



TELECONFERENCE BOARD MEETING NOTICE AND AGENDA

The Speech-Language Pathology & Audiology & Hearing Aid Dispensers Board (Board) will hold a Board Meeting in person and via WebEx Events on

Thursday, November 30, 2023, beginning at 1:00 p.m., and continuing on Friday, December 1, 2023, beginning at 9:00 a.m.

TELECONFERENCE LOCATION FOR OBSERVATION AND PUBLIC COMMENT:

*Department of Consumer Affairs (Headquarters 2 Building)
1747 North Market Blvd., Hearing Room # 186 (1st Floor)
Sacramento, CA 95834*

IMPORTANT NOTICE TO THE PUBLIC:

The Board will hold this public meeting via WebEx, to observe and participate from a remote location, please log on to WebEx (Instructions to connect to this meeting can be found at the end of this agenda). To participate in the WebEx Events meeting, please log on to the following websites each day of the meeting:

Thursday, November 30, 2023, WebEx Link, beginning at 1:00 p.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=ma93ff7aeff9757801467d5cc5e2a522b>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 2493 043 9010, Passcode: 75724232

Friday, December 1, 2023, WebEx Link, beginning at 9:00 a.m.:

If accessing by computer or online:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m25d29a7a79fb6541caa01c3dbc00e806>

If accessing by phone: Dial +1-415-655-0001 US Toll, Access code: 2492 199 8006, Passcode: 75724232

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com

To observe the meeting without the ability to provide public comment, a live stream of the Board Meeting will be available during each day of the meeting at <https://thedcapage.blog/webcasts/>

Due to potential technical difficulties, please consider submitting written comments by 5:00 pm, Wednesday, November 29, 2023, to speechandhearing@dca.ca.gov for consideration.

Action may be taken on any agenda item. Items may be taken out of order to facilitate the effective transaction of Board business.

Thursday, November 30, 2023, beginning at 1:00 p.m.

Board Members

VACANT, Board Chair
Holly Kaiser, Speech-Language Pathologist, Board Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Danduran, Hearing Aid Dispenser
Gilda Dominguez, Speech-Language Pathologist
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist
VACANT, Public Member

Full Board Meeting Agenda

OPEN SESSION

1. Call to Order / Roll Call / Establishment of Quorum
2. Swearing in New Board Member

Recess to Committee Meeting Business

Audiology Practice Committee Members

Amy White, Dispensing Audiologist, Committee Chair
Karen Chang, Public Member
Tulio Valdez, Otolaryngologist
Charles Sanders, Dispensing Audiologist

Audiology Practice Committee Agenda

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda
(The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
3. Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Upon Adjournment of the Audiology Practice Committee Meeting

Speech-Language Pathology Practice Committee Members

Holly Kaiser, Speech-Language Pathologist, Committee Chair
Gilda Dominguez, Speech-Language Pathologist
VACANT, Public Member

Speech-Language Pathology Practice Committee Agenda

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda
(The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
3. Discussion and Possible Action to Amend Regulations Regarding Scope of Responsibility, Duties, and Functions of Speech-Language Pathology Assistants as Stated in Title 16, California Code of Regulations (CCR) section 1399.170.3
4. Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, CCR Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Upon Adjournment of the Speech-Language Pathology Practice Committee Meeting

Board Members

VACANT, Board Chair
Holly Kaiser, Speech-Language Pathologist, Board Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Danduran, Hearing Aid Dispenser
Gilda Dominguez, Speech-Language Pathologist
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist
VACANT, Public Member

Full Board Meeting Agenda

OPEN SESSION

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda *(The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))*

CLOSED SESSION

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

Friday, December 1, 2023, beginning at 9:00 a.m.

Hearing Aid Dispensing Committee Members

Tod Borges, Hearing Aid Dispenser, Committee Chair
John Danduran, Hearing Aid Dispenser
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Hearing Aid Dispensing Committee Agenda

1. Call to Order / Roll Call / Establishment of Quorum
2. Public Comment for Items Not on the Agenda
(The Committee may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))
3. Discussion and Possible Action Regarding Foreign Body In The Ear Canal and Other Pre and Post Fitting Observations That Require Referral for Medical Opinion as Stated in Business and Professions Code Sections 2538.36 and 2539.6

Upon Adjournment of the Hearing Aid Dispensing Committee Meeting

Board Members

VACANT, Board Chair
Holly Kaiser, Speech-Language Pathologist, Board Vice Chair
Tod Borges, Hearing Aid Dispenser
Karen Chang, Public Member
John Danduran, Hearing Aid Dispenser
Gilda Dominguez, Speech-Language Pathologist
Charles Sanders, Dispensing Audiologist
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist
VACANT, Public Member

Full Board Meeting Agenda

OPEN SESSION

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

4. Acknowledgment of Dr. Marcia Raggio's Service to the Board
5. Public Comment for Items Not on the Agenda (*The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7(a))*)
6. Review and Possible Approval of the August 24-25, 2023, Board Meeting Minutes
7. DCA Update – DCA Board and Bureau Relations
8. Board Chair's Report
 - a. 2023 Board and Committee Meeting Calendar
 - b. Board Representation for the Department of Health Care Services' Audiology Technical Advisory Committee
 - c. Board Committee Reports
 - i. Enforcement Ad Hoc Committee
 - ii. Audiology Practice Committee
 - iii. Speech-Language Pathology Practice Committee
 - iv. Hearing Aid Dispensing Committee
9. Executive Officer's Report
 - a. Administration Update
 - b. Outreach Update
 - c. Budget Report
 - d. Regulations Report
 - e. Licensing Report
 - f. Practical Examination Report
 - g. Enforcement Report
10. Legislative Report: Update, Review, and Possible Action on Proposed Legislation
 - a. Legislative Calendar and Deadlines

2023 Board-Sponsored Legislation

 - i. SB 887 (Committee on Business, Professions and Economic Development) Consumer affairs
 - b. 2023 Bills with Active Position Recommendations
 - i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists
 - ii. SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes
 - iii. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
 - iv. SB 612 (Ochoa Bogh) Speech-language pathologists
 - v. SB 635 (Menjivar) Health care coverage: hearing aids.
 - c. 2023 Bills with Recommended Watch Status
 - i. AB 477 (Waldron) Legislative review of state boards
 - ii. AB 567 (Ting) Criminal records: relief
 - iii. AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program
 - iv. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy
 - v. AB 1028 (McKinnor) Reporting of crimes: mandated reporters
 - vi. AB 1417 (Wood) Elder and dependent adult abuse: mandated reporting

- vii. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law
 - viii. SB 259 (Seyarto) Reports submitted to legislative committees
 - ix. SB 345 (Skinner) Health care services: legally protected health care activities
 - x. SB 763 (Durazo) Criminal records
 - xi. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction
11. Discussion and Possible Action to Adopt a Legislative Proposal for an Omnibus Bill to Amend Business and Professions Code (BPC) sections 2538.3, 2538.10, 2538.25, 2538.27, and 2539.1
 12. Legislative Items for Future Meeting (The Board May Discuss Other Items of Legislation in Sufficient Detail to Determine Whether Such Items Should be on a Future Board Meeting Agenda and/or Whether to Hold a Special Meeting of the Board to Discuss Such Items Pursuant to Government Code section 11125.4)
 13. Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages
 - a. Discussion and Possible Action to Amend Regulations Regarding Speech-Language Pathology Assistant (SLPA) Program and Academic Requirements as stated in Title 16, California Code of Regulations (CCR) sections 1399.170.4, 1399.170.10, and 1399.170.11
 - b. Discussion and Possible Action to Amend Regulations Regarding SLPA Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18
 - c. Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144
 - d. Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4
 - e. Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127
 - f. Discussion and Possible Action to Amend Regulations Regarding Approved Institutions as stated in Title 16, CCR section 1399.152
 - g. Discussion and Possible Action to Amend Regulations Regarding Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119
 - h. Discussion and Possible Action to Amend and Adopt Regulations Regarding Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14
 - i. Discussion and Possible Action to Adopt and Amend Regulations Regarding General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, CCR sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4
 - j. Discussion and Possible Action to Amend Regulations Regarding Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13
 - k. Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical Experience as stated in Title 16, CCR section 1399.152.2.
 14. Discussion and Possible Action on the Executive Officer Salary or Executive Officer Level Increase
 15. Election of Board Officers
 16. Potential Dates for Board Meetings in 2024

17. Future Agenda Items

CLOSED SESSION

18. 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.

OPEN SESSION

19. Adjournment

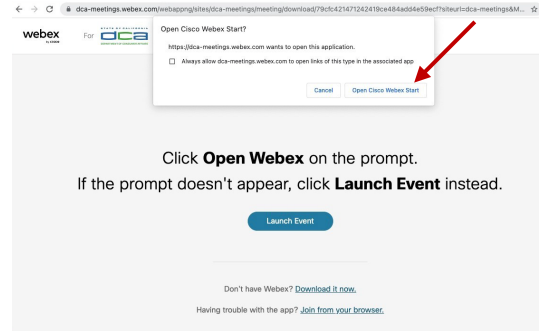
Agendas and materials can be found on the Board's website at www.speechandhearing.ca.gov.

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. In the event a quorum of the board is unable to attend the meeting, or the board is unable to maintain a quorum once the meeting is called to order, the members present may, at the Chair's discretion, continue to discuss items from the agenda and make recommendations to the full board at a future meeting. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

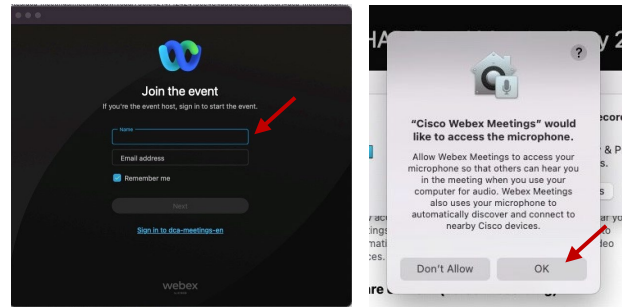
The meeting facility is accessible to persons with a disability. Any person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Board office at (916) 287-7915 or making a written request to Cherise Burns, Assistant Executive Officer, 1601 Response Road, Suite 260, Sacramento, California 95815. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



- 3 Enter your name and email address*. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.

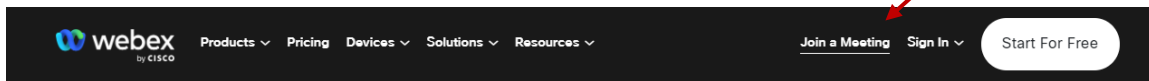


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

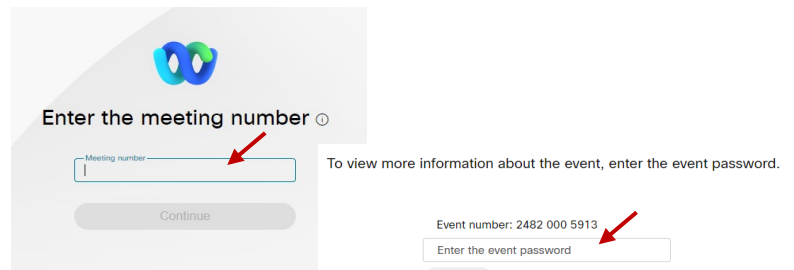
OR

If joining from Webex.com

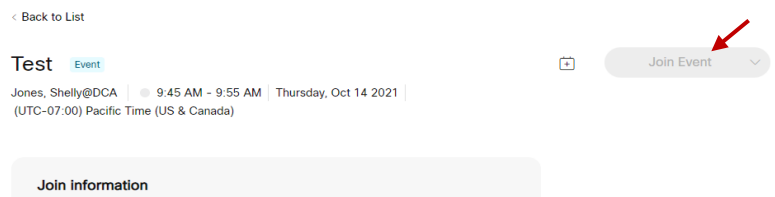
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



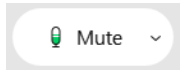
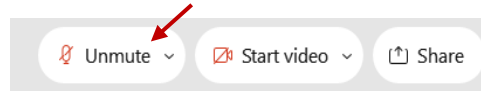
OR

Connect via telephone*:

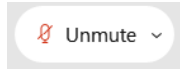
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

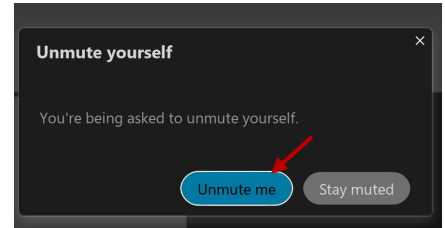


Green microphone = Unmuted: People in the meeting can hear you.



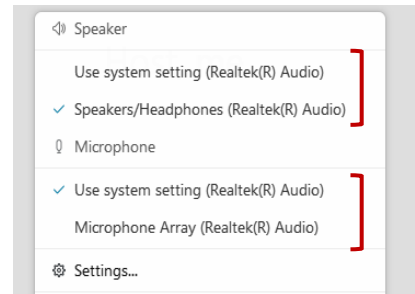
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



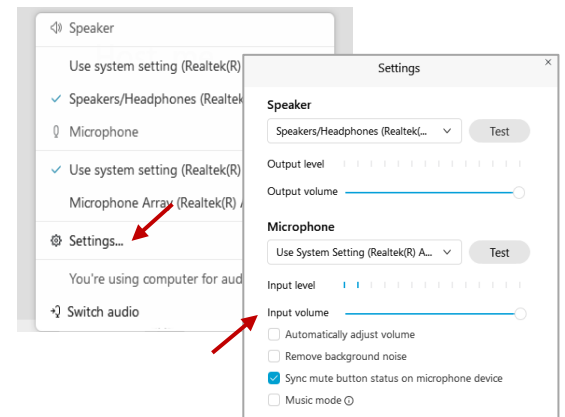
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

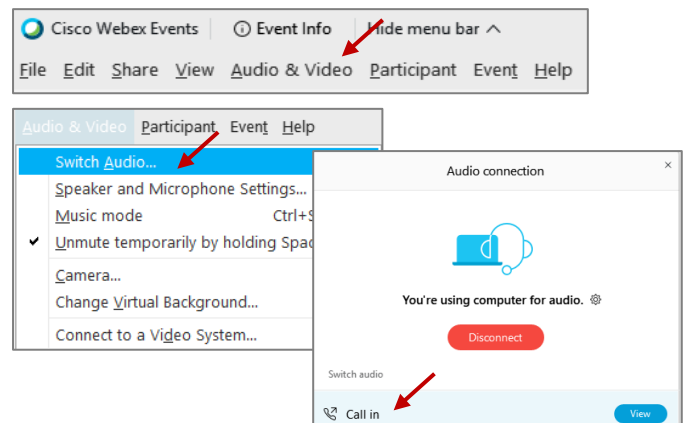
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



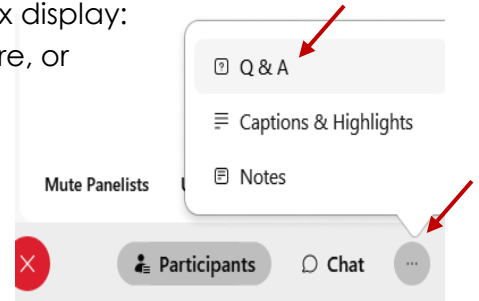
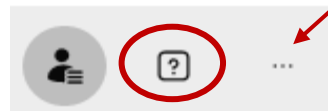
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

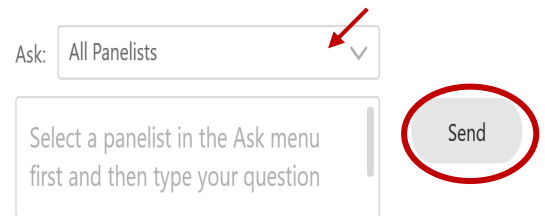
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



OR

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

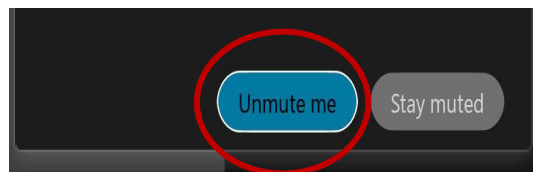
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

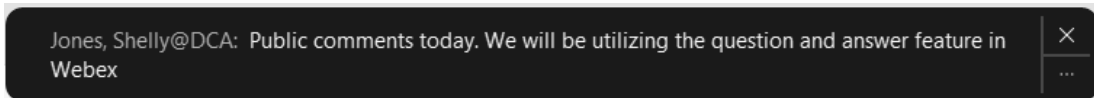


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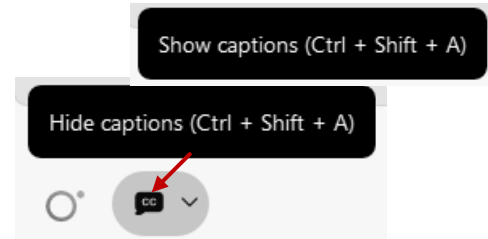
If connected via telephone:

- Press *3 to unmute your microphone.

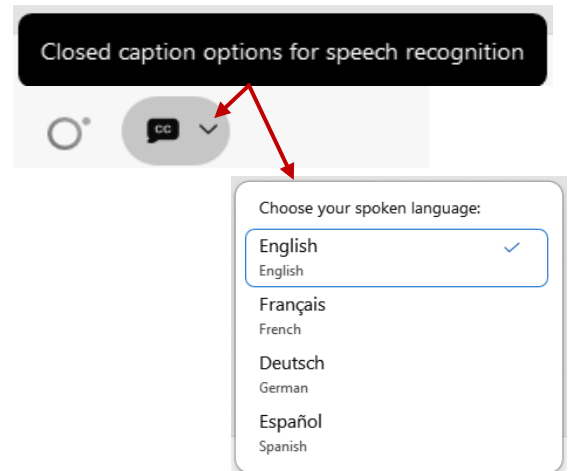
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



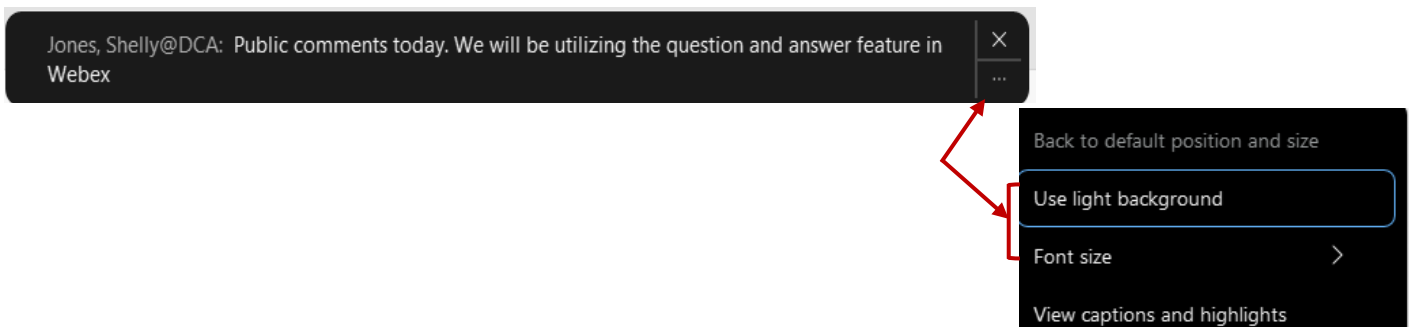
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.





MEMORANDUM

DATE	November 20, 2023
TO	Audiology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Background

The Committee directed Board staff to work with DCA Regulations Counsel to draft regulatory language that will begin clarifying the scope of practice and supervision for audiology aides as well as implement the statutory changes for audiology aide renewal. The statutory changes creating the renewal requirement for audiology aides was created in the Board's Sunset Bill, AB 2686 (Chapter 415, Statutes of 2022), and requires aide registrations to be renewed every two years and for supervisors to update the Board on the duties the aide performs and the training program and assessment methods the supervisor is utilizing to ensure the aide's continued competency.

The following changes were made to the regulations (all CCR sections are in title 16):

- Added CCR sections 1399.151.2 (Expedited Licensure or Registration Process), 1399.151.3 (Licensure or Registration, Discipline, and Conviction Disclosure), and 1399.151.4 (Fingerprinting) to put the registration form in regulation.
- Amended CCR section 1399.154 (Definitions) to add to the definition of Audiology aide.
- Amended CCR section 1399.154.1 (Registration of Aides) to remove gendered terms, codify the registration form, and make current the registration process.
- Amended CCR sections 1399.154.2 (Responsibilities of Speech-Language Pathology Aide's Supervisor), 1399.154.2.3 (Maximum Number of Aides), and 1399.154.4 (Training of Speech-Language Pathology Aides) to separate audiology aides from speech-language pathology aides and remove gendered terms.
- Amended CCR section 1399.154.5 (Notice of Termination) to put the notice of termination requirements in regulation.
- Amended CCR section 1399.154.6 (Noncompliance with Article) to make grammatical corrections.
- Amended CCR section 1399.154.7 (Aide Experience Not Applicable to Qualifications for Licensure) to remove gendered terms and correct a statutory citation.

- Added CCR sections 1399.154.8 (Responsibilities of Audiology Aide’s Supervisor), 1399.154.9 (Supervision of Audiology Aides), 1399.154.10 (Training of Audiology Aide), 1399.154.11 (Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide) to incorporate previously discussed changes, see Attachment B, and specify audiology aides training and supervision:
 - Amended CCR section 1399.154.9 to reorganize the levels of supervision; require immediate supervision for activity involving medically fragile patients and where training was received but not yet performed in direct client care; and add different levels of supervision for the first ninety (90) days after licensure per the Committee’s discussion on February 24, 2023.
 - Amended CCR section 1399.154.11 to spell out acronyms, reorganize the list, and make grammatical corrections. Amended the section to specify diagnostic evaluations and add cerumen removal as a procedure that requires high level of clinical acumen and technical skills per the Committee’s discussion on February 24, 2023.
- Added CCR section 1399.154.12 (Registration Renewal of Aides) to put the renewal form and renewal process in regulation.
- Amended CCR section 1399.157 (Fees) to put the registration fee waiver for military spouses or domestic partners in regulation.

Issues for Consideration

The Committee may consider aligning industrial audiology aide with requirements of technician under the Department of Industrial Relations (DIR) hearing conversation program. The DIR requires employers to administer a hearing conservation program whenever noise exposures exceed a certain level. Audiometric tests performed under this program can be conducted by a “licensed or certified audiologist, otolaryngologist, or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and checking calibration and proper functioning of the audiometers being used. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or physician.” Technicians are permitted to compare each annual audiogram with the baseline audiogram to determine if the audiogram is valid and if a standard threshold shift as defined by the DIR in Title 8, CCR Section 5097 has occurred.

The Committee may also consider aligning the requirements of an audiology aide supervisor with supervision requirements for other license/registration types. The following are items to consider:

- Possess and maintain a current, active, and unrestricted California license as an audiologist or dispensing audiologist pursuant to Sections 2532 or 2539.1 of the Code, and have at least two years or 3,120 hours of experience providing services as a licensed audiologist. “Full-time experience” as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year.
- Notify the aide immediately of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.

- Complete a minimum of six (6) hours of continuing professional development in supervision prior to assuming responsibility as a supervisor, and three (3) hours of continuing professional development in supervision every four (4) years thereafter. Continuing professional development training obtained from a Board-approved provider may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3. Records of course completion in supervision training must be maintained for a period of two (2) years from the aide's renewal date.
- Review with the audiology aide the laws and regulations pertaining to the supervision and practice of audiology.
- Provide the aide with a plan for how to handle emergencies.

Discussion Questions

1. Does the definition of an industrial audiology aide in CCR section 1399.154(d) need to be amended?
 - a. Should “a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation” be exempt from registration? If yes, consider amending CCR section 1399.154.1(d) to specify that.
2. Should requirements be specified for aides with multiple supervisors? If yes, consider adding a new subsection to CCR section 1399.154.1 with the suggested language: If an aide has more than one supervisor, each supervisor shall register the aide as stated in subsection (a).
3. What does the phrase “future dispositions of patients” used in CCR sections 1399.154.2(d) and 1399.154.8(d) mean, and what other term could be substituted to meet the Office of Administrative Law’s clarity standard?
4. Should the maximum number of audiology aides include a definition of support personnel similar to the practice of speech-language pathology? If yes, consider adding to CCR section 1399.154.3 the suggested language: Support personnel includes audiology aides, hearing aid dispenser trainees under Section 2538.28 of the Code, and hearing aid dispenser temporary licensees under Section 2538.27 of the Code.
 - a. Should the maximum number of audiology aides include a full-time equivalent?
5. Should the audiology aide supervision align with supervision requirements for other license/registration types? Any of the suggested language mentioned above may be added to CCR section 1399.154.8.
6. Does the supervision requirement for an industrial audiology aide in CCR section 1399.154.9(c) need to be amended?
7. Does the training requirement for an industrial audiology aide in CCR section 1399.154.10(d) need to be amended?

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to direct staff to continue working with DCA Regulations Counsel on drafting regulatory language.

Attachment A: Audiology Aides Supervision and Training Proposed Text

Attachment B: Proposed regulatory changes regarding aides as presented on November 6, 2015 (Draft)

PROPOSED REGULATORY LANGUAGE
General Application Requirements and Speech-Language Pathology
and Audiology Aide Requirements

Legend: Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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§ 1399.151.2. Expedited Licensure or Registration Process.

The Board shall expedite any application of an applicant who:

(a) Pursuant to Section 115.4 of the Code, identifies themselves as an honorably discharged member of the United States Armed Forces, and who provides a Certificate of Release or Discharge from Active Duty (DD-214) or other documentary evidence showing the date and type of discharge, pursuant to Section 115.4 of the Code.

(b) Pursuant to Section 115.6 of the Code, identifies themselves as a person who is married to, or in a domestic partnership or other legal union with an active-duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active-duty military orders, and the applicant holds a valid license, or comparable authority, to practice as a hearing aid dispenser or audiologist in another United States state, district, or territory, and who provides documentary evidence as specified in paragraphs (1) through (3). application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of their current license or registration in another state, district, or territory of the United States, and,

(3) A copy of the military orders establishing their spouse or partner's duty station in California.

(c) Pursuant to Section 135.4 of the Code, identifies themselves as an applicant who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa (SIV) pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and who provides the appropriate documentary evidence specified in paragraphs (1) through (4).

(1) Form I-94, arrival or departure record, with an admission class code such as “RE” (refugee) or “AY” (asylee) or other information designating the person a refugee or asylee;

(2) Special Immigrant Visa that includes the “SI” or “SQ”;

(3) Permanent Resident Card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee; or,

(4) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure or registration per Section 135.4 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 115.4, 115.5, 115.6 and 135.4, Business and Professions Code

§ 1399.151.3. Licensure or Registration, Discipline, and Conviction Disclosure.

(a) An applicant for licensure or registration shall disclose if they have been licensed to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where the license or registration was issued.

(b) An applicant for licensure or registration shall disclose if they have been denied a license or registration to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where a license or registration was denied. Applicants are not required to disclose any information regarding a denial based upon any of the following:

(1) Convictions dismissed pursuant to Sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement;

(2) Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;

(3) Convictions for which the person has been granted clemency or a pardon by a state or federal executive;

(4) An arrest that resulted in a disposition other than a conviction including an infraction or citation;

(5) Convictions that were adjudicated in the juvenile court; or,

(6) Convictions under California Health and Safety Code Sections 11357(b), (c), (d), (e), or Section 11360(b) which are two (2) years or older.

(c) An applicant for licensure or registration shall disclose if, within the preceding seven (7) years, they have had a license or registration subjected to formal discipline by a licensing board in or outside of California. Discipline includes suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration held by the applicant. However, an applicant shall not be required to disclose prior disciplinary action if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement. If the applicant identifies that they meet this criterion, they shall provide the Board the following information:

(1) Name of the disciplinary action taken against the applicant;

(2) Date of the offense;

(3) Name of the licensing entity;

(4) Dates of probation, if applicable;

(5) Description of the circumstances of the incident;

(6) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(7) A letter from the applicant describing the applicant's rehabilitation efforts or changes;

(8) Any written statement or documentary evidence that the applicant may wish to submit to present regarding rehabilitation and demonstration of the applicant's fitness for licensure or registration.

(9) A written statement, signed by the applicant, certifying that all of the information provided about the formal discipline in the application is true and correct under penalty of perjury under the laws of the state of California.

(d) As a condition of renewal, a licensee or registrant shall certify whether they, since they last renewed their registration, they have been convicted of any violation of the law in this or any other state, district, or territory of the United States, or in another country, omitting traffic infractions under one thousand dollars (\$1,000) not involving alcohol, dangerous drugs, or controlled substances.

(e) As a condition of renewal, a licensee or registrant shall certify whether, since they last renewed their registration, they have had a license or registration disciplined by a government agency or other disciplinary body. Discipline includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration.

(f) If the licensee or registrant affirmatively states they meet the criterion in subsections (d) and (e), they shall provide the Board the following information:

(1) Name of the disciplinary action taken against the applicant;

(2) Date of the offense;

(3) Name of the licensing entity;

(4) Dates of probation, if applicable;

(5) Description of the circumstances of the incident;

(6) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(7) A letter from the applicant describing the applicant's rehabilitation efforts or changes;

(8) Any written statement or documentary evidence that the applicant may wish to submit to present regarding rehabilitation and demonstration of the applicant's fitness for licensure or registration.

(9) A written statement, signed by the applicant, certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 144.5, 480, and 2533, Business and Professions Code.

§ 1399.151.4. Fingerprinting.

(a) An applicant for licensure or registration is required to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The applicant shall submit a receipt showing the transmission of Live Scan fingerprints to the Department of Justice or two (2) classifiable sets of fingerprints with the current fees charged by the California Department of Justice and the Federal Bureau of Investigation with the licensure or registration form required in Section 1399.154.1 and fee required in Section 1399.157.

(2) The applicant shall pay any costs for furnishing the fingerprints and conducting the criminal history record check.

(3) If an applicant is unable to Live Scan or complete the classifiable sets of fingerprints, the Board will work with the Department of Justice to obtain a criminal history record check on the applicant. The applicant shall comply with any instructions and pay any costs to conduct the criminal history record check for any rejected fingerprints.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 144, 480, and 2533, Business and Professions Code.

§ 1399.154. Definitions.

As used in this article, the term:

(a) “Speech-language pathology aide” means a person who

(1) assists or facilitates while the speech-language pathologist is evaluating the speech ~~and~~/or language of individuals or is treating individuals with a speech-language ~~and~~/or language disorder and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(b) “Audiology aide” means a person who

(1) assists or facilitates while an audiologist or dispensing audiologist is evaluating the hearing of individuals ~~and~~/or is treating individuals with hearing disorders, and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(c) "Supervisor" means a licensed speech-language pathologist who supervises a speech-language pathology aide or a licensed audiologist or dispensing audiologist who supervises an audiology aide.

(d) "Industrial audiology aide" means an audiology aide who conducts pure tone air conduction threshold audiograms for the purpose of industrial hearing testing in addition to other acts and services as provided in these regulations.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.1. Registration of Aides.

(a) Before allowing an aide to assist in the practice of speech-language pathology or audiology under ~~his or her~~ their supervision, a supervisor shall register each aide with the Board and pay the registration fee required in Section 1399.157. The form submitted to the Board shall include:

(1) Applicant's full legal name, other names used such as maiden name, address of record which will be publicly disclosed, home address, telephone number, social security number or individual tax identification number, and date of birth;

(2) Applicant's email address, if any;

(3) The applicant has the option to disclose whether they are serving or have previously served in the United States military.

(4) The applicant has the option to disclose their eligibility for an expedited registration process and provide evidence in accordance with Section 1399.151.2.

(5) The applicant shall disclose the information required in Section 1399.151.3.

(6) Certification from the applicant that all of the information provided in the application and any attachments is true and correct under penalty of perjury under the laws of the state of California.

(7) Supervisor's full legal name, address of record, license number, business telephone number, business name, business address, and the supervisor's email address, if any;

(8) Duties the aide will perform while assisting the supervisor in the practice of speech-language pathology or audiology,

(9) Training program, training methods, the length of the training program, the minimum competency level of the aide, assessment methods the supervisor will utilize to ensure the aide's competency, and a summary of past education, training, and experience the aide may already have acquired, if any;

(A) The training shall be in accordance with Section 1399.154.4 or 1399.154.10, as applicable.

(10) A written statement, signed by the applicant, certifying that they have discussed the plan for supervision with the supervisor and agree to its implementation, and further certifying under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct, and that any misrepresentation shall be cause for denial of a license.

(11) A written statement, signed by the supervisor, certifying that the supervisor has discussed the plan for supervision with the aide and accepts professional and ethical responsibility for their performance, and further certifying that under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct.

(12) A signature from the aide and the supervisor under penalty of perjury under the laws of the state of California that they reviewed all the laws and regulation pretraining to their duties and responsibilities as an aide or supervisor.

(b) The applicant in subsection (a) is required to furnish to the Department of Justice a full set of fingerprints in accordance with Section 1399.151.4.

(c) Regardless of their title or job classification, any support person who functions as a speech-language pathology or audiology aide and facilitates or assists a supervisor in evaluations or treatment shall be registered with the Board. In the application for registration, the supervisor shall provide to the Board, his or her proposed plan for supervising and training the speech language pathology or audiology aide. The proposed plan for training shall be in accordance with Section 1399.154.4 and shall include the supervisor's training methods, the necessary minimum competency level of the aide, the manner in which the aide's competency will be assessed, the persons responsible for training, a summary of any past education, training and experience the aide may have already undertaken, and the length of the training program and assessment of the aide's competency level.

(d) The Board shall review the application for compliance with the requirements of this article and notify the supervisor of the disposition of the application for registration and whether further information is required in order to complete its review.

NOTE: Authority cited: Section 2531.25, Business and Professions Code. Reference: Sections 30, 31, 114.5, 115.4, 115.5, 144, 144.5, 480, 2530.2, 2530.6 and 2532.4, and 2533, Business and Professions Code.

§ 1399.154.2. Responsibilities of Speech-Language Pathology Aide's Supervisor.

