



## **MEETING MINUTES**

### **Teleconference Meeting**

### **December 13, 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.

#### **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 1:01 p.m. Dr. Raggio called roll; five 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  
Gilda Dominguez, Speech-Language Pathologist  
Tulio Valdez, Otolaryngologist, Public Member (arrived 1:30 p.m.)  
Amy White, Dispensing Audiologist

#### **Staff Present**

Paul Sanchez, Executive Officer  
Cherise Burns, Assistant Executive Officer  
Michael Kanotz, DCA Legal Counsel  
Maria Liranzo, Legislation/Regulation/Budget Analyst  
Karen Halbo, DCA Regulation Counsel  
Tenisha Ashford, Enforcement Coordinator  
Lisa Snelling, Licensing Coordinator  
Ann Fisher, DCA SOLID  
Elizabeth Coronel, DCA SOLID  
Alex Cristescu, DCA Office of Public Affairs  
Judie Bucciarelli, DCA Executive Office

#### **Guest Present**

Jody Winzelberg  
Michele Dew

2. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments on items not on the agenda. There were no comments from the public, outside agencies, or associations.

3. Discussion and Possible Action to Amend and Adopt Regulations Regarding Uniform Standards Related to Substance-Abusing Licensees as stated in Title 16, CCR sections 1399.102, 1399.131, 1399.131.1, 1399.155, and 1399.155.1

Dr. Raggio invited Maria Liranzo to provide a background and an update on proposed regulations regarding Uniform Standards. Ms. Liranzo provided the background and update noting that Board staff is not recommending changes to the text due to public comments and that a summary of comments with draft Board responses are included in the meeting materials.

Dr. Raggio asked for Board discussion and public comments. There was no Board discussion nor comments from the public, outside agencies, or associations.

**Holly Kaiser moved to approve the proposed Board responses to Comments, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR Sections 1399.102, 1399.131, 1399.131.1, 1399.155, and 1399.155.1 as noticed.**

**Tod Borges seconded the motion.**

**The motion carried 5-0.** (Ayes: Raggio, Kaiser, Borges, Dominguez, White)

4. Discussion and Possible Action to Adopt Regulations Regarding Notice to Consumers as stated in Title 16, CCR sections 1399.129 and 1399.157.1

Dr. Raggio invited Ms. Liranzo to provide a background and an update on proposed regulations regarding Notice to Consumers. Ms. Liranzo provided the background and update noting that Board staff is not recommending additional changes to the text due to public comments and that a summary of comments with draft Board responses are in the meeting materials. Ms. Liranzo further noted that included in the meeting materials are the different methods that licensees can choose from to provide notice to consumers.

Dr. Raggio asked Paul Sanchez to discuss the evolution of the Notice to Consumer issue. Mr. Sanchez discussed the statutory authority for this regulation and commented that it has been around since 1998.

Dr. Raggio inquired on the draft Board response to a common complaint. Mr. Sanchez replied that other boards are in compliance or will be in compliance with this statutory requirement and that this Board is not the only board requiring this type of notice. Cherise Burns commented on what other boards are doing to be in compliance with this statutory requirement.

Dr. Raggio commented on the public comment regarding requiring over-the-counter hearing aid sellers to comply with this requirement and noted that, even though the Board cannot require over-the-counter hearing aid sellers to comply with the requirements, licensees who sell over-the-counter hearing aids will be required to comply with the requirements.

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

**Tod Borges moved to approve the proposed Board responses to Comments, and direct staff to take all steps necessary to complete the rulemaking process, including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt the proposed regulations at Title 16, CCR Sections 1399.129 and 1399.157.1 as noticed.**

**Gilda Dominguez seconded the motion.**

**The motion carried 5-0.** (Ayes: Raggio, Kaiser, Borges, Dominguez, White)

5. Discussion and Possible Action to Amend Regulations Regarding Required Professional Experience Direct Supervision Requirements and Tele-Supervision as stated in Title 16, CCR sections 1399.153 and 1399.153.3

Dr. Raggio invited Ms. Burns to provide a background and an update on proposed regulations regarding Required Professional Experience Direct Supervision Requirements and Tele-Supervision. Ms. Burns provided a summary of comments with draft Board responses and noted that the Board can consider additional changes to the text due to public comments regarding limiting tele-supervision on a quarterly basis rather than a monthly basis.

Dr. Raggio inquired on the actions the Board can take. Ms. Burns replied that the Board can make a change to accommodate the comment or not make a change and that there is suggested motions for both actions.

Tod Borges commented on not making changes to accommodate the comment because the in-person contact with the supervisor would be inconsistent. Gilda Dominguez expressed agreement to Mr. Borges comment that in-person supervision should take place each month.

Holly Kaiser commented on the public comments regarding limiting tele-supervision on a quarterly basis rather than a monthly basis and inquired on how 1399.153.3(e) would apply to the tele-supervision. Ms. Burns replied that it would limit the amount of tele-supervision based on a quarterly system. Dr. Amy White commented on the flexibility of tele-supervision on a quarterly basis.

Mr. Borges inquired on tele-supervision for direct supervision. Ms. Burns replied that the required hours are still there, but supervisors will have a choice such as one month is in-person, another month is tele-supervision, and another month is half in-person supervision and half tele-supervision.

Ms. Kaiser inquired on the 15-day notice if changes were made to accommodate the comment. Ms. Burns replied that the comments during a 15-day notice would have to be on the most recent changes and not on the original text or earlier proposed revisions to the text.

Ms. Dominguez inquired on a month not being in-person. Ms. Burns replied that under a quarterly requirement that there could be a month where there is not in-person supervision. Ms. Dominguez commented on the consistency that a monthly versus a quarterly requirement for supervisors to provide in-person input and feedback. Mr. Borges commented on the effectiveness of tele-supervision compared to in-person supervision. Ms. Dominguez commented on regulations being applicable to all work settings.

Ms. Kaiser inquired on the use of the phrase “supervisor’s supervision” in sections 1399.153.3(b) and 1399.153.3 (d)(5). Ms. Burns replied that it appears redundant but that is the correct use.

Ms. Kaiser expressed agreement to the comments of Mr. Borges and Ms. Dominguez regarding not making changes to accommodate the comment. Dr. White expressed agreement to not making changes to accommodate the comment. Ms. Burns directed Board members to the second suggested motion comment included in the meeting materials.

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

**Gilda Dominguez moved to approve the proposed responses to public comments as outlined in this memo, direct staff to take all steps necessary to complete the rulemaking process, delegate authority to the Executive Officer to make any technical or non-substantive changes to the proposed regulations or the responses to comments that may be required in completing the rulemaking file and adopt the proposed regulatory changes as noticed.**

**Tod Borges seconded the motion.**

**The motion carried 6-0.** (Ayes: Raggio, Kaiser, Borges, Dominguez, Valdez, White)

6. Future Agenda Items

Dr. Raggio solicited future agenda items. There was no Board discussion.

Dr. Raggio asked for public comments.

Michele Dew asked if there could be a discussion on RPE license processing time and reducing the time. Dr. Raggio replied that the Executive Officer reports on the licensing processing time in his Executive Officer Report and will be addressed under that agenda item. Ms. Dew asked if the public is informed through email. Dr. Raggio replied that an email regarding Board meetings is sent with a copy of the agenda. Mr. Sanchez commented that the public can write to the Board regarding questions and that Board staff can respond or an item can be added for a future agenda.

7. 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.

8. Adjournment

**The meeting adjourned at 1:56 p.m.**