changes to regulations become effective. Cherise Burns replied that it can take about 18 months to two years after the Board approves proposed changes.

Mr. Borges asked how the public is notified of changes. Ms. Burns replied that they are highlighted when meeting agendas are sent out, the licensed population is notified of public comments, and the licensed population is notified once the rulemaking process is complete and on how to be in compliance. Mr. Sanchez commented on educational efforts regarding regulatory process the Board can consider.

Mr. Borges asked if Board Members can attend various conferences. Mr. Sanchez replied that this is outreach effort the Board does and invited Board Members to reach out to him.

Mr. Borges inquired on the next stage for the proposed regulatory changes regarding trainees. Ms. Liranzo replied that it will return to the committee.

Dr. Raggio asked if Board staff will provide the Audiology Practice Committee historical information regarding speech-language pathology assistant (SLPA) license. Ms. Burns replied to confirm that it will be provided at a future meeting.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

7. Executive Officer's Report

Dr. Raggio invited Mr. Sanchez to provide the Executive Officer's report. Mr. Sanchez reported on the Business Modernization Project (Biz Mod) including backfilling a vacant position created by the project.

Mr. Sanchez reported on outreach efforts including a presentation at the California Academy of Audiology (CAA) Annual Conference, a presentation of the online licensing system for California Council of Academic Programs in Communication Sciences and Disorders, and participation at the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology conference.

Mr. Sanchez reported on the budget and fund condition and noted the months in reserve.

Mr. Sanchez provided a brief report on the Board's regulation and deferred to the regulation report.

Mr. Sanchez reported on licensing and enforcement including the launch of the online applications, practical examination results, licensing and enforcement statistics, and disciplinary actions.

Dr. Raggio asked if there are any issues with the online system. Mr. Sanchez and Ms. Burns replied with information on user and system errors that occurred since launching the first round of applications and the process used to troubleshoot those issues.

Dr. Raggio asked if there are information technology (IT) staff readily available to help. Mr. Sanchez and Ms. Burns replied that there are DCA IT and SimpliGov staff available to troubleshoot as issues arise.

Dr. Raggio inquired on the launch timeframe. Mr. Sanchez and Ms. Burns replied that the anticipated project deadline for the first round of applications was for 2023 but the Board was able to work with the vendor for fall 2022 launch date.

Dr. Raggio asked how the public is being informed of the online application system. Ms. Burns replied that the new online application system is being announced at conferences and noted that marketing material will be provided once all the applications are online. Mr. Sanchez commented that the Board website will direct applicants to the online system once they are available.

Ms. Kaiser asked if there was a way for users to provide feedback. Ms. Burns replied that there is no feature for feedback but Board staff could look into it.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

8. Update on the Board's Business Modernization Project and Upcoming Releases of Online Applications for Licensure

Dr. Raggio invited Mr. Sanchez to provide an update on the Board's Biz Mod Project. Mr. Sanchez provided a brief update on the Board's Biz Mod Project and deferred to Ms. Burns for the upcoming releases of online applications. Ms. Burns provided an update on the upcoming release dates for the remaining applications and commented on the process to link the new system with current DCA systems. Mr. Sanchez commented on the cost of the project and funding source.

Dr. Raggio inquired on renewal processes. Ms. Burns replied that there are no changes to the renewal process which can be completed online or via the paper that is mailed.

Dr. Raggio asked if there is a possibility where licensees can download their license instead of the Board mailing them. Mr. Sanchez replied that the Board may consider moving away from the current renewal process of mailing the license to an electronic process. Ms. Burns commented that other IT projects to address other areas of the Board's business processes would need to go through its own process for approval and implementation.

Dr. Raggio asked if the grant the Board received is one-time or can the Board reapply. Ms. Burns and Mr. Sanchez replied on the availability of the California Department of Technology (CDT) Technology Modernization Fund.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

9. Update and Discussion Regarding the Board's Strategic Plan and Governor Newsom's Executive Order N-16-22

Dr. Raggio invited Mr. Sanchez to provide an update on the Board's Strategic Plan and Governor's Executive Order N-16-22. Mr. Sanchez provided an update and noted that he was invited to participate in DCA's Diversity, Equity, and Inclusion Steering Committee.