A supervisor of a speech-language pathology ~~or audiology~~ aide shall:

- (a) Have legal responsibility for the health, safety, and welfare of the patients.
- (b) Have legal responsibility for the acts and services provided by the speech-language pathology ~~or audiology~~ aide, including compliance with the provisions of the Act and these regulations.
- (c) Be physically present while the speech-language pathology ~~or audiology~~ aide is assisting with patients, unless an alternative plan of supervision has been approved by the Board. ~~A supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the application form. An industrial audiology aide may only be authorized to conduct puretone air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review the patient histories and the audiograms and make necessary referrals for evaluation and treatment.~~
- (d) Evaluate, treat, manage, and determine the future dispositions of patients.
- (e) Appropriately train the speech-language pathology ~~or audiology~~ aide to perform duties to effectively assist in evaluation ~~and/or~~ treatment. A supervisor shall establish and complete a training program for a speech-language pathology ~~or audiology~~ aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which ~~he or she~~ they will be assisting the supervisor.
- (f) Define the services which may be provided by the speech-language pathology ~~or audiology~~ aide. Those services shall not exceed the competency of the aide as determined by ~~his or her~~ their education, training, and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.3. Maximum Number of Aides.

- (a) The number of speech-language pathology aides a supervisor can supervise shall not exceed the number specified in Section 1399.170.16. ~~A supervisor shall supervision in accordance with Section 1399.170.16 not supervise more than three (3) speech-language pathology or audiology aides. The Board may authorize more than three supervisees if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that he or she can adequately supervise more than three aides.~~

(b) A supervisor of an audiology aide shall not supervise more than three (3) aides. The Board may authorize more than three (3) aides if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that they can adequately supervise more than three (3) aides.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.4. Training of Speech-Language Pathology Aide~~Aides~~.

Before a speech-language pathologist ~~or audiologist~~ allows an aide to assist in the practice of speech-language pathology ~~or audiology~~ under ~~his or her~~ their supervision, a speech-language pathology ~~or audiology~~ aide shall complete a training program established by the supervisor. The training program shall include, but is not limited to:

(a) Instruction in the skills necessary to perform any acts or services which are within the practice of speech-language pathology ~~or audiology~~ as defined in Section 2530.2 of the Code. The supervisor is not required to repeat training which may have already been received by the aide as a result of any prior education, training, and experience.

(b) A supervisor shall require a speech-language pathology ~~or audiology~~ aide to demonstrate ~~his or her~~ their competence to perform any acts or provide any services which are the practice of speech-language pathology ~~or audiology~~ as defined in Section 2530.2 of the Code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology ~~or audiology~~ aide only to perform those acts or to provide those services for which ~~he or she has~~ they have been provided training and has demonstrated competency.

(c) A supervisor shall instruct a speech-language pathology ~~or audiology~~ aide as to the limitations imposed upon ~~his or her~~ their duties, acts, or services by these regulations, by ~~his or her~~ their training and skills, and by the evaluation and treatment plan for any patient.

~~(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.~~

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.5. Notice of Termination.

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the Board, in writing, of such termination and the date thereof. Written notification shall include the following:

(a) The aide's full legal name and registration number;

(b) The supervisor's full legal name, license number, business address, telephone number, and email address, if any;

(a) The effective date of the termination; and

(b) A written statement, signed by the supervisor, certifying under penalty of perjury that all statements made in the notification are true in every respect and that misstatements or omissions of material facts shall be cause for denial of the application to terminate supervision, or for suspension or revocation of a license.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.6. Noncompliance with Article.

~~Failure of a supervising licensee to comply with the provisions of this article may~~shall result in a forfeiture of the privilege to supervise an aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

§ 1399.154.7. Aide Experience Not Applicable to Qualifications for Licensure.

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience ~~required in Section 2532.2(c) of the code~~ or the required professional experience required in ~~Section 2532.2(d)~~ Sections 2532.2 and 2532.25 of the Code~~code~~, or the field work experience required in Section 1399.170.8.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

§ 1399.154.8. Responsibilities of Audiology Aide's Supervisor.

A supervisor of an audiology aide shall:

(a) Have legal responsibility for the health, safety, and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the audiology aide, including compliance with the provisions of the Act and these regulations.

(c) Provide supervision to the audiology aide when they are engaged in direct client or patient care or assisting with patients in accordance with Section 1399.154.9.

(d) Evaluate, treat, manage, and determine the future dispositions of patients.

(e) Appropriately train the audiology aide to perform duties to effectively assist in evaluation or treatment. A supervisor shall establish and complete a training program for the audiology aide in accordance with Section 1399.154.10 which is unique to the duties of the aide and the setting in which the aide will be assisting the supervisor.

(f) Define the services that may be provided by the audiology aide in the supervision plan for the particular aide and setting as required in Section 1399.154.1 and list those tasks that an aide will not conduct pursuant to Section 1399.154.11.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.9. Supervision of Audiology Aide.

For the purposes of the supervision of an audiology aide, the following supervision terms shall apply:

(a) "Immediate supervision" means the supervisor is physically present during services provided to the patient or client by the audiology aide.

(1) Any acts or services involving medically fragile patients performed by an audiology aide require immediate supervision. "Medically fragile" means a client that is acutely ill and in an unstable condition.

(2) Any acts or services that the audiology aide has been trained to perform by the supervisor, but the audiology aide has not yet performed in direct client care requires immediate supervision.

(b) "Direct supervision" means on-site observation and guidance by the supervisor while the audiology aide is treating a patient or client. Direct supervision performed by the supervisor may include the observation of a portion of the testing or treatment procedures performed by the audiology aide, coaching the audiology aide, and modeling for the aide.

(c) "Indirect supervision" means the supervisor is not at the same facility or in close proximity to the audiology aide, but is available to provide supervision by telephonic or other electronic means. Indirect supervision activities performed by the supervisor may include demonstration, record review, review and evaluation of recorded sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail. Indirect supervision may be provided to an industrial audiology aide, if all of the following conditions are met:

(1) An alternative plan of supervision has been approved by the Board.

(2) The supervisor includes the proposed plan with their application form.

(3) The only activity the industrial audiology aide performs outside the physical presence of the supervisor is pure tone air conduction threshold audiograms.

(4) Following the completion of any pure tone air conduction threshold audiograms, the supervisor reviews the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.

(d) The supervisor shall provide immediate supervision during the first ninety (90) calendar days of work at all times following initial registration. The supervisor shall maintain a record in the aide's personnel file that verifies that the aide meets the requirements in this subsection.

(e) After a minimum of ninety (90) calendar days or until the supervisor determines competency, whichever occurs later, with the exception of those services provided in subsection (a), the supervisor shall provide direct supervision at all times when the aide is performing direct client care.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.10. Training of Audiology Aide.

Before a supervisor allows an aide to assist in the practice of audiology under their supervision, an aide shall complete a training program established by the supervisor. The training program shall, at a minimum include:

(a) Instruction in the skills necessary to perform any acts or services which are within the practice of audiology as defined in Section 2530.2 of the Code.

(1) The supervisor is not required to repeat training which may have already been received by the aide because of any prior education, training, and experience.

(b) A supervisor shall require an aide to demonstrate their competence to perform any acts or provide any services which are within the practice of audiology as defined in Section 2530.2 of the Code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow an aide only to perform those acts or to provide those services for which they have been provided training and have demonstrated competency and are within the scope of responsibility of an aide.

(c) A supervisor shall instruct an aide as to the limitations imposed upon their duties, acts, or services by these regulations, by their training and skills, and by the evaluation and treatment plan for any patient.

(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.11. Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide.

An audiology aide shall not perform any of the following functions:

(a) Conduct diagnostic evaluations i.e., tympanometry, videonystagmography (VNG), electronystagmography (ENG), or auditory brainstem response (ABR);

(b) Interpret diagnostic data;

(c) Alter treatment plans;

(d) Provide counseling or advice to a client or to a client's parent or guardian which is beyond the scope of the client's treatment;

(e) Sign any documents in lieu of the supervisor. i.e., treatment plans, client reimbursement forms, or formal reports;

(f) Discharge clients from services;

(m) Perform any task without the express knowledge and approval of a supervisor;

(g) Make referrals for additional services outside of the audiology practice;

(h) Unless required by law, disclose confidential information either orally or in writing to anyone not designated by the supervisor;

(i) Represent themselves as an audiologist or dispensing audiologist;

(l) Perform those procedures that require a high level of clinical acumen and technical skill, e.g., cerumen removal;

(j) Fit or sell a hearing aid without possessing a valid hearing aid dispensers license or a valid hearing aid trainee license;

(k) Independently adjust hearing aids or cochlear implant settings; or

(n) Violate laws and regulations pertaining to the Health Insurance Portability and Accountability Act.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.12. Registration Renewal of Aides.

(a) A supervisor shall renew the registration of each aide with the Board and pay the renewal fee required in Section 1399.157. The form submitted to the Board shall include:

(1) The aide's full name, business name, business address, business telephone number, aide's registration number, and the aide's email address, if any;

(2) Supervisor's full legal name, address of record, license number, business telephone number, business name, business address, and the supervisor's email address, if any;

(3) Duties the aide performs while assisting the supervisor in the practice of speech-language pathology or audiology,

(4) Training program, training methods, the length of the training program, the minimum competency level of the aide, assessment methods the supervisor is utilizing to ensure the aide's continued competency, and a summary of past education, training, and experience the aide may already have acquired, if any.

(A) The training shall be in accordance with Section 1399.154.4 or 1399.154.10.

(5) A written statement, signed by the aide, certifying that the aide has discussed the plan for supervision with the supervisor and agrees to its implementation, and further certifying under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct, and that any misrepresentation may be cause for denial of a registration.

(6) A written statement, signed by the supervisor, certifying that the supervisor has discussed the plan for supervision with the aide and accepts professional and ethical responsibility for their performance, and further certifying that under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct.

(b) Any aide registered with the Board prior to **Month XX, 20XX (next full year after the effective date)** must renew their registration in accordance with subsection (a).

(c) An aide is exempt from subsection (a) if during the aide's previous registration period they were called to active duty as defined in Section 114.3 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 114.3, 144.5, 703, 704, 2530.2, 2530.6, 2533, 2535, and 2535.2 Business and Professions Code.

§ 1399.157. Fees.

(a) The application fee and biennial renewal fee for a speech-language pathologist shall be \$150.00. The application fee and biennial renewal fee for ~~a non-dispensing an~~ audiologist shall be \$150.00.

(b) The application fee and annual renewal fee for a dispensing audiologist shall be \$280.00.

(c) The ~~application~~ registration fee for a speech-language pathology assistant shall be \$50.00. The biennial renewal fee for a speech-language pathology assistant shall be \$100.00.

(d) The delinquency fee to renew an expired license or registration shall be \$25.00.

(e) The fee for registration of an aide shall be \$30.00. The biennial renewal fee for an aide shall be \$30.00.

(f) The application and biennial renewal fee for a continuing professional development provider shall be \$200.00.

(g) The fee for each license or registration status and history certification letter shall be \$25.00.

(h) The duplicate wall certificate fee shall be \$25.00.

(i) The Board shall waive the application or registration fee for an applicant who meets the requirements set forth in Section 115.5 of the Code. Applicant must submit the following with the application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of the military orders establishing their spouse's or partner's duty station in California and,

(3) Written verification from the applicant's issuing licensing entity that the applicant's license or registration in another state, district, or territory of the United States is current in that jurisdiction. The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license or registration type and number issued to the applicant by the original licensing entity,

(C) the name and location of the licensing entity, and,

(D) the issuance and expiration date of the license.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 115.5, 163.5, 2532.6(f), 2534.2, 2535, 2535.2, 2538.1 and 2538.53, Business and Professions Code.

Proposed regulatory changes regarding Audiology Aides as presented on November 2015

1399.154.1.1 Supervision of Audiology Aide.

For the purposes of the supervision of an audiology aide, the following supervision terms shall apply:

(a) "Direct supervision" means on-site observation and guidance by the audiology supervisor while the audiology aide is treating a patient or client. Direct supervision performed by the supervising audiologist may include, but is not limited to, the following: observation of a portion of the testing or treatment procedures performed by the audiology aide, coaching the audiology aide, and modeling for the aide.

(b) "Indirect supervision" means the supervising audiologist is not at the same facility or in close proximity to the audiology aide, but is available to provide supervision by telephonic or electronic means. Indirect supervision activities performed by the supervising audiologist may include, but are not limited to, demonstration, record review, review and evaluation of recorded sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail. Indirect supervision may be provided to an industrial audiology aide, if all of the following conditions are met:

(1) An alternative plan of supervision has been approved by the board.

(2) The supervisor includes the proposed plan with his or her application form.

(3) The only activity the industrial audiology aide performs outside the physical presence of the supervisor is pure tone air conduction threshold audiograms.

(4) Following the completion of any pure tone air conduction threshold audiograms, the supervisor reviews the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.

(c) "Immediate supervision" means the supervising audiologist is physically present during services provided to the patient or client by the audiology aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.2. Responsibilities of Speech-Language Pathology Aide's Supervisor.

A supervisor of a speech-language pathology ~~or audiology~~ aide shall:

(a) Have legal responsibility for the health, safety and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the speech-language pathology ~~or audiology~~ aide, including compliance with the provisions of the Act and these regulations.

(c) Be physically present while the speech-language pathology ~~or audiology~~ aide is assisting with patients, unless an alternative plan of supervision has been approved by the board. ~~A supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the application form. An industrial audiology aide may only be authorized to conduct puretone air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.~~

(d) Evaluate, treat, manage and determine the future dispositions of patients.

(e) Appropriately train the speech-language pathology ~~or audiology~~ aide to perform duties to effectively assist in evaluation and/or treatment. A supervisor shall establish and complete a training program for a speech-language pathology ~~or audiology~~ aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which he or she will be assisting the supervisor.

(f) Define the services which may be provided by the speech-language pathology ~~or audiology~~ aide. Those services shall not exceed the competency of the aide as determined by his or her education, training and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.25. Responsibilities of Audiology Aide's Supervisor.

A supervisor of an audiology aide shall:

(a) Have legal responsibility for the health, safety and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the audiology aide, including compliance with the provisions of the Act and these regulations.

(c) Provide the appropriate level of supervision to the audiology aide when he or she is engaged in direct client or patient care or assisting with patients.

(d) Evaluate, treat, manage and determine the future dispositions of patients.

(e) Appropriately train the audiology aide to perform duties to effectively assist in evaluation and/or treatment.

A supervisor shall establish and complete a training program for the audiology aide in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which he or she will be assisting the supervisor.

(f) Define the services that may be provided by the audiology aide in the supervision plan for the particular aide and setting, in keeping with Board requirements (Section 1399.154.1), and list those tasks that an aide will not conduct (Section 1399.154.8).

(g) Ensure that the audiology aide is wearing a nametag, at all times while working, with their name and registration status displayed in at least 18-point type.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.3. Maximum Number of Aides.

A supervisor shall not supervise more than three (3) speech-language pathology or audiology aides. The board may authorize more than three supervisees if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that he or she can adequately supervise more than three aides.

1399.154.4. Training of Aides.

Before a speech-language pathologist or audiologist allows an aide to assist in the practice of speech-language pathology or audiology under his or her supervision, a speech-language pathology or audiology aide shall complete a training program established by the supervisor. The training program shall include, but is not limited to:

(a) Instruction in the skills necessary to perform any acts or services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the code. The supervisor is not required to repeat any training which may have already been received by the aide because of any prior education, training and experience.

(b) A supervisor shall require a speech-language pathology or audiology aide to demonstrate his or her competence to perform any acts or provide any services which are the practice of speech-language pathology or audiology as defined in Section 2530.2 of the code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology or audiology aide only to perform those acts or to provide those services for which he or she has been provided training and has demonstrated competency.

(c) A supervisor shall instruct a speech-language pathology or audiology aide as to the limitations imposed upon his or her duties, acts or services by these regulations, by his or her training and skills and by the evaluation and treatment plan for any patient.

(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

1399.154.5. Notice of Termination.

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the board, in writing, of such termination and the date thereof.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and professions Code.

1399.154.6. Noncompliance With Article.

Failure of a supervising licensee to comply with the provisions of this article may result in a forfeiture of the privilege to supervise an aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

1399.154.7. Aide Experience Not Applicable to Qualifications for Licensure.

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience required in Section 2532.2(c) of the code or the required professional experience required in Section 2532.2(d) of the code.

1399.154.8. Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide

(a) An audiology aide may not perform any of the following functions:

- (1) Conduct diagnostic evaluations;
- (2) Interpret diagnostic data;
- (3) Alter treatment plans;
- (4) Provide counseling or advice to a client or a client's parent or guardian which is beyond the scope of the client's treatment;
- (5) Sign any documents in lieu of the supervising audiologist i.e., treatment plans, client reimbursement forms, or formal reports;
- (6) Discharge clients from services;
- (7) Make referrals for additional services outside the audiology practice;
- (8) Unless required by law, disclose confidential information either orally or in writing to anyone not designated by the supervising audiologist;
- (9) Represent himself or herself as an audiologist;
- (10) Fit or sell a hearing aid without possessing a valid hearing aid dispensers license or a valid hearing aid trainee license;
- (11) Independently adjust hearing aids or cochlear implant settings;
- (12) Perform those procedures that require a high level of clinical acumen and technical skill, e.g., diagnostic VNG, ENG, ABR interpretation;
- (13) Perform any task without the express knowledge and approval of a supervising audiologist, or
- (14) Violate HIPPA regulations/laws/requirements



MEMORANDUM

DATE	November 13, 2023
TO	Speech-Language Pathology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 3: Discussion and Possible Action to Amend Regulations Regarding Scope of Responsibility, Duties, and Functions of Speech-Language Pathology Assistants as Stated in Title 16, California Code of Regulations (CCR) section 1399.170.3

Background

The Speech-Language Pathology Practice Committee (Committee) was requested to review and discuss a Speech-Language Pathology Assistant (SLPA) practice restriction for performing oropharyngeal swallow therapy with bolus material. This procedure is used to determine the presence, cause, and severity of dysphagia. Dysphagia is a swallowing disorder that affects a person's ability to swallow food and/or liquids safely.

SLPAs are not permitted to perform this procedure pursuant to 16 CCR 1399.170.3 because it requires a high level of clinical acumen and technical skill. During this procedure, a speech-language pathologist visualizes the flow and timing of a bolus (a semisolid ball formed from food and liquid) and the individual's response to misdirection and residue of the bolus.

Board Staff researched neighboring states for SLPA practice restrictions (See Attachment A).

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to determine if the SLPA practice restrictions need revisions.

Attachment A: Neighboring State and American Speech-Language-Hearing Association SLPA Practice Restrictions

Neighboring State and ASHA SLPA Practice Restrictions

State	State Code	Requirements
<p>Arizona Department of Health Services, <u>Public Health Licensing Services</u></p>	<p><u>Title 36, Chapter 17</u></p>	<p>D. A speech-language pathology assistant shall not:</p> <ol style="list-style-type: none"> 1. Conduct swallowing screening, assessment and intervention protocols, including modified barium swallow studies. 2. Administer standardized or nonstandardized diagnostic tests or formal or informal evaluations or interpret test results. 3. Participate in parent conferences, case conferences or any interdisciplinary team meeting without the presence of the supervising speech-language pathologist, except for individualized education program or individual support plan meetings if the licensed speech-language pathologist has been excused by the individualized education program team or the individual support plan team. 4. Write, develop or modify a patient's, client's or student's treatment plan, individual support plan or individualized education program in any way. 5. Provide intervention for patients, clients or students without following the treatment plan, individual support plan or individualized education program prepared by the supervising speech-language pathologist. 6. Sign any formal documents, including treatment plans, individual support plans, individualized education programs, reimbursement forms or reports. 7. Select patients, clients or students for services. 8. Discharge patients, clients or students from services. 9. Unless required by law, disclose clinical or confidential information orally or in writing to anyone not designated by the speech-language pathologist. 10. Make a referral for any additional service. 11. Communicate with the patient, client or student or with family or others regarding any aspect of the patient, client or student status without the specific consent of the supervising speech-language pathologist. 12. Claim to be a speech-language pathologist. 13. Write a formal screening, diagnostic, progress or discharge note. 14. Perform any task without the express knowledge and approval of the supervising speech-language pathologist. <p>The Department of Education does not certify Speech-Language Pathology Assistants.</p>

State	State Code	Requirements
<p>Arizona Department of Education</p> <p>Colorado Office of Speech-Language Pathology Certification</p> <p>Colorado Department of Education, Office of Special Education – Speech or Language Impairment</p>	<p>2260.5-R-4.11</p>	<p>The licensing board does not have a license similar to California's SLPA license.</p> <p>The SPL-A is knowledgeable about screening and assessment, though s/he may not perform standardized or non-standardized diagnostic tests, including, but not limited to: feeding evaluations, or interpret test results or counsel parents; and is able to:</p> <ul style="list-style-type: none"> (a) assist the speech-language pathologist with speech-language and hearing screenings or assessments, without interpretation, and report results directly to the supervising speech-language pathologist. (b) assist with informal documentation, as directed by the speech-language pathologist. (c) provide descriptive behavioral observations that contribute to screening/assessment results, directly to the supervising speech-language pathologist. (d) support the speech-language pathologist in research projects, in-service training, and public relations programs, including child find activities.
<p>Idaho Division of Occupational and Professional Licenses, Speech, Hearing and Communication Services Licensure Board</p> <p>Idaho State Department of Education</p>		<p>No state law or rules on SLPA scope of practice.</p>
<p>Montana Department of Labor and Industry, Board of Speech-Language Pathologists and Audiologists</p>	<p>24.222.703 P</p>	<ul style="list-style-type: none"> (1) Speech-language pathology aides/assistants are not allowed to provide telepractice services per 37-15-314, MCA. (2) Speech-language pathology aides/assistants I are not allowed to: <ul style="list-style-type: none"> (a) refer clients to outside professionals; or (b) perform diagnostic evaluations under supervision unless the aide/assistant has: <ul style="list-style-type: none"> (i) completed 100 graduate-level clinical clock hours, of which at least 25 hours were diagnostic; or (ii) completed ten semester hours of graduate credits in the professional area. (3) Speech-language pathology aides/assistants II are not allowed to: <ul style="list-style-type: none"> (a) conduct speech-language evaluations;

State	State Code	Requirements
Montana Office of Public Instruction		<p>(b) interpret data or clinical experience into diagnostic statements of clinical management policies;</p> <p>(c) transmit clinical information, except to the aide/assistant supervisor;</p> <p>(d) determine the selection of cases;</p> <p>(e) write or plan individual or group therapy/rehabilitation plans;</p> <p>(f) attend child study or individualized education plan (IEP) meetings without the permission of the aide/assistant supervisor; or</p> <p>(g) refer clients to outside professionals.</p> <p>The Department of Education does not license Speech-Language Pathology Assistants.</p>
Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Nevada Department of Education		<p>The licensing board nor the Department of Education have a license similar to California's SLPA license.</p>
New Mexico Speech Language Pathology, Audiology, & Hearing Aid Dispensing Practicing Board New Mexico Public Education Department		<p>The licensing board nor the Public Education Department have a license similar to California's SLPA license.</p>
<u>Oregon Board of Examiners for Speech-Language Pathology & Audiology</u>	<u>335-095-0060</u>	<p>(2) The speech-language pathology assistant may not perform the following tasks:</p> <p>(a) May not conduct swallowing screening, assessment, and intervention protocols, including modified barium swallow studies.</p> <p>(b) May not administer standardized or non-standardized diagnostic tests, formal or informal evaluations, or interpret test results.</p> <p>(c) May not participate in parent conferences, case conferences, Individualized Education Plan (IEP) meetings, Individualized Family Services Plan (IFSP) meetings or any interdisciplinary team without the presence of the supervising speech-language pathologist.</p>

State	State Code	Requirements
<p>Oregon Teacher Standards and Practices Commission</p>		<p>(d) May not write, develop, or modify a patient/client's treatment plan in any way. (e) May not provide intervention for patients/clients without following the treatment plan prepared by the supervising speech-language pathologist. (f) May not sign any formal documents (e.g. treatment plans, reimbursement forms, individualized education plans (IEPs), individualized family services plans (IFSPs), determination of eligibility statements or reports.) (g) May not select patients/clients for services. (h) May not discharge patients/clients from services. (i) May not disclose clinical or confidential information either orally or in writing to anyone not designated by the speech-language pathologist. (j) May not make referral for additional service. (k) May not communicate with the patient/client, family, or others regarding any aspect of the patient/client status or service without the specific consent of the supervising speech-language pathologist. (l) May not represent him/herself as a speech-language pathologist. (m) May not write a formal screening, diagnostic, or discharge report.</p> <p>The Teacher Standards and Practices Commission does not issue credentials to SLPs.</p>
<p>Texas Department of Licensing & Regulation</p>	<p>Rule 111.52</p>	<p>(d) The assistant shall not: (1) work with any cases that are not assigned to the supervisor's caseload; (2) conduct evaluations; (3) interpret results of routine tests; (4) interpret observations or data into diagnostic statements, clinical management strategies, or procedures; (5) represent speech-language pathology at staffing meetings or at an Admission, Review and Dismissal (ARD) meeting, except as specified in this section; (6) attend staffing meeting or ARD without the supervisor being present except as specified in this section;</p>

State	State Code	Requirements
		<ul style="list-style-type: none"> (7) design or alter a treatment program or Individual Education Program (IEP); (8) determine case selection; (9) present written or oral reports of client information, except as provided by this section; (10) refer a client to other professionals or other agencies; (11) use any title which connotes the competency of a licensed speech-language pathologist; (12) practice as an assistant without a current Supervisory Responsibility Statement on file with the department; (13) perform invasive procedures; (14) screen or diagnose clients for feeding and swallowing disorders; (15) use a checklist or tabulated results of feeding or swallowing evaluations; (16) demonstrate swallowing strategies or precautions to clients, family, or staff; (17) provide client or family counseling; (18) sign any formal document relating to the reimbursement for or the provision of speech-language pathology services without the supervisor's signature; or (19) use "SLP-A" or "STA" as indicators for their credentials. Licensees shall use "Assistant SLP" or "SLP Assistant" to shorten their professional title.
<p>Utah Department of Commerce, <u>Division of Occupational and Professional Licensing</u></p>	<p><u>R156-41-601</u></p>	<p>5) An aide shall not engage in the following:</p> <ul style="list-style-type: none"> (a) preparing diagnostic statements or clinical management plans, strategies or procedures; (b) communicating obtained observations or results to anyone other than the aide's supervising speech-language pathologist or audiologist; (c) determining case selection; (d) independently composing or signing clinical reports; except an aide may enter progress notes into the patient's file reflecting the results of the aide's assigned duties; (e) independently diagnosing, treating, discharging of patient, or advising of patient disposition; and (f) referral of a patient to other professionals or agencies.

State	State Code	Requirements
Utah State Board of Education (USB E)	USB E Handbook for Speech-Language Technicians Working in Utah Public Schools	Defer all screening and assessment of students for feeding/swallowing and apraxia disorders as well as students with acquired brain injury to the SLP.
Washington Department of Health, Health Systems Quality Assurance Washington Office of Superintendent of Public Instruction	WAC 246-828-112	(7) The following procedures and tasks are excluded from the speech-language pathology assistant scope of practice: <ul style="list-style-type: none"> (a) Tasks that require diagnosis, evaluation, or clinical interpretation. (b) Screening and diagnosis of feeding and swallowing disorders. (c) Development or modification of treatment plans. (d) Implementation of therapy outside of the treatment plan. (e) Selection of caseload. (f) Discharge or exit patients/clients/students. (g) Referral of patients/clients/students for additional services. <p>The Office of Superintendent of Public Instruction does not certify Speech-Language Pathology Assistants.</p>
Wyoming Board of Examiners of Speech-Language Pathology and Audiology	058.0001.12.12092020	SLPAs shall not engage in any of the following: <ul style="list-style-type: none"> (a) Represent himself or herself as an SLP (nor allow others to presume his or her standing as an SLP); (b) Perform standardized or non-standardized diagnostic tests, formal or informal evaluations, or swallowing screenings/checklists; (c) Perform procedures that require a high level of clinical acumen and technical skill (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material); (d) Tabulate or interpret results and observations of feeding and swallowing evaluations performed by SLPs; (e) Participate in formal parent conferences, case conferences, or any interdisciplinary team without the presence of the supervising SLP or other designated SLP; (f) Provide interpretative information to the student/patient/client, family, or others regarding the patient/client status or service; (g) Write, develop, or modify a student's, patient's, or client's treatment plan in any way; (h) Assist with students, patients, or clients without following the individualized treatment plan prepared by the certified SLP and/or without access to supervision;

State	State Code	Requirements
Wyoming Professional Teaching Standards Board		<p>(i) Sign any formal documents (e.g., treatment plans, reimbursement forms, or reports; the SLPA should sign or initial informal treatment notes for review and co-sign with the supervising SLP as requested);</p> <p>(j) Select students, patients, or clients for service;</p> <p>(k) Discharge a student, patient, or client from services;</p> <p>(l) Make referrals for additional service;</p> <p>(m) Disclose clinical or confidential information either orally or in writing to anyone other than the supervising SLP (the SLPA must comply with current HIPPA and FERPA guidelines) unless mandated by law;</p> <p>(n) Develop or determine the swallowing strategies or precautions for patients, family, or staff;</p> <p>(o) Treat medically fragile students/patients/clients independently; or</p> <p>(p) Design or select augmentative and alternative communication systems or device.</p> <p>The Board of Examiners of Speech-Language Pathology & Audiology is the only licensing body for SLPs and Audiologists effective July 1, 2020.</p>
American Speech-Language-Hearing Association	Scope of Practice for the Speech-Language Pathology Assistant (SLPA)	<p>The SLPA should NOT engage in any of the following activities:</p> <ul style="list-style-type: none"> • representing themselves as the SLP; • interpreting assessment tools for the purpose of diagnosing disability, determining eligibility or qualification for services; • administering or interpreting feeding and/or swallowing screenings, checklists, and assessments; • diagnosing communication and feeding/swallowing disorders; • developing or determining the feeding and/or swallowing strategies or precautions for students, patients, and clients; • disclosing clinical or confidential information (e.g., diagnosis, services provided, response to treatment) either orally or in writing to individuals who have not been approved by the SLP to receive information unless mandated by law; • writing, developing, or modifying a student's, patient's, or client's plan of care in any way; • making referrals for additional services; • assisting students, patients, and clients without following the individualized plan of care prepared by the ASHA certified SLP; • assisting students, patients, and clients without access to supervision; • selecting AAC systems or devices;

State	State Code	Requirements
		<ul style="list-style-type: none"> • treating medically fragile students, patients, and clients without 100% direct supervision; • performing procedures that require specialized knowledge and training (e.g., vocal tract prosthesis shaping or fitting, vocal tract imaging); • providing input in care conferences, case conferences, or any interdisciplinary team meeting without the presence or prior approval of the supervising SLP or other designated SLP; • providing interpretative information to the student, patient, client, family, or others regarding the student's, patient's, or client's status or service; • signing or initialing any formal documents (e.g., plans of care, reimbursement forms, reports) without the supervising SLP's co-signature; • discharging a student, patient, or client from services.



MEMORANDUM

DATE	November 20, 2023
TO	Speech-Language Pathology Practice Committee
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 4: Discussion and Possible Action to Amend Regulations Regarding General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.151.2, 1399.151.3, 1399.151.4, 1399.154 through 1399.154.12, and 1399.157

Background

The Audiology Practice Committee directed Board staff to work with DCA Regulations Counsel to draft regulatory language that will begin clarifying the scope of practice and supervision for audiology aides as well as implement the statutory changes for audiology aides. Because the statutory changes for audiology aides also affect speech-language pathology aides, Board staff recommends that the Speech-Language Pathology Practice Committee (Committee) review the drafted proposed regulatory language presented to the Audiology Practice Committee. The statutory changes creating the renewal requirement for audiology aides was created in the Board's Sunset Bill, AB 2686 (Chapter 415, Statutes of 2022), and requires aide registrations to be renewed every two years and for supervisors to update the Board on the duties the aide performs and the training program and assessment methods the supervisor is utilizing to ensure the aide's continued competency.

The following changes were made to the regulations (all CCR sections are in title 16):

- Added CCR sections 1399.151.2 (Expedited Licensure or Registration Process), 1399.151.3 (Licensure or Registration, Discipline, and Conviction Disclosure), and 1399.151.4 (Fingerprinting) to put the registration form in regulation.
- Amended CCR section 1399.154 (Definitions) to add do the definition of Audiology aide.
- Amended CCR section 1399.154.1 (Registration of Aides) to remove gendered terms, codify the registration form, and make current the registration process.

- Amended CCR sections 1399.154.2 (Responsibilities of Speech-Language Pathology Aide’s Supervisor), 1399.154.2.3 (Maximum Number of Aides), and 1399.154.4 (Training of Speech-Language Pathology Aides) to separate audiology aides from speech-language pathology aides and remove gendered terms.
- Amended CCR section 1399.154.5 (Notice of Termination) to put the notice of termination requirements in regulation.
- Amended CCR section 1399.154.6 (Noncompliance with Article) to make grammatical corrections.
- Amended CCR section 1399.154.7 (Aide Experience Not Applicable to Qualifications for Licensure) to remove gendered terms and correct a statutory citation.
- Added CCR sections 1399.154.8 (Responsibilities of Audiology Aide’s Supervisor), 1399.154.9 (Supervision of Audiology Aides), 1399.154.10 (Training of Audiology Aide), 1399.154.11 (Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide) to incorporate previously discussed changes, see Attachment B, and specify audiology aides training and supervision:
 - Amended CCR section 1399.154.9 to reorganize the level of supervision; require immediate supervision for activity involving medically fragile patients, and where training was received but not yet performed in direct client care; and add different level of supervision for the first ninety (90) days and after per the Committee’s discussion on February 24, 2023.
 - Amended CCR section 1399.154.11 to spell out acronyms, reorganize the list, and make grammatical corrections. Amended the section to specify diagnostic evaluations and add cerumen removal as a procedure that requires high level of clinical acumen and technical skills per the Committee’s discussion on February 24, 2023.
- Added CCR section 1399.154.12 (Registration Renewal of Aides) to put the renewal form and renewal process in regulation.
- Amended CCR section 1399.157 (Fees) to put the registration fee waiver for military spouses or domestic partners in regulation.

Discussion Questions

1. Should additional requirements be specified for aides with multiple supervisors? If yes, consider adding a new subsection to CCR section 1399.154.1 with the suggested language: *If an aide has more than one supervisor, each supervisor shall register the aide as stated in subsection (a).*
2. What does the phrase “future dispositions of patients” used in CCR section 1399.154.2(d) mean, and what other term could be substituted to meet the Office of Administrative Law’s clarity standard?

