



BOARD MEETING MINUTES
Teleconference
Thursday, April 27, 2023

Full Board Meeting Agenda

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 1:00 p.m. Dr. Raggio called roll; six 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
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
Sarah Irani, DCA SOLID
Penney Bryce, DCA Office of Public Affairs
Yvonne Dorantes, DCA Executive Office

Guests Present

Maret Wilson Walker
Jennifer Kizner
Andrea Ball
Ann Kearney
Susana Rodriguez
Megan McCann

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 February 24, 2023, Board Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of the February 24, 2023, Board Meeting Minutes. Maria Liranzo provided a summary of the minutes.

Dr. Raggio asked about the Audiology practice discussion regarding aides on page 2 and asked where the definition of immediate supervision can be found in current regulations. Ms. Liranzo replied that the discussion was on proposed changes that would adopt a new section to define different types of supervision and noted that the minutes reference the meeting material to clarify that the discussion was related to the meeting materials and not current regulations.

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

Tod Borges moved to approve the February 24, 2023, Board meeting minutes.

Amy White seconded the motion.

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

4. DCA Update – DCA Board and Bureau Relations

Dr. Raggio invited staff from DCA Board and Bureau Relations to provide an update. Yvonne Dorantes provided an update on DCA's Diversity, Equity, and Inclusion Committee; mandatory training for Board members; virtual public meetings; federal affordability law; and DCA's annual report.

Mr. Borges asked for Ms. Dorantes' email in case he needs help finding the mandatory training; Ms. Dorantes provided her email to Mr. Borges.

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

5. Board Chair's Report

Dr. Raggio opened the discussion with the 2023 Board Meeting Calendar and noted the next meeting in August will be a teleconference and the November 30 – December 1 meeting will be in-person in Sacramento.

Karen Chang deferred the report on discussion from the Legislative Ad Hoc Committee to Cherise Burns. Ms. Burns provided a brief report on discussion from the Legislative Ad Hoc Committee and deferred to the legislative report.

Dr. Raggio noted that the committee membership is included in the meeting material.

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

6. Executive Officer's Report

Dr. Raggio invited Paul Sanchez to provide the Executive Officer's report.

Mr. Sanchez reported an administration update including changes to Board staffing.

Mr. Sanchez reported outreach efforts including a presentation at the California Speech-Language Hearing Association (CSHA) conference with Board Member Gilda Dominguez; participation in a quarterly meeting with the Council of Academic Programs in Communication Sciences (CAPCSD), and a meeting with clinic directors with Ms. Burns regarding required professional experience application process.

Mr. Sanchez reported on the budget including the fund condition, an increase in operating costs related to personnel and enforcement, and spending reduction to prevent a year-end fiscal deficit.

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

Mr. Sanchez reported on licensing including an increase to the processing time and results from the last practical examination.

Mr. Sanchez reported on enforcement including the number of complaints received and disciplinary actions adopted by the Board during the past 12 months.

Mr. Borges asked what the reasons are to why the entire budget is being spent. Mr. Sanchez and Ms. Burns replied that the budget is built on estimates and the largest contributor was an increase in personnel cost.

Dr. Raggio asked for public comments.

Maret Wilson Walker commented on the processing time. Mr. Sanchez commented on the manual process of application review along with the development and launch of the Board's online applications and the effects those had on processing time.

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

Dr. Raggio invited Mr. Sanchez and Ms. Burns to provide an update on the Board's Business Modernization project. Mr. Sanchez provided an update on the project. Ms. Burns commented on the final phase of the project being implemented in May.

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

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

Dr. Raggio invited Ms. Burns to provide the legislative report

Ms. Burns reported on the legislative calendar and deadlines.

Ms. Burns reported on Board-sponsored legislation and bills for active position recommendations.

Dr. Raggio asked for public comments on the legislative calendar and deadlines and Board-

sponsored legislation. There were no comments from the public, outside agencies, or associations.

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board a Neutral if Amended position on Assembly Bill (AB) 381 with a request to the author for amendments to clarify that audiometrists are registered with the Department of Health Care Services, and if those amendments are taken, the Board will move to a Neutral position.