Dr. Raggio asked if the goal to bring diversity to the Board includes staff. Mr. Sanchez replied that diversity as a hiring practice has been around for years, and the current Administration is renewing emphasis and efforts. Ms. Burns commented on the high level of diversity in the Board's staff compared to entities she worked at previously.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

10. Discussion and Possible Action Regarding U.S. Food and Drug Administration Final Rule on Medical Devices; Ear, Nose and Throat Devices; Establishing Over-the-Counter Hearing Aids

Dr. Raggio invited Mr. Sanchez to provide an update on U.S. Food and Drug Administration (FDA) final rule for over-the-counter (OTC) hearing aids. Mr. Sanchez provided an update and noted the Board received one complaint related to OTC hearing aids.

Dr. Raggio asked what the complaint was about. Mr. Sanchez replied that the person wanted their money back to purchase an OTC after the final rule came out.

Dr. Raggio commented on concerns that the American Academy of Audiology, Academy of Doctors of Audiology, and American Speech-Language-Hearing Association raised regarding FDA's final rule. Dr. Raggio noted that the American Academy of Audiology is hosting a webinar on November 1st regarding OTC hearing aids.

Dr. White commented on the confusion with the rule. Dr. Raggio and Dr. White commented on patients inquiring about it.

Ms. Burns commented on previous discussions regarding the Board being able regulate licensed Hearing Aid Dispenser and Dispensing Audiologist under the Practice Act and warranties laws being applicable to OTC hearing aids.

Dr. Raggio commented on previous discussions regarding the Board's jurisdictions over OTC hearing aids.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

11. Discussion and Possible Action Regarding Foreign Body in the Ear Canal as stated in Business and Professions Code section 2538.36

Dr. Raggio invited Mr. Sanchez and Mr. Borges to discuss possible action regarding dome removal. Mr. Sanchez provided a background on an inquiry Board staff received regarding if there are any restrictions on Hearing Aid Dispensers to perform dome removal if appropriate training, safeguards, and policies were in place. Mr. Borges commented on dome removal and noted the company in reference is a company he works for.

Mr. Borges asked if anyone from Hearing Life was available to provide more information to the Board. There were no comments from the public.

Mr. Borges commented that statutory language has requirements for removal of foreign objects prior to performing a test but no language regarding after the test. Mr. Borges further commented on current objects that are inserted in the ear as part of the hearing test and asked if this is an issue that should be referred to the Hearing Aid Dispensing Committee.

Dr. Valdez asked how many dispensers are trained in dome removal and noted that it depends on the depth an object in the ear canal. Mr. Borges commented that the company is creating a training for dispensers to perform this and commented on the depth an object may be removed from.

Dr. White commented on the comparison of dome removal with cerumen removal. Mr. Borges commented on the law not being clear in regard to dome removal and noted that cerumen removal is more invasive than dome removal due to the tools used. Dr. White commented on domes being found beyond the first bend of the ear canal.

Dr. Valdez asked if dispensers have the tools to perform dome removal like a microscope. Mr. Borges asked if you need a microscope to see a dome at the first bend of an ear canal. Dr. Valdez replied not so much for dome and commented on cerumen removal. Dr. Raggio commented on the size of the dome and noted wax guards are common items that get stuck in the ear and asked if this training would allow this. Mr. Borges replied that it would be what the Board decides and expressed not being interested in performing wax guard removal. Mr. Borges commented on a magnified headlamp allowing a person to see a dome in the first bend of an ear canal and noted that this would be a two-person procedure.

Dr. Raggio asked if dispensers have headlamps. Mr. Borges replied that they don't necessarily have them but they would if it is required. Dr. Valdez commented on the problem of dispensers performing procedures without having the proper tools or

training. Mr. Borges commented that the company in reference will ensure they receive training.