3. Should the SLP aide supervision align with supervision requirements for other license/registration types? Any of the following suggested language may be added to CCR section 1399.154.2.

- Possess and maintain a current, active, and unrestricted California license as a speech-language pathologist pursuant to Sections 2532 of the Code, and have at least two (2) years or 3,120 hours of experience providing services as a licensed speech-language pathologist. "Full-time experience" as used in this section means the individual works a minimum of thirty (30) hours per week for at least thirty-six (36) weeks in a calendar year.
- Notify the aide immediately of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or lapse in licensure, which affects the supervisor's ability or right to supervise.
- Complete a minimum of six (6) hours of continuing professional development in supervision prior to assuming responsibility as a supervisor, and three (3) hours of continuing professional development in supervision every four (4) years thereafter. Continuing professional development training obtained from a Board-approved provider may be applied towards the continuing professional development requirement for licensees set forth in Section 1399.160.3. Records of course completion in supervision training must be maintained for a period of two (2) years from the aide's renewal date.
- Review with the speech-language pathology aide the laws and regulations pertaining to the supervision and practice of speech-language pathology, as applicable.
- Provide the aide with a plan for how to handle emergencies.

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to direct staff to continue working with DCA Regulations Counsel on drafting regulatory language.

Attachment A: General Application Requirements and Speech-Language Pathology and Audiology Aide Requirements Proposed Text

PROPOSED REGULATORY LANGUAGE
General Application Requirements and Speech-Language Pathology
and Audiology Aide Requirements

Legend: Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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§ 1399.151.2. Expedited Licensure or Registration Process.

The Board shall expedite any application of an applicant who:

(a) Pursuant to Section 115.4 of the Code, identifies themselves as an honorably discharged member of the United States Armed Forces, and who provides a Certificate of Release or Discharge from Active Duty (DD-214) or other documentary evidence showing the date and type of discharge, pursuant to Section 115.4 of the Code.

(b) Pursuant to Section 115.6 of the Code, identifies themselves as a person who is married to, or in a domestic partnership or other legal union with an active-duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active-duty military orders, and the applicant holds a valid license, or comparable authority, to practice as a hearing aid dispenser or audiologist in another United States state, district, or territory, and who provides documentary evidence as specified in paragraphs (1) through (3). application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of their current license or registration in another state, district, or territory of the United States, and,

(3) A copy of the military orders establishing their spouse or partner's duty station in California.

(c) Pursuant to Section 135.4 of the Code, identifies themselves as an applicant who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa (SIV) pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and who provides the appropriate documentary evidence specified in paragraphs (1) through (4).

(1) Form I-94, arrival or departure record, with an admission class code such as “RE” (refugee) or “AY” (asylee) or other information designating the person a refugee or asylee;

(2) Special Immigrant Visa that includes the “SI” or “SQ”;

(3) Permanent Resident Card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee; or,

(4) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure or registration per Section 135.4 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 115.4, 115.5, 115.6 and 135.4, Business and Professions Code

§ 1399.151.3. Licensure or Registration, Discipline, and Conviction Disclosure.

(a) An applicant for licensure or registration shall disclose if they have been licensed to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where the license or registration was issued.

(b) An applicant for licensure or registration shall disclose if they have been denied a license or registration to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where a license or registration was denied. Applicants are not required to disclose any information regarding a denial based upon any of the following:

(1) Convictions dismissed pursuant to Sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement;

(2) Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;

(3) Convictions for which the person has been granted clemency or a pardon by a state or federal executive;

(4) An arrest that resulted in a disposition other than a conviction including an infraction or citation;

(5) Convictions that were adjudicated in the juvenile court; or,

(6) Convictions under California Health and Safety Code Sections 11357(b), (c), (d), (e), or Section 11360(b) which are two (2) years or older.

(c) An applicant for licensure or registration shall disclose if, within the preceding seven (7) years, they have had a license or registration subjected to formal discipline by a licensing board in or outside of California. Discipline includes suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration held by the applicant. However, an applicant shall not be required to disclose prior disciplinary action if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Sections 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement. If the applicant identifies that they meet this criterion, they shall provide the Board the following information:

(1) Name of the disciplinary action taken against the applicant;

(2) Date of the offense;

(3) Name of the licensing entity;

(4) Dates of probation, if applicable;

(5) Description of the circumstances of the incident;

(6) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(7) A letter from the applicant describing the applicant's rehabilitation efforts or changes;

(8) Any written statement or documentary evidence that the applicant may wish to submit to present regarding rehabilitation and demonstration of the applicant's fitness for licensure or registration.

(9) A written statement, signed by the applicant, certifying that all of the information provided about the formal discipline in the application is true and correct under penalty of perjury under the laws of the state of California.

(d) As a condition of renewal, a licensee or registrant shall certify whether they, since they last renewed their registration, they have been convicted of any violation of the law in this or any other state, district, or territory of the United States, or in another country, omitting traffic infractions under one thousand dollars (\$1,000) not involving alcohol, dangerous drugs, or controlled substances.

(e) As a condition of renewal, a licensee or registrant shall certify whether, since they last renewed their registration, they have had a license or registration disciplined by a government agency or other disciplinary body. Discipline includes, but is not limited to, suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration.

(f) If the licensee or registrant affirmatively states they meet the criterion in subsections (d) and (e), they shall provide the Board the following information:

(1) Name of the disciplinary action taken against the applicant;

(2) Date of the offense;

(3) Name of the licensing entity;

(4) Dates of probation, if applicable;

(5) Description of the circumstances of the incident;

(6) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(7) A letter from the applicant describing the applicant's rehabilitation efforts or changes;

(8) Any written statement or documentary evidence that the applicant may wish to submit to present regarding rehabilitation and demonstration of the applicant's fitness for licensure or registration.

(9) A written statement, signed by the applicant, certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 144.5, 480, and 2533, Business and Professions Code.

§ 1399.151.4. Fingerprinting.

(a) An applicant for licensure or registration is required to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice.

(1) The applicant shall submit a receipt showing the transmission of Live Scan fingerprints to the Department of Justice or two (2) classifiable sets of fingerprints

with the current fees charged by the California Department of Justice and the Federal Bureau of Investigation with the licensure or registration form required in Section 1399.154.1 and fee required in Section 1399.157.

(2)The applicant shall pay any costs for furnishing the fingerprints and conducting the criminal history record check.

(3) If an applicant is unable to Live Scan or complete the classifiable sets of fingerprints, the Board will work with the Department of Justice to obtain a criminal history record check on the applicant. The applicant shall comply with any instructions and pay any costs to conduct the criminal history record check for any rejected fingerprints.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 144, 480, and 2533, Business and Professions Code.

§ 1399.154. Definitions.

As used in this article, the term:

(a) “Speech-language pathology aide” means a person who

(1) assists or facilitates while the speech-language pathologist is evaluating the speech ~~and/or~~ language of individuals or is treating individuals with a speech-language ~~and/or~~ language disorder and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(b) “Audiology aide” means a person who

(1) assists or facilitates while an audiologist or dispensing audiologist is evaluating the hearing of individuals ~~and/or~~ is treating individuals with hearing disorders, and

(2) is registered by the supervisor with the Board and the registration is approved by the Board.

(c) “Supervisor” means a licensed speech-language pathologist who supervises a speech-language pathology aide or a licensed audiologist or dispensing audiologist who supervises an audiology aide.

(d) “Industrial audiology aide” means an audiology aide who conducts pure tone air conduction threshold audiograms for the purpose of industrial hearing testing in addition to other acts and services as provided in these regulations.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.1. Registration of Aides.

(a) Before allowing an aide to assist in the practice of speech-language pathology or audiology under his or her their supervision, a supervisor shall register each aide with the Board and pay the registration fee required in Section 1399.157. The form submitted to the Board shall include:

(1) Applicant's full legal name, other names used such as maiden name, address of record which will be publicly disclosed, home address, telephone number, social security number or individual tax identification number, and date of birth;

(2) Applicant's email address, if any;

(3) The applicant has the option to disclose whether they are serving or have previously served in the United States military.

(4) The applicant has the option to disclose their eligibility for an expedited registration process and provide evidence in accordance with Section 1399.151.2.

(5) The applicant shall disclose the information required in Section 1399.151.3.

(6) Certification from the applicant that all of the information provided in the application and any attachments is true and correct under penalty of perjury under the laws of the state of California.

(7) Supervisor's full legal name, address of record, license number, business telephone number, business name, business address, and the supervisor's email address, if any;

(8) Duties the aide will perform while assisting the supervisor in the practice of speech-language pathology or audiology,

(9) Training program, training methods, the length of the training program, the minimum competency level of the aide, assessment methods the supervisor will utilize to ensure the aide's competency, and a summary of past education, training, and experience the aide may already have acquired, if any;

(A) The training shall be in accordance with Section 1399.154.4 or 1399.154.10, as applicable.

(10) A written statement, signed by the applicant, certifying that they have discussed the plan for supervision with the supervisor and agree to its

implementation, and further certifying under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct, and that any misrepresentation shall be cause for denial of a license.

(11) A written statement, signed by the supervisor, certifying that the supervisor has discussed the plan for supervision with the aide and accepts professional and ethical responsibility for their performance, and further certifying that under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct.

(12) A signature from the aide and the supervisor under penalty of perjury under the laws of the state of California that they reviewed all the laws and regulation pretraining to their duties and responsibilities as an aide or supervisor.

(b) The applicant in subsection (a) is required to furnish to the Department of Justice a full set of fingerprints in accordance with Section 1399.151.4.

(c) Regardless of their title or job classification, any support person who functions as a speech-language pathology or audiology aide and facilitates or assists a supervisor in evaluations or treatment shall be registered with the Board. In the application for registration, the supervisor shall provide to the Board, his or her proposed plan for supervising and training the speech-language pathology or audiology aide. The proposed plan for training shall be in accordance with Section 1399.154.4 and shall include the supervisor's training methods, the necessary minimum competency level of the aide, the manner in which the aide's competency will be assessed, the persons responsible for training, a summary of any past education, training and experience the aide may have already undertaken, and the length of the training program and assessment of the aide's competency level.

(d) The Board shall review the application for compliance with the requirements of this article and notify the supervisor of the disposition of the application for registration and whether further information is required in order to complete its review.

NOTE: Authority cited: Section 2531.25, Business and Professions Code. Reference: Sections 30, 31, 114.5, 115.4, 115.5, 144, 144.5, 480, 2530.2, 2530.6 and 2532.4, and 2533, Business and Professions Code.

§ 1399.154.2. Responsibilities of Speech-Language Pathology Aide's Supervisor.

A supervisor of a speech-language pathology ~~or audiology aide~~ shall:

(a) Have legal responsibility for the health, safety, and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the speech-language pathology ~~or audiology aide~~, including compliance with the provisions of the Act and these regulations.

(c) Be physically present while the speech-language pathology ~~or audiology aide~~ is assisting with patients, unless an alternative plan of supervision has been approved by the Board. ~~A supervisor of industrial audiology aides shall include a proposed plan for alternative supervision with the application form. An industrial audiology aide may only be authorized to conduct puretone air conduction threshold audiograms when performing outside the physical presence of a supervisor. The supervisor shall review the patient histories and the audiograms and make necessary referrals for evaluation and treatment.~~

(d) Evaluate, treat, manage, and determine the future dispositions of patients.

(e) Appropriately train the speech-language pathology ~~or audiology aide~~ to perform duties to effectively assist in evaluation ~~and/or~~ treatment. A supervisor shall establish and complete a training program for a speech-language pathology ~~or audiology aide~~ in accordance with Section 1399.154.4 which is unique to the duties of the aide and the setting in which ~~he or she~~ they will be assisting the supervisor.

(f) Define the services which may be provided by the speech-language pathology ~~or audiology aide~~. Those services shall not exceed the competency of the aide as determined by ~~his or her~~ their education, training, and experience, and shall not include any treatment beyond the plan established by the supervisor for the patient.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.3. Maximum Number of Aides.

(a) The number of speech-language pathology aides a supervisor can supervise shall not exceed the number specified in Section 1399.170.16. ~~A supervisor shall supervision in accordance with Section 1399.170.16 not supervise more than three (3) speech-language pathology or audiology aides. The Board may authorize more than three supervisees if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that he or she can adequately supervise more than three aides.~~

(b) A supervisor of an audiology aide shall not supervise more than three (3) aides. The Board may authorize more than three (3) aides if, in its discretion, the supervisor demonstrates that the public health and safety would not be jeopardized and that they can adequately supervise more than three (3) aides.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.4. Training of Speech-Language Pathology AideAides.

Before a speech-language pathologist ~~or audiologist~~ allows an aide to assist in the practice of speech-language pathology ~~or audiology~~ under ~~his or her~~ their supervision, a speech-language pathology ~~or audiology~~ aide shall complete a training program established by the supervisor. The training program shall include, but is not limited to:

(a) Instruction in the skills necessary to perform any acts or services which are within the practice of speech-language pathology ~~or audiology~~ as defined in Section 2530.2 of the Code. The supervisor is not required to repeat training which may have already been received by the aide as a result of any prior education, training, and experience.

(b) A supervisor shall require a speech-language pathology ~~or audiology~~ aide to demonstrate ~~his or her~~ their competence to perform any acts or provide any services which are the practice of speech-language pathology ~~or audiology~~ as defined in Section 2530.2 of the Code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow a speech-language pathology ~~or audiology~~ aide only to perform those acts or to provide those services for which ~~he or she has~~ they have been provided training and has demonstrated competency.

(c) A supervisor shall instruct a speech-language pathology ~~or audiology~~ aide as to the limitations imposed upon ~~his or her~~ their duties, acts, or services by these regulations, by ~~his or her~~ their training and skills, and by the evaluation and treatment plan for any patient.

~~(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.~~

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.5. Notice of Termination.

Within 30 days after the termination of the supervision of a speech-language pathology or audiology aide, the supervisor shall notify the Board, in writing, of such termination and the date thereof. Written notification shall include the following:

(a) The aide's full legal name and registration number;

(b) The supervisor's full legal name, license number, business address, telephone number, and email address, if any;

(a) The effective date of the termination; and

(b) A written statement, signed by the supervisor, certifying under penalty of perjury that all statements made in the notification are true in every respect and that misstatements or omissions of material facts shall be cause for denial of the application to terminate supervision, or for suspension or revocation of a license.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.6. Noncompliance with Article.

~~Failure of a supervising licensee to comply with the provisions of this article may~~shall result in a forfeiture of the privilege to supervise an aide.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

§ 1399.154.7. Aide Experience Not Applicable to Qualifications for Licensure.

Any experience obtained acting as a speech-language pathology or audiology aide shall not be creditable toward the supervised clinical experience ~~required in Section 2532.2(c) of the code~~ or the required professional experience required in ~~Section 2532.2(d)~~ Sections 2532.2 and 2532.25 of the Code, or the field work experience required in Section 1399.170.8.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2530.6, Business and Professions Code.

§ 1399.154.8. Responsibilities of Audiology Aide's Supervisor.

A supervisor of an audiology aide shall:

(a) Have legal responsibility for the health, safety, and welfare of the patients.

(b) Have legal responsibility for the acts and services provided by the audiology aide, including compliance with the provisions of the Act and these regulations.

(c) Provide supervision to the audiology aide when they are engaged in direct client or patient care or assisting with patients in accordance with Section 1399.154.9.

(d) Evaluate, treat, manage, and determine the future dispositions of patients.

(e) Appropriately train the audiology aide to perform duties to effectively assist in evaluation or treatment. A supervisor shall establish and complete a training program for the audiology aide in accordance with Section 1399.154.10 which is unique to the duties of the aide and the setting in which the aide will be assisting the supervisor.

(f) Define the services that may be provided by the audiology aide in the supervision plan for the particular aide and setting as required in Section 1399.154.1 and list those tasks that an aide will not conduct pursuant to Section 1399.154.11.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.9. Supervision of Audiology Aide.

For the purposes of the supervision of an audiology aide, the following supervision terms shall apply:

(a) "Immediate supervision" means the supervisor is physically present during services provided to the patient or client by the audiology aide.

(1) Any acts or services involving medically fragile patients performed by an audiology aide require immediate supervision. "Medically fragile" means a client that is acutely ill and in an unstable condition.

(2) Any acts or services that the audiology aide has been trained to perform by the supervisor, but the audiology aide has not yet performed in direct client care requires immediate supervision.

(b) "Direct supervision" means on-site observation and guidance by the supervisor while the audiology aide is treating a patient or client. Direct supervision performed by the supervisor may include the observation of a portion of the testing or treatment procedures performed by the audiology aide, coaching the audiology aide, and modeling for the aide.

(c) "Indirect supervision" means the supervisor is not at the same facility or in close proximity to the audiology aide, but is available to provide supervision by telephonic or other electronic means. Indirect supervision activities performed by the supervisor may include demonstration, record review, review and evaluation of recorded sessions, interactive television, and supervisory conferences that may be conducted by telephone or electronic mail. Indirect supervision may be provided to an industrial audiology aide, if all of the following conditions are met:

(1) An alternative plan of supervision has been approved by the Board.

(2) The supervisor includes the proposed plan with their application form.

(3) The only activity the industrial audiology aide performs outside the physical presence of the supervisor is pure tone air conduction threshold audiograms.

(4) Following the completion of any pure tone air conduction threshold audiograms, the supervisor reviews the patient histories and the audiograms and make any necessary referrals for evaluation and treatment.

(d) The supervisor shall provide immediate supervision during the first ninety (90) calendar days of work at all times following initial registration. The supervisor shall maintain a record in the aide's personnel file that verifies that the aide meets the requirements in this subsection.

(e) After a minimum of ninety (90) calendar days or until the supervisor determines competency, whichever occurs later, with the exception of those services provided in subsection (a), the supervisor shall provide direct supervision at all times when the aide is performing direct client care.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.10. Training of Audiology Aide.

Before a supervisor allows an aide to assist in the practice of audiology under their supervision, an aide shall complete a training program established by the supervisor. The training program shall, at a minimum include:

(a) Instruction in the skills necessary to perform any acts or services which are within the practice of audiology as defined in Section 2530.2 of the Code.

(1) The supervisor is not required to repeat training which may have already been received by the aide because of any prior education, training, and experience.

(b) A supervisor shall require an aide to demonstrate their competence to perform any acts or provide any services which are within the practice of audiology as defined in Section 2530.2 of the Code which may be assigned to the aide or which the aide may provide to patients. A supervisor shall allow an aide only to perform those acts or to provide those services for which they have been provided training and have demonstrated competency and are within the scope of responsibility of an aide.

(c) A supervisor shall instruct an aide as to the limitations imposed upon their duties, acts, or services by these regulations, by their training and skills, and by the evaluation and treatment plan for any patient.

(d) In addition to the requirements of this section, an industrial audiology aide shall be provided training in the use of an audiometer and in the necessary techniques for obtaining valid and reliable audiograms.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.11. Activities, Duties, and Functions Outside the Scope of Responsibility of an Audiology Aide.

An audiology aide shall not perform any of the following functions:

(a) Conduct diagnostic evaluations i.e., tympanometry, videonystagmography (VNG), electronystagmography (ENG), or auditory brainstem response (ABR);

(b) Interpret diagnostic data;

(c) Alter treatment plans;

(d) Provide counseling or advice to a client or to a client's parent or guardian which is beyond the scope of the client's treatment;

(e) Sign any documents in lieu of the supervisor. i.e., treatment plans, client reimbursement forms, or formal reports;

(f) Discharge clients from services;

(m) Perform any task without the express knowledge and approval of a supervisor;

(g) Make referrals for additional services outside of the audiology practice;

(h) Unless required by law, disclose confidential information either orally or in writing to anyone not designated by the supervisor;

(i) Represent themselves as an audiologist or dispensing audiologist;

(l) Perform those procedures that require a high level of clinical acumen and technical skill, e.g., cerumen removal;

(j) Fit or sell a hearing aid without possessing a valid hearing aid dispensers license or a valid hearing aid trainee license;

(k) Independently adjust hearing aids or cochlear implant settings; or

(n) Violate laws and regulations pertaining to the Health Insurance Portability and Accountability Act.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.2 and 2530.6, Business and Professions Code.

§ 1399.154.12. Registration Renewal of Aides.

(a) A supervisor shall renew the registration of each aide with the Board and pay the renewal fee required in Section 1399.157. The form submitted to the Board shall include:

(1) The aide's full name, business name, business address, business telephone number, aide's registration number, and the aide's email address, if any;

(2) Supervisor's full legal name, address of record, license number, business telephone number, business name, business address, and the supervisor's email address, if any;

(3) Duties the aide performs while assisting the supervisor in the practice of speech-language pathology or audiology,

(4) Training program, training methods, the length of the training program, the minimum competency level of the aide, assessment methods the supervisor is utilizing to ensure the aide's continued competency, and a summary of past education, training, and experience the aide may already have acquired, if any.

(A) The training shall be in accordance with Section 1399.154.4 or 1399.154.10.

(5) A written statement, signed by the aide, certifying that the aide has discussed the plan for supervision with the supervisor and agrees to its implementation, and further certifying under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct, and that any misrepresentation may be cause for denial of a registration.

(6) A written statement, signed by the supervisor, certifying that the supervisor has discussed the plan for supervision with the aide and accepts professional and ethical responsibility for their performance, and further certifying that under penalty of perjury under the laws of the state of California that all of the statements made in the application are true and correct.

(b) Any aide registered with the Board prior to **Month XX, 20XX (next full year after the effective date)** must renew their registration in accordance with subsection (a).

(c) An aide is exempt from subsection (a) if during the aide's previous registration period they were called to active duty as defined in Section 114.3 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 114.3, 144.5, 703, 704, 2530.2, 2530.6, 2533, 2535, and 2535.2 Business and Professions Code.

§ 1399.157. Fees.

(a) The application fee and biennial renewal fee for a speech-language pathologist shall be \$150.00. The application fee and biennial renewal fee for ~~a non-dispensing an~~ audiologist shall be \$150.00.

(b) The application fee and annual renewal fee for a dispensing audiologist shall be \$280.00.

(c) The ~~application~~ registration fee for a speech-language pathology assistant shall be \$50.00. The biennial renewal fee for a speech-language pathology assistant shall be \$100.00.

(d) The delinquency fee to renew an expired license or registration shall be \$25.00.

(e) The fee for registration of an aide shall be \$30.00. The biennial renewal fee for an aide shall be \$30.00.

(f) The application and biennial renewal fee for a continuing professional development provider shall be \$200.00.

(g) The fee for each license or registration status and history certification letter shall be \$25.00.

(h) The duplicate wall certificate fee shall be \$25.00.

(i) The Board shall waive the application or registration fee for an applicant who meets the requirements set forth in Section 115.5 of the Code. Applicant must submit the following with the application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of the military orders establishing their spouse's or partner's duty station in California and,

(3) Written verification from the applicant's issuing licensing entity that the applicant's license or registration in another state, district, or territory of the United States is current in that jurisdiction. The verification shall include all of the following:

(A) the full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) the license or registration type and number issued to the applicant by the original licensing entity,

(C) the name and location of the licensing entity, and,

(D) the issuance and expiration date of the license.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 115.5, 163.5, 2532.6(f), 2534.2, 2535, 2535.2, 2538.1 and 2538.53, Business and Professions Code.



MEMORANDUM

DATE	November 9, 2023
TO	Hearing Aid Dispensing Committee
FROM	Cherise Burns, Assistant Executive Officer
SUBJECT	Agenda Item 3: Discussion and Possible Action Regarding Foreign Body In The Ear Canal and Other Pre and Post Fitting Observations That Require Referral for Medical Opinion as Stated in Business and Professions Code Sections 2538.36 and 2539.6

Background

At its October 2022 meeting, the Board delegated to the Hearing Aid Dispensing Committee (Committee) to further discuss and clarify what a Hearing Aid Dispenser can do in relation to hearing aid dome removal or removal of any other foreign body during the postfitting counseling.

In July 2022, the Board received an inquiry regarding whether there is any statutory or regulatory language that would restrict a Hearing Aid Dispenser from performing a dome removal if appropriate training is provided and appropriate safeguards and policies are in place to limit dome removal to lower-risk clients.

The individual inquiring stated the following:

“The fitting of Receiver-In-the-Canal (RITE) hearing aids is very common and includes the attachment of a silicon or plastic dome that fits snugly in the ear canal. These domes are intended for patients to replace them on a regular basis to maintain proper function of the hearing aids. Domes may become unattached from the amplification hardware and lodged into the patient’s ear canal due to a variety of reasons.”

The Board received a procedural document from a private company regarding allowing hearing instrument specialists (Hearing Aid Dispensers) to perform dome removal. The company would require additional training and certification by a clinical training team on dome removal, but the policy specifically states the procedure and post procedure steps for dome removal as follows:

Procedures:

1. *Step 1: Patient completes and signs the Dome Removal Consent Form. If "Yes" is answered on any of the consent form questions, cease in-clinic removal process, and recommend removal through urgent care or primary care physician services.*
2. *Step 2: Use an otoscope to determine position of the dome in the canal. If dome is past the second bend, close to the Tympanic Membrane, cease in-clinic removal*

process and recommend removal through urgent care or primary care physician services.

3. *Step 3: Inform the patient of the status of the dome.*
4. *Step 4: Wipe the tip of the forceps with an alcohol prep pad/ wipe.*
5. *Step 5: Have a gloved assistant pull up and back on the pinna of the patient.*
6. *Step 6: Using a light source, such as an otoscope or a head lamp, direct the light into the canal to illuminate the space.*
7. *Step 7: Use the forceps to grasp a part of the dome that is closest to the opening of ear canal, gently rock back and forth to maneuver the dome towards the opening of the canal. Pull dome completely out and show to patient to confirm removal was completed. Dispose of dome, do not reuse.*
8. *Step 8: Once removed use the otoscope to inspect the canal for any abrasion. See Post Procedures below for instructions regarding abrasions.*
9. *Step 9: Review with the patient proper dome cleaning and replacement methods.*
10. *Step 10: Clean forceps using Infection Control procedures described in Post Procedures.”*

“Post Procedures

Inspect ear canal for any signs of redness or abrasions.

- *Slight Abrasion in Ear Canal with Minimum Bleeding and/or Soreness:*
 - *Advise patient to refrain from placing any objects into the affected ear canal such as hearing aid, Q-tip, earbuds, earphones, etc., for three days.*
 - *Advise patient to refrain from water getting into the affected ear canal ear for three days.*
 - *After three days and patient does not experience soreness, they may resume wearing their hearing aid and any other wearable objects in the healed ear canal.*
 - *Advise patient to follow proper dome replacement procedures in Step 9 above.*
- *Significant Abrasion/Laceration in Ear Canal with Continuous Bleeding and Pain:*
 - *If continuous bleeding occurs and patient experiences significant pain during or up to 3-days post procedure, advise patient to pursue medical consultation either through an urgent care clinic or their regular primary care physician.*
 - *Complete an Incident Report and submit to [email] and to [company specific].*
 - *Call patient in 24-hours as a follow up to inquire and document the outcome of medical consultation and current wellbeing status.*
 - *Report any adverse comments from follow up call to [email] and to [company specific].”*

Relevant Board Practice Act Provisions

Business and Professions Code (BPC) Section 2538.36(a)(7) requires that, if there is “Visible evidence of significant cerumen accumulation or a foreign body in the ear canal” of a hearing aid user, a Hearing Aid Dispenser must make a written recommendation to the hearing aid user that consulting with a licensed physician is in their best interest prior to fitting or selling a hearing aid. The licensed physician is a licensed physician who specialize in

diseases of the ear or, if no such licensed physician is available in the community, a duly licensed physician.

BPC Section 2538.14 defines a Hearing Aid Dispenser as “a person engaged in the practice of fitting or selling hearing aids to an individual with impaired hearing.” BPC Section 2538.11 defines the practice of fitting or selling hearing aids as the “practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.” It further clarifies that a Hearing Aid Dispenser cannot conduct diagnostic hearing tests.

BPC Section 2530.2 defines the practice of audiology and the allowance for Audiologists to perform the “nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures” for a client. **BPC Section 2939.6 also requires Dispensing Audiologists to make a written recommendation to the hearing aid user that consulting with a licensed physician is in their best interest prior to fitting or selling a hearing aid if the client has “Visible evidence of significant cerumen accumulation or a foreign body in the ear canal”.**

There are currently no other statutes or regulations that discuss if foreign body removal is allowed for Dispensing Audiologists (like there is for cerumen removal), or under what circumstances foreign body removal from the ear is allowed for Hearing Aid Dispensers.

Action Requested

Staff recommends the Committee review and discuss the provided materials. The Committee may wish to determine if clarification to what a Hearing Aid Dispenser can do in relation to hearing aid dome removal or removal of other foreign body during the postfitting counseling is necessary.

Attachment: Statutory Language Related to Business and Professions Code Sections 2538.36 and 2939.6

**Statutory Language Related to
Business and Professions Code (BPC) Sections 2538.36**

BPC section 2538.36 (a) Whenever any of the following conditions are found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user, a licensee shall, prior to fitting or selling a hearing aid to any individual, suggest to that individual in writing that his or her best interests would be served if he or she would consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to a duly licensed physician:

- (1) Visible congenital or traumatic deformity of the ear.
- (2) History of, or active drainage from the ear within the previous 90 days.
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Significant air-bone gap (when generally acceptable standards have been established).
- (7) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.**
- (8) Pain or discomfort in the ear.

(b) No referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid that has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written recommendation shall be retained by the licensee for the period provided for in Section 2538.38. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a receipt for the same, and the receipt shall be kept with the other papers retained by the licensee for the period provided for in Section 2538.38. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

BPC section 2539.6 (a) Whenever any of the following conditions are found to exist either from observations by the licensed audiologist or on the basis of information furnished by the prospective hearing aid user, a licensed audiologist shall, prior to fitting or selling a hearing aid to any individual, suggest to that individual in writing that his or her best interests would be served if he or she would consult a licensed physician specializing in diseases of the ear or if no licensed physician is available in the community then to a duly licensed physician:

- (1) Visible congenital or traumatic deformity of the ear.
- (2) History of, or active, drainage from the ear within the previous 90 days.
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Significant air-bone gap (when generally acceptable standards have been established).
- (7) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.**
- (8) Pain or discomfort in the ear.

(b) No referral for medical opinion need be made by any licensed audiologist in the instance of replacement only of a hearing aid that has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written recommendation shall be retained by the licensed audiologist for the period provided for in Section 2539.10. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a receipt for the same, and the receipt shall be kept with the other papers retained by the licensed audiologist for the period provided for in Section 2539.10. Nothing in this section required to be performed by a licensed audiologist shall mean that the licensed audiologist is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

BPC section 2538.14 "Hearing aid dispenser," as used in this article, means a person engaged in the practice of fitting or selling hearing aids to an individual with impaired hearing.

BPC section 2538.11 (a) "Practice of fitting or selling hearing aids," as used in this article, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

The practice of fitting or selling hearing aids does not include the act of concluding the transaction by a retail clerk.

When any audiometer or other equipment is used in the practice of fitting or selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of the audiometer or other equipment shall be checked at least annually.

(b) A hearing aid dispenser shall not conduct diagnostic hearing tests when conducting tests in connection with the practice of fitting or selling hearing aids.

(c) Hearing tests conducted pursuant to this article shall include those that are in compliance with the Food and Drug Administration Guidelines for Hearing Aid Devices and those that are specifically covered in the licensing examination prepared and administered by the board.

BPC section 2530.2 subdivisions (k-l) and (p)

(k) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to auditory, vestibular, and related functions and the modification of communicative disorders involving speech, language, auditory behavior, or other aberrant behavior resulting from auditory dysfunction; and the planning, directing, conducting, supervising, or participating in programs of identification of auditory disorders, hearing conservation, cerumen removal, aural habilitation, and rehabilitation, including hearing aid recommendation and evaluation procedures, including, but not limited to, specifying amplification requirements and evaluation of the results thereof, auditory training, and speech reading, and the selling of hearing aids.

(l) A "dispensing audiologist" is a person who is authorized to sell hearing aids pursuant to his or her audiology license.

(p) "Cerumen removal" means the nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures that shall occur under physician and surgeon supervision. Cerumen removal, as provided by this section, shall only be performed by a licensed audiologist. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but shall include all of the following:

(1) Collaboration on the development of written standardized protocols. The protocols shall include a requirement that the supervised audiologist immediately refer to an appropriate physician any trauma, including skin tears, bleeding, or other pathology of the ear discovered in the process of cerumen removal as defined in this subdivision.

(2) Approval by the supervising physician of the written standardized protocol.

(3) The supervising physician shall be within the general vicinity, as provided by the physician-audiologist protocol, of the supervised audiologist and available by telephone contact at the time of cerumen removal.

(4) A licensed physician and surgeon may not simultaneously supervise more than two audiologists for purposes of cerumen removal.



MEMORANDUM

DATE	September 15, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 6: Review and Possible Approval of the August 25, 2023 Board Meeting Minutes

Background

Attached is a draft of the meeting minutes from the August 25, 2023 Board Meeting.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the August 25, 2023 Board Meeting minutes.

Attachment: August 25, 2023 Board Meeting Minutes



BOARD MEETING MINUTES - DRAFT
Teleconference - Sacramento, Glendora, Daly City, Simi Valley, and Stanford
Friday, August 25, 2023

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 10:18 a.m. Dr. Raggio called roll; four members of the Committee were present and thus a quorum was established. Dr. Raggio also requested that each physical location without a Committee member identify themselves and their location, all five physical locations were open.

Committee Members

Marcia Raggio, Dispensing Audiologist, Committee Chair
Karen Chang, Public Member
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
David Bouilly, DCA SOLID
Shelly Jones, DCA SOLID
Judie Bucciarelli, DCA Executive Office

Guests Present

John Dandurand
Gilda Dominguez
Michael Schmitt
Diane Roberts
Dave Cummings

2. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments.

Michael Schmitt commented on the processing of a hearing aid dispensing license. Cherise Burns replied to contact the Board via email.

Michael Kanotz reminded the public that the Board is not allowed to address or discuss public comments under this agenda item.

Diane Roberts commented on the current application processing times and the lack of staffing.

A written public comment in the Q&A feature of the teleconference was read which commented on not being able to provide speech services in homes.

Dave Cummings commented on proposed regulatory changes to speech-language pathology assistants supervision.