Holly Kaiser asked about the use of an audiometrist versus the use of an audiologist in the school settings. Ms. Burns replied that she doesn't have information on their prevalence but that they are used for hearing screening only. Dr. Raggio commented on the use of audiometrist and requirements to be an audiometrist including the completion of courses. Ms. Liranzo commented that they are still required to complete a course.

Ms. Kaiser asked why the position isn't support if amended. Ms. Burns replied that the other changes in the bill are not within the Board's jurisdiction.

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

Karen Chang moved to approve a Neutral if Amended position on AB 381.

Holly Kaiser seconded the motion.

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

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board an Oppose Unless Amended position on Senate Bill (SB) 372 with a request to the author for amendments to narrow the scope to name change accompanied with a gendered change, ensure discipline records are still publicly available but without the prior name, and a fiscally feasible process for the public to find that information.

Mr. Borges asked if the intent of the bill was to be broad. Ms. Burns replied that the fact sheet doesn't seem to be because it talks about the problem of deadnaming.

Dr. Raggio asked what the rationale about the removal of names. Ms. Burns replied that the fact sheet talks about the safety and privacy of trans and non-binary individuals.

Dr. Raggio asked if there are other boards looking at this bill. Ms. Burns replied that this is DCA-wide. Mr. Sanchez commented finding solutions that respect the integrity of the person while providing consumer protection.

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

Tod Borges moved to approve an Oppose Unless Amended position on SB 372.

Amy White seconded the motion.

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

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board a Support position on SB 544 because this will make the current remote meetings and teleconferences requirements permanent with public access to at least one in-person location.

Mr. Borges asked if this is the bill discussed earlier that wouldn't go in effect until January 1, 2023. Ms. Burns replied that it is the same bill.

Ms. Kaiser asked if there will be an option to attend in Sacramento. Ms. Burns replied that board members can as it will be one of the locations publicly noticed because that is where Board staff will be. Ms. Burns commented that it is common to have multiple board members at the same location.

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

Holly Kaiser moved to approve a Support position on SB 544.

Gilda Dominguez seconded the motion.

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

Ms. Burns reported that the Legislative Ad Hoc Committee recommends to the Board a Support if Amended position on SB 612 with a request to the author for amendments to change the grandfather clause from speech-language pathologists who obtained their license before January 1, 2023, to speech-language pathologists who obtained their board-certified Otolaryngologists written verification prior to January 1, 2023.

Dr. Raggio asked Gilda Dominguez for her position on this bill. Ms. Dominguez replied that the grandfather clause needs to reflect when the verification was obtained. Mr. Sanchez commented on the amendments being proposed. Ms. Chang asked for the language of the amendment. Ms. Burns replied that the language would say "a licensed speech-language pathologist who holds a written verification prior to the amendments to this section in chapter 450 of the statutes of 2022 shall be deemed to meet the requirements in subparagraph (a)." Ms. Dominguez asked if the verification would still need to be on file and readily available for inspection. Ms. Burns replied that it would still be in the law.

Dr. Raggio asked if the supervision by speech-language pathologists would still be available. Ms. Burns replied that they can for the second fifteen procedures.

Dr. Raggio asked of Dr. Tulio Valdez's position on this bill. Ms. Burns replied that he was supportive of the supervision by speech-language pathologists. Ms. Kaiser expressed agreement to Ms. Burns' statement.

Ms. Kaiser asked if there are situations where speech-language pathologists were trained solely by speech-language pathologists and received verification from an Otolaryngologists who didn't train them. Ms. Burns replied that the Board recently learned that those situations do exist.

Dr. Raggio asked for public comments.

Jennifer Kizner commented in support of SB 612 and noted Flexible Endoscopic Evaluation of Swallowing (FEES) procedures training programs had to stop providing their services because of the changes to the law. Ms. Kizner further noted that there have been no adverse events or outcomes reported to the licensing Board.