Dr. Raggio asked who would provide the training. Mr. Borges replied that it would be who the Board decides and noted the company in reference requires individuals to watch a video. Mr. Borges commented that this is an issue the Board can look into. Dr. Raggio commented that the Board can consider regulations regarding post fitting issues.

Mr. Sanchez commented on post fitting issues being worthy of discussion that can be addressed through statutory or regulatory changes. Mr. Sanchez and Ms. Burns commented on the purpose of the practical examination. Gilda Dominguez commented on the training and certification of clinical teams and asked how that would be achieved. Mr. Borges replied that it would depend on how the removal is performed. Dr. Raggio commented on patients with medical conditions that can increase the risk in performing this procedure.

Dr. Valdez asked if it can be performed at the entrance of the ear canal. Mr. Borges replied that a discussion is needed to decide what is or isn't allowed. Dr. Raggio expressed concerns with video-based training. Dr. Valdez commented that he hasn't seen Audiologists perform this in his medical practice. Mr. Borges commented on the need to address this issue and suggested it be referred to the Hearing Aid Dispensing Committee. Mr. Sanchez commented on the action requested by Board staff. Dr. Raggio suggested the committee consider statutory language to address post fitting issues and a position on this issue. Ms. Burns noted that the statutory language is silent on post fitting issues. Mr. Borges commented on the lack of clarity creating opportunity to create trainings like this. Dr. Raggio commented on the issue of personal judgment.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to delegate this issue for further discussion and development by the Hearing Aid Dispensing Committee.

Karen Chang seconded the motion.

The motion carried 8-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, Valdez, White)

12. Overview and Discussion on the Need for a New License Type for Audiology Assistants Under the Board's Regulation

Dr. Raggio provided a background on previous discussions regarding audiology aides and the consideration to create an audiology assistant license type. Heather Olivares provided a background on the Sunrise process to create a new license type.

Dr. Raggio asked why an arduous process exists to create a new license type. Mr. Sanchez replied that there has always been a rigorous process but the process was formalized in recent years. Ms. Olivares and Ms. Burns commented on the opportunity it provides for public participation.

Dr. Raggio inquired on the number of applications submitted for new license type. Ms. Burns replied there are currently four new licenses being requested.

Dr. Raggio inquired on the different process to make regulatory changes to aides. Mr. Sanchez and Ms. Burns replied that those would go to the regulatory process through the Office of Administrative Law. Ms. Burns commented that it can take eighteen months to a year once the Board approves the language and it can take a year or more to have a language ready for Board approval depending on the complexity of the changes.

Mr. Borges asked if the Board needs to consider a new license type if it makes regulatory changes to aides. Dr. Raggio replied that regulatory changes to aides will be required if a new license type is created. Ms. Burns and Mr. Sanchez commented on the possibility of doing regulatory changes and the sunrise process concurrently.

Ms. Kaiser asked how long the Sunrise process can take. Mr. Sanchez replied that it took two years when he worked at Veterinary Medical Board. Ms. Kaiser commented on the history of SLPA, how they are used, billing when using them, and changes to professional standards regarding SLPA supervision. Ms. Dominguez commented on billing when using SLPA and noted that Medicare doesn't reimburse for services provided by SLPAs or Aides.

Dr. Raggio asked why creating SLPA was controversial when it was first created. Ms. Kaiser replied on the fear with change and commented on their acceptance today and the training they receive.

Dr. Raggio asked if SLPAs are able to perform endoscopy. Ms. Dominguez replied that they are not according to regulations. Ms. Kaiser commented on what SLPAs can and cannot perform. Dr. Raggio asked if it would include dysphasia. Ms. Dominguez replied that it would include any evaluation whether it is speech-recognition or dysphasia and noted that regulations prohibit SLPAs from performing oropharyngeal swallow therapy with material. Dr. Raggio commented that graduate students at her school can perform those procedure and asked why SLPAs can't. Ms. Burns replied that those are graduate students on the path to become licensed SLPs. Ms. Dominguez commented on SLPAs being able to perform these on their own as a future discussion. Dr. Raggio asked if SLPAs assist with a Barium Swallow. Ms. Dominguez replied they may be utilized.