3. Update, Discussion, and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical and Professional Experience as stated in Business and Professions Code Sections 2532.2 and 2532.25 and Title 16, CCR sections 1399.152.2

Dr. Raggio invited Maria Liranzo to provide an update on possible action regarding audiology licensing requirements related to supervised clinical experience. Ms. Liranzo provided a background and summary of changes to regulations regarding audiology supervised clinical experience. Ms. Liranzo noted that the last item in the proposed text should be subsection (f) and not subsection (e).

Dr. Amy White suggested changes to clarify the number of hours as it relates to the three (3) different clinical settings as it is meant to be across the settings and not the number of hours at each setting. Dr. Raggio expressed agreement to the suggested change. Ms. Liranzo noted the amendment to replace “in” with “across” and add “a total of “ in the beginning of each requirement.

Dr. Raggio commented on the proposed changes reflecting the last discussion on this topic and recommended adopting this text with the suggested changes mentioned today.

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

Amy White moved to recommend the Board to adopt proposed changes to supervised clinical experience as stated in Title 16 CCR sections 1399.152.2 as amended.

Karen Chang seconded the motion.

The motion carried 4-0. (Ayes: Raggio, Chang, Valdez, White)

The meeting adjourned at 10:46 a.m.

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 10:47 p.m. Dr. Raggio called roll; six members of the Board were present at the five physical locations and thus a quorum was established.

Board Members

Marcia Raggio, Dispensing Audiologist, Board Chair
Karen Chang, Public Member
John Danduran, Hearing Aid Dispenser
Gilda Dominguez, Speech-Language Pathologist
Tulio Valdez, Otolaryngologist, Public Member
Amy White, Dispensing Audiologist

Staff Present

Paul Sanchez, Executive Officer
Cherise Burns, Assistant Executive Officer
Maria Liranzo, Legislation/Regulation/Budget Analyst
Tenisha Ashford, Enforcement Coordinator
Lisa Snelling, Licensing Coordinator
Michael Kanotz, DCA Legal Counsel
Karen Halbo, DCA Regulation Counsel
David Bouilly, DCA SOLID
Shelly Jones, DCA SOLID
Judie Bucciarelli, DCA Executive Office

Guests Present

Serafin Raya
Andrea Ball
Kristina Zajic
Joe Bartlett

2. Swearing In New Board Member

Dr. Raggio swore in John Danduran as a member of the Board, whereupon Mr. Danduran took the oath of office administered by Dr. Raggio.

Dr. Raggio congratulated Mr. Danduran on his appointment to the Board. Mr. Danduran commented on his appointment to the Board.

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

3. Public Comment for Items Not on the Agenda

Dr. Raggio asked for public comments.

Serafin Raya commented on the current application processing times.

4. Review and Possible Approval of the April 27, 2023, Board Meeting Minutes

Dr. Raggio opened the discussion on the review and possible approval of Board's meeting Minutes. Maria Liranzo provided a summary of the Minutes.

Gilda Dominguez requested amendments on page 5 to make "second fifteen procedure" plural. Ms.

Liranzo noted the amendment.

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

Amy White moved to approve the April 27, 2023, Board meeting Minutes as amended.

Karen Chang seconded the motion.

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

5. DCA Update – DCA Board and Bureau Relations

Dr. Raggio invited staff from DCA Board and Bureau Relations to provide an update. Judie Bucciarelli congratulated Mr. Danduran on his appointment to the Board and expressed gratitude to current Board members for their continued service. Ms. Bucciarelli provided an update on DCA's Diversity, Equity, and Inclusion Committee; the resumption of in-person meetings and Bagley-Keene Open Meeting Act rules; military spouses and domestic partners temporary licenses being launched; DCA's Enlighten Licensing Project; upcoming press release translation; board member onboarding; required board member trainings, 2023-2024 out-of-state travel; and board member orientation training.

Dr. Raggio asked for Board discussion. There was no Board discussion.

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 on the Board Chair's Report and noted the next Board meeting will be in-person in Sacramento.

Dr. Raggio invited Gilda Dominguez to provide a report on the discussion from the Enforcement Ad Hoc Committee. Ms. Dominguez provided a report on what the Committee reviewed.

Dr. Raggio provided a report on discussion from the Audiology Practice Committee.

Dr. Raggio commented on overall committee membership and noted Mr. Danduran's committee assignments. Mr. Danduran and Paul Sanchez commented on the difference between the Hearing Aid Dispensing Committee and the Hearing Aid Dispensers Practice Committee.

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 Paul Sanchez to provide the Executive Officer's report.

Mr. Sanchez reported an administration update on staff vacancies and hiring new staff.

Mr. Sanchez reported on outreach efforts including a meeting with California Speech Language Hearing Association (CSHA).

Mr. Sanchez reported on the budget including the fund condition.

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

Mr. Sanchez reported on licensing including processing times and practical examination results.

Dr. Raggio asked how long it takes to train new staff. Cherise Burns replied that it usually takes three to six months to be proficient in processing licenses. Ms. Sanchez commented on how staff is trained and the use of non-licensing staff to assist with processing applications in the interim.

Mr. Danduran asked about the expedited application process for military spouses. Ms. Burns replied that it is a statutory requirement to expediate applications that qualify and noted they are expedited appropriately.

Mr. Sanchez reported on enforcement including formal discipline for the last twelve months.

Dr. Raggio asked if the practical examination fail rate was typical. Ms. Burn replied that it was higher than usual and noted higher mistakes made by candidates related to safety issues.

Dr. Raggio asked for public comments.

Andrea Ball on behalf of CSHA commented on outreach efforts with Board staff.

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

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

Ms. Liranzo reported on the legislative calendar and deadlines, and Board-sponsored legislation.

Dr. Raggio asked for Board discussion on the legislative calendar and deadlines, and Board-sponsored legislation. There was no Board discussion.

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

Andrea Ball on behalf of CSHA recommended the Board to change its position on Senate Bill (SB) 612 from Support if Amended to Support due to recent amendments.

Ms. Liranzo reported on bills with active positions taken by the Board.

Ms. Liranzo noted that the Board took an Oppose Unless Amended on SB 372. Ms. Burns recommended the Board to change its position to Support.

Dr. Raggio asked what amendments were made. Ms. Burns replied that the telephone number requirement was removed and it will require that the public is informed to call the office when

searching for a person with a “dead name” or public records that contain the former name or gender.

Ms. Liranzo provided a summary of AB 381. Ms. Burns recommended no changes to the Board’s position on Assembly Bill (AB) 381.

Dr. Raggio asked for public comments on AB 381 and SB 372. There were no comments from the public, outside agencies, or associations.

Amy White moved to change the Board’s position on SB 372 to Support.

Tulio Valdez seconded the motion.

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

Ms. Liranzo continued reporting on bills with active positions taken by the Board.

Ms. Burns commented on the changes made to SB 544 and recommended no changes to the Board’s position. Michael Kanotz commented on additional changes made to SB 544 which includes a sunset provision.

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

Ms. Liranzo continued reporting on bills with active position taken by the Board.

Ms. Liranzo noted that the Board took a Support If Amended on SB 612. Ms. Burns recommended the Board to change its position to Support.

Dr. Raggio asked for public comments.

Andrea Ball on behalf of CSHA expressed support on the Board changing its position on SB 612.

Amy White moved to change the Board’s position on SB 612 to Support.

Gilda Dominguez seconded the motion.

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

Ms. Burns provided a summary on SB 635 regarding hearing aid health care coverage. Ms. Burns noted that a Support position was taken with approval from the Board Chair and Vice Chair in accordance with the Board’s Administrative Procedure Manual, and recommended no changes to the Board’s position.

Mr. Danduran asked if the bill include managed care like Medi-Cal. Ms. Burns replied that she would need to verify. Dr. Raggio replied that hearing aid services are covered by Medi-Cal for children and noted that this may be aimed at private insurance.

Dr. Raggio asked if there is any known opposition. Ms. Burns replied there is no known opposition.

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

Ms. Liranzo noted bills with the recommended watch status. There was no Board discussion.

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

9. Legislative Items for Future Meeting

Dr. Raggio asked for legislative items for future meeting. Ms. Burns noted that Board staff do not have any items.

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 the Board's regulatory packages; and noted the last item is a hand carry and is available on the Board's website and will be displayed during the discussion.

Ms. Liranzo provided a background on proposed changes to speech-language pathology assistant (SLPA) supervision requirements and noted draft Board responses to public comments and all comments received are included in the meeting materials.

Dr. Raggio asked for public comments.

Kristina Zajic from American River College asked why the definition of direct supervision in section 1399.170(d) differs from 1399.170.15(b)(4). Ms. Liranzo replied that the definition of direct supervision is on-site observation or synchronous audiovisual observation, and noted that the requirement for the first ninety (90) days is direct supervision that is on-site observation for twenty (20) percent of the work per week.

Ms. Burns commented that tele supervision is not permitted within the first ninety (90) days of work but it is after ninety (90) days. Ms. Liranzo clarified that it's the first ninety (90) days of work following initial licensure and not the first ninety (90) days of work if the SLPA has been licensed for longer.

Amy White 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 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18 as noticed.

Tulio Valdez seconded the motion.

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

Ms. Liranzo provided a background and summary of changes on proposed changes to approved institutions, and noted the materials included for Board discussion.

Dr. Raggio commented on the American Speech-Language-Hearing Association (ASHA) being accredited by United States Department of Education and the American Academy of Audiology (AAA) being accredited by Council on Higher Education Accreditation.

Ms. Liranzo commented on the two types of accreditations the Board requires, one for the university and another for the program, and noted that both organizations comply with both requirements as shown in Attachment C of the meeting materials.

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

Amy White moved to approve the proposed regulatory text for 16 CCR section 1399.152 and 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 and adopt the proposed regulations at 16 CCR section 1399.152 as noticed.

Tulio Valdez seconded the motion.

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

Ms. Liranzo provided a background and summary of changes on proposed changes to regulations regarding hearing aid dispensers trainee and temporary license supervision.

Ms. Liranzo asked the Board if it should amend section 1399.115(b) and 1399.116(b) to require the practice experience to occur immediately before the commencing supervision. Dr. Raggio asked if this is preferred. Ms. Burns replied that it is preferred as there could be an extended break in service that could cause a supervisor to not be current with practice standards and training. Dr. Amy White and Dr. Raggio expressed agreement to the suggested change.

Ms. Liranzo asked if “sound field testing” should be included as a verification technique in section 1399.118(c)(1) and noted that this would align with language that can be found in Attachment C, 2020 HAD Written Examination Outline, on page 9. Ms. Burns noted that these documents are available online. Dr. Raggio expressed agreement to the suggested change.

Dr. Danduran asked if there is a training manual for supervisors. Ms. Burns replied that there isn't a manual and commented on materials and information available to the public related to training and supervision. Mr. Sanchez noted the regulations on training and supervision.

Dr. Danduran asked how someone would conduct a sound field testing if services were performed at a convalescent hospital or home. Ms. Liranzo replied that it is a skill that should be taught during the trainee license period and performed when appropriate and doesn't mean it's performed all the time.

Ms. Liranzo asked if the electroacoustic analysis equipment and verification technique should be the “knowledge of” because of potential economic impacts it may have on businesses to purchase equipment to provide such training. Dr. Raggio replied that training on electroacoustic analysis equipment and real ear measurements are best practices in hearing aid fitting and recognize the equipment is expensive.

Dr. White commented on the importance of training on the use of real ear measurements and electroacoustic analysis equipment and noted making this “knowledge of” and revisit this item another time. Mr. Sanchez commented on the success of moving rulemaking packages and delays as a result of additional analyses required and recommended making these skills “knowledge of” and revisit training requirements at another time. Dr. Raggio expressed agreement with making these skills a “knowledge of” and commented on the importance of electroacoustic analysis equipment. Dr. Danduran expressed agreement with making these skills a “knowledge of” and commented on future discussion related to training requirements to include college courses that would have electroacoustic analysis equipment.

Ms. Liranzo asked if the definition of “direct” and “immediate” supervision in section 1399.119 should be similar and noted that one includes “at all times” and suggested removing it and adding it to subsection (e) and (f). Dr. White asked if this is related to recent changes to clarify “direct” and “immediate” supervision. Ms. Liranzo replied that it is.

Ms. Liranzo asked if the amount of supervision in section 1399.119 be similar and noted “one hundred (100) percent of the time” will be replaced with “at all times” and “at all times” will be added to subsection (f).

Dr. Danduran asked what the process is for amending the text. Ms. Burns replied that there was agreement to all the suggested changes and noted a clean version of the text as amended to include all the accepted suggested changes will move forward in the rulemaking process. Karen Halbo commented on the rulemaking process.

Dr. Raggio asked for public comments.

Joe Bartlett, Immediate Past President of Hearing HealthCare Providers/California (HHP), congratulated Mr. Danduran on his appointment to the Board and commented on training requirements including the development a training manual, proposed changes to the text, and the cost to purchase and maintain electroacoustic analysis equipment.

Amy White moved to approve the proposed regulatory text for 16 CCR sections 1399.102 and 1399.115 through 1399.119, 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 1399.102 and 1399.115 through 1399.119 as amended.

Tulio Valdez seconded the motion.

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

11. Future Agenda Items

Dr. Raggio asked for future agenda items. Ms. Burns noted that Board staff do not have any items.

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

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 3:30 p.m.

DRAFT



MEMORANDUM

DATE	November 21, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Holly Kaiser, Board Vice Chair
SUBJECT	Agenda Item #8: Board Chair's Report

The Board Vice Chair will provide a verbal update on Board and Committee activities.

a. 2023 Board Meeting Calendar

Meeting Date	Location	Agenda	Meeting Materials	Minutes	Webcast
2023					
November 30 – December 1, 2023 Board Meeting	Sacramento, California and Teleconference	Agenda			
August 25, 2023 Board Meeting	Teleconference	Agenda	Materials Hand Carry - Agenda Item 7 Hand Carry - Agenda Item 10(i)		Webcast
April 27-28, 2023 Board Meeting	Teleconference	Agenda	Materials Hand Carry - Agenda Item 6		Webcast
February 24, 2023 Board Meeting	Teleconference	Agenda	Materials Hand Carry - Agenda Item AU 3 Hand Carry - Agenda Item AU 4 Hand Carry – Agenda Item 7	Minutes	Webcast - Feb 24 Part 1 of 2 Webcast - Feb 24 Part 2 of 2

b. Board Representation for the Department of Health Care Services' Audiology Technical Advisory Committee

Dr. Marcia Raggio has represented the Board on the Department of Health Care Services' (DHCS) Audiology Technical Advisory Committee, which was created to provide a direct communication path with DHCS for the hearing and speech community who serve the California Childrens Services (CCS) population. The CCS program provides diagnostic and treatment services, medical case management, and physical and occupational therapy services to children

under age 21 with CCS-eligible medical conditions. Examples of CCS-eligible conditions include, but are not limited to, chronic medical conditions such as cystic fibrosis, hemophilia, cerebral palsy, heart disease, cancer, traumatic injuries, and infectious diseases producing major sequelae. CCS also provides medical therapy services that are delivered at public schools.

If the Board wishes to send one of the Board’s Audiologists to fill this spot on the DHCS Audiology Technical Advisory Committee, the person will need to submit their Curriculum Vitae to the DHCS staff member in charge of the program Janeen Newman.

c. Board Committee Reports

The Ad Hoc Enforcement Committee, Audiology Practice Committee, Speech-Language Pathology Practice Committee, and the Hearing Aid Dispensing Committee will provide a verbal report regarding their respective committee meetings.

STANDING COMMITTEES

Standing Committee composition and leadership are determined by the Board President and are fully within the scope of the Open Meetings Act. Standing Committee meetings are often held in conjunction with regularly scheduled Board Meetings.

SLP PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Holly Kaiser	Chair	SLP
Gilda Dominguez	Member	SLP
Vacant	Member	Public
AUDIOLOGY PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Amy White	Chair	DAU
Charles Sanders	Member	DAU
Tulio Valdez	Member	ORL/Public
Karen Chang	Member	Public
HEARING AID DISPENSERS PRACTICE COMMITTEE <i>Addresses changes in practice patterns and recommends position statements and/or scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD

John Dandurand	Member	HAD
Karen Chang	Member	Public
HEARING AID DISPENSING COMMITTEE <i>Provides policy and regulatory guidance with respect to HAD practices and recommends scope of practice amendments for consideration.</i>		
Name	Position	Profession
Tod Borges	Chair	HAD
John Dandurand	Member	HAD
Charles Sanders	Member	DAU
Amy White	Member	DAU
Tulio Valdez	Member	ORL/Public

AD HOC COMMITTEES

Ad Hoc Committees may be established by the Board President as needed. Composition and leadership will be appointed by the Board President. Ad Hoc Committees may include the appointment of non-Board members at the Board President's discretion. Ad Hoc Committees are not fully within the scope of the Open Meetings act, however all recommendations made by Ad Hoc Committees must be reviewed and voted on by the Board in a public Board Meeting.

SUNSET REVIEW AD HOC COMMITTEE <i>Develop for the Board's review the Board's Sunset Review Report to the California Legislature</i>		
Name	Position	Profession
VACANT	Chair	DAU
Holly Kaiser	Member	SLP
ENFORCEMENT AD HOC COMMITTEE <i>Review and recommend to the Board proposed revisions to the laws, regulations, and policies related to the Board's enforcement of the Boards Practice Act.</i>		
Name	Position	Profession
Gilda Dominguez	Chair	SLP
Tod Borges	Member	HAD
LEGISLATIVE AD HOC COMMITTEE <i>Review and recommend to the Board proposed positions on legislation impacting the Board, its licensees, and the Board's Practice Act</i>		
Name	Position	Profession
Karen Chang	Chair	Public
Gilda Dominguez	Member	SLP

Legend:

DAU - Dispensing Audiologist

ORL/ENT - Otolaryngologist/Ear, Nose & Throat

HAD - Hearing Aid Dispenser

SLP - Speech-Language Pathologist

Hand Carry Item

Agenda Item 9:
Executive Officer's Report



MEMORANDUM

DATE	October 23, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Cherise Burns, Assistant Executive Officer Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 10: Legislative Report: Update, Review, and Possible Action on Proposed Legislation

a. Legislative Calendar and Deadlines

- September 14, 2023 – Last day for each house to pass bills and Interim Recess begins upon adjournment.
- October 14, 2023 – Last day for Governor to sign or veto bills passed by the Legislature on or before September and in the Governor's possession on or after September 14.
- January 1, 2024 – Statutes take effect, unless otherwise specified.
- January 3, 2024 – Legislature reconvenes.

b. 2023 Board-Sponsored Legislation

i. SB 887 (Committee on Business, Professions and Economic Development) Consumer Affairs

Status: This bill was approved by the Governor and chaptered by Secretary of State on October 8, 2023.

Summary: This bill makes numerous technical and clarifying changes to various practice act. Specifically, the bill would amend the Board's Practice Act to replace gendered pronouns with gender-neutral pronouns or nouns.

Board Position: Support

c. Bills with Active Positions Taken by the Board

i. AB 381 (Rubio) Teacher credentialing: services credential with a specialization in health: occupational and physical therapists

Status: This bill failed to meet the house of origin deadline. It is currently in the Assembly Appropriations Committee and may be acted upon in January 2024.

Summary: This bill would have deleted the provision specifying that services as an occupational therapist or physical therapist are not health services and authorize the Commission on Teacher Credentialing to issue health services credential to occupational therapists or physical therapists.

Current law specifies that services as an occupational therapist, a physical therapist or an audiometrists are not health services for purposes of a health services credential.

Board Position: Neutral if Amended

ii. **SB 372 (Menjivar) Department of Consumer Affairs: licensee and registrant records: name and gender changes**

Status: This bill was approved by the Governor and chaptered by Secretary of State on September 23, 2023.

Summary: This bill requires the Board to update a licensee's or registrant's license and any references to their name or gender displayed on the internet if the board receives from the licensee or registrant government-issued documentation demonstrating that their legal name or gender has been changed. The bill also requires the Board to post an online statement and direct the public to contact the Board for more information if the licensee or registrant has enforcement records online referencing their former name or gender or if a search on the online license verification system is performed using a licensee's or registrant's former name.

Board Position: Support

iii. **SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.**

Status: This bill was approved by the Governor and chaptered by Secretary of State on September 22, 2023.

Summary: This bill provides the Board an alternative set of provisions to hold a meeting by teleconference. The alternative would require a majority of Board members to be physically present at the same teleconference location and permit additional Board members in excess of a majority to participate from a remote location that is not accessible to the public nor would it require disclosure on the notice and agenda. Board members participating remotely must disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals. Furthermore, Board members shall appear on camera during the open portion of a meeting or announce the reason for their nonappearance. This alternative shall remain in effect only until January 1, 2026.

This bill also provides the Board an alternative set of provision for committees to hold a meeting by teleconference. The alternative would require at least one staff to be present at the primary physical meeting location during the meeting and permit Board members to participate from a remote location that is not accessible to the public nor would it require disclosure on the notice and agenda. Furthermore, Board members shall appear on camera during the open portion of a meeting or announce the reason for their nonappearance. This alternative shall remain in effect only until January 1, 2026. After January 1, 2026, the alternative would require a majority of Board members to be physically present at the same teleconference location and permit additional members in excess of a majority to participate from a remote location that is not

accessible to the public nor would it require disclosure on the notice and agenda. Appearance on camera will not be required for standing committee meetings after January 1, 2026.

Current law requires members of the state body to conduct meetings by teleconference from a location that is accessible to the public and disclosed on the notice and agenda. Current law also requires that standing committees have a majority of the members physically present at the same location and permits members in excess of a majority to participate from a remote location that is not accessible to the public nor would it require disclosure on the notice and agenda.

Board Position: Oppose Unless Amended. *This position was taken with approval from the Board Chair and Vice Chair in accordance with the Board's Administrative Procedure Manual.*

iv. SB 612 (Ochoa Bogh) Speech-language pathologists.

Status: This bill was approved by the Governor and chaptered by Secretary of State on October 8, 2023.

Summary: This bill specifies that a licensed speech-language pathologist, who obtained a written verification before January 1, 2023, meets the requirements to perform a flexible fiber optic transnasal endoscopic procedure described in Business and Professions Code section 2530.2(f)(1).

Current law specifies that a licensed speech-language pathologist, who obtained a license before January 1, 2023, meets the requirements to perform a flexible fiber optic transnasal endoscopic procedure described in Business and Professions Code section 2530.2(f)(1).

Board Position: Support If Amended

v. SB 635 (Menjivar) Health care coverage: hearing aids.

Status: This bill was vetoed by the Governor on October 7, 2023.

Governor's Veto Message: I am returning Senate Bill 635 without my signature.

This bill would require health plans to cover medically necessary hearing aids for individuals under 21 years of age, up to \$3,000 per individual hearing aid without any cost sharing, beginning January 1, 2025.

I am committed to ensuring that hearing impaired children have access to the services and supports they need, including hearing aids. Today, children can receive hearing aids and related services through the California Children's Services (CCS) program or through Medi-Cal. In July 2021 we launched the Hearing Aid Coverage for Children Program (HACCP) within the Department of Health Care Services (DHCS) for those who do not qualify for hearing aids through CCS or Medi-Cal.

HACCP was created to improve access and coverage for children's hearing aids, a shared goal of this proposed bill. Unlike HACCP, however, SB 635 would exceed the state's set of essential health benefits, which are established by the state's benchmark plan under the provisions of the federal Affordable Care Act (ACA). As such, this bill's mandate would require the state to defray the costs of coverage in Covered California. This would not only increase ongoing state General Fund costs, but it would set a new precedent by adding requirements that exceed the benchmark

plan. A pattern of new coverage mandate bills like this could open the state to millions to billions of dollars in new costs to cover services relating to other health conditions. This creates uncertainty for our healthcare system's affordability, particularly when we have developed an alternative program that can serve the target population.

That said, improving access to hearing aids for children is a priority for my Administration. We can, and we must, do better for these children and their families as we implement HACCP. To this end, I am directing my Administration to explore increases to Medi-Cal provider payments with the goal of incentivizing additional provider participation in HACCP, increasing access for youth in need of hearing aids.

In addition, DHCS has developed a comprehensive plan to increase provider participation and program enrollment. These improvements will enable HACCP to reach and serve more children, which is our shared goal.

Specifically, in the next six months, DHCS will take a variety of steps to help patients maximize benefits, including: (1) partnering with other state entities to promote participation and awareness of HACCP, (2) completing translations for HACCP related materials into 18 languages, (3) implementing a streamlined annual eligibility renewal process to simplify provider enrollment, (4) conducting outreach to Medi-Cal providers not yet participating in HACCP to support their participation, (5) hosting quarterly webinars with providers and stakeholders, and (6) continuing to identify potential service improvements and strategies to increase program success.

Given the structural concerns this bill presents to our healthcare system and the opportunity to improve the existing HACCP to accomplish the same objectives, I cannot sign this bill.

Summary: This bill would have required a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2025, to include coverage for hearing aids for enrollees and insureds under 21 years of age, if medically necessary. The bill would have limited the maximum required coverage amount to \$3,000 per individual hearing aid and define the coverage for hearing aids to include an initial assessment; fittings, adjustments, and maintenance of the hearing aid; and new hearing aids at least every four years, or if alterations to existing hearing aids cannot meet the needs of the enrollees and insureds, or if the existing one is no longer working.

Board Position: Support

d. 2023 Bills with Recommended Watch Status

i. AB 477 (Waldron) Legislative review of state boards.

Status: This bill failed to meet the house of origin deadline. It is currently in the Assembly Business and Professions Committee and may be acted upon in January 2024.

Summary: This bill would have required the report prepared by the Board for its Sunset Review available to the public and the Legislature, including posting it online.

Current law requires the report is available to the public and the Legislature.

ii. AB 567 (Ting) Criminal records: relief.

Status: This bill was approved by the Governor and chaptered by Secretary of State on October 8, 2023.

Summary: This bill requires the Department of Justice (DOJ) to provide confirmation that a conviction record relief was granted upon request from the subject of the record starting July 1, 2024.

Current law requires DOJ to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief on a monthly basis. A person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, or if on or after January 1, 2005, they were convicted of a felony, except as specified, for which they did not complete probation without revocation if they appear to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which they were not convicted of a new felony offense.

iii. AB 883 (Mathis) Business licenses: United States Department of Defense SkillBridge program.

Status: This bill was approved by the Governor and chaptered by Secretary of State on October 8, 2023.

Summary: This bill requires the Board to expedite the licensure process for an applicant who supplies evidence to the Board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense Skill Bridge program, and permit the Board to assist the applicant in the initial licensure process starting July 1, 2024.

Current law requires the Board to expedite the licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged, and permit the Board to assist the applicant in the initial licensure process.

iv. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of-interest policy.

Status: This bill failed to meet the end of the year deadline. It is currently in the Senate Floor (Inactive File).

Summary: This bill would have required entities within the Department of Consumer Affairs to develop and maintain a conflict-of-interest policy that discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

v. AB 1028 (McKinnor) Reporting of crimes: mandated reporters.

Status: This bill failed to meet the fiscal committee deadline. It is currently in the Senate Appropriations Committee and may be acted upon in January 2024.

Summary: This bill would, on and after January 1, 2025, have required health practitioners to make a report to a local law enforcement if the health practitioner knows or suspects a patient has suffered a wound or physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm or a wound or physical injury resulting from child abuse or elder abuse. The bill would have required health practitioners to provide, to the degree that is medically possible, brief counseling, education, or other support, and a warm handoff or referral to local and national domestic violence or sexual violence advocacy services if the health practitioner knows or suspects a patient has suffered physical injury that is caused by domestic violence. The bill would have specified that a health practitioner is not civilly or criminally liable for any report that is made in good faith and in compliance with these provisions.

Current law requires a health practitioner to make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. A violation of these provisions is punishable as a misdemeanor.

vi. AB 1417 (Wood) Elder and dependent adult abuse: mandated reporting.

Status: This bill was approved by the Governor and chaptered by Secretary of State on October 8, 2023.

Summary: This bill amends and reorganizes some of the mandated reporting of elder or dependent adult abuse in a long-term care facility, and make conforming changes to related provisions. The bill requires mandated reporter to submit a written report to the local law enforcement agency, the long-term care, ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility and the abuse was caused by another resident of the facility with dementia diagnosed by a licensed physician where no serious bodily injury. The bill also requires mandated reporter to submit a verbal report to the local law enforcement agency immediately or as soon as practically possible, but no longer than 2 hours, and a written report to the local law enforcement agency, the long-term care, ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility in all other instances. The bill specifies the time limit for reporting beginning when the mandated reporter observes, obtains knowledge of, or suspects the abuse or neglect.

Current law requires mandated reporter to submit a telephone report to the local law enforcement agency and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency immediately or as soon as practically possible, but no longer than 2 hours if the abuse occurred in a long-term facility and the abuse results in serious bodily injury. Current law requires mandated reporter to submit a telephone report to the local law enforcement agency and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility and the abuse does not result in serious bodily injury. Current law requires mandated reporter to submit a telephone report to the local law enforcement agency immediately or as soon as practically possible, and a written report to the local law enforcement agency, the long-term care ombudsman, and the corresponding state agency within 24 hours if the abuse occurred in a long-term facility and the abuse was caused by another resident of the facility with dementia diagnosed by a licensed physician where no serious bodily injury. Current law requires mandated

reporter to submit a telephone report and a written report to the local ombudsman or the local law enforcement agency if the abuse occurred in a long-term care facility and the abuse is an abuse other than physical abuse.

vii. AB 1707 (Pacheco) Health professionals and facilities: adverse actions based on another state's law.

Status: This bill was approved by the Governor and chaptered by Secretary of State on September 27, 2023.

Summary: This bill prohibits the Board from denying an application for a license or imposing discipline upon a licensee or health care practitioner on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if it is based solely on the application of another state's law that interferes with a person's right to receive sensitive services as defined in the Civil Code Section 56.05 that would be lawful if provided in this state. The bill prohibits a health facility licensed pursuant to the Health and Safety Code Section 1250 from denying staff privileges to, removing from medical staff, or restricting the staff privileges of a licensed healing arts professional on the basis of such a civil judgment, criminal conviction, or disciplinary action. The bill does not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state for which a similar claim, charge, or action would exist against an applicant, licensee, or health care practitioner under the laws of this state.

viii. SB 259 (Seyarto) Reports submitted to legislative committees.

Status: This bill was approved by the Governor and chaptered by Secretary of State on September 1, 2023.

Summary: This bill requires the Board to post on its website any report identified in the Legislative Analyst's Supplemental Report of the Budget Act and include committees of the Legislature as a recipient of any required report.

Current law requires a state agency that is required or requested by law to submit a report to the Members of either house of the Legislature to submit the report in a specified manner and to post the report on the state agency's website.

ix. SB 345 (Skinner) Health care services: legally protected health care activities.

Status: This bill was approved by the Governor and chaptered by Secretary of State on September 27, 2023.

Summary: This bill prohibits the Board from denying an application for a license or imposing discipline upon a licensee or health care practitioner based solely on the application of another state's law that interferes with a person's right to receive sensitive services as defined in Civil Code Section 56.05. The bill does not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state for which a similar claim, charge, or action would exist against an applicant, licensee, or health care practitioner under the laws of this state. This bill prohibits the Board from imposing discipline upon a licensee or health care practitioner based solely on the basis they performed, recommended, or provided legally protected health care activity as defined in Civil Code Section 1798.300 to patient that reside in state where such activity is illegal. The bill defines a "legally protected health care activity" to mean specified acts, including exercising rights

related to reproductive or gender-affirming health care services secured by the Constitution or the provision of insurance coverage for those services.

x. SB 763 (Durazo) Criminal records.

Status: This bill failed to meet the house of origin deadline. It is currently in the Senate Appropriations Committee and may be acted upon in January 2024.

Summary: This bill would have extended the conviction record relief to apply to convictions of a felony that occurred on or after January 1, 1973.

Current law requires DOJ to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief on a monthly basis. A person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, or if on or after January 1, 2005, they were convicted of a felony, except as specified, for which they did not complete probation without revocation if they appear to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which they were not convicted of a new felony offense.

xi. SB 802 (Roth) Licensing boards: disqualification from licensure: criminal conviction.

Status: This bill failed to meet the policy committee deadline. It is currently in the Assembly Business and Professions Committee and may be acted upon in January 2024.

Summary: This bill would have specified the number of days an applicant must be notified in writing if their application for licensure was denied based solely or in part of their conviction history to be within 30 days after a decision is made.

Current law requires boards within the Department of Consumer Affairs to notify an applicant in writing if their application for licensure was denied based solely or in part on their conviction history.

Attachments: Chaptered Bills

SB 887 - (C) Amends the Law

SECTION 1.

Section 115.8 of the Business and Professions Code is amended to read:

115.8.

The Department of Consumer Affairs shall compile information on ~~military, veteran,~~ *military* and spouse licensure into an annual report for the Legislature, which shall be submitted in conformance with Section 9795 of the Government Code. The report shall include all of the ~~following:~~ *following for each license type of each board:*

- (a) The number of applications for a temporary license submitted by ~~active-duty servicemembers, veterans, or~~ military spouses per ~~calendar~~ *fiscal* year, pursuant to Section 115.6.
- (b) The number of applications for expedited licenses ~~submitted by veterans and active duty~~ *received from honorably discharged military members and military* spouses pursuant to Sections 115.4 and 115.5.
- (c) The number of licenses issued and denied per ~~calendar~~ *fiscal* year pursuant to Sections 115.4, 115.5, and 115.6.
- (d) The number of licenses issued pursuant to Section 115.6 that were suspended or revoked per ~~calendar~~ *fiscal* year.
- (e) The number of applications for waived renewal fees received and granted pursuant to Section 114.3 per ~~calendar~~ *fiscal* year.
- (f) The average length of time between application and issuance of licenses pursuant to Sections 115.4, 115.5, and ~~115.6 per board and occupation.~~ *115.6.*

SEC. 3.

Section 2530.3 of the Business and Professions Code is amended to read:

2530.3.

(a) A person represents ~~himself or herself~~ *themselves* to be a speech-language pathologist when ~~he or she holds himself or herself~~ *they hold themselves* out to the public by any title or description of services incorporating the words “speech pathologist,” “speech pathology,” “speech therapy,” “speech correction,” “speech correctionist,” “speech therapist,” “speech clinic,” “speech clinician,” “language pathologist,” “language pathology,” “logopedics,” “logopedist,” “communicology,” “communicologist,” “aphasiologist,” “voice therapy,” “voice therapist,” “voice pathology,” or “voice pathologist,” “language therapist,” or “phoniatriest,” or any similar titles; or when ~~he or she purports~~ *they purport* to treat stuttering, stammering, or other disorders of speech.