Andrea Ball commented in support of SB 612 and asked if the Board can provide the recommended text to amend the bill. Ms. Burns replied that the Board is taking a Support if Amended position to narrow the grandfather clause to be based on when the verification was received rather the license issue date.

Ann Kearney commented in support of SB 612 and ask the Board to take into consideration individual centers with stricter competencies.

Susana Rodriguez commented in support of SB 612.

Tod Borges moved to approve a Support If Amended position on SB 612.

Gilda Dominguez seconded the motion.

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

Ms. Burns reported on bills with recommended watch status.

Dr. Raggio asked for public comments on bills with recommended watch. There were no comments from the public, outside agencies, or associations.

9. Legislative Items for Future Meeting

Dr. Raggio asked if Board members had legislative items for future meeting. There was no Board discussion.

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

10. 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.

Ms. Liranzo provided a background and summary of changes to modify proposed regulations regarding SLPA supervision.

Ms. Kaiser asked if the RPE experience is included in the two-year practice experience requirement. Ms. Liranzo replied this it is not and noted the Board can consider it today as part of the modification.

Ms. Kaiser asked the Board for their position on including the RPE experience as part of the two-year practice experience requirement. Dr. Amy White replied that it should be after licensure and asked if the text would be one year instead of two years. Ms. Kaiser replied that the text would say

one-year. Ms. Dominguez commented on the differences of experience during an RPE experience versus post-licensure and noted two years for clinical growth doesn't seem unreasonable.

Ms. Kaiser asked the Board if there should be flexibility in the requirement regarding the supervision during the first ninety (90) days of initial licensure. Ms. Liranzo noted that this can be found in the memo included in the meeting materials on page 3 of 3, and commented that Board staff is not recommending changes because the Board expressed a consistent higher level of supervision.

Ms. Kaiser asked the Board if the number of support personnel should be changed. Ms. Liranzo replied that Board staff is not recommending changes because there is a need for three SLPA and this would allow supervisor to arrange their personnel in such a way that is equivalent to three personnel.

Ms. Liranzo suggested the Board to adopt text to say "3,120 hours" in section 1399.170.15(b)(1) as an equivalent for two years of full-time experience, which can be used for fulltime school-based employment and part-time employment. Ms. Liranzo noted the hours were a recommendation from a public comment and it's a calculation of 30 hours per week across two full calendar year or 104 weeks.

Ms. Dominguez asked if those hours can be met in less than two years if they work more hours. Ms. Liranzo replied that they could if they work more than thirty hours per week. Ms. Dominguez asked is this requirement is which ever come first. Ms. Burns replied that it would shorten it in weeks but not in hours.

Dr. Raggio asked for public comments.

Megan McCann asked if the Board is considering one-year post licensure for the practice experience requirement and if there will be an opportunity to supervise three (3) SLPAs, and commented on the supervision during the first ninety (90) days. Ms. Liranzo replied to clarify the proposed changes regarding the number of SLPAs.

Maret Wilson Walker commented on the first ninety (90) days and noted American Speech-Language-Hearing Association (ASHA) had similar requirement that was removed. Ms. Dominguez replied that SLPA may want more guidance in the beginning.

Holly Kaiser moved to approve the proposed second modified regulatory text, as amended, for 16 CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18, and direct staff to take all steps necessary to notice the second modified regulatory text. If no adverse comments are received during the 15-day comment period, authorize the Executive Officer to make any non-substantive changes to the regulatory package and take all steps necessary to complete the rulemaking and adopt the proposed regulations as amended.

Tod Borges seconded the motion.

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

Ms. Liranzo provided a background and summary of changes to proposed regulations regarding advertising for hearing aid dispensers.

Ms. Liranzo asked the Board for their position on the advertisement of address(es) and services as part of research. Dr. Raggio asked for the rationale behind the advertisement of services as part of research. Mr. Sanchez replied that advertisement in the past would ask consumer if they would like to be a part of a research or study as an effort to reach out to people and sell. Dr. Raggio recommended that the text remains. Ms. Liranzo recommended to the Board to replace “following” with either “in connection with” or “in relation to” so that it prevents this form of advertising. Ms. Burns clarified that amendments would prevent the selling of hearing aid during or prior to the research.