Dr. Raggio inquired on the questionnaire and scale for the Sunrise process. Ms. Olivares replied on the materials provided for the discussion.

Dr. Raggio inquired on the renewal process for aides. Mr. Sanchez replied that statutes were changed to allow for renewal and it may require regulatory changes. Ms. Burns commented on implementing the statutory language by creating a renewal form. Ms. Dominguez asked if this will be a similar format as the initial registration. Ms. Burns replied that it will.

Dr. White asked what kind of information should be collected for the Sunrise process. Ms. Burns replied that it can be referred to the Audiology Practice Committee to work on if the Board wants to consider. Ms. Olivares commented on paralleling audiology assistant to SLPA.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Tod Borges moved to delegate this issue to the Audiology Practice Committee.

Amy White seconded the motion.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, White)

13. Update and Discussion Regarding the Board's 2022 Sunset Review and Implementation of the Board's Sunset Bill, Assembly Bill (AB) 2686

Dr. Raggio invited Mr. Sanchez to provide an update on the Board's Sunset Review and the Board's Sunset bill. Mr. Sanchez provided an update and noted Board staff working on implementing the changes and working with DCA IT for any IT changes.

Dr. Raggio commented on the amount of work it takes to complete this process. Mr. Sanchez commented on the report being available to the public on the Board's website. Ms. Burns commented on the opportunity to educate the legislature and staff.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

14. Legislative Report: Update, Review, and Possible Action on Proposed Legislation

Dr. Raggio invited Ms. Olivares to provide the legislative report. Ms. Olivares provided an update on the legislative calendar and deadlines, and bills with active positions taken by the Board. Ms. Olivares noted an update on bills with recommended watch status are in the materials provided.

Ms. Chang asked if dead bills can be revived in the next session. Ms. Olivares replied that it would have to be reintroduced and noted that any dead bills are done at the end of a two-year legislative session.

Ms. Kaiser inquired on the bills regarding virtual public meetings. Ms. Olivares replied that the Board is operating under an exemption that is set to expire on June 30, 2023. Ms. Burns and Mr. Olivares commented on discussions to make the exemption permanent. Ms. Burns commented on meetings being a hybrid model.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

15. Discussion and Possible Action to Adopt Omnibus Legislative Proposal Regarding Gendered Pronouns in Business and Professions Code sections 2530.3, 2532, 2532.5, 2535.4, 2537.3, 2538.20, 2538.21, 2538.27, 2538.28, 2538.30, 2538.32, 2538.33, 2538.34, 2538.36, 2538.40, 2538.49, 2538.50, 2538.51, 2538.56, 2539.1, and 2539.6

Dr. Raggio invited Ms. Olivares to provide a background on an omnibus legislative proposal regarding the removal of gendered pronouns from the Board's Practice Act. Dr. Raggio inquired on the deadline to introduce this bill. Ms. Olivares replied that the bill will need to be introduced and complete the process next year for the changes to be effective on January 1, 2024.

Dr. Raggio asked if the Board has other bills or if this is a compilation with other boards. Ms. Olivares replied that it will be included in a bill with other boards who are making non-substantive changes.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Gilda Dominguez moved to adopt the draft legislative proposal replacing gendered pronouns with inclusive language in the Board's Practice Act, direct staff to submit the proposal through the legislative Omnibus process, or find an author for this legislative proposal if not accepted in the Omnibus process, and authorize the Executive Officer to negotiate any amendments consistent with this policy.

Karen Chang seconded the motion.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, White)

16. Legislative Items for Future Meeting

Dr. Raggio solicited legislative items for future meeting. Ms. Burns noted that Board staff have no items at this time.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

17. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

Dr. Raggio invited Ms. Liranzo to provide the regulatory report. Ms. Liranzo provided an update on board regulation packages.

Dr. Raggio asked for the meaning of “repealing processing times.” Ms. Olivares replied that the regulatory text is being removed because the statutory requirement no longer exists.