(b) A person represents ~~himself or herself~~ *themselves* to be an audiologist when ~~he or she holds himself or herself~~ *they hold themselves* out to the public by any title or description of services incorporating the terms “audiology,” “audiologist,” “audiological,” “hearing clinic,” “hearing clinician,” “hearing therapist,” or any similar titles.

SEC. 4.

Section 2532 of the Business and Professions Code is amended to read:

2532.

No person shall engage in the practice of speech-language pathology or audiology or represent ~~himself or herself~~ *themselves* as a speech-language pathologist or audiologist unless ~~he or she is~~ *they are* licensed in accordance with this chapter.

SEC. 5.

Section 2532.5 of the Business and Professions Code is amended to read:

2532.5.

Every person holding a license under this chapter shall display it conspicuously in ~~his or her~~ *their* primary place of practice.

SEC. 6.

Section 2535.4 of the Business and Professions Code is amended to read:

2535.4.

A person who fails to renew ~~his or her~~ *their* license within the five years after its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but that person may apply for and obtain a new license if ~~he or she meets~~ *they meet* all of the following requirements:

(a) ~~Has~~ *Have* not committed any acts or crimes constituting grounds for denial of licensure under Division 1.5 (commencing with Section 475).

(b) ~~Takes~~ *Take* and ~~passes~~ *pass* the examination or examinations, if any, ~~which that~~ would be required of ~~him or her~~ *them* if an initial application for licensure was being made, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, ~~he or she is~~ *they are* qualified to practice as a speech-language pathologist or audiologist, as the case may be.

(c) Pays all of the fees that would be required if an initial application for licensure was being made. In addition, the board may charge the applicant a fee to cover the actual costs of any examination that it may administer.

SEC. 7.

Section 2537.3 of the Business and Professions Code is amended to read:

2537.3.

The income of a speech-language pathology corporation or an audiology corporation attributable to professional services rendered while a shareholder is a disqualified person, as defined in Section 13401 of the Corporations Code, shall not in any manner accrue to the benefit of that shareholder or ~~his or her shares~~ *their share* in the speech-language pathology or audiology corporation.

SEC. 8.

Section 2538.20 of the Business and Professions Code is amended to read:

2538.20.

It is unlawful for an individual to engage in the practice of fitting or selling hearing aids, or to display a sign or in any other way to advertise or hold ~~himself or herself~~ *themselves* out as being so engaged without having first obtained a license from the board under the provisions of this article. Nothing in this article shall prohibit a corporation, partnership, trust, ~~association~~ *association*, or other like organization maintaining an established business address from engaging in the business of fitting or selling, or offering for sale, hearing aids at retail without a license, provided that any and all fitting or selling of hearing aids is conducted by the individuals who are licensed pursuant to the provisions of this article. A person whose license as a hearing aid dispenser has been suspended or revoked shall not be the proprietor of a business that engages in the practice of fitting or selling hearing aids nor shall that person be a partner, shareholder, member, or fiduciary in a partnership, corporation, association, or trust that maintains or operates that business, during the period of the suspension or revocation. This restriction shall not apply to stock ownership in a corporation that is listed on a stock exchange regulated by the Securities and Exchange Commission if the stock is acquired in a transaction conducted through that stock exchange.

SEC. 9.

Section 2538.21 of the Business and Professions Code is amended to read:

2538.21.

This article does not apply to a person engaged in the practice of fitting hearing aids if ~~his~~ *their* practice is for a governmental agency, or private clinic, or is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public, charitable institution or other nonprofit organization, and who does not engage directly or indirectly in the sale or offering for sale of hearing aids.

SEC. 10.

Section 2538.27 of the Business and Professions Code is amended to read:

2538.27.

(a) An applicant who has fulfilled the requirements of Section 2538.24 and has made application therefor, may have a temporary license issued to ~~him or her~~ *them* upon satisfactory proof to the board that the applicant holds a hearing aid dispenser's license in another state, that the licensee has not been subject to formal disciplinary action by another licensing authority, and that the applicant has been engaged in the fitting and sale of hearing aids for the two years immediately prior to application.

(b) A temporary license issued pursuant to this section shall be valid for one year from date of issuance and is not renewable. A temporary license shall automatically terminate upon issuance of a license prior to expiration of the one-year period.

(c) The holder of a temporary license issued pursuant to this section who fails either license examination shall be subject to and shall comply with the supervision requirements of Section 2538.28 and any regulations adopted pursuant thereto.

SEC. 11.

Section 2538.28 of the Business and Professions Code is amended to read:

2538.28.

(a) An applicant who has fulfilled the requirements of Section 2538.24, and has made application therefor, and who proves to the satisfaction of the board that ~~he or she~~ *they* will be supervised and trained by a hearing aid dispenser who is approved by the board may have a trainee license issued to ~~him or her~~ *them*. The trainee license shall entitle the trainee licensee to fit or sell hearing aids as set forth in regulations of the board. The supervising dispenser shall be responsible for any acts or omissions committed by a trainee licensee under ~~his or her~~ *their* supervision that may constitute a violation of this chapter.

(b) The board shall adopt regulations setting forth criteria for its refusal to approve a hearing aid dispenser to supervise a trainee licensee, including procedures to appeal that decision.

(c) A trainee license issued pursuant to this section is effective and valid for six months from date of issue. The board may renew the trainee license for an additional period of six months. Except as provided in subdivision (d), the board shall not issue more than two renewals of a trainee license to any applicant. Notwithstanding subdivision (d), if a trainee licensee who is entitled to renew a trainee license does not renew the trainee license and applies for a new trainee license at a later time, the new trainee license shall only be issued and renewed subject to the limitations set forth in this subdivision.

(d) A new trainee license may be issued pursuant to this section if a trainee license issued pursuant to subdivision (c) has lapsed for a minimum of three years from the expiration or cancellation date of the previous trainee license. The board may issue only one new trainee license under this subdivision.

SEC. 12.

Section 2538.30 of the Business and Professions Code is amended to read:

2538.30.

(a) A temporary or trainee licensee shall not be the sole proprietor of, manage, or independently operate a business ~~which~~ *that* engages in the fitting or sale of hearing aids.

(b) A temporary or trainee licensee shall not advertise or otherwise represent that ~~he or she holds~~ *they hold* a license as a hearing aid dispenser.

SEC. 13.

Section 2538.32 of the Business and Professions Code is amended to read:

2538.32.

Every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the point in each examination shall be deemed to have passed that examination. An applicant shall pass the written examination before ~~he or she~~ *they* may take the practical examination. An applicant shall obtain a passing score on both the written and the practical examination in order to be issued a license.

SEC. 14.

Section 2538.33 of the Business and Professions Code is amended to read:

2538.33.

(a) Before engaging in the practice of fitting or selling hearing aids, each licensee shall notify the board in writing of the address or addresses where ~~he or she is~~ *they are* to engage, or ~~intends~~ *intend* to engage, in the practice of fitting or selling hearing aids, and of any changes in ~~his or her~~ *their* place of business within 30 days of engaging in that practice.

(b) If a street address is not the address at which the licensee receives mail, the licensee shall also notify the board in writing of the mailing address for each location where the licensee is to engage, or intends to engage, in the practice of fitting or selling hearing aids, and of any change in the mailing address of ~~his or her~~ *their* place or places of business.

SEC. 15.

Section 2538.34 of the Business and Professions Code is amended to read:

2538.34.

(a) Every licensee who engages in the practice of fitting or selling hearing aids shall have and maintain an established retail business address to engage in that fitting or

selling, routinely open for service to customers or clients. The address of the licensee's place of business shall be registered with the board as provided in Section 2538.33.

(b) Except as provided in subdivision (c), if a licensee maintains more than one place of business within this state, ~~he or she~~ *they* shall apply for and procure a duplicate license for each branch office maintained. The application shall state the name of the person and the location of the place or places of business for which the duplicate license is desired.

(c) A hearing aid dispenser may, without obtaining a duplicate license for a branch office, engage on a temporary basis in the practice of fitting or selling hearing aids at the primary or branch location of another licensee's business or at a location or facility that ~~he or she~~ *they* may use on a temporary basis, provided that the hearing aid dispenser notifies the board in advance in writing of the dates and addresses of those businesses, locations, or facilities at which ~~he or she~~ *they* will engage in the practice of fitting or selling hearing aids.

SEC. 16.

Section 2538.36 of the Business and Professions Code is amended to read:

2538.36.

(a) Whenever any of the following conditions are found to ~~exist~~ *exist*, either from observations by the licensee or ~~on the basis of~~ *based on* information furnished by the prospective hearing aid user, a licensee shall, ~~prior to~~ *before* fitting or selling a hearing aid to any individual, suggest to that individual in writing that ~~his or her best interests would be served if he or she would consult~~ *it would be in the individual's best interest to consult with* a licensed physician *and surgeon* specializing in diseases of the ~~ear or if no such licensed physician is~~ *ear, or, if none are* available in the ~~community~~ *community*, then to ~~a~~ *any* duly licensed ~~physician:~~ *physician and surgeon:*

- (1) Visible congenital or traumatic deformity of the ear.
- (2) History of, or active drainage from the ear within the previous 90 days.
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Significant air-bone gap (~~when~~ *when* generally acceptable standards have been ~~established~~): *established*.
- (7) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.
- (8) Pain or discomfort in the ear.

(b) No referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid that has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written recommendation shall be retained by the licensee for the period provided for in Section 2538.38. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a ~~receipt for the same,~~ *receipt*, and the receipt shall be kept with ~~the other papers~~ *documents* retained by the licensee for the period provided for in Section 2538.38. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

SEC. 17.

Section 2538.40 of the Business and Professions Code is amended to read:

2538.40.

(a) Upon denial of an application for license, the board shall notify the applicant in writing of the following:

(1) The reason for the denial.

(2) That the applicant has a right to a hearing under Section 2533.2 if they make a written request within 60 days after notice of denial.

~~Upon (b) denial of an application for license, the board shall notify the applicant in writing, stating (1) the reason for the denial and (2) that the applicant has a right to a hearing under Section 2533.2 if he or she makes written request therefor within 60 days after notice of denial.~~ Service of the notice required by this section may be made by certified mail addressed to the applicant at the latest address filed by the applicant in writing with the board in ~~his or her~~ *their* application or otherwise.

SEC. 18.

Section 2538.49 of the Business and Professions Code is amended to read:

2538.49.

It is unlawful for a licensed hearing aid dispenser to fit or sell a hearing aid unless ~~he or she first does~~ *they first do* all of the following:

(a) ~~Complies~~ *Comply* with all provisions of state laws and regulations relating to the fitting or selling of hearing aids.

(b) ~~Conducts~~ *Conduct* a direct observation of the purchaser's ear canals.

(c) ~~Informs~~ *Inform* the purchaser of the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

SEC. 19.

Section 2538.50 of the Business and Professions Code is amended to read:

2538.50.

It is unlawful to advertise by displaying a sign or otherwise or hold ~~himself or herself~~ *themselves* out to be a person engaged in the practice of fitting or selling hearing aids without having at the time of so doing a valid, unrevoked license or temporary license.

SEC. 20.

Section 2538.51 of the Business and Professions Code is amended to read:

2538.51.

It is unlawful to engage in the practice of fitting or selling hearing aids without the licensee having and maintaining an established business address, routinely open for service to ~~his or her~~ *their* clients.

SEC. 21.

Section 2538.56 of the Business and Professions Code is amended to read:

2538.56.

A license that is not renewed within three years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if all of the following apply:

- (a) ~~He or she has~~ *They have* not committed acts or crimes constituting grounds for denial of licensure under Section 480.
- (b) ~~He or she pays all~~ *They pay all of* the fees that would be required ~~of him or her if he or she were then~~ *if they were* applying for a license for the first time.
- (c) ~~He or she takes and passes~~ *They take and pass* the examination that would be required ~~of him or her if he or she were then~~ *if they were* applying for a license for the first time, or otherwise ~~establishes~~ *establish* to the satisfaction of the board that ~~he or she is~~ *they are* qualified to engage in the practice of fitting or selling hearing aids. The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

SEC. 22.

Section 2539.1 of the Business and Professions Code is amended to read:

2539.1.

(a) (1) On and after January 1, 2010, in addition to satisfying the licensure and examination requirements described in Sections 2532, 2532.2, and 2532.25, no licensed audiologist shall sell hearing aids unless they complete an application for a dispensing audiology license, ~~pays~~ *pay* all applicable fees, and ~~passes~~ *pass* an examination, approved by the board, relating to selling hearing aids.

(2) The board shall issue a dispensing audiology license to a licensed audiologist who meets the requirements of paragraph (1).

(b) (1) On and after January 1, 2010, a licensed audiologist with an unexpired license to sell hearing aids pursuant to Article 8 (commencing with Section 2538.10) may continue to sell hearing aids pursuant to that license until that license expires pursuant to Section 2538.53, and upon that expiration the licensee shall be deemed to have satisfied the requirements described in subdivision (a) and may continue to sell hearing aids pursuant to their audiology license subject to the provisions of this chapter. Upon the expiration of the audiologist's license to sell hearing aids, the board shall issue them a dispensing audiology license pursuant to paragraph (2) of subdivision (a). This paragraph shall not prevent an audiologist who also has a hearing aid dispenser's license from maintaining dual or separate licenses if they choose to do so.

(2) A licensed audiologist whose license to sell hearing aids, issued pursuant to Article 8 (commencing with Section 2538.10), is suspended, surrendered, or revoked shall not be authorized to sell hearing aids pursuant to this subdivision and they shall be subject to the requirements described in subdivision (a) as well as the other provisions of this chapter.

(c) A licensed hearing aid dispenser who meets the qualifications for licensure as an audiologist shall be deemed to have satisfied the requirements of paragraph (1) of subdivision (a) for the purposes of obtaining a dispensing audiology license.

(d) For purposes of subdivision (a), the board shall provide the hearing aid dispenser's examination provided by the former Hearing Aid Dispensers Bureau until such time as the next examination validation and occupational analysis is completed by the Department of Consumer Affairs pursuant to Section 139 and a determination is made that a different examination is to be administered.

SEC. 23.

Section 2539.6 of the Business and Professions Code is amended to read:

2539.6.

(a) Whenever any of the following conditions are found to exist either from observations by the licensed audiologist or on the basis of information furnished by the prospective hearing aid user, a licensed audiologist shall, prior to fitting or selling a hearing aid to any individual, suggest to that individual in writing that ~~his or her~~ *the individual's* best interests would be served if ~~he or she would~~ *they* consult a licensed physician *and*

surgeon specializing in diseases of the ear ~~or if no licensed physician is~~ *or, if none are* available in the ~~community then to-~~ *community*, a duly licensed ~~physician:~~ *physician and surgeon:*

- (1) Visible congenital or traumatic deformity of the ear.
- (2) History of, or active, drainage from the ear within the previous 90 days.
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Significant air-bone gap (when generally acceptable standards have been established).
- (7) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.
- (8) Pain or discomfort in the ear.

(b) No referral for medical opinion need be made by any licensed audiologist in the instance of replacement only of a hearing aid that has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written recommendation shall be retained by the licensed audiologist for the period provided for in Section 2539.10. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a receipt for the same, and the receipt shall be kept with the other papers retained by the licensed audiologist for the period provided for in Section 2539.10. Nothing in this section required to be performed by a licensed audiologist shall mean that the licensed audiologist is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

SB 372 - (C) Amends the Law

SECTION 1.

Section 27.5 is added to the Business and Professions Code, to read:

27.5.

(a) (1) Notwithstanding any other law, if a board within the Department of Consumer Affairs receives government-issued documentation, as described in subdivision (b), from a licensee or registrant demonstrating that the licensee's or registrant's legal name or gender has been changed, the board, upon request by the licensee or registrant, shall update the individual's license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.

(2) (A) If the board operates an online license verification system, upon request by a licensee or registrant whose name or gender was updated pursuant to paragraph (1), the board shall replace references to the licensee's or registrant's former name or gender with the individual's current name or gender, as applicable, on the publicly viewable information displayed on the internet about the licensee or registrant. The licensee's or registrant's former name or gender, as applicable, shall not be published online.

(B) Notwithstanding any other law, for licensees or registrants subject to subparagraph (A) who were previously subject to an enforcement action referencing the individual's former name or gender, as applicable, the board shall not post enforcement records online, but shall instead post online a statement stating that the individual previously was subject to enforcement action and directing the public to contact the board for more information about the licensee's or registrant's prior enforcement action. The board shall ensure compliance with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) in implementing this section, including, but not limited to, responding to a request for records within 10 days from receipt of the request, as specified in Section 7922.535 of the Government Code.

(C) If a public search of the online license verification system is performed using a licensee's or registrant's former name that was replaced pursuant to subparagraph (A), the board shall post an online statement directing the public to contact the board for more information about the licensee or registrant.

(3) If requested by the licensee or registrant, the board shall reissue the license created by the board and conferred upon the licensee or registrant by the board. A board shall not charge a higher fee for reissuing a document with an updated legal name or gender than the fee it regularly charges for reissuing a document with other updated information.

(b) (1) The documentation identified in either of the following is required to demonstrate a legal name change of a licensee or registrant:

(A) A certified court order issued pursuant to a proceeding authorized by subdivision (b) of Section 1277 of the Code of Civil Procedure and a copy of the certificate issued under the Secretary of State's Safe at Home program authorized by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code reflecting the licensee's or registrant's updated name.

(B) A certified court order issued pursuant to a proceeding authorized by Section 1277.5 of the Code of Civil Procedure or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code reflecting the licensee's or registrant's updated name.

(2) Any of the following documents are sufficient to demonstrate a gender change of a licensee or registrant:

(A) State-issued driver's license or identification card.

(B) Birth certificate.

(C) Passport.

(D) Social security card.

(E) Court order indicating a gender change from a court of this state, another state, the District of Columbia, any territory of the United States, or any foreign court.

(c) Notwithstanding any other law, all records related to a request by a licensee or registrant for a board to update the individual's license or registration pursuant to this section, including, but not limited to, all documentation described in subdivision (b), are confidential and not subject to public inspection or disclosure.

SEC. 2.

The Legislature finds and declares that Section 1 of this act, which adds Section 27.5 to the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy rights and safety of individuals, it is necessary that this act limit the public's right of access to that information.

SB 544 - (C) Amends the Law

SECTION 1.

Section 11123.2 is added to the Government Code, to read:

11123.2.

(a) For purposes of this section, the following definitions apply:

(1) "Teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.

(2) "Teleconference location" means a physical location that is accessible to the public and from which members of the public may participate in the meeting.

(3) "Remote location" means a location from which a member of a state body participates in a meeting other than a teleconference location.

(4) "Participate remotely" means participation by a member of the body in a meeting at a remote location other than a teleconference location designated in the notice of the meeting.

(b) (1) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123 and Section 11123.5, a state body may hold an open or closed meeting by teleconference as described in this section, provided the meeting complies with all of this section's requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article relating to the specific type of meeting.

(2) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article, including Sections 11123 and 11123.5.

(c) The portion of the teleconferenced meeting that is required to be open to the public shall be visible and audible to the public at each teleconference location.

(d) (1) The state body shall provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The telephonic or online means provided to the public to access the meeting shall be equivalent to the telephonic or online means provided to a member of the state body participating remotely.

(2) The applicable teleconference telephone number, internet website or other online platform, and physical address of each teleconference location, as well as any other

information indicating how the public can access the meeting remotely and in person, shall be specified in any notice required by this article.

(3) If the state body allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall do both of the following:

(A) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(B) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment.

(e) This section does not prohibit a state body from providing members of the public with additional locations from which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(f) (1) The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7.

(2) Members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments before the meeting or in writing.

(g) The state body shall post the agenda on its internet website and, on the day of the meeting, at each teleconference location.

(h) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body to post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings.

(i) At least one member of the state body shall be physically present at each teleconference location.

(j) (1) Except as provided in paragraph (2), a majority of the members of the state body shall be physically present at the same teleconference location. Additional members of the state body in excess of a majority of the members may attend and participate in the meeting from a remote location. A remote location is not required to be accessible to the public. The notice and agenda shall not disclose information regarding a remote location.

(2) A member attending and participating from a remote location may count toward the majority required to hold a teleconference if both of the following conditions are met:

(A) The member has a need related to a physical or mental disability, as those terms are defined in Sections 12926 and 12926.1, that is not otherwise reasonably accommodated pursuant to the federal Americans with Disability Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(B) The member notifies the state body at the earliest opportunity possible, including at the start of a meeting, of their need to participate remotely, including providing a general description of the circumstances relating to their need to participate remotely at the given meeting.

(3) If a member notifies the body of the member's need to attend and participate remotely pursuant to paragraph (2), the body shall take action to approve the exception and shall request a general description of the circumstances relating to the member's need to participate remotely at the meeting, for each meeting in which the member seeks to participate remotely. The body shall not require the member to provide a general description that exceeds 20 words or to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code).

(4) If a member of the state body attends the meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(k) (1) Except as provided in paragraph (2), the members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.

(2) The visual appearance of a member of the state body on camera may cease only when the appearance would be technologically impracticable, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video, or when the visual display of meeting materials, information, or speakers on the internet or other online platform requires the visual appearance of a member of a state body on camera to cease.

(3) If a member of the state body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance when they turn off their camera.

(l) All votes taken during the teleconferenced meeting shall be by rollcall.

(m) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(n) The portion of the teleconferenced meeting that is closed to the public shall not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(o) Upon discovering that a means of remote public access and participation required by subdivision (d) has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on the state body's internet website and by email to any person who has requested notice of meetings of the state body by email under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

(p) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2.

Section 11123.5 of the Government Code is amended to read:

11123.5.

(a) For purposes of this section, the following definitions apply:

(1) "Participate remotely" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.

(2) "Remote location" means a location other than the primary physical location designated in the agenda of a meeting.

(3) "Teleconference" has the same meaning as in Section 11123.

~~(a)~~ (b) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section ~~11123,~~ 11123 or Section 11123.2, any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section's requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article.

~~(b)~~ (c) A member of a state body as described in subdivision ~~(a)~~ (b) who participates in a teleconference meeting from a remote location subject to this section's requirements shall be listed in the minutes of the meeting.

~~(c)~~ (d) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its ~~Internet Web site~~ internet website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in

the public notice or email and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision ~~(e)~~ (f).

~~(d)~~ (e) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting at least 10 days in advance of the meeting. The agenda shall include information regarding the physical meeting location designated pursuant to subdivision ~~(e)~~ (f), but is not required to disclose information regarding any remote location.

~~(e)~~ (f) A state body described in subdivision ~~(a)~~ (b) shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the ~~meeting and participate. A quorum of the members meeting, observe and hear the meeting, and participate. At least one staff member~~ of the state body shall be ~~in attendance present~~ at the primary physical meeting ~~location, and members of the state body participating remotely shall not count towards establishing a quorum. All decisions taken during a meeting by teleconference shall be by rollcall vote.~~ ~~location during the meeting.~~ The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.

~~(f)~~ (g) When a member of a state body described in subdivision ~~(a)~~ (b) participates remotely in a meeting subject to this section's requirements, the state body shall provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting, including, if available, equal access equivalent to members of the state body participating remotely. The applicable teleconference phone number or ~~Internet Web site,~~ ~~internet website,~~ or other information indicating how the public can access the meeting remotely, shall be in the 24-hour notice described in subdivision ~~(a)~~ (b) that is available to the public.

(h) (1) Except as provided in paragraph (2), the members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.

(2) The visual appearance of a member of a state body on camera may cease only when the appearance would be technologically impracticable, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video, or when the visual display of meeting materials, information, or speakers on the internet or other online platform requires the visual appearance of a member of a state body on camera to cease.

(3) If a member of the body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance when they turn off their camera.

~~(g)~~ (i) Upon discovering that a means of remote access required by subdivision ~~(f)~~ (g) has failed during a meeting, the state body described in

subdivision ~~(a)~~ (b) shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on its ~~Internet Web site~~ *internet website* and by email to any person who has requested notice of meetings of the state body under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

~~(h) For purposes of this section:~~

~~(1) "Participate remotely" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.~~

~~(2) "Remote location" means a location other than the primary physical location designated in the agenda of a meeting.~~

~~(3) "Teleconference" has the same meaning as in Section 11123.~~

~~(i)~~ (j) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article.

(k) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3.

Section 11123.5 is added to the Government Code, to read:

11123.5.

(a) In addition to the authorization to hold a meeting by teleconference pursuant to subdivision (b) of Section 11123, any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body may hold an open meeting by teleconference as described in this section, provided the meeting complies with all of the section's requirements and, except as set forth in this section, it also complies with all other applicable requirements of this article.

(b) A member of a state body as described in subdivision (a) who participates in a teleconference meeting from a remote location subject to this section's requirements shall be listed in the minutes of the meeting.

(c) The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its internet website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email

and need not be accessible to the public. The notice of the meeting shall also identify the primary physical meeting location designated pursuant to subdivision (e).

(d) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting at least 10 days in advance of the meeting. The agenda shall include information regarding the physical meeting location designated pursuant to subdivision (e), but is not required to disclose information regarding any remote location.

(e) A state body described in subdivision (a) shall designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. A quorum of the members of the state body shall be in attendance at the primary physical meeting location, and members of the state body participating remotely shall not count towards establishing a quorum. All decisions taken during a meeting by teleconference shall be by rollcall vote. The state body shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.

(f) When a member of a state body described in subdivision (a) participates remotely in a meeting subject to this section's requirements, the state body shall provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting, including, if available, equal access equivalent to members of the state body participating remotely. The applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, shall be in the 24-hour notice described in subdivision (a) that is available to the public.

(g) Upon discovering that a means of remote access required by subdivision (f) has failed during a meeting, the state body described in subdivision (a) shall end or adjourn the meeting in accordance with Section 11128.5. In addition to any other requirements that may apply, the state body shall provide notice of the meeting's end or adjournment on its internet website and by email to any person who has requested notice of meetings of the state body under this article. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.

(h) For purposes of this section:

(1) "Participate remotely" means participation in a meeting at a location other than the physical location designated in the agenda of the meeting.

(2) "Remote location" means a location other than the primary physical location designated in the agenda of a meeting.

(3) "Teleconference" has the same meaning as in Section 11123.

(i) This section does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of this article.

(j) This section shall become operative on January 1, 2026.

SEC. 4.

Section 11124 of the Government Code is amended to read:

11124.

*(a) No person shall be required, as a condition to attendance at a meeting of a state body, to register ~~his or her~~ **their** name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to ~~his or her~~ **their** attendance.*

(b) If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(c) This section does not apply to an internet website or other online platform that may require the submission of information to log into a teleconferenced meeting, provided, however, that a person required to submit such information shall be permitted to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting.

SEC. 5.

The Legislature finds and declares that Sections 1, 2, 3, and 4 of this act, which add and repeal Section 11123.2 of, amend, repeal, and add Section 11123.5 of, and amend Section 11124 of, the Government Code, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(a) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

(b) During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical

meeting locations, increased the pool of people who are able to serve on these bodies, protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(c) Conducting audio and video teleconference meetings enhances public participation and the public's right of access to meetings of the public bodies by improving access for individuals who often face barriers to physical attendance.

SB 612 - (C) Amends the Law

SECTION 1.

Section 2530.2 of the Business and Professions Code is amended to read:

2530.2.

As used in this chapter, unless the context otherwise requires:

- (a) "Board" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
- (b) "Person" means any individual, partnership, corporation, limited liability company, or other organization or combination thereof, except that only individuals can be licensed under this chapter.
- (c) A "speech-language pathologist" is a person who practices speech-language pathology.
- (d) The practice of speech-language pathology means all of the following:
 - (1) The application of principles, methods, instrumental procedures, and noninstrumental procedures for measurement, testing, screening, evaluation, identification, prediction, and counseling related to the development and disorders of speech, voice, language, or swallowing.
 - (2) The application of principles and methods for preventing, planning, directing, conducting, and supervising programs for habilitating, rehabilitating, ameliorating, managing, or modifying disorders of speech, voice, language, or swallowing in individuals or groups of individuals.
 - (3) Conducting hearing screenings.
 - (4) Performing suctioning in connection with the scope of practice described in paragraphs (1) and (2), after compliance with a medical facility's training protocols on suctioning procedures.
- (e) (1) Instrumental procedures referred to in subdivision (d) are the use of rigid and flexible endoscopes to observe the pharyngeal and laryngeal areas of the throat in order to observe, collect data, and measure the parameters of communication and swallowing as well as to guide communication and swallowing assessment and therapy. Passage of these instruments without the presence of a physician and surgeon is subject to paragraph (2).
- (2) Nothing in this subdivision shall be construed as a diagnosis. Any observation of an abnormality shall be referred to a physician and surgeon.
- (f) (1) A licensed speech-language pathologist shall not perform a flexible fiber optic transnasal endoscopic procedure unless they have received written verification from

one otolaryngologist certified by the American Board of Otolaryngology that the speech-language pathologist has performed a minimum of 25 supervised flexible fiber optic transnasal endoscopic procedures and they are competent to perform these procedures. Of these 25 procedures, the first 10 procedures shall be supervised by a licensed physician and surgeon who performs nasal endoscopy as part of their practice and the subsequent 15 procedures shall be supervised by either a licensed physician and surgeon who performs nasal endoscopy as part of their practice or by another licensed speech-language pathologist ~~that~~ *who* is verified as competent in performing flexible fiber optic transnasal endoscopic procedures. The speech-language pathologist shall have this written verification on file and readily available for inspection upon request by the board. A speech-language pathologist with a verification on file shall pass a flexible fiber optic transnasal endoscopic instrument only upon the orders of a licensed physician and surgeon. The order by *a* physician and surgeon is deemed to allow a speech-language pathologist with verification, in accordance with this paragraph, to perform fiber optic transnasal endoscopic procedures at a location based on the patient's medical needs that complies with procedures specified in paragraph (1) of subdivision (g).

(2) A licensed speech-language pathologist who holds a written verification pursuant to this subdivision that was issued before January 1, 2023, shall be deemed to meet the requirements described in paragraph (1).

(g) (1) A licensed speech-language pathologist shall only perform flexible endoscopic procedures described in subdivision (e) in the following settings that requires the facility to have protocols for emergency medical backup procedures, including a physician and surgeon or other appropriate medical professionals being readily available.

(A) A clinic, as defined in Section 1200 of the Health and Safety Code.

(B) A facility described in Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code.

(C) A health facility, as defined in Section 1250 of the Health and Safety Code.

(D) A hospice facility licensed pursuant to Chapter 8.5 (commencing with Section 1745) of Division 2 of the Health and Safety Code.

(E) A medical group practice, including a professional medical corporation, as defined in Section 2406, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians and surgeons that provides health care services.

(2) A licensed speech-language pathologist performing flexible fiber optic transnasal endoscopic procedures on patients who have contraindications to the procedure shall consult and document clearance with the physician and surgeon that the licensed speech-language pathologist can safely perform the procedure. For purposes of this paragraph, contraindications for these procedures may include, but are not limited to,

cases of bilateral obstruction of nasal passages, refractory epistaxis, cardiac disorder with acute risk of vasovagal episode and bradycardia, history of vasovagal episodes, facial trauma, recent trauma to the nasal cavity, or surrounding tissue and structures secondary to surgery or injury, severe bleeding disorders, severe movement disorders, severe agitation, and inability to cooperate with the examination.

(h) “Speech-language pathology aide” means any person meeting the minimum requirements established by the board, who works directly under the supervision of a speech-language pathologist.

(i) (1) “Speech-language pathology assistant” means a person who meets the academic and supervised training requirements set forth by the board and who is approved by the board to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be responsible for the extent, kind, and quality of the services provided by the speech-language pathology assistant.

(2) The supervising speech-language pathologist employed or contracted for by a public school may hold a valid and current license issued by the board, a valid, current, and professional clear clinical or rehabilitative services credential in language, speech, and hearing issued by the Commission on Teacher Credentialing, or other credential authorizing service in language, speech, and hearing issued by the Commission on Teacher Credentialing that is not issued on the basis of an emergency permit or waiver of requirements. For purposes of this paragraph, a “clear” credential is a credential that is not issued pursuant to a waiver or emergency permit and is as otherwise defined by the Commission on Teacher Credentialing. Nothing in this section referring to credentialed supervising speech-language pathologists expands existing exemptions from licensing pursuant to Section 2530.5.

(j) An “audiologist” is one who practices audiology.

(k) “The practice of audiology” means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to auditory, vestibular, and related functions and the modification of communicative disorders involving speech, language, auditory behavior, or other aberrant behavior resulting from auditory dysfunction; and the planning, directing, conducting, supervising, or participating in programs of identification of auditory disorders, hearing conservation, cerumen removal, aural habilitation, and rehabilitation, including hearing aid recommendation and evaluation procedures, including, but not limited to, specifying amplification requirements and evaluation of the results thereof, auditory training, and speech reading, and the selling of hearing aids.

~~(l)~~ (l) A “dispensing audiologist” is a person who is authorized to sell hearing aids pursuant to their audiology license.

(m) “Audiology aide” means any person meeting the minimum requirements established by the board who works directly under the supervision of an audiologist. The board may

by regulation exempt certain functions performed by an industrial audiology aide from supervision provided that their employer has established a set of procedures or protocols that the aide shall follow in performing these functions.

(n) "Medical board" means the Medical Board of California.

(o) A "hearing screening" performed by a speech-language pathologist means a binary puretone screening at a preset intensity level for the purpose of determining if the screened individuals are in need of further medical or audiological evaluation.

(p) "Cerumen removal" means the nonroutine removal of cerumen within the cartilaginous ear canal necessary for access in performance of audiological procedures that shall occur under physician and surgeon supervision. Cerumen removal, as provided by this section, shall only be performed by a licensed audiologist. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but shall include all of the following:

(1) Collaboration on the development of written standardized protocols. The protocols shall include a requirement that the supervised audiologist immediately refer to an appropriate physician any trauma, including skin tears, bleeding, or other pathology of the ear discovered in the process of cerumen removal as defined in this subdivision.

(2) Approval by the supervising physician of the written standardized protocol.