Ms. Liranzo noted the text as noticed today will require the advertising of address(es) similar to what is required on written receipt pursuant to Business and Profession Code sections 2538.35 and 2539.4. Mr. Borges expressed agreement with the proposed amendment.

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

Tod Borges moved to approve the proposed regulatory text as amended for Section 1399.127, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at Section 1399.127 as amended.

Amy White seconded the motion.

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

Ms. Liranzo provided a background and summary of changes to proposed regulations regarding continuing professional development (CPD) requirements for speech-language pathologists and audiologists.

Ms. Liranzo asked the Board their position regarding CPD requirement for licenses expire for two or more renewal cycles, and noted the Board has the option to align with hearing aid dispensing regulations which is the prior two renewal cycles or require the most recent renewal cycle.

Mr. Borges asked if the number of hours are the same. Ms. Liranzo replied that they are not. Ms. Burns noted that the renewal cycles are not the same either but the hours come out to be twelve hours per year if completed on a yearly basis.

Mr. Borges asked if changes were made to this regulation would the hearing aid dispensing regulations need to be changed. Ms. Burns replied that it would to maintain consistency.

Dr. White ask if a dispensing audiologist would be required to complete twelve (12) hours and a non-dispensing audiologist would be required to complete twenty-four (24) hours because a non-dispensing audiologist is on a two-year renewal cycle whereas a dispensing audiologist is on a one year. Ms. Burns expressed agreement with Dr. White’s statement.

Mr. Borges and Ms. Chang expressed agreement to require CPD for the most recent renewal cycle for licenses expired for two or more renewal cycle. Ms. Liranzo noted the changes.

Ms. Liranzo asked the Board their position regarding licensees being awarded two (2) hours for participating in the Occupational Analysis and noted that it can be added to section 1399.160.3.

Ms. Dominguez asked which category this would fall under. Ms. Liranzo replied that it would be its own category. Ms. Burns replied that it would be similar to participating in Board-sponsored examination development or administration related functions and commented on the role of the Occupational Analysis.

Ms. Kaiser asked if it would be considered self-study. Ms. Liranzo replied that it wouldn't and noted that it would be counted toward the total hours required.

Dr. Raggio asked for public comments.

Ms. Liranzo read a written public comment from Jeff Simpson to increase the number of self study hours to either twelve (12) hours or eighteen (18) hours, and increase the number of related courses and/or indirect course to eight (8) hours.

Tod Borges moved to approve the proposed regulatory text for 16 CCR sections 1399.160 through 1399.160.4, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.160 through 1399.160.4 as amended.

Amy White seconded the motion.

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

Ms. Liranzo provided a background and summary of changes to proposed regulations regarding continuing education (CE) requirements for hearing aid dispensers.

Ms. Liranzo noted the questions for discussion are similar to the questions previously discussed in the last item and stated similar changes to say the most recent renewal cycle in section 1399.140(e) and to permit hearing aid dispenser participating in the Occupational Analysis to be awarded two (2) CE hours as a new subsection.

Dr. Raggio asked if there is any reason to not make them equivalent. Ms. Liranzo replied that there are no reasons to not make them consistent. Mr. Borges expressed agreement that there is no reason to not make them equivalent.

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

Tod Borges moved to approve the proposed regulatory text for 16 CCR sections 1399.140, 1399.140.1, and 1399.144, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, including any non-substantive changes to the package, and adopt the proposed regulations at 16 CCR sections 1399.140, 1399.140.1, and 1399.144 as amended.

Holly Kaiser seconded the motion.

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

11. Future Agenda Items

Dr. Raggio asked Board members for future agenda items. There was no Board discussion.

Dr. Raggio asked the public for future agenda items.

Maret Wilson Walker commented on the need for clarification regarding the use of RPE and tele supervision in schools.

12. 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 met in closed session to discuss disciplinary matters and subsequently adjourned for the day.

13. Adjournment

The meeting adjourned at 4:15 p.m.