Ms. Kaiser asked how changes to the SLPA supervision can be made. Ms. Liranzo replied that the Board can make changes when it reviews public comments after the comment period ends.

Dr. Raggio asked for public comments on the regulatory report.

Shellie Bader commented on revisions to regulatory changes to SLPA supervision regarding immediate supervision during the first ninety-days and aligning it with changes the American Speech-Language-Hearing Association (ASHA) made to their SLPA supervision guidelines.

Andrea Ball on behalf of the California Speech Language Hearing Association (CSHA) commented on increasing access to tele-health for Californians who live in remote locations, flexibility for supervisors to take ownership of supervision and guidance on continuing education, and modifications to proposed language regarding Required Professional Experience (RPE) supervision.

Nicole Fields commented on current regulations regarding tele supervision.

Ms. Olivares provided a background and summary of changes to modify regulations regarding RPE direct supervision requirements and tele supervision.

Dr. Raggio noted that it drew a lot of public comments. Mr. Borges and Ms. Dominguez expressed having no problems with the modified language as drafted. Ms. Dominguez commented on the public comment regarding who can document patient consent to tele supervision and noted that the modifications address this concern. Ms. Kaiser commented on the modifications that addressed her concern under section 1399.153.3(c)(1)(E), and commented on Board’s discussion regarding all the direct supervision hours being tele supervised.

Dr. Raggio asked for public comments to modify regulations regarding RPE direct supervision requirements and tele supervision.

Nicole Fields commented on tele supervision being effective as in-person supervision.

Andrea Ball on behalf of the CSHA expressed support for the motion.

Holly Kaiser moved to approve the proposed modified regulatory text for Sections 1399.153 and 1399.153.3, and direct staff to take all steps necessary to notice the modified regulatory text and make any non-substantive changes to the regulatory package. If no adverse comments are received during the 15-day comment period, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed.

Debbie Snow seconded the motion.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, White)

Ms. Liranzo provided a background and summary of changes to modify regulations regarding Notice to Consumers.

Dr. Raggio asked for public comments to modify regulations regarding Notice to Consumers. There were no comments from the public, outside agencies, or associations.

Karen Chang moved to approve the proposed modified regulatory text for 16 CCR sections 1399.129 and 1399.157.1, and direct staff to take all steps necessary to notice the modified regulatory text and make any non-substantive changes to the regulatory package. If no adverse comments are received during the 15-day comment period, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed.

Gilda Dominguez seconded the motion.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow, White)

18. Discussion and Possible Action to Revise the Board's Administrative Procedure Manual

Dr. Raggio invited Ms. Burns to provide a background on the Board's Administrative Procedure Manual. Ms. Burns provided a summary of changes since the Board's last discussion to revise the Board's Administrative Procedure Manual

Ms. Kaiser asked how long the Board members have to provide feedback. Ms. Burns replied that the Board can adopt it at the next Board meeting and update it annually if there is a need.

Mr. Borges asked if the only changes are stylistic. Ms. Burns replied that the majority of changes are stylistic and included are changes as discussed at the Board's August 11-

12, 2022, Board Meeting. Mr. Borges asked what the meaning of “no vote will be recorded for a member who has been ‘recused’” on page 9 item 7. Ms. Burns replied that it would be a non-vote. Michael Kanotz commented that it is as if a person were not present.

Dr. Raggio suggested to table the item for a future meeting.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

19. Election of Board Officers

Dr. Raggio opened the discussion on the election of Board Officers for 2023 and asked for any nominations for Board Chair.

Ms. Kaiser nominated Dr. Raggio for Board Chair. Ms. Chang seconded the nomination.

Dr. Raggio nominated Ms. Kaiser for Board Vice Chair. Ms. Chang seconded the nomination.

Dr. Raggio asked for public comments. There were no comments from the public, outside agencies, or associations.

Approve the nomination of Marcia Raggio as Board Chair.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow. White)

Approve the nomination of Holly Kaiser as Board Vice Chair.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow. White)

20. Future Agenda Items and Potential Dates for Board Meetings in 2023

Dr. Raggio solicited future agenda items.