(3) The supervising physician shall be within the general vicinity, as provided by the physician-audiologist protocol, of the supervised audiologist and available by telephone contact at the time of cerumen removal.

(4) A licensed physician and surgeon may not simultaneously supervise more than two audiologists for purposes of cerumen removal.

SEC. 2.

Section 56363 of the Education Code is amended to read:

56363.

(a) As used in this part, the term "designated instruction and services" means "related services" as that term is defined in Section 1401(26) of Title 20 of the United States Code and Section 300.34 of Title 34 of the Code of Federal Regulations. The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation, and mobility services, and medical services, except that such medical services shall be for

diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(b) These services may include, but are not limited to, the following:

(1) Language and speech development and remediation. The language and speech development and remediation services may be provided by a speech-language pathology assistant as defined in ~~subdivision (i) of~~ Section 2530.2 of the Business and Professions Code.

(2) Audiological services.

(3) Orientation and mobility services.

(4) Instruction in the home or hospital.

(5) Adapted physical education.

(6) Physical and occupational therapy.

(7) Vision services.

(8) Specialized driver training instruction.

(9) Counseling and guidance services, including rehabilitation counseling.

(10) Psychological services other than assessment and development of the individualized education program.

(11) Parent counseling and training.

(12) Health and nursing services, including school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program.

(13) Social worker services.

(14) Specially designed vocational education and career development.

(15) Recreation services.

(16) Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.

(17) Interpreting services.

(c) The terms “designated instruction and services” and “related services” do not include a medical device that is surgically implanted, including cochlear implants, the optimization of the functioning of a medical device, maintenance of that device, or the replacement of that device, pursuant to Section 300.34(b) of Title 34 of the Code of

Federal Regulations. In accordance with Section 300.34(b) of Title 34 of the Code of Federal Regulations, nothing in this subdivision shall do any of the following:

(1) Limit the right of an individual with exceptional needs with a surgically implanted device, including a cochlear implant, to receive related services or designated instruction and services that are determined by the individualized education program team to be necessary for the individual to receive a free appropriate public education.

(2) Limit the responsibility of a local educational agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the individual, including breathing, nutrition, or operation of other bodily functions, while the individual is transported to and from school or is at school.

(3) Prevent the routine checking of an external component of a surgically implanted device to make sure it is functioning properly, as required by Section 300.113(b) of Title 34 of the Code of Federal Regulations.

AB 567 - (C) Amends the Law

SECTION 1.

Section 1203.425 of the Penal Code, as amended by Section 11 of Chapter 47 of the Statutes of 2023, is amended to read:

1203.425.

(a) (1) (A) Commencing July 1, 2024, and subject to an appropriation in the annual Budget Act, on a monthly basis, the Department of Justice shall review the records in the statewide criminal justice databases, and based on information in the state summary criminal history repository and the Supervised Release File, shall identify persons with convictions that meet the criteria set forth in subparagraph (B) and are eligible for automatic conviction record relief.

(B) A person is eligible for automatic conviction relief pursuant to this section if they meet all of the following conditions:

(i) The person is not required to register pursuant to the Sex Offender Registration Act.

(ii) The person does not have an active record for local, state, or federal supervision in the Supervised Release File.

(iii) Based upon the information available in the department's record, including disposition dates and sentencing terms, it does not appear that the person is currently serving a sentence for an offense and there is no indication of pending criminal charges.

(iv) The conviction meets either of the following criteria:

(I) The conviction occurred on or after January 1, 1973, and meets either of the following criteria:

(ia) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department's records, appears to have completed their term of probation without revocation.

(ib) The defendant was convicted of an infraction or ~~misdemeanor, was not granted probation, misdemeanor other than one eligible under sub-subclause (ia)~~, and, based upon the disposition date and the term specified in the department's records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.

(II) The conviction occurred on or after January 1, 2005, the defendant was convicted of a felony other than one for which the defendant completed probation without revocation, and based upon the disposition date and the sentence specified in the department's records, appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of four years has elapsed since the date on which the defendant completed probation or supervision

for that conviction and during which the defendant was not convicted of a new felony offense. This subclause does not apply to a conviction of a serious felony defined in subdivision (c) of Section 1192.7, a violent felony as defined in Section 667.5, or a felony offense requiring registration pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

(2) (A) Except as specified in subdivision (b), the department shall grant relief, including dismissal of a conviction, to a person identified pursuant to paragraph (1) without requiring a petition or motion by a party for that relief if the relevant information is present in the department's electronic records.

(B) The state summary criminal history information shall include, directly next to or below the entry or entries regarding the person's criminal record, a note stating "relief granted," listing the date that the department granted relief and this section. This note shall be included in all statewide criminal databases with a record of the conviction.

(C) Except as otherwise provided in paragraph (4) and in Section 13555 of the Vehicle Code, a person granted conviction relief pursuant to this section shall be released from all penalties and disabilities resulting from the offense of which the person has been convicted.

(3) (A) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, on a monthly basis, the department shall electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which a complaint was filed in that jurisdiction and for which relief was granted pursuant to this section. Commencing on January 1, 2023, for any record retained by the court pursuant to Section 68152 of the Government Code, except as provided in paragraph (4), the court shall not disclose information concerning a conviction granted relief pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(B) If probation is transferred pursuant to Section 1203.9, the department shall electronically submit a notice as provided in subparagraph (A) to both the transferring court and any subsequent receiving court. The electronic notice shall be in a mutually agreed upon format.

(C) If a receiving court reduces a felony to a misdemeanor pursuant to subdivision (b) of Section 17, or dismisses a conviction pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.41, 1203.42, 1203.43, or 1203.49, it shall furnish a disposition report to the department with the original case number and CII number from the transferring court. The department shall electronically submit a notice to the superior court that sentenced the defendant. If probation is transferred multiple times, the department shall electronically submit a notice to all other involved courts. The electronic notice shall be in a mutually agreed upon format.

(D) If a court receives notification from the department pursuant to subparagraph (B), the court shall update its records to reflect the reduction or dismissal. If a court receives notification that a case was dismissed pursuant to this section or Section 1203.4, 1203.4a, 1203.41, or 1203.42, the court shall update its records to reflect the dismissal and shall not disclose information concerning a conviction granted relief to any person or entity, in any format, except to the person whose conviction was granted relief or a criminal justice agency, as defined in Section 851.92.

(4) Relief granted pursuant to this section is subject to the following conditions:

(A) Relief granted pursuant to this section does not relieve a person of the obligation to disclose a criminal conviction in response to a direct question contained in a questionnaire or application for employment as a peace officer, as defined in Section 830.

(B) Relief granted pursuant to this section does not relieve a person of the obligation to disclose the conviction in response to a direct question contained in a questionnaire or application for public office, for enrollment as a provider of in-home supportive services and waiver personal care services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or pursuant to Section 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code, or for contracting with the California State Lottery Commission.

(C) Relief granted pursuant to this section has no effect on the ability of a criminal justice agency, as defined in Section 851.92, to access and use records that are granted relief to the same extent that would have been permitted for a criminal justice agency had relief not been granted.

(D) Relief granted pursuant to this section does not limit the jurisdiction of the court over a subsequently filed motion to amend the record, petition or motion for postconviction relief, or collateral attack on a conviction for which relief has been granted pursuant to this section.

(E) Relief granted pursuant to this section does not affect a person's authorization to own, possess, or have in the person's custody or control a firearm, or the person's susceptibility to conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6, if the criminal conviction would otherwise affect this authorization or susceptibility.

(F) Relief granted pursuant to this section does not affect a prohibition from holding public office that would otherwise apply under law as a result of the criminal conviction.

(G) Relief granted pursuant to this section does not release a person from the terms and conditions of any unexpired criminal protective order that has been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by

the court modifying or terminating the order, despite the dismissal of the underlying conviction.

(H) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or pursuant to any statutory or regulatory provisions that incorporate the criteria of those sections.

(I) Relief granted pursuant to this section does not make eligible a person who is otherwise ineligible under state or federal law or regulation to provide, or receive payment for providing, in-home supportive services and waiver personal care services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, or pursuant to Section 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code.

(J) In a subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if the relief had not been granted.

(K) (i) Relief granted pursuant to this section does not affect the authority to receive, or take adverse action based on, criminal history information, including the authority to receive certified court records received or evaluated pursuant to Article 1 (commencing with Section 44000) of Chapter 1, Article 3 (commencing with Section 44240) and Article 8 (commencing with Section 44330) of Chapter 2, Article 1 (commencing with Section 44420) of Chapter 3, Article 3 (commencing with Section 44930) of Chapter 4, Article 1 (commencing with Section 45100) and Article 6 (commencing with Section 45240) of Chapter 5, of Part 25 of Division 3 of Title 2 of the Education Code, or pursuant to any statutory or regulatory provisions that relate to, incorporate, expand ~~upon~~ *upon*, or interpret the authority of those provisions.

(ii) Notwithstanding clause (i) or any other law, information for a conviction for a controlled substance offense listed in Section 11350 or 11377, or former Section 11500 or 11500.5, of the Health and Safety Code that is more than five years old, for which relief is granted pursuant to this section, shall not be disclosed.

(L) Relief granted pursuant to this section does not release the defendant from the terms and conditions of any unexpired criminal protective orders that have been issued by the court pursuant to paragraph (1) of subdivision (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, or subdivision (k) of Section 646.9. These protective orders shall remain in full effect until expiration or until any further order by the court modifying or terminating the order, despite the dismissal of the underlying accusation or information.

(5) This section ~~shall~~ *does* not limit petitions, motions, or orders for relief in a criminal case, as required or authorized by any other law, including, but not limited to, Sections

1016.5, 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, 1203.49, and 1473.7. This section ~~shall~~ *does* not limit petitions for a certificate of rehabilitation or pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3.

(6) Commencing July 1, 2022, and subject to an appropriation in the annual Budget Act, the department shall annually publish statistics for each county regarding the total number of convictions granted relief pursuant to this section and the total number of convictions prohibited from automatic relief pursuant to subdivision (b), on the OpenJustice Web portal, as defined in Section 13010.

(7) Upon request from the subject of the record, the department shall provide confirmation that relief was granted pursuant to this section.

(b) (1) The prosecuting attorney or probation department may, no later than 90 calendar days before the date of a person's eligibility for relief pursuant to this section, file a petition to prohibit the department from granting automatic relief pursuant to this section, based on a showing that granting that relief would pose a substantial threat to the public safety. If probation was transferred pursuant to Section 1203.9, the prosecuting attorney or probation department in either the receiving county or the transferring county shall file the petition in the county of current jurisdiction.

(2) The court shall give notice to the defendant and conduct a hearing on the petition within 45 days after the petition is filed.

(3) At a hearing on the petition pursuant to this subdivision, the defendant, the probation department, the prosecuting attorney, and the arresting agency, through the prosecuting attorney, may present evidence to the court. Notwithstanding Sections 1538.5 and 1539, the hearing may be heard and determined upon declarations, affidavits, police investigative reports, copies of state summary criminal history information and local summary criminal history information, or any other evidence submitted by the parties that is material, reliable, and relevant.

(4) The prosecutor or probation department has the initial burden of proof to show that granting conviction relief would pose a substantial threat to the public safety. In determining whether granting relief would pose a substantial threat to the public safety, the court may consider any relevant ~~factors~~ *factors*, including, but not limited to, either of the following:

(A) Declarations or evidence regarding the offense for which a grant of relief is being contested.

(B) The defendant's record of arrests and convictions.

(5) If the court finds that the prosecutor or probation department has satisfied the burden of proof, the burden shifts to the defendant to show that the hardship of not obtaining relief outweighs the threat to the public safety of providing relief. In determining whether the defendant's hardship outweighs the threat to the public safety,

the court may consider any relevant ~~factors~~ *factors*, including, but not limited to, either of the following:

(A) The hardship to the defendant that has been caused by the conviction and that would be caused if relief is not granted.

(B) Declarations or evidence regarding the defendant's good character.

(6) If the court grants a petition pursuant to this subdivision, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief pursuant to this section was denied, and the department shall not grant relief pursuant to this section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice to the transferring court, and, if probation was transferred multiple times, to all other involved courts.

(7) A person denied relief pursuant to this section may continue to be eligible for relief pursuant to law, including, but not limited to, Section 1203.4, 1203.4a, 1203.4b, or 1203.41. If the court subsequently grants relief pursuant to one of those sections, the court shall furnish a disposition report to the Department of Justice pursuant to Section 13151, stating that relief was granted pursuant to the applicable section, and the department shall grant relief pursuant to that section. If probation was transferred pursuant to Section 1203.9, the department shall electronically submit a notice that relief was granted pursuant to the applicable section to the transferring court and, if probation was transferred multiple times, to all other involved courts.

(c) At the time of sentencing, the court shall advise a defendant, either orally or in writing, of the provisions of this section and of the defendant's right, if any, to petition for a certificate of rehabilitation and pardon.

(d) This section shall become operative on July 1, 2024.

AB 883 - (C) Amends the Law

SECTION 1.

Section 115.4 of the Business and Professions Code is amended to read:

115.4.

(a) Notwithstanding any other law, on and after July 1, 2016, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.

(b) Notwithstanding any other law, on and after July 1, 2024, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program as authorized under Section 1143(e) of Title 10 of the United States Code.

~~(b)~~ (c) A board may adopt regulations necessary to administer this ~~section.~~ *section in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

AB 1417 - (C) Amends the Law

SECTION 1.

Section 15630 of the Welfare and Institutions Code is amended to read:

15630.

(a) A person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not they receive compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

(b) (1) A mandated reporter who, in their professional capacity, or within the scope of their employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that they have experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the ~~known~~ *known, suspected,* or ~~suspected~~ *alleged* instance of abuse by telephone or through a confidential internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made through the confidential internet reporting tool established in Section 15658, within two working days.

(A) If the ~~suspected~~ *known, suspected,* or alleged abuse ~~is physical abuse, as defined in Section 15610.63, and the abuse~~ occurred in a long-term care facility, except a state mental health hospital or a state developmental center, the following shall occur:

(i) If the ~~suspected abuse results in serious bodily injury, a telephone report shall be made to the local law enforcement agency immediately, but also no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and~~ *abuse was allegedly caused by another resident of the facility with dementia diagnosed by a licensed physician and there was no serious bodily injury, the reporter shall submit* a written report ~~shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.~~ *of the known, suspected, or alleged instance of abuse to both of the following agencies within 24 hours:*

(I) The long-term care ombudsman.

(II) The local law enforcement agency.

~~(ii) If the suspected abuse does not result in serious bodily injury, a telephone report shall be made. In all other instances, immediately or as soon as practically possible, but no longer than two hours, the reporter shall submit a verbal report of the known, suspected, or alleged instance of abuse to the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse, and agency, and shall submit a written report shall be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse. to all of the following agencies within 24 hours:~~

~~(I) The long-term care ombudsman.~~

~~(II) The local law enforcement agency.~~

~~(III) The corresponding state licensing agency.~~

~~(iii) When the suspected abuse is allegedly caused by a resident with a physician's diagnosis of dementia, and there is no serious bodily injury, as reasonably determined by the mandated reporter, drawing upon their training or experience, the reporter shall report to the local ombudsman or law enforcement agency by telephone, immediately or as soon as practicably possible, and by written report, within 24 hours. For purposes of this subparagraph, the time limit for reporting begins when the mandated reporter observes, obtains knowledge of, or suspects the abuse or neglect.~~

~~(iv) (B) When applicable, reports made pursuant to clauses (i) and (ii) of subparagraph (A) shall be deemed to satisfy the reporting requirements of the federal Elder Justice Act of 2009, as set out in Subtitle H of the federal Patient Protection and Affordable Care Act (Public Law 111-148), Section 1418.91 of the Health and Safety Code, and Section 72541 of Title 22 of the California Code of Regulations. When a local law enforcement agency receives an initial report of suspected abuse in a long-term care facility pursuant to this subparagraph, subparagraph (A), the local law enforcement agency may coordinate efforts with the local ombudsman to provide the most immediate and appropriate response warranted to investigate the mandated report. The local ombudsman and local law enforcement agencies may collaborate to develop protocols to implement this subparagraph. subparagraph (A).~~

~~(B) (C) Notwithstanding the rulemaking provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, or any other law, the department may implement subparagraph (A), subparagraphs (A) and (B), in whole or in part, by means of all-county letters, provider bulletins, or other similar instructions without taking regulatory action.~~

~~(C) If the suspected or alleged abuse is abuse other than physical abuse, and the abuse occurred in a long-term care facility, except a state mental health hospital or a state developmental center, a telephone report and a written report shall be made to the local ombudsman or the local law enforcement agency.~~

(D) With regard to abuse reported pursuant to ~~subparagraph (C)~~, *subparagraphs (A) and (B)*, the local ombudsman and the local law enforcement agency shall, as soon as practicable, except in the case of an emergency or pursuant to a report required to be made pursuant to clause (v), in which case these actions shall be taken immediately, do all of the following:

(i) Report to the State Department of Public Health any case of known or suspected abuse occurring in a long-term health care facility, as defined in subdivision (a) of Section 1418 of the Health and Safety Code.

(ii) Report to the State Department of Social Services any case of known or suspected abuse occurring in a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or in an adult day program, as defined in paragraph (2) of subdivision (a) of Section 1502 of the Health and Safety Code.

(iii) Report to the State Department of Public Health and the California Department of Aging any case of known or suspected abuse occurring in an adult day health care center, as defined in subdivision (b) of Section 1570.7 of the Health and Safety Code.

(iv) Report to the Division of Medi-Cal Fraud and Elder Abuse any case of known or suspected criminal activity.

(v) Report all cases of known or suspected physical abuse and financial abuse to the local district attorney's office in the county where the abuse occurred.

(E) (i) If the suspected or alleged abuse or neglect occurred in a state mental hospital or a state developmental center, and the suspected or alleged abuse or neglect resulted in any of the following incidents, a report shall be made immediately, but no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, and to the local law enforcement agency:

(I) A death.

(II) A sexual assault, as defined in Section 15610.63.

(III) An assault with a deadly weapon, as described in Section 245 of the Penal Code, by a nonresident of the state mental hospital or state developmental center.

(IV) An assault with force likely to produce great bodily injury, as described in Section 245 of the Penal Code.

(V) An injury to the genitals when the cause of the injury is undetermined.

(VI) A broken bone when the cause of the break is undetermined.

(ii) All other reports of suspected or alleged abuse or neglect that occurred in a state mental hospital or a state developmental center shall be made immediately, but no later

than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting abuse, to designated investigators of the State Department of State Hospitals or the State Department of Developmental Services, or to the local law enforcement agency.

(iii) When a local law enforcement agency receives an initial report of suspected or alleged abuse or neglect in a state mental hospital or a state developmental center pursuant to clause (i), the local law enforcement agency shall coordinate efforts with the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services to provide the most immediate and appropriate response warranted to investigate the mandated report. The designated investigators of the State Department of State Hospitals or the State Department of Developmental Services and local law enforcement agencies may collaborate to develop protocols to implement this clause.

(iv) Except in an emergency, the local law enforcement agency shall, as soon as practicable, report any case of known or suspected criminal activity to the Division of Medi-Cal Fraud and Elder Abuse.

(v) Notwithstanding any other law, a mandated reporter who is required to report pursuant to Section 4427.5 shall not be required to report under clause (i).

(F) If the abuse has occurred in any place other than a long-term care facility, a state mental hospital, or a state developmental center, the report shall be made to the adult protective services agency or the local law enforcement agency.

(2) (A) A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of elder or dependent adult abuse during a penitential communication is not subject to paragraph (1). For purposes of this subdivision, "penitential communication" means a communication that is intended to be in confidence, including, but not limited to, a sacramental confession made to a clergy member who, in the course of the discipline or practice of their church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of their church, denomination, or organization, has a duty to keep those communications secret.

(B) This subdivision shall not modify or limit a clergy member's duty to report known or suspected elder and dependent adult abuse if they are acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency.

(C) Notwithstanding this section, a clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an elder or dependent adult shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a reasonably prudent person having no specialized training or experience in elder or dependent care.

(3) (A) A mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report, pursuant to paragraph (1), an incident if all of the following conditions exist:

(i) The mandated reporter has been told by an elder or dependent adult that they have experienced behavior constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect.

(ii) The mandated reporter is unaware of any independent evidence that corroborates the statement that the abuse has occurred.

(iii) The elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.

(iv) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

(B) This paragraph shall not impose upon mandated reporters a duty to investigate a known or suspected incident of abuse and shall not lessen or restrict any existing duty of mandated reporters.

(4) (A) In a long-term care facility, a mandated reporter shall not be required to report as a suspected incident of abuse, as defined in Section 15610.07, an incident if all of the following conditions exist:

(i) The mandated reporter is aware that there is a proper plan of care.

(ii) The mandated reporter is aware that the plan of care was properly provided or executed.

(iii) A physical, mental, or medical injury occurred as a result of care provided pursuant to clause (i) or (ii).

(iv) The mandated reporter reasonably believes that the injury was not the result of abuse.

(B) This paragraph shall neither require a mandated reporter to seek, nor preclude a mandated reporter from seeking, information regarding a known or suspected incident of abuse before reporting. This paragraph shall apply only to those categories of mandated reporters that the State Department of Public Health determines, upon approval by the Division of Medi-Cal Fraud and Elder Abuse and the state long-term care ombudsman, have access to plans of care and have the training and experience necessary to determine whether the conditions specified in this section have been met.

(c) (1) Any mandated reporter who has knowledge, or reasonably suspects, that types of elder or dependent adult abuse for which reports are not mandated have been

inflicted upon an elder or dependent adult, or that their emotional well-being is endangered in any other way, may report the known or suspected instance of abuse.

(2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsman program. Except in an emergency, the local ombudsman shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Division of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of State Hospitals or the State Department of Developmental Services or to a local law enforcement agency. Except in an emergency, the local law enforcement agency shall report any case of known or suspected criminal activity to the Division of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.

(5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.

(d) If two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an elder or a dependent adult for which a report is or is not mandated have occurred, and there is agreement among them, the telephone report or internet report, as authorized by Section 15658, may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(e) A telephone report or internet report, as authorized by Section 15658, of a known or suspected instance of elder or dependent adult abuse shall include, if known, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder or dependent adult, the names and addresses of family members or any other adult responsible for the elder's or dependent adult's care, the nature and extent of the elder's or dependent adult's condition, the date of the incident, and any other information, including information that led that person to suspect elder or dependent adult abuse, as requested by the agency receiving the report.

(f) The reporting duties under this section are individual, and no supervisor or administrator shall impede or inhibit the reporting duties, and no person making the report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting, ensure confidentiality, and apprise supervisors and

administrators of reports may be established, provided they are not inconsistent with this chapter.

(g) (1) Whenever this section requires a county adult protective services agency to report to a law enforcement agency, the law enforcement agency shall, immediately upon request, provide a copy of its investigative report concerning the reported matter to that county adult protective services agency.

(2) Whenever this section requires a law enforcement agency to report to a county adult protective services agency, the county adult protective services agency shall, immediately upon request, provide to that law enforcement agency a copy of its investigative report concerning the reported matter.

(3) The requirement to disclose investigative reports pursuant to this subdivision shall not include the disclosure of social services records or case files that are confidential, nor shall this subdivision allow disclosure of any reports or records if the disclosure would be prohibited by any other state or federal law.

(h) Failure to report, or impeding or inhibiting a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. A mandated reporter who willfully fails to report, or impedes or inhibits a report of, physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, if that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment. If a mandated reporter intentionally conceals their failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until a law enforcement agency specified in paragraph (1) of subdivision (b) ~~of Section 15630~~ discovers the offense.

(i) For purposes of this section, "dependent adult" has the same meaning as that term is defined in Section 15610.23.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for

those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

AB 1707 - (C) Amends the Law

SECTION 1.

Section 805.9 is added to the Business and Professions Code, to read:

805.9.

(a) A health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code shall not deny staff privileges to, remove from medical staff, or restrict the staff privileges of a person licensed by a healing arts board in this state on the basis of a civil judgment, criminal conviction, or disciplinary action imposed by another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state.

(b) This section does not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state based upon conduct in another state that would subject a licensee to a similar claim, charge, or action under the laws of this state.

(c) For purposes of this section:

(1) "Healing arts board" means any board, division, or examining committee in the Department of Consumer Affairs that licenses or certifies health professionals.

(2) "Sensitive services" has the same meaning as in Section 56.05 of the Civil Code.

SEC. 2.

Section 850.1 is added to the Business and Professions Code, to read:

850.1.

(a) A healing arts board shall not deny an application for licensure or suspend, revoke, or otherwise impose discipline upon a licensee or health practitioner subject to this division on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state, regardless of the patient's location.

(b) This section does not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state based upon conduct in another state that would subject an applicant, licensee, or health care practitioner subject to this division to a similar claim, charge, or action under the laws of this state.

(c) For purposes of this section:

(1) "Healing arts board" means any board, division, or examining committee in the Department of Consumer Affairs that licenses or certifies health professionals.

(2) "Sensitive services" has the same meaning as in Section 56.05 of the Civil Code.

SEC. 3.

Section 1220.1 is added to the Health and Safety Code, to read:

1220.1.

(a) An application for licensure made pursuant to this chapter shall not be denied, nor shall any license issued pursuant to this chapter be suspended, revoked, or otherwise limited, on the basis of a civil judgment, criminal conviction, or disciplinary action imposed by another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state.

(b) This section does not apply to a civil judgment, criminal conviction, or disciplinary action imposed by another state based upon conduct in another state that would subject an applicant, licensee, or health care practitioner subject to this division to a similar claim, charge, or action under the laws of this state.

(c) For purposes of this section, "sensitive services" has the same meaning as in Section 56.05 of the Civil Code.

SEC. 4.

Section 1265.11 is added to the Health and Safety Code, to read:

1265.11.

(a) An application for licensure made pursuant to this chapter shall not be denied, nor shall any license issued pursuant to this chapter be suspended, revoked, or otherwise limited, on the basis of a civil judgment, criminal conviction, or disciplinary action imposed by another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state.

(b) This section does not apply to a civil judgment, criminal conviction, or disciplinary action imposed by another state based upon conduct in another state that would subject an applicant, licensee, or health care practitioner subject to this division to a similar claim, charge, or action under the laws of this state.

(c) For purposes of this section, "sensitive services" has the same meaning as in Section 56.05 of the Civil Code.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within

the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SB 259 - (C) Amends the Law

SECTION 1.

Section 9795 of the Government Code is amended to read:

9795.

(a) (1) (A) Any report required or requested by ~~law~~ *law, or identified in the Legislative Analyst's Supplemental Report of the Budget Act*, to be submitted by a state or local agency to ~~the~~ *a committee of the Legislature or the* Members of either house of the Legislature generally, shall instead be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel. Each report shall include a summary of its contents, not to exceed one page in length. If the report is submitted by a state agency, that agency shall also provide an electronic copy of the summary directly to each member of the appropriate house or houses of the Legislature. Notice of receipt of the report shall also be recorded in the journal of the appropriate house or houses of the Legislature by the secretary or clerk of that house.

(B) Notwithstanding subparagraph (A), reports of the State Bar of California may be submitted electronically to the Secretary of the Senate.

(2) In addition ~~to~~ *to*, and as part ~~of~~ *of*, the information made available to the public in electronic form pursuant to Section 10248, the Legislative Counsel shall make available a list of the reports submitted by state and local agencies, as specified in paragraph (1). If the Legislative Counsel receives a request from a member of the public for a report contained in the list, the Legislative Counsel is not required to provide a copy of the report and may refer the requester to the state or local agency, as the case may be, that authored the report, or to the California State Library as the final repository of public information.

(b) ~~No~~ *A* report shall *not* be distributed to a Member of the Legislature unless specifically requested by that Member.

(c) Compliance with subdivision (a) shall be deemed to be full compliance with subdivision (c) of Section 10242.5.

(d) A state agency report and summary subject to this section shall include an Internet Web site where the report can be downloaded and telephone number to call to order a hard copy of the report. A report submitted by a state agency subject to this section shall also be posted at the agency's Internet Web site.

(e) For purposes of this section, "report" includes any study or audit.

SEC. 2.

Section 10248 of the Government Code is amended to read:

10248.

Public computer network; required legislative information.

(a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All audiovisual recordings of legislative proceedings that have been caused to be made by the Legislature in accordance with paragraph (2) of subdivision (c) of Section 7 of Article IV of the California Constitution. Each recording shall remain accessible to the public through the Internet and downloadable for a minimum period of 20 years following the date on which the recording was made and shall then be archived in a secure format.

(7) All vote information concerning each bill in each current legislative session.

(8) Any veto message concerning a bill in each current legislative session.

(9) The California Codes.

(10) The California Constitution.

(11) All statutes enacted on or after January 1, 1993.

(12) A link to the list of state and local agency reports required by paragraph (2) of subdivision (a) of Section 9795.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of

access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest feasible time after the information is available in the information system. The information that is not maintained in the information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) ~~No fee or other charge may be imposed by the Legislative Counsel~~ *The Legislative Counsel shall not impose a fee or other charge* as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) ~~No~~ *An* action taken pursuant to this section ~~shall be deemed to~~ *does not* alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

SB 345 - (C) Amends the Law

SECTION 1.

The Legislature finds and declares the following:

It is the intent of the Legislature that nothing herein shall be interpreted to undermine or decrease any existing protections under California law.

SEC. 2.

Section 850.1 is added to the Business and Professions Code, to read:

850.1.

(a) A healing arts board shall not deny an application for licensure or suspend, revoke, or otherwise impose discipline upon a licensee or health care practitioner subject to this division on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services that would be lawful if provided in this state, regardless of the patient's location.

(b) This section does not apply to a civil judgment, criminal conviction, or disciplinary action imposed in another state based upon conduct in another state that would subject an applicant, licensee, or health care practitioner subject to this division to a similar claim, charge, or action under the laws of this state.

(c) For purposes of this section:

(1) "Healing arts board" means any board, division, or examining committee in the Department of Consumer Affairs that licenses or certifies health professionals.

(2) "Sensitive services" has the same meaning as in Section 56.05 of the Civil Code.

SEC. 3.

Section 852 is added to the Business and Professions Code, to read:

852.

The performance, recommendation, or provision of any legally protected health care activity, as defined in Section 1798.300 of the Civil Code, by a licensee or a health care practitioner subject to this division acting within their scope of practice, for a patient who resides in a state in which the performance, recommendation, or provision of that legally protected health care activity is illegal, shall not, by itself, constitute professional misconduct under this division or any regulation governing the licensure, certification, or authorization of that licensee or practitioner, nor shall any license, certification, or authorization of a licensee or health care practitioner subject to this division be revoked, suspended, or annulled or otherwise subject to any other penalty or discipline provided in this division solely on the basis that the licensee or health care practitioner

performed, recommended, or provided any legally protected health care activity for a patient who resides in a state in which the performance, recommendation, or provision of that legally protected health service is illegal.

SEC. 6.

Title 1.81.7 (commencing with Section 1798.300) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.81.7. Reproductive and Gender-Affirming Health Care Services

1798.300.

As used in this title, the following definitions apply:

(a) "Abusive litigation" means litigation or other legal action to deter, prevent, sanction, or punish a person engaging in legally protected health care activity by either of the following:

(1) Filing or prosecuting an action in a state other than California where liability, in whole or part, directly or indirectly, is based on a legally protected health care activity that was legal in the state in which it occurred, including an action in which liability is based on a theory of vicarious, joint, or several liability.

(2) Attempting to enforce an order or judgment issued in connection with an action described in paragraph (1) by a party to that action or a person acting on behalf of a party to that action. An action shall be considered to be based on conduct that was legal in the state in which it occurred if a part of an act or omission involved in the course of conduct that forms the basis for liability in the action occurs or is initiated in a state in which the health care was legal, whether or not the act or omission is alleged or included in a pleading or other filing in the lawsuit.

(b) "Aggrieved person, provider, or other entity" includes, but is not limited to, a person who resides in California, a business or entity doing business in the state or located in the state, a health care service plan, a health insurer, a person or entity that provided a legally protected health care activity in California, a person who received a legally protected health care activity from a provider licensed in California, a person or entity that is licensed in California to provide a legally protected health care activity, including a provider, clinic, or a person who assisted a person or entity that received or provided a legally protected health care activity in California.

(c) "Gender-affirming health care services" and "gender-affirming mental health care services" have the same meaning as defined in paragraph (3) of subdivision (b) of Section 16010.2 of the Welfare and Institutions Code.

(d) (1) "Legally protected health care activity" means any of the following:

(A) The exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights to reproductive health care services, gender-affirming health care services, or

gender-affirming mental health care services secured by the Constitution or laws of California or the provision by a health care service plan contract or a policy, or a certificate of health insurance, that provides for such services.

(B) An act or omission undertaken to aid or encourage, or attempt to aid or encourage, a person in the exercise and enjoyment or attempted exercise and enjoyment of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California.

(C) The provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services by a person duly licensed under the laws of California or the coverage of, and reimbursement for, such services or care by a health care service plan or a health insurer, if the service or care is lawful under the laws of California, regardless of the patient's location.

(2) "Legally protected health care activity" does not include any activity that would be deemed unprofessional conduct or that would violate antidiscrimination laws of California.

(e) "Reproductive health care services" means and includes all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception.

1798.301.

Reproductive health care services, gender-affirming health care services, and gender-affirming mental health care services are rights secured by the Constitution and laws of California. Interference with these rights, whether or not under the color of law, is against the public policy of California.

1798.302.

A public act or record of a foreign jurisdiction that prohibits, criminalizes, sanctions, authorizes a person to bring a civil action against, or otherwise interferes with a person, provider, or other entity in California that seeks, receives, causes, aids in access to, aids, abets, provides, or attempts or intends to seek, receive, cause, aid in access to, aid, abet, or provide, reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services shall be an interference with the exercise and enjoyment of the rights secured by the Constitution and laws of California and shall be a violation of the public policy of California.

1798.303.

If a person, whether or not acting under color of law, engages or attempts to engage in abusive litigation that infringes on or interferes with, or attempts to infringe on or interfere with, a legally protected health care activity, then an aggrieved person, provider, carrier, or other entity, including a defendant in the abusive litigation, may institute a civil action for injunctive, monetary, or other appropriate relief within three years after the cause of action accrues.

1798.304.

An aggrieved person, provider, or other entity, including a defendant in abusive litigation, may move to modify or quash a subpoena issued in connection with abusive litigation on the grounds that the subpoena is unreasonable, oppressive, or inconsistent with the public policy of California.

1798.305.

If the court finds for the petitioner in an action authorized by Section 1798.303, recovery shall be in the amount of three times the amount of actual damages, which shall include damages for the amount of a judgment issued in connection with an abusive litigation, and any other expenses, costs, or reasonable attorney's fees incurred in connection with the abusive litigation.

1798.306.

(a) A court may exercise jurisdiction over a person in an action authorized by Section 1798.303 if any of the following apply:

(1) Personal jurisdiction is found under Section 410.10 of the Code of Civil Procedure.

(2) The person has commenced an action in a court in California and, during the pendency of that action or an appeal therefrom, a summons and complaint is served on the person or the attorney appearing on the person's behalf in that action or as otherwise permitted by law.

(3) The exercise of jurisdiction is permitted under the Constitution of the United States.

(b) This section does not apply to a lawsuit or judgment entered in another state that is based on conduct for which a cause of action exists under the laws of California, including a contract, tort, common law, or statutory claim.

1798.307.

Notwithstanding any other law, the laws of California shall govern in a case or controversy heard in California related to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, except as may be required by federal law.

1798.308.

This title shall not be construed to provide jurisdiction over a California resident in an out-of-state forum when the California resident has not availed themselves of that forum.



MEMORANDUM

DATE	November 9, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item #11: Discussion and Possible Action to Adopt a Legislative Proposal for an Omnibus Bill to Amend Business and Professions Code (BPC) sections 2538.3, 2538.10, 2538.25, 2538.27, and 2539.1

Background

The Senate Committee on Business, Professions and Economic Development (BP&ED) intends to introduce a technical, non-substantive committee bill during the 2024 legislative year which will revise provisions of the Business and Professions Code.

The Board can submit a proposal for consideration of any statutory changes to the Board's Practice Act that are non-controversial, non-substantive and are intended to clarify, update, or strengthen existing law.

Board staff recommends the Board to submit a proposal which is found in the Attachment.

Summary of Changes

- Specify "science" as an associate degree program in BPC section 2538.3.
- Correct a noun in BPC sections 2538.10, 2538.25, 2538.27, and 2539.1.

Action Requested

Staff recommends the Board review the legislative proposal. The Board may wish to determine whether or not to approve the legislative proposal and direct Board Staff to proceed with the process to submit the proposal.

Suggested Motion Language

Move to adopt the legislative proposal as noticed, direct staff to take all steps necessary to submit the proposal, and authorize the Executive Officer, or their designee, to take all steps necessary to complete the process for the legislative proposal.

Attachment: 2024 Legislative Proposal

2024 Legislative Proposal

Business and Professions Code section 2538.3

A person applying for approval as a speech-language pathology assistant shall have graduated from a speech-language pathology assistant associate of arts or science degree program, or equivalent course of study, approved by the board. A person who has successfully graduated from a board-approved bachelor's degree program in speech-language pathology or communication disorders shall be deemed to have satisfied an equivalent course of study.

Business and Professions Code section 2538.10

For the purposes of this article, the following definitions shall apply:

- (a) "Advertise" and its variants include the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio, or television announcement, or any other means or methods now or hereafter employed to bring to the attention of the public the practice of fitting or selling of hearing aids.
- (b) "License" means a hearing aid dispenser~~dispenser's~~ license issued pursuant to this article and includes a temporary or trainee license.
- (c) "Licensee" means a person holding a license.
- (d) "Hearing aid" means any wearable instrument or device designed for, or offered for the purpose of, aiding or compensating for impaired human hearing.
- (e) "Fund" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.

Business and Professions Code section 2538.25

- (a) The board shall prepare, approve, grade, and conduct examinations of applicants for a hearing aid dispenser~~dispenser's~~ license. The board may provide that the preparation and grading of the examination be conducted by a competent person or organization other than the board, provided, however, that the board shall establish the guidelines for the examination and shall approve the actual examination.
- (b) Each applicant shall take and pass a written examination and a practical examination compiled at the direction of the board covering the critical tasks involved in the practice of fitting and selling hearing aids and the knowledge, skills, and abilities needed to perform those tasks safely and competently.

Business and Professions Code section 2538.27

(a) An applicant who has fulfilled the requirements of Section 2538.24 and has made application therefor, may have a temporary license issued to him or her upon satisfactory proof to the board that the applicant holds a hearing aid ~~dispenser~~dispenser's license in another state, that the licensee has not been subject to formal disciplinary action by another licensing authority, and that the applicant has been engaged in the fitting and sale of hearing aids for the two years immediately prior to application.

(b) A temporary license issued pursuant to this section shall be valid for one year from date of issuance and is not renewable. A temporary license shall automatically terminate upon issuance of a license prior to expiration of the one-year period.

(c) The holder of a temporary license issued pursuant to this section who fails either license examination shall be subject to and shall comply with the supervision requirements of Section 2538.28 and any regulations adopted pursuant thereto.

Business and Professions Code section 2539.1

(a) (1) On and after January 1, 2010, in addition to satisfying the licensure and examination requirements described in Sections 2532, 2532.2, and 2532.25, no licensed audiologist shall sell hearing aids unless they complete an application for a dispensing audiology license, pays all applicable fees, and passes an examination, approved by the board, relating to selling hearing aids.

(2) The board shall issue a dispensing audiology license to a licensed audiologist who meets the requirements of paragraph (1).

(b) (1) On and after January 1, 2010, a licensed audiologist with an unexpired license to sell hearing aids pursuant to Article 8 (commencing with Section 2538.10) may continue to sell hearing aids pursuant to that license until that license expires pursuant to Section 2538.53, and upon that expiration the licensee shall be deemed to have satisfied the requirements described in subdivision (a) and may continue to sell hearing aids pursuant to their audiology license subject to the provisions of this chapter. Upon the expiration of the audiologist's license to sell hearing aids, the board shall issue them a dispensing audiology license pursuant to paragraph (2) of subdivision (a). This paragraph shall not prevent an audiologist who also has a hearing aid ~~dispenser~~dispenser's license from maintaining dual or separate licenses if they choose to do so.

(2) A licensed audiologist whose license to sell hearing aids, issued pursuant to Article 8 (commencing with Section 2538.10), is suspended, surrendered, or revoked shall not be authorized to sell hearing aids pursuant to this subdivision and they shall be subject to the requirements described in subdivision (a) as well as the other provisions of this chapter.

(c) A licensed hearing aid dispenser who meets the qualifications for licensure as an audiologist shall be deemed to have satisfied the requirements of paragraph (1) of subdivision (a) for the purposes of obtaining a dispensing audiology license.

(d) For purposes of subdivision (a), the board shall provide the hearing aid ~~dispenser~~~~dispense~~'s examination provided by the former Hearing Aid Dispensers Bureau until such time as the next examination validation and occupational analysis is completed by the Department of Consumer Affairs pursuant to Section 139 and a determination is made that a different examination is to be administered.



MEMORANDUM

DATE	November 15, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item 13: Regulatory Report: Update, Review, and Possible Action on Board Regulation Packages

The following is a list of the Board’s regulatory packages, and their status in the rulemaking process:

a) Discussion and Possible Action to Amend Regulations Regarding Speech-Language Pathology Assistant (SLPA) Program and Academic Requirements as stated in Title 16, California Code of Regulations (CCR) sections 1399.170.4, 1399.170.10, and 1399.170.11

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved the regulatory language on August 12, 2022. This regulatory proposal was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on July 18, 2023. These regulations became effective on October 1, 2023.

This proposed change will specify qualifications for SLPA training program directors, increase the number of the required field work experience from seventy (70) hours to one hundred (100) hours, and modify the full-time work experience for out-of-state SLPA applicants.

b) Discussion and Possible Action to Amend Regulations Regarding SLPA Supervision Requirements as stated in Title 16, CCR sections 1399.170, 1399.170.2, and 1399.170.15 through 1399.170.18

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the regulatory language on May 13, 2022. DCA’s Director extended the one-year deadline pursuant to Business and Professions Code Section 313.1(e)(1). The regulatory proposal was submitted to the OAL for review on November 15, 2023. OAL has until January 2, 2024, to make a decision on this rulemaking.

This proposed regulatory change will permit tele-supervision as “direct” supervision of a SLPA, require a higher level of supervision during the first 90 days of work following a SLPA’s initial licensure, require both a minimum level of experience and professional development training in supervision before supervising a SLPA, permit the supervision of three (3) full-time equivalent support personnel not to

exceed six (6) support personnel at any time, incorporate by reference a revised supervision form, and revise the notice of termination form.

c) Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, CCR sections 1399.140, 1399.140.1, and 1399.144

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Finalizing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

d) Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Public Comment Period phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

e) Discussion and Possible Action to Amend Regulations Regarding Advertising for Hearing Aid Dispensing as stated in Title 16, CCR section 1399.127

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on April 27, 2023. The required regulatory documents completed the Initial Departmental Review process on November 1, 2023, and was noticed on November 17, 2023, for public comment. The 45-day public comment period will end on Wednesday, January 3, 2023.

The proposed regulatory changes will clarify that anyone licensed to dispense hearing aids can advertise the fitting and selling of hearing aids in accordance with Business and Professions Code section 651 and CCR section 1399.127, information required in advertisements, prohibited advertisements, and national advertisements disseminated in California.

f) Discussion and Possible Action to Amend Regulations Regarding Approved Institutions as stated in Title 16, CCR section 1399.152

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. Board staff submitted the required regulatory documents for DCA Regulations Pre-Review on August 28, 2023, and are working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

The proposed regulatory changes will permit the Board to review and/or approve accrediting bodies who wish to provide accreditation to programs where individuals can complete their academic and clinical requirements for licensure in the practices of speech-language pathology or audiology.

g) Discussion and Possible Action to Amend Regulations Regarding Hearing Aid Dispensers Trainee and Temporary Licensee Supervision as stated in Title 16, CCR sections 1399.102 and 1399.115 through 1399.119

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to the proposed regulatory text on August 25, 2023. Board staff submitted the required regulatory documents for DCA Regulations Pre-Review on September 5, 2023, and are working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

The proposed regulatory changes will clarify that supervision is required for the entire duration of the trainee or temporary license, specify different level of supervision, require a higher level of supervision during the first ninety (90) days, specify tasks and knowledge supervisors must provide to trainees, require supervisors to complete a training in supervision, specify criteria to request a waiver to supervise more than one trainee or temporary license holder, make requirements applicable to all temporary license types who require supervision, and make requirements applicable to all license types who can supervise.

h) Discussion and Possible Action to Amend and Adopt Regulations Regarding Fingerprinting Requirements as stated in Title 16, CCR sections 1399.112, 1399.151.2, and 1399.170.14

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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The Board approved revisions to regulatory language on May 13, 2022. Board staff submitted the required regulatory documents for DCA pre-review on August 31, 2022, and are working with DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

The proposed regulatory changes will require licensees who were initially licensed prior to January 1, 1999, or for whom an electronic fingerprints record does not exist, to be fingerprinted as a condition of renewal.

i) Discussion and Possible Action to Adopt and Amend Regulations Regarding General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

j) Discussion and Possible Action to Amend Regulations Regarding Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

k) Discussion and Possible Action Regarding Audiology Licensing Requirements Related to Supervised Clinical as stated in Title 16, CCR section 1399.152.2

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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This regulatory proposal is in the Preparing Regulatory Package phase and requires review and approval by the Board. See the separate memo for this regulatory proposal.

Attachment: Stages of the Regulatory Process

Stages of the Regulatory Process

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Regulation Development: The first stage of the regulatory process is to develop the regulatory proposal. Regulations may be required to implement a new law or regulatory changes may be necessary to address an issue raised by Board members, Board staff, the Legislature, licensees, or other stakeholders. In this phase, the Board and/or Board Committees may work on drafting regulatory language, Board staff will work with DCA Legal staff to address any concerns with the draft regulatory text, and the Board will ultimately adopt the regulatory language.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Preparing Regulatory Package: In this stage Board staff are working on preparing the required regulatory documents including Notice of Proposed Regulatory Action, Initial Statement of Reasons, and the Economic and Fiscal Impact Statement. Board staff review Board meeting materials, webcasts, and meeting minutes to assist in the development of these documents which must justify why the regulatory changes are necessary. Board staff may also work closely with the DCA Budgets Office to develop the Economic and Fiscal Impact Statement.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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DCA Regulations Pre-Review: In this stage Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel propose recommended changes to the regulatory documents. DCA Regulations Counsel may also identify potential issues of concern with the regulatory language. Board staff then incorporate recommended changes prior to submitting the regulatory package back to the Board's Regulations Counsel. Board staff may also meet with Regulations Counsel and/or Budget Staff to provide additional information about the Board's licensing or enforcement processes in relation to the proposed regulation.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Initial Departmental Review: Upon approval by the Board's Regulations Counsel, Board staff prepare additional supporting regulatory documents. The entire regulatory package will then be submitted for the Initial Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA Executive Office, and the Business, Consumer Services and Housing Agency. Throughout this stage, additional changes to the regulatory language and/or regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Public Comment Period: Upon approval by the Business, Consumer Services and Housing Agency, the regulatory proposal will be submitted to the Office of Administrative Law (OAL) to be published in the California Regulatory Notice Register. OAL publishes the Notice Register every Friday and the publication date starts the formal 45-day public comment period as well as the one-year deadline to submit the completed rulemaking file to OAL. If the Board makes changes to the regulatory language in response to public comments, the regulatory proposal must be published in the Notice Register for an additional 15-day public comment period.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Finalizing Regulatory Package: The Board must respond in writing to every comment received during the public comment period. In this stage, Board staff work with DCA Regulations Counsel to develop proposed responses to the public comments, which must be approved by the Board. Board staff then prepare the Final Statement of Reasons which must outline any changes made to the regulatory language and updates to any information contained in the Initial Statement of Reasons such as changes to the fiscal and/or economic impact or additional materials to include in the record. The Final Statement of Reasons will also include the Board’s approved responses to the public comments.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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DCA Regulations Final Review: Upon completion of the Final Statement of Reasons, Board staff submits the entire regulatory proposal to DCA Regulations Counsel for final review. In this stage Board staff work collaboratively with DCA Regulations Counsel. DCA Regulations Counsel may propose recommended changes to the Final Statement of Reasons or request additional underlying documents. Board staff will work with Regulations Counsel to address any concerns prior to the final submission to DCA.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Final Departmental Review: Upon approval by the Board’s Regulations Counsel, Board staff submits the entire regulatory package for the Final Departmental Review which involves reviews by DCA Legal, DCA Budgets, DCA Executive Office, and the Business, Consumer Services and Housing Agency. Throughout this stage, additional documents may be requested or changes to the regulatory documents may be requested by DCA or the Business, Consumer Services and Housing Agency.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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Submission to OAL for Review: Upon approval by the Business, Consumer Services and Housing Agency, the completed rulemaking file is submitted to OAL. OAL has 30 working days to approve or deny the regulatory proposal. During this stage Board staff will work with the OAL Attorney to address any concerns with the regulatory documents or make non-substantive changes to the regulatory language. Board and DCA staff may also work with the Department of Finance to obtain approval of the Economic and Fiscal Impact Statement.

Regulation Development	Preparing Regulatory Package	DCA Regulations Pre-Review	Initial Departmental Review	OAL Public Comment Period	Finalizing Regulatory Package	DCA Regulations Final Review	Final Departmental Review	Submission to OAL for Review	OAL Decision
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OAL Decision: Unless the Board requested an early effective date, upon approval by OAL regulations become effective on one of four quarterly dates based on when the final regulations are filed with the Secretary of State: January 1, if filed between September 1 and November 30; April 1, if filed between December 1 and February 29; July 1, if filed between March 1 and May 31; and October 1, if filed between June 1 and August 31. Following approval by OAL, Board staff will work internally to implement the new regulations.



MEMORANDUM

DATE	November 21, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item #13(c): Discussion and Possible Action to Amend Regulations Regarding Continuing Education Requirements for Hearing Aid Dispensers as stated in Title 16, California Code of Regulations (CCR) sections 1399.140, 1399.140.1, and 1399.144

Background

The proposed regulatory changes will increase the number of continuing education (CE) hours Hearing Aid Dispensers (HAD) may earn in related or indirect client care courses; permit other opportunities to fulfil the CE requirements; and align these regulations with the continuing professional development regulatory requirements the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) has for licensees in the practices of speech-language pathology and audiology under Article 11 of Division 13.4 of Title 16 of the CCR.

The 45-day public comment period began on July 28, 2023, and ended on September 12, 2023. The Board did not hold a public hearing for this proposed regulatory action nor was one requested. The Board received six (6) written comments during the initial 45-day public comment period.

- Two (2) in support, and
- Four (4) expressed concerns with the proposed regulatory changes or recommended changes.

Board staff do not recommend making any additional changes to the text.

Pursuant to the Administrative Procedure Act, the Board is not required to respond to written comments in support of a regulatory action during the final rulemaking process. However, the Board is required to respond to written comments that object or make recommendations regarding the regulatory action or the procedures followed by the Board in proposing the regulatory action.

Summary of Comments and Draft Board Response

Summary: The Board received three (3) comments expressing concerns with the limits to self-study and recommended greater flexibility to the CE requirements including more self-study hours, or aligning with the American Speech-Language-Hearing Association (ASHA) and allowing all CE hours to be earned via self-study.

Board Response: The Board decided not to change the proposed regulatory text to accommodate these comments because the Board isn't convinced that self-study alone is the best method for continuing professional learning.^{1,2} In fact, the Board found that regardless of the delivery method, interactive learning is most effective.^{3,4,5} Therefore, the Board will continue to limit the number of hours that can be completed through self-study. Furthermore, interactive learning provides licensees with the opportunity to connect with other licensees and professionals which the Board found can be important for promoting competence and reducing professional isolation.⁶ Licensees who do not engage with other licensees and professionals run the risk of becoming less aware of current practice standards which endanger the health, welfare, and safety of the public.^{7,8} Therefore, requiring a specified amount of hours in "live" coursework will ensure regular interactions with other licensees and professionals for the purpose of consumer protection.

Summary: The Board received one (1) comment recommending that the total number of CE hours required be reduced as an alternative to greater flexibility in accepting more pre-recorded courses, or greater access to different CE opportunities.

Board Response: The Board decided not to change the proposed regulatory text to accommodate this comment because the Board is not considering changes to the total number of CE hours required. The Board believes reducing the number of CE hours required would undermine public protection. With the proposed regulatory changes, the Board will continue to accept pre-recorded courses for half of the total required CE hours. In addition, the proposed regulatory changes will give licensees greater access to different CE opportunities such as CE hours for service to the Board or teaching a course, and allow for different course content (e.g., courses related to equipment, devices, or other products).

¹ Association of State and Provincial Psychology Boards (ASPPB). Guidelines for Continuing Professional Development. Available from <https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/profdevelopment2023.pdf>

² Main, P.A.E., Anderson, S. Evidence for continuing professional development standards for regulated health practitioners in Australia: a systematic review. *Human Resources for Health* 21, 23 (2023). <https://doi.org/10.1186/s12960-023-00803-x>

³Idib.

⁴ Filipe, H. P., Silva, E. D., Stulting, A. A., & Golnik, K. C. (2014). Continuing professional development: best practices. *Middle East African journal of ophthalmology*, 21(2), 134–141. <https://doi.org/10.4103/0974-9233.129760>

⁵ Kane GM. Interactive Learning in Continuing Professional Development: "At Least 25 Per Cent of Time". Available from: <https://www.royalcollege.ca/content/dam/documents/learning/continuing-professional-development/interactive-learning-cpd-e.html>

⁶ Barnett, J. E. & Corcoran, K.(2018). Competence, ethical practice, and going it alone. *Psychotherapy Bulletin*, 53(4), 16-23.

⁷ Idib.

⁸ Association of State and Provincial Psychology Boards (ASPPB). Guidelines for Continuing Professional Development. Available from <https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/profdevelopment2023.pdf>

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to approve the Board's responses to comments as currently drafted, or propose additional changes, and direct Board Staff to prepare the necessary documents to complete the rulemaking process. If the Board approves the proposed responses to comments, staff will need to send out the Literature for Rationale on Self-Study for a 15-day public comment period as an Addendum to the Initial Statement of Reasons.

Suggested Motion Language

Move to approve the proposed Board responses to Comments, direct staff to send out an Addendum to the Initial Statement of Reasons for a 15-day public comment period and 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 16 CCR sections 1399.140, 1399.140.1, and 1399.144, as noticed.

Attachment A: Public Comments

Attachment B: Order of Adoption

Attachment C: Literature for Rationale on Self-Study

Continuing Education Requirements for
Hearing Aid Dispensers
Public Comments

Initial Public Comments
Received July 28, 2023 – September 12, 2023

To request a copy of the public comments, please
send an email to speechandhearing@dca.ca.gov.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

Continuing Education Requirements for Hearing Aid Dispensers

ORDER OF ADOPTION

Amend section 1399.140 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140. Continuing Education Required.

(a) ~~Any hearing aid license that expires on or after July 1, 2017~~Except as provided in Section 1399.144, a licensee who holds a hearing aid dispenser license pursuant to Section 2538.26 of the Code is required to complete at least twelve (12) hours of continuing education from a provider approved under Section 1399.141 during each annual renewal period.

~~(1) A licensee who claims No more than three (3) hours of continuing education credit may be credited in related or for indirect patient/client care courses, courses related to the practice of hearing aid dispensing, or both as provided defined in Section 1399.140.1 cannot claim more than four (4) hours of continuing education per renewal period.~~

~~(2)(A) A licensee who claims No more than six (6) hours of the required continuing education credit may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses cannot claim more than six (6) hours of continuing education per renewal period.~~

~~(B) Self-study does not include live courses. A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course affords participants the opportunity to interact with an instructor and/or other course participants, or both.~~

~~(3) A licensee who claims continuing education credit for courses related to equipment, devices, or other products as defined in Section 1399.140.1 cannot claim more than six (6) hours of continuing education per renewal period.~~

(b) Records showing completion of each continuing education course shall be maintained by the dispenser for two (2) years following the renewal period in which it was earned.

(c) Each dispenser renewing ~~his or her~~their license under the provisions of Section 2538.53 of the Code shall be required to submit proof satisfactory to the Board of

compliance with the provisions of this article. Records shall be provided to the Board in response to a compliance audit.

(d) Verification of compliance shall be documented at the time of license renewal on a form provided by the Board.

~~(e) This article shall not apply to any dispenser who is renewing a license for the first time following the issuance of an initial permanent license.~~

~~(fe) Any person whose hearing aid dispenser's license has been expired for two renewal cycles years or more shall complete the required hours of approved continuing education for the prior two years most recent renewal cycle before such license may be restored.~~

~~(f) Applicants for initial licensure who are licensed in another state and apply for licensure in this state are not required to complete the continuing education required by this section until their first renewal.~~

~~(g) If a licensee teaches a course approved under Section 1399.141 and claims continuing education for the same course, the licensee shall be credited once per renewal, receiving the same number of hours as a licensee who attended the course.~~

~~(h) If a licensee serves the Board as a selected participant in Board-sponsored examination development or administration related functions and claims continuing education credit, the licensee shall receive up to two (2) hours of continuing education credit for each day of service for a maximum of four (4) hours per renewal period. The licensee shall maintain a record of hours served for submission to the Board for the purpose of subsection (c).~~

~~(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board shall not apply the course as credit towards the continuing education requirements.~~

~~(j) A licensee who claims continuing education credit for participating in a Board sponsored Occupational Analysis shall be credited no more than two (2) hours.~~

Note: Authority cited: ~~Section~~Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: ~~Section~~Sections 2538.18 and 2538.54, Business and Professions Code.

Amend section 1399.140.1 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140.1. Continuing Education Course Content.

(a) The content of a continuing education course shall pertain to direct or indirect patient/client care, or be related to the practice of hearing aid dispensing, ~~or indirect~~

~~patient/client care. Course content shall not focus on equipment, devices, or other products of a particular publisher, company, or corporation.~~

(1) Direct patient/client care courses cover current practices in the fitting of hearing aids. This may include content on the fitting, programming, and troubleshooting of equipment, devices, or other products of a particular manufacturer or company only as it relates to benefitting a client's hearing and functional use of the equipment, device, or product.

(2) Indirect patient/client care courses cover practical aspects of hearing aid dispensing (e.g., legal or ethical issues which shall include~~(including~~ the ethics of advertising and marketing), consultation, record-keeping, office management, and managed care issues).

(3) Courses that are related to the ~~discipline-practice~~ of hearing aid dispensing may cover general health condition or educational course offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, service delivery models, interdisciplinary case management issues, or medical pathologies that also result in hearing difficulties.

(b) Examples of courses that are considered outside the scope of acceptable course content include:

(1) ~~personal~~Personal finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer; and

(2) Marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices, or products.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Amend section 1399.144 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.144. ~~Waiver of Requirement~~Exemptions from Continuing Education.

(a) ~~The Board may, in its discretion, exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to the Board for its consideration.~~A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 703 and 704 of the Code.

(b) To obtain an exemption, a licensee shall submit a written request for exemption from the continuing education requirement for any of the reasons listed below. The Board will

notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption is granted. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For any amount of time during the licensee's previous license renewal period the licensee was called to active duty as defined in Section 114.3 of the Code;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing education requirement is granted, it shall be valid only for the current renewal period.

(bd) Any dispenser who submits an application for a waiver a written request for exemption, which is denied by the Board, shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority cited: ~~Section~~Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: Sections 114.3 and 2538.18, Business and Professions Code.

Agenda Item #13(c)
Attachment C: Literature for Rationale on Self-Study

1. Association of State and Provincial Psychology Boards' *Guidelines for Continuing Professional Development*. Available from <https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/profdevelopment2023.pdf>
2. *Evidence For Continuing Professional Development Standards For Regulated Health Practitioners In Australia: A Systematic Review*. Available from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10026429/pdf/12960_2023_Article_803.pdf
3. *Continuing Professional Development: Best Practices*. Available from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4005177/?report=printable>
4. *Interactive Learning in Continuing Professional Development: "at Least 25 Per Cent of Time"*. Available from <https://www.royalcollege.ca/content/dam/documents/learning/continuing-professional-development/interactive-learning-cpd-e.html#:~:text=Allocating%20time%20for%20at%20least,the%20quality%20of%20health%20care>.
5. *Competence, ethical practice, and going it alone*. Available from <https://societyforpsychotherapy.org/competence-ethical-practice-and-going-it-alone/>

All documents can be requested by sending an email to speechandhearing@dca.ca.gov.

Hand Carry Item

Agenda Item #13(d): Discussion and Possible Action to Amend Regulations Regarding Continuing Professional Development Requirements for Speech-Language Pathologists and Audiologists as stated in Title 16, CCR sections 1399.160 through 1399.160.4



MEMORANDUM

DATE	November 20, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item #13(i): Discussion and Possible Action to Adopt and Amend Regulations Regarding General Application Requirements and Hearing Aid Dispensers and Dispensing Audiologists Examination Requirements as Stated in Title 16, California Code of Regulations (CCR) Sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4

Background

This proposed rulemaking amends the Hearing Aid Dispenser Regulations, adds a Dispensing Audiologist regulation, puts the expedited licensure process in regulation, makes current the written and practical examinations process, puts the written and practical examination application forms and their examination fees in regulation, changes the practical examination appeal deadline, specifies a deadline for the Board to notify an applicant of its decision on their practical examination appeal, and changes the hearing aid dispenser examination requirement for applicants for a dispensing audiology license.

Potential issues with the regulatory language were identified in the preparation of the regulatory documents. The changes described in the summary of changes will correct those issues.

Summary of Changes

The following are changes, all in title 16 of the CCR, made to the proposed regulations since the May 2022 Board-approved amendments:

- Adopt a new section 1399.112 to describe the expedited licensure process, which will be cited to within this proposed rulemaking and can be cited to when future regulatory changes are made.
- Amend section 1399.120 to:
 - Cross-reference Business and Professions Code (BPC) Section 123 and specify the consequences for cheating or any conduct that violates BPC Section 123,
 - Remove the practical examination filing period,
 - Add language explaining where the time and place of the practical exam will be posted, how applications to take the exam are scheduled given the restriction of “maximum number of allowable applicants,” what that means, and how exceeding the maximum is handled.
 - Put the information required on the practical examination application into regulation, including specifying the cost to retake a portion of the practical examination,
 - Cross-reference section 1399.112 for qualifications and requirements to expedite an examination application and obtain assistance with the licensure process,
 - Specify that the same application form must be used to retake the examination, and
 - Cross-reference section 1399.111 regarding requirements about when the examination must be completed.

- Amend section 1399.121 to remove information not required in the written examination application and add requirements to retake the examination and how to reapply to retake the examination.
 - Cross-reference BPC Section 123 and specify consequences for cheating or any conduct that violates BPC Section 123,
 - Align the written examination application with the actual form (see Attachment D),
 - Specify that the same application must be used to retake the examination, and
 - Cross-reference section 1399.111 regarding requirements about when examination must be completed.

No additional changes were made to CCR sections 1399.122 and 1399.152.4 since the Board adopted changes to those regulation sections at the May 2022 Board Meeting.

Discussion Question

Pursuant to BPC section 2538.57, the Board is permitted to establish a fee for taking or retaking the examination equal to the cost of preparing, grading, analyzing, and administering the examination. See Attachment E for the projected examination cost for this fiscal year, which includes the total cost and cost per candidates.

Board staff recommends the Board increase both examination fees to the following amount:

Fee Type	Current Fee	Proposed Fee	Increase Amount
Written Examination	\$225	\$250	\$25
Practical Examination	\$500	\$600	\$100
Total	\$750	\$850	\$125

1. Does the Board wish to maintain the current examination fees or increase them?

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to amend and approve the revised regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR sections 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4 (as proposed or as amended), 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 1399.112, 1399.120, 1399.121, 1399.122, and 1399.152.4 as noticed.

- Attachment A: HAD and DAU Examination Requirement Proposed Text
- Attachment B: HAD Examinations Proposed Text as Adopted May 13, 2022
- Attachment C: Written Examination Application
- Attachment D: Practical Examination Application
- Attachment E: Projected Examination Cost for Fiscal Year 2023-2024

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
**General Application Requirements and Hearing Aid Dispensers and
Dispensing Audiologists Examination Requirements**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Adopt section 1399.112 of Article 2 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.112. ~~Petition for Hearing.~~ Expedited Licensure Process.

The Board shall expedite any application of an applicant who;

(a) Pursuant to Section 115.4 of the Code, identifies themselves as an honorably discharged member of the United States Armed Forces, and who provides a Certificate of Release or Discharge from Active Duty (DD-214) or other documentary evidence showing the date and type of discharge, pursuant to Section 115.4 of the Code.

(b) Pursuant to Section 115.6 of the Code, identifies themselves as a person who is married to, or in a domestic partnership or other legal union with an active-duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active-duty military orders, and the applicant holds a valid license, or comparable authority, to practice as a hearing aid dispenser or audiologist in another United States state, district, or territory, and who provides documentary evidence as specified in paragraphs (1) through (3). application:

(1) Certificate of marriage or certified declaration or registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(2) A copy of their current license or registration in another state, district, or territory of the United States, and,

(3) A copy of the military orders establishing their spouse or partner's duty station in California.

(c) Pursuant to Section 135.4 of the Code, identifies themselves as an applicant who was admitted to the United States as a refugee pursuant to Section 1157 of Title 8 of the United States Code, or was granted asylum by the Secretary of Homeland Security or

the United States Attorney General pursuant to Section 1158 of Title 8 of the United States Code, or has a special immigrant visa (SIV) pursuant to Section 1244 of Public Law 110-181, Public Law 109-163, or Section 602(b) of Title VI of Division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government, and who provides the appropriate documentary evidence specified in paragraphs (1) through (4).

(1) Form I-94, arrival or departure record, with an admission class code such as “RE” (refugee) or “AY” (asylee) or other information designating the person a refugee or asylee;

(2) Special Immigrant Visa that includes the “SI” or “SQ”;

(3) Permanent Resident Card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee; or,

(4) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure or registration per Section 135.4 of the Code.

NOTE: Authority cited: Section ~~3328~~2531.95, Business and Professions Code.
Reference: Sections 115.4, 115.5, 155.6, and 135.4, Business and Professions Code

Amend section 1399.120 of Article 4 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.120. ~~Examinations.~~ Practical Examination.

~~(a) Either essay type or objective type examinations or both may be used in any one or more of the subject areas in which an applicant is to be examined.~~

~~(b) Each applicant is forbidden to place any identification marks on or in any of the answer sheet or to reveal his or her name to any examiner.~~

~~(c) The applicant is forbidden to take the questions from the examination room or make any record of the questions.~~

~~(d)~~ (da) Anyone cheating or caught in conduct in violation of Section 123 of the Code will be removed from the examination room and may be subject to the following.

(1) The applicant will not be permitted to take the examination for at least a minimum of one (1) year, or

(2) Be subject to disciplinary action by the Board.

(eb) An applicant who wishes to take the practical examination shall file a completed application with the Board as specified in subsection (e), ~~not sooner than 51 days nor later than 30 days prior to the date set for the examination for which application is made. Applications will be accepted in the order received by the Board, provided, however, that a maximum of fifty applicants will be scheduled for any administration of the practical examination. Applications will be returned to all those who are not within the first fifty applicants.~~

(1) The time and place of the practical examination shall be posted by the Board on its website at www.speechandhearing.ca.gov in accordance with Section 2538.31 of the Code.

(2) Applicants will be scheduled for the practical examination in the order their application was received by the Board and the examination date provided on the application.

(3) The Board will notify applicants at least fourteen (14) days prior to the date of the practical examination if they are within the maximum number of allowable applicants. The “maximum number of allowable applicants” is the number of applicants who the Board determines can take the examination based upon health and safety considerations and the availability of examination space and examiners.

(A) Applicants who are not within the maximum number of allowable applicants will be scheduled for the next available examination in the order their application was received by the Board provided that they are within the maximum number of allowable applicants for the next available examination.

(fc) The practical examination shall cover the procedures and use of instruments and equipment commonly employed in the fitting and selling of hearing aids, including:

(1) Otoscope for the visual examination of the entire ear canal;

(2) Pure tone ~~discrete or sweep~~ discrete frequency threshold type audiometer with air and bone conduction and appropriate masking circuitry;

(3) Appropriate equipment for establishing ~~speech reception threshold~~ Speech Recognition Threshold (SRT) and ~~speech discrimination scores through~~ Word Recognition Scores (WRS) under headphones and/or ~~sound field media~~ by recorded or live voice;

~~(4) Calibrated sound pressure instruments, master hearing aids, and any and all types of hearing aid simulators;~~

~~(5) Equipment designed for the evaluation and testing of hearing aid performance;~~

~~(64) Stethoscope~~Hearing aid stethoscope or other listening device.