Ms. Kaiser inquired on changes to proposed regulations regarding SLPA supervision to align with ASHA’s changes to their SLPA supervision guidelines. Ms. Burns replied that the Board will look at them after the 45-day comment period.

Dr. Raggio asked for discussion regarding audiology assistants. Ms. Burns replied that the Audiology Practice Committee will look at it before it comes back to the Board.

Dr. Raggio solicited future agenda items from the public. There were no comments from

the public, outside agencies, or associations.

Dr. Raggio requested potential dates for the Board Meetings in 2023. Ms. Burns replied with a list of potential dates for the Board Meetings:

- First Board meeting on February 23-24 with alternatives on March 16-17, February 2-3, or February 9-10
- Second Board meeting on May 18-19 with alternatives on May 11-12, April 13-14, or April 27-28
- Third Board meeting on August 24-25 with alternatives on September 7-8, September 14-15, or August 17-18
- Fourth Board meeting on October 26-27 with alternative on November 2-3, December 7-8, or November 31-December 1

Ms. Burns noted February 23-24 for the first Board meeting.

Ms. Chang commented on being unavailable on May 18-19 and noted April 27-28 is best. Mr. Kanotz commented on being unavailable on May 11-12. Ms. Kaiser expressed agreement with April 27-28. Ms. Burns noted April 27-28 for the second Board meeting.

Ms. Kaiser commented on being unavailable on September 14-15. Dr. White noted the California Academy of Audiology (CAA) will be holding a conference on September 8. Ms. Chang commented on being unavailable on August 24-25. Ms. Burns requested the annual conference dates for CAA. Dr. White replied that she received an email with the dates September 8-9. Ms. Borges requested earlier dates. Ms. Burns replied that the Board can consider August 17-18. Ms. Chang commented on August 17-18 being better. Mr. Kanotz commented on being unavailable on August 17-18. Ms. Chang commented on trying to be available on August 24-25. Ms. Burns asked if August 31-September 1 would work and noted it is before a holiday weekend. Board members expressed disagreement with those dates. Ms. Burns asked if the Board would like to make this meeting remote. Board members expressed agreement. Ms. Burns noted August 24-25 for the third Board meeting which will be remote.

Mr. Borges commented on preferring that the meeting is not on October 26-27.

Ms. Burns noted November 2-3 for the fourth Board meeting. Ms. Dominguez asked for a later date for the last meeting. Ms. Burns replied December 7-8. Dr. Raggio asked if she will be able to participate. Ms. Burns replied that her term ends January 1, 2024. Mr. Kanotz commented on being unavailable on December 7-8. Ms. Burns asked if November 31-December 1 would work and noted it is the week after Thanksgiving. Mr. Borges, Ms. Dominguez, and Ms. Chang expressed agreement to this date. Ms. Burns noted November 31-December 1 for the last Board meeting in 2023.

Ms. Burns commented on the locations for the Board meetings with two being remote and two in-person with one in Sacramento and the other in Southern California. Ms. Chang commented on Mt. San Antonio College being a suitable location in Southern California. Mr. Dominguez commented on a hotel circle being nearby.

Dr. Raggio asked for public comments on potential dates for Board Meetings in 2023. There were no comments from the public, outside agencies, or associations.

Holly Kaiser moved to approve the proposed dates for Board Meetings in 2023 as stated.

Gilda Dominguez seconded the motion.

The motion carried 7-0. (Ayes: Raggio, Kaiser, Borges, Chang, Dominguez, Snow. White)

21. Pursuant to Government Code Section 11126(c)(3), the Board will Meet in Closed Session to Discuss Disciplinary Matters Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, Petitions for Reconsideration, and Remands.

The Board did not meet in a closed session to discuss disciplinary matters.

22. Pursuant to Government Code Section 11126(a)(1), the Board will Meet in Closed Session to Conduct the Annual Performance Evaluation of its Executive Officer.

The Board met in closed session to conduct the annual performance evaluation of its executive officer and subsequently adjourned for the day.

23. Adjournment

The meeting adjourned at 4:11 p.m.