~~(gd) An applicant shall furnish all equipment and materials necessary for the practical examination, and shall either bring a subject for the ear impression and audiometric assessment portions of the practical examination, or shall serve as such a subject for a subsequent examinee.~~

(e) A completed practical examination application submitted to the Board shall include:

(1) A non-refundable examination fee of five hundred dollars (\$500) to take the examination or two hundred fifty dollars (\$250) to retake a portion of the examination;

(2) Applicant's full legal name, telephone number, mailing address, date of birth of the applicant;

(3) Applicant email address, if any;

(4) The applicant shall disclose whether the applicant is serving in, or has previously served and was honorably discharged from, the United States military.

(5) The applicant shall disclose their eligibility for an expedited licensure process and provide evidence in accordance with Section 1399.112.

(6) Exam date;

(7) Type of license the applicant is applying for, and if applicable, the license type and number of any license of another Board the applicant holds;

(8) How many times and when the applicant has taken the practical examination in the past five (5) years and, if re-taking the examination, which portions of the exam were failed;

(9) Any request for accommodation for disability pursuant to the Americans with Disabilities Act. If the applicant requests an accommodation, the applicant shall provide the following:

(A) A written statement describing the accommodation sought and stating the medical condition necessitating the accommodation; and,

(B) Documentation, such as an original letter on letterhead from the

applicant's physician, which includes the nature of the disability, recommendation for the accommodation requested by the applicant, and the physician's signature.

(10) A written statement, signed by the applicant, certifying under penalty of perjury under the laws of the state of California that all of the information provided in the application is true and correct and that misstatements or omissions of material facts may be cause for denial of the application, or for suspension or revocation of the license.

(f) Applicants who fail the practical examination may retake the examination by filing a completed application with the Board as specified in subsection (e).

Note: Authority cited: Sections 2531.06 and 2531.95, Business and Professions Code.
Reference: Sections 114.5, 115.4, 115.5, 135.4, 2538.25, 2538.31, and 2538.57, Business and Professions Code

Amend section 1399.121 of Article 4 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.121. ~~Inspection of~~Written Examination Papers.

(a) Anyone cheating or caught in a conduct in violation of Section 123 of the Code will be removed from the examination room and may be subject to the following.

(1) The applicant will not be permitted to take the examination for at least a minimum of one (1) year, or

(2) Be subject to disciplinary action by the Board.

(b) An applicant who wishes to take the Board's written examination shall file a completed application with the Board as specified in subsection (e).

(c) The written examination shall cover the applicant's knowledge of job activities commonly employed in the fitting and selling of hearing aids, including:

(1) Evaluating and interpreting audiometric test results,

(2) Assessing client history and hearing ability (through audiometric testing),

(3) Selecting and evaluation of hearing aids,

(4) Fitting a hearing aid and providing the instructions on care and use,

(5) Troubleshooting and evaluating hearing aids, and

(6) California state and federal laws and regulations concerning the sale of hearing aids, which shall include the legal obligation to the client to adjust, replace, and refund hearing aids; and the requirements of documenting hearing aid sales.

(d) All writtenWritten examination papersrecords, including the scoring report for each applicant, shall be retained by the Board for a period of three (3)~~two~~ years after the date of the applicant's initial licensure or abandonment of the applicationexamination.

(e) A completed written examination application submitted to the Board shall include:

(1) A non-refundable examination fee of two hundred twenty-five dollars (\$225);

(2) Applicant's full legal name, mailing address, and date of birth;

(3) Applicant email address, if any;

(4) Applicant's signature and the date signed.

(f) Applicants who fail the written examination may retake the examination by filing a completed application with the Board as specified in subsection (e).

Note: Authority cited: Sections 2531.06 and 2531.95, Business and Professions Code.
Reference: Sections 2538.25 and 2538.57, Business and Professions Code.

Amend section 1399.122 of Article 4 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.122. Practical Examination Appeals.

(a) An applicant who has failed the practical examination may appeal to the Board within ~~sixty (60)~~thirty (30) days following receipt of his/~~her~~their examination results. The bases for an appeal are:

(1) ~~examiner~~Examiner misconduct, which means prejudice or bias as evidenced by the statements and/or actions of an examiner; ~~and~~or

(2) ~~significant~~Significant procedural error in the examination process.

(b) The appeal shall be in writing, signed by the applicant, and shall specify the ~~grounds upon which~~basis of the appeal is based.

(c) An applicant will be notified in writing of the results of the appeal. ~~In acting on appeals, the Board may take such action as it deems appropriate~~ within sixty (60) days of receipt of the written appeal by the Board.

Note: Authority cited: Sections 2531.06 and 2531.95, Business and Professions Code.
Reference: Section 2538.25, Business and Professions Code.

Add section 1399.152.4 of Article 3 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§1399.152.4 Dispensing Audiologist Examination Requirement

Prior to being licensed, an applicant for a dispensing audiology license shall meet the requirements in Sections 2532.2 or 2532.25 of the Code and shall successfully take and pass the written examination described in section 1399.121 as the Board-approved examination required by Section 2539.1(a)(1) of the Code.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2531.3, 2532.2, 2532.25 and 2539.1, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

**PROPOSED REGULATORY LANGUAGE
Hearing Aid Dispensers and Dispensing Audiologists
Examination Requirements**

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1399.120 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.120. ~~Examinations.~~ Practical Examination.

~~(a) Either essay type or objective type examinations or both may be used in any one or more of the subject areas in which an applicant is to be examined.~~

~~(b) Each applicant is forbidden to place any identification marks on or in any of the answer sheet or to reveal his or her name to any examiner.~~

~~(c) The applicant is forbidden to take the questions from the examination room or make any record of the questions.~~

~~(d)~~ Anyone cheating will be removed from the examination room.

~~(e)~~ An applicant who wishes to take the practical examination, which is administered by the Board, shall file a completed application with the Board as specified in subsection (e) not sooner than 51 days nor during a 10 day filing period fixed and posted by the Board on its website at www.speechandhearing.ca.gov and such filing period shall occur no later than 360 days prior to the date set for the examination for which application is made. Applications will be accepted in the order received by the Board, provided, however, that a maximum number of allowable applicants of fifty applicants will be scheduled for any administration of the practical examination. The "maximum number of allowable applicants" is the number of applicants who the Board determines can take the examination based upon health and safety considerations and the availability of examination space and examiners. Applications will be returned to all those who are not within the first fifty maximum number of allowable applicants and the Board shall, at least 14 days prior to the date set for the examination, provide the applicant with written notice of the reason their application is being returned and the need to reapply during the next filing period.

~~(f)~~ The practical examination shall cover the procedures and use of instruments and

equipment commonly employed in the fitting and selling of hearing aids, including but not limited to:

- (1) Otoscope for the visual examination of the entire ear canal;
- (2) Pure tone ~~discreet or sweep~~discrete frequency threshold type audiometer with air and bone conduction and appropriate masking circuitry;
- (3) Appropriate equipment for establishing ~~speech reception threshold~~Speech Recognition Threshold (SRT) and ~~speech discrimination scores through~~word recognition scores (WRS) under headphones and/or sound field media by recorded or live voice;
- ~~(4) Calibrated sound pressure instruments, master hearing aids, and any and all types of hearing aid simulators;~~
- ~~(5) Equipment designed for the evaluation and testing of hearing aid performance;~~
- ~~(6) Stethoscope~~Hearing aid stethoscope or other listening device.

(gd) An applicant shall furnish all equipment and materials necessary for the practical examination, and shall ~~either bring a subject for the ear impression and audiometric assessment portions of the practical examination, or shall serve as such a subject for a subsequent examinee.~~

(e) A completed practical examination application submitted to the Board shall include:

- (1) A non-refundable examination fee of five hundred dollars (\$500);
- (2) Applicant's full legal name, telephone number, address of record, date of birth of the applicant;
- (3) Applicant email address, if any;
- (4) The applicant shall disclose whether the applicant is serving or has previously served in the United States military.
- (5) The applicant shall disclose whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: a Certificate of Release or Discharge from Active Duty (DD-214) or other documentary evidence showing the date and type of discharge.

(6) The applicant shall disclose whether already hold a valid license, or comparable authority, to practice as a hearing aid dispenser or audiologist in another United States state, district or territory, and whether their spouse or domestic partner is an active-duty member of the Armed Forces of the United States and was assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review:

(A) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(B) A copy of their current license in another state, district, or territory of the United States, and,

(C) A copy of the military orders establishing their spouse or partner's duty station in California.

(7) The applicant shall disclose whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a Special Immigrant Visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide the applicable documentation below with the application to receive expedited review:

(A) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;

(B) Special Immigrant Visa that includes the "SI" or "SQ";

(C) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,

(D) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(8) Exam date and filing period;

(9) Type of license applicant is applying for, and if applicable, the license type and number of any other Board the applicant may hold;

(10) Information on whether the applicant has taken the practical examination in the past five years and which portions of the exam were failed, if re-taking the examination;

(11) Any request for accommodation for disability pursuant to the Americans with Disabilities Act. If the applicant requests an accommodation, the applicant shall provide the following:

(A) A written statement describing the accommodation sought and stating the medical condition necessitating the accommodation; and,

(B) Documentation, such as an original letter on letterhead from the applicant's physician, which includes the nature of the disability, recommendation for the accommodation requested by the applicant, and the physician's signature, must be submitted.

(12) A written statement, signed by the applicant, certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Sections 115.4, 115.5, 135.4, 2538.25, and 2538.57, Business and Professions Code

Amend section 1399.121 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.121. ~~Inspection of~~Written Examination Papers.

(a) Anyone cheating will be removed from the examination room.

(b) An applicant who wishes to take the Board's written examination shall file a completed application as specified in subsection (e) with the Board.

(c) The written examination shall cover the applicant's knowledge as applied to job activities commonly employed in the fitting and selling of hearing aids, including:

(1) Evaluating and interpreting audiometric test results,

(2) Assessing client history and hearing ability (through audiometric testing),

(3) Selecting and evaluation of hearing aids,

(4) Fitting a hearing aid and providing the instructions on care and use

(5) Troubleshooting and evaluating hearing aids, and

(6) California state and federal laws and regulations concerning the sale of hearing aids, which shall include the legal obligation to client to adjust, replace, and refund hearing aids; and requirements of documenting hearing aid sales.

(d) All ~~written~~ Written examination papers/records, including the scoring report for each applicant, shall be retained by the Board for a period of three~~two~~ years after the date of the applicant's initial licensure or abandonment of the application examination.

(e) A completed written examination application submitted to the Board shall include:

(1) A no-refundable examination fee of two hundred twenty-five dollars (\$225);

(2) Applicant's full legal name, telephone number, address of record, and date of birth;

(3) Applicant email address, if any;

(4) The applicant shall disclose whether the applicant is serving or has previously served in the United States military.

(5) The applicant shall disclose whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing the date and type of discharge.

(6) The applicant shall disclose whether already hold a valid license, or comparable authority, to practice as a hearing aid dispenser or audiologist in another U.S. state, district or territory, and whether their spouse or domestic partner is an active-duty member of the Armed Forces of the United States and was assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review:

(A) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(B) A copy of their current license in another state, district, or territory of the United States, and,

(C) A copy of the military orders establishing their spouse or partner's duty station in California.

(7) The applicant shall disclose whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a Special Immigrant Visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide the applicable documentation below with the application to receive expedited review:

(A) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;

(B) Special Immigrant Visa that includes the "SI" or "SQ";

(C) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,

(D) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(8) Type of license applicant is applying for, and if applicable, the license type and number of any other Board license the applicant may hold;

(9) Information on whether the applicant has taken the practical examination in the past five years and which portions of the exam were failed, if re-taking the examination; and

(10) Applicant's signature certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

(11) Any request for accommodation pursuant to the Americans with Disabilities Act. If the applicant requests an accommodation, the applicant shall provide the following:

(A) A written statement describing the accommodation sought and stating the medical condition necessitating the accommodation; and,

(B) Documentation, such as an original letter on letterhead from the applicant's physician, which includes the nature of the disability, recommendation for the accommodation requested by the applicant, and

the physician's signature, must be submitted.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section s 115.4, 115.5, 135.4, 2538.25, and 2538.57, Business and Professions Code.

Amend section 1399.122 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.122. Practical Examination Appeals.

(a) An applicant who has failed the practical examination may appeal to the Board within ~~sixty (60)~~thirty (30) days following receipt of ~~his/her~~their examination results. The bases for an appeal are:

(1) ~~examiner~~Examiner misconduct, which means prejudice or bias as evidenced by the statements and/or actions of an examiner; ~~and~~and/or

(2) ~~significant~~Significant procedural error in the examination process.

(b) The appeal shall be in writing, signed by the applicant, and shall specify the ~~grounds upon which~~basis of the appeal ~~is based~~.

(c) An applicant will be notified in writing of the results of the appeal. ~~In acting on appeals, the Board may take such action as it deems appropriate~~ within sixty (60) days of receipt of the written appeal by the Board.

Note: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section 2538.25, Business and Professions Code.

Add section 1399.152.4 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§1399.152.4 Dispensing Audiologist Examination Requirement

Prior to being licensed, an applicant for a dispensing audiology license shall meet the requirements in Sections 2532.2 or 2532.25 of the Code and shall successfully take and pass the written examination described in California Code of Regulations, title 16, section 1399.121 as the Board-approved examination required by Section 2539.1(a)(1) of the Code.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2531.3, 2532.2, 2532.25 and 2539.1, Business and Professions Code.



WRITTEN EXAMINATION APPLICATION HEARING AID DISPENSING \$225.00 (NON-REFUNDABLE)

PLEASE NOTE:

- Once the Board has processed your application, the contracted testing agency, PSI, will mail you the instructions for scheduling the written exam. Please allow four (4) to six (6) weeks for the notification. You may go to PSI's website at www.psiexams.com to download the *Candidate Information Bulletin*.
- The written exam is administered by PSI at examination centers in California. You may go to PSI's website to locate the test center closest to you.
- You will be given your exam results immediately after the exam. If you pass, you will be given an application for the practical exam. If you do not pass, and choose to retake the written exam, you must re-apply using the re-examination application found on the Board's website at www.speechandhearing.ca.gov.

Applicant Information:

1. FULL LEGAL NAME:	LAST	FIRST	MIDDLE
2. STREET ADDRESS			
CITY, STATE, ZIP CODE:			
3. DATE OF BIRTH:			
4. EMAIL ADDRESS (IF ANY):			

APPLICANT SIGNATURE: _____ DATE SIGNED: _____



PRACTICAL EXAMINATION APPLICATION HEARING AID DISPENSING \$500.00 or \$250.00 (NON-REFUNDABLE)

IMPORTANT INFORMATION:

- Candidates must pass the written exam before applying to take the practical exam.
- Please check the Board’s website at www.speechandhearing.ca.gov for practical exam dates. Exam dates are subject to change. If no exam date is listed, the Board has not scheduled an exam.
- Please be advised that you must bring your own equipment and subject to the exam, or you will not be allowed to take the exam. There will be NO sharing of equipment, subject, or both at the exam.
- If you require special accommodations, please complete the *Reasonable Accommodation Request for Hearing Aid Dispenser Examinations* form available on our website.
- Results of the practical exam are mailed within four (4) to six (6) weeks.

Candidate Information:

1. FULL LEGAL NAME: LAST			FIRST			MIDDLE		
2. STREET ADDRESS:								
CITY, STATE, ZIP CODE:								
3. DATE OF BIRTH:								
4. EMAIL ADDRESS (IF ANY):								
5. EXAM DATE:			6. FILING PERIOD:			7. TELEPHONE:		
8. ARE YOU, A SPOUSE, OR DOMESTIC PARTNER OF AN ACTIVE DUTY MILITARY PERSONNEL? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, you may qualify for expedited application processing if you: 1) provide evidence that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty orders and; 2) hold a current license in another state, district, or territory of the United States in hearing aid dispensing.								
9. ARE YOU AN HONORABLY DISCHARGED VETERAN OF THE ARMED FORCES? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, you may qualify for expedited application processing if you: supply satisfactory evidence to the Board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.								

10. BUSINESS AND PROFESSIONS CODE SECTION 135.4 PROVIDES THAT THE BOARD MUST EXPEDITE, AND MAY ASSIST, THE INITIAL LICENSURE PROCESS FOR CERTAIN APPLICANTS DESCRIBED BELOW.

Do any of the following statements apply to you?

YES NO

- You were admitted to the United States as a refugee pursuant to section 1157 of title 8 of the United States Code;
- You were granted asylum by the Secretary of Homeland Security or the United States Attorney General pursuant to section 1158 of title 8 of the United States code; or,
- You have a special immigrant visa and were granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602(b) of title VI of division F of Public Law 111-8, relating to Iraqi and Afghan translators/interpreters or those who worked for or on behalf of the United States government.

If you selected yes, you must attach evidence of your status as a refugee, asylee, or special immigrant visa holder. Failure to do so may result in application review delays.

TYPE OF CANDIDATE –

Select one and include license number:

- HT _____
- HTL _____
- AU _____
- RPE _____
- AIDE _____

If you do not have a license number, please select one:

- Hearing Aid Dispensing License Path
- Audiology Student

Have you taken the Practical Examination in the past? If so, how many times and when?

If this is a re-take which Station(s) did you fail?

I hereby certify under penalty of perjury under the laws of the State of California that all statements made herein are true in every respect and that misstatements or omissions of material facts may be cause for denial of this application, or for suspension or revocation of a license.

APPLICANT SIGNATURE: _____ DATE SIGNED: _____

**Attachment E:
Projected Examination Cost
Fiscal Year (FY) 2023-2024**

Written Examination		
Category	Cost Per Candidates*	Exam Cost
Exam Development	\$133	\$32,082
Exam Administration	\$44	\$10,561
Personnel	\$74	\$18,000
Total	\$251	\$60,644

**The Board projects 242 candidates will complete the written exam in FY 2023-24.*

Practical Examination		
Category	Cost Per Candidates**	Exam Cost
Exam Development	\$29	\$4,762
Exam Administration	\$216	\$36,005
Personnel	\$357	\$59,557
Total	\$601	\$100,324

**The Board projects 167 candidates will complete the practical exam in FY 2023-24.*



MEMORANDUM

DATE	October 4, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item #13(j): Discussion and Possible Action to Amend Regulations Regarding Processing Times as Stated in Title 16, CCR Sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13

Background

The proposed regulatory changes will remove processing times and the references to processing times in multiple regulation sections.

In October of 2021, the Board adopted proposed regulatory text to remove 16 CCR sections 1399.113 and 1399.151 through a Section 100 rulemaking process. However, these sections did not qualify for the Section 100 rulemaking process because of the authority relied upon to adopt Board's processing times in those regulation sections. This proposed regulation will remove processing times in those sections and others through the formal rulemaking process.

Government Code section 15376 of the Permit Reform Act of 1981 required state agencies to adopt regulations regarding their procedures for considering and issuing permits. The Board adopted 16 CCR sections 1399.113 and 1399.151.1 to state the Board's processing times. However, the Permit Reform Act was repealed by Assembly Bill 1757 (Committee on Budget, Chapter 229, Statutes of 2003), and thus specifying processing times in regulation is no longer required. Along with repealing 16 CCR sections 1399.113 and 1399.151.1, this rulemaking also proposes amendments that strike out language regarding processing times in 16 CCR sections 1399.141, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13.

Board staff doesn't find it necessary to update the regulations regarding processing times because the Board's established processing goal per DCA policy is to process complete applications within 30 days and actual processing times will vary for a variety of different reasons: applicants obtaining review under a statutorily required expediting process, seasonal increases in application submissions, or the submission of an incomplete applications. Furthermore, pursuant to Business and Professions Code section 139.5, on a quarterly basis the Board provides the timeframes for processing applications on the Board's internet website.

Summary of Changes

The following are additions made to the proposed regulatory package since the August 2022 Board-approved amendments:

- Amend section 1399.141 to remove processing time specified in narrative form.
- Amend section 1399.153.2 to remove processing time specified in narrative form.
- Amend section 1399.170.4 to remove processing time specified in narrative form.
- Amend section 1399.170.13 to remove a reference regarding changes to the SLPA application form. Board staff will make those changes as a separate rulemaking.

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to amend and approve the revised regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR sections 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4, and 1399.170.13, 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 1399.113, 1399.141, 1399.151.1, 1399.153.2, 1399.160.6, 1399.170.4. and 1399.170.13 as noticed.

Attachment A: Processing Times Proposed Text

Attachment B: Application and Processing Times Proposed Regulatory Text approved by the Board in October 2021

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Processing Times

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
--

Repeal Section 1399.113 of Article 2 of Division 13.3 of Title 16 of the California Code of Regulations (CCR) as follows:

~~§ 1399.113. Review of Hearing Aid Dispenser Applications; Processing Time.~~

~~(a) The Board shall inform in writing an applicant for licensure as a hearing aid dispenser within 17 days of receipt of the initial application form whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(b) The Board shall inform an applicant for licensure as a hearing aid dispenser within 189 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.~~

~~NOTE: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section 2538.24, Business and Professions Code.~~

Amend Section 1399.141 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations (CCR) as follows:

§ 1399.141. Approval of Continuing Education Providers.

(a) In order to be approved by the Board as a continuing education provider the following information shall be submitted with an application, Continuing Education Course Approval Application for Hearing Aid Dispensers, form CEP 100 (Rev 05/16), incorporated herein by reference, provided by the Board:

- (1) Remit the \$50 per subject continuing education course approval fee.
- (2) The course content for all courses, including ethics, shall be current practices as related to the fitting of hearing aids for aiding or compensating for impaired

human hearing or any of the subjects listed in subsection (a)(1) of section 1399.140, within the scope of practice for a dispenser as defined by Section 2538.11 of the Code and generally for the benefit of the consumer. The course content shall be information related to the fitting of hearing aids, and this information shall be at a level above that basic knowledge required for licensure as set forth in Section 2538.25 of the Code, except that basic knowledge which would serve as a brief introduction to the course. The phrase “at a level above that basic knowledge” means any subjects, issues, topics, theories, or findings that are more advanced than the entry level of knowledge of the practice of fitting or selling hearing aids as provided in Section 2538.11 of the Code.

(3) Teaching methods for each course or program shall be described, e.g., lecture, seminar, audiovisual, simulation, etc.

(4) Each course or program shall clearly state the educational objective that can be realistically accomplished within the framework of the course or program, and the number of hours of continuing education credit which may be obtained by completion of a specified course.

(5) Instructors shall be qualified to teach the specified course content by virtue of their prior education, training and experience. A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(A) A license, or, if in a setting or state which does not require licensure, legal authorization to provide services in an area related to the subject matter of the course. The license shall be current, valid, and free from restrictions due to disciplinary action by the Board or any other health care regulatory agency;

(B) Training or experience in teaching courses in the subject matter; or

(C) At least two years' experience in an area related to the subject matter of the course. A resume of each instructor shall be forwarded with the application for approval.

(6) Each course or program shall include an evaluation method which documents that educational objectives have been met, such as, but not limited to, a written evaluation or written examination by each participant.

(7) Only those courses or programs which are open to all licensed hearing aid dispensers shall be approved by the Board.

(b) Providers shall maintain a record of attendance of each participant who is licensed as a hearing aid dispenser for a period of four (4) years, and shall provide such record

to the Board upon request. The record shall indicate those dispensers who have complied with the requirements of the course or program offered.

(c) Applications for approval of a continuing education provider shall be submitted to the Board at its Sacramento office ~~allowing for sufficient time for review and prior approval as follows: The Board will inform the provider within 30 days of receipt of the application whether the application is complete or deficient. The provider shall cure any deficiency within 30 days of such notice. The Board will approve or deny the application within 30 days of the date that the application is complete, or the last date to cure the deficiency.~~ A provider may appeal to the Executive Officer of the Board the denial of approval of any course. Such appeal shall be filed with the Executive Officer of the Board not more than 30 days after the date of notice of such denial. The Executive Officer shall notify the provider of the final decision within ten (10) days of the appeal.

(d) Any change in the course content or instructor shall be reported to the Board on a timely basis.

(e) The Board may withdraw the approval of any provider for failure to comply with the provisions of this section.

(f) Each provider shall submit to the Board on an annual basis a description or outline of each approved course to be offered the following year and a resume of any new instructor who will be presenting the course. This information shall be submitted prior to the re-offering of the course within the timeframe set forth in subsection (c).

NOTE: Authority cited: Section 2538.18, Business and Professions Code. Reference: Sections 2538.18 and 2538.57, Business and Professions Code.

Repeal Section 1399.151.1 of Article 2 of Division 13.4 of Title 16 of the CCR as follows:

~~§ 1399.151.1. Review of Applications; Processing Time.~~

~~(a) Speech-Language Pathology Licenses.~~

~~(1) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.~~

~~(b) Audiology Licenses.~~

~~(1) The Board shall inform in writing an applicant for licensure as an audiologist within 46 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for licensure as an audiologist within 20 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.~~

~~(c) Aide Registrations.~~

~~(1) The Board shall inform in writing an applicant for registration as an aide within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for registration as an aide within 20 days after completion of the application, of its decision whether the applicant meets the requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(d) Continuing Professional Development Provider Approvals.~~

~~(1) The Board shall inform in writing an applicant for approval as a continuing professional development provider within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required to correct the deficiency.~~

~~(2) The Board shall inform in writing an applicant for approval as a continuing professional development provider within 30 days after completion of the application, of its decision whether the applicant meets the requirements for approval. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(e) Continuing Professional Development Course Submissions.~~

~~(1) The Board shall inform in writing a licensee and/or a continuing professional development provider within 30 days as to whether a voluntary petition for course approval documentation is complete and accepted for filing or is deficient and what specific information is required to correct the deficiency. The term "complete" means~~

~~that all required information and documentation has been filed by the licensee and/or continuing professional development provider.~~

~~(2) The Board shall inform in writing a licensee and/or continuing professional development provider within 45 days after completion of the documentation submitted for a voluntary petition for course approval, of its decision whether the course meets the course content requirements as defined in Section 1399.160.4.~~

~~(f) Speech-Language Pathology Assistant.~~

~~(1) The Board shall inform an applicant for registration as a speech-language pathology assistant within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform an applicant for approval as a speech-language pathology assistant within 85 days after completion of the application, of its decision whether the applicant meets the requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~NOTE: Authority cited: Sections 2531.95, 2532.6(a) and 2538.1(a), Business and Professions Code. Reference: Sections 2530.6, 2531.4, 2532.6(e), 2532.6(e)(2) and 2534.2(f), Business and Professions Code.~~

Amend Section 1399.153.2 of Article 4 of Division 13.4 of Title 16 of the CCR as follows:

§ 1399.153.2. Application and Fees.

~~(a) All persons desiring to begin their required professional experience shall file an RPE temporary license application with the Board as provided in Section 1399.151. No person shall commence any RPE in a setting in which licensure is required in the Act until he or she has been issued a required professional experience temporary license. Upon receipt of the RPE temporary license application, the Board will immediately review the RPE plan and notify the applicant of its approval or disapproval. As soon as possible thereafter the Board will review the applicant's credentials and notify the applicant as to the approval of his or her credentials for licensure.~~

~~(b) All RPE temporary license applicants shall submit at the time of filing the RPE temporary license application a non-refundable fee of \$35.00 which is applicable to the application fee as required in Section 1399.157(a).~~

~~(c) Any experience gained prior to the issuance of the RPE temporary license will not be counted toward licensure, unless the RPE temporary license holder is practicing in a setting exempt under Section 2530.5 of the Code, or in another state.~~

(d) Application under this section shall constitute temporary licensure of the RPE applicant under Section 2530.5 of the Code.

NOTE: Authority cited: Section 2531.95, Business and Professions Code. Reference: Sections 2530.5, 2532.1 and 2532.2, Business and Professions Code.

Amend Section 1399.160.6 of Article 11 of Division 13.4 of Title 16 of the CCR as follows:

§ 1399.160.6. Continuing Professional Development Course Approval.

(a) A licensee shall only be credited with continuing professional development hours if the licensee takes a course from a board-approved provider with a valid, current approval as a provider or from an entity listed in Section 2532.6(e)(1) of the Code.

(b) Courses related to the dispensing of hearing aids as offered by hearing aid manufacturers or companies for the purposes of continuing professional development shall be reviewed by the Board prior to the offering of the course. The continuing professional development provider must submit such request for course approval to the Board ~~according to the timeline in Section 1399.151.1(e)~~. Such request shall include:

(1) The nature of the sponsoring institution, the Board issued professional development provider number (with the exception of those entities listed in Section 2532.6(e)(1)), the address, telephone number, and contact person.

(2) Course title, date(s), location(s), and number of continuing professional development hours offered.

(3) Type and method of educational instruction and learner outcomes to be met.

(4) A course outline, course description, and instructor information and qualifications.

(5) If available, advertisements intended to be used by the provider to advertise the relevant course.

(c) A licensee or a continuing professional development provider may voluntarily petition Board consideration of any courses offered by an approved provider or an entity listed in Section 2532.6(e)(1) of the Code. The licensee or continuing professional development provider must submit such request for course approval to the Board ~~according to the timeline in Section 1399.151.1(e)~~. Such request shall include:

(1) The name of the sponsoring institution, the Board issued professional development provider number (with the exception of those entities listed in Section 2532.6(e)(1)), the address, telephone number, and contact person.

(2) Course title, date(s), location(s), and number of continuing professional development hours offered.

(3) Type and method of educational instruction and learner outcomes to be met.

(4) A course outline, course description, and instructor information and qualifications.

(5) If available, advertisements intended to be used by the provider to advertise the relevant course.

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (e)(1) and (e)(2), Business and Professions Code.

Amend Section 1399.170.4 of Article 12 of Division 13.4 of Title 16 of the CCR to read as follows:

§ 1399.170.4. Application for Approval of Speech-Language Pathology Assistant Training Programs.

(a) To be eligible for approval by the Board as a speech-language pathology assistant training program (hereinafter referred to as “program”), the sponsoring institution shall be accredited by the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges.

(b) An educational institution seeking approval of a speech-language pathology assistant program shall:

(1) Notify the Board in writing, by submitting a request from the officially designated representative of the sponsoring institution and the speech-language pathology assistant program director, of its intent to offer a new program.

(2) No later than six (6) months prior to the enrollment of students, submit a formal proposal to the Board demonstrating how the program will meet the requirements of Sections 1399.170.5. through 1399.170.10. The Board, at its sole discretion, may retroactively approve programs that enrolled students prior to the effective date of the regulations.

(c) The Board shall review the request and formal proposal and may thereafter grant or deny approval. The Board may request additional information to evaluate the request for approval and shall notify the program of its decision in writing within sixty (60) days from receipt of all requested documents.

(d) A material misrepresentation by the program of any information required to be submitted to the Board may be grounds for denial of approval or removal of the program from the approved list.

Credits

NOTE: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1(b)(2), Business and Professions Code.

Amend Section 1399.170.13 of Article 12 of Division 13.4 of Title 16 of the CCR to read as follows:

§ 1399.170.13. Application.

Each person desiring registration as a speech-language pathology assistant shall file application forms (77A-60 New 08/01 and, if applicable, 77A-61 New 12/99) and any required supporting documentation with the Board ~~as provided in Section 1399.151.1.~~ Upon receipt of the speech-language pathology assistant application, the Board will review the application for registration and notify the applicant of its approval or disapproval.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: Section 2538.1, Business and Professions Code.

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Application and Processing Times

Legend: Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Repeal section 1399.113 of Division 13.3 of Title 16 of the CCR as follows:

~~§ 1399.113. Review of Hearing Aid Dispenser Applications; Processing Time.~~

~~(a) The Board shall inform in writing an applicant for licensure as a hearing aid dispenser within 17 days of receipt of the initial application form whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(b) The Board shall inform an applicant for licensure as a hearing aid dispenser within 189 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.~~

~~NOTE: Authority cited: Section 2531.06, Business and Professions Code. Reference: Section 2538.24, Business and Professions Code.~~

Repeal section 1399.151.1 of Division 13.4 of Title 16 of the CCR as follows:

~~§ 1399.151.1. Review of Applications; Processing Time.~~

~~(a) Speech-Language Pathology Licenses.~~

~~(1) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for licensure as a speech-language pathologist within 37 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation~~

~~and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.~~

~~(b) Audiology Licenses.~~

~~(1) The Board shall inform in writing an applicant for licensure as an audiologist within 46 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for licensure as an audiologist within 20 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended if the applicant is delayed in obtaining or completing any required professional experience.~~

~~(c) Aide Registrations.~~

~~(1) The Board shall inform in writing an applicant for registration as an aide within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform in writing an applicant for registration as an aide within 20 days after completion of the application, of its decision whether the applicant meets the requirements for registration. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(d) Continuing Professional Development Provider Approvals.~~

~~(1) The Board shall inform in writing an applicant for approval as a continuing professional development provider within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required to correct the deficiency.~~

~~(2) The Board shall inform in writing an applicant for approval as a continuing professional development provider within 30 days after completion of the application, of its decision whether the applicant meets the requirements for approval. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~(e) Continuing Professional Development Course Submissions.~~

~~(1) The Board shall inform in writing a licensee and/or a continuing professional development provider within 30 days as to whether a voluntary petition for course~~

~~approval documentation is complete and accepted for filing or is deficient and what specific information is required to correct the deficiency. The term “complete” means that all required information and documentation has been filed by the licensee and/or continuing professional development provider.~~

~~(2) The Board shall inform in writing a licensee and/or continuing professional development provider within 45 days after completion of the documentation submitted for a voluntary petition for course approval, of its decision whether the course meets the course content requirements as defined in Section 1399.160.4.~~

~~(f) Speech-Language Pathology Assistant.~~

~~(1) The Board shall inform an applicant for registration as a speech-language pathology assistant within 30 days whether the application is complete and accepted for filing or is deficient and what specific information is required.~~

~~(2) The Board shall inform an applicant for approval as a speech-language pathology assistant within 85 days after completion of the application, of its decision whether the applicant meets the requirements for registration. “Completion of the application” means that a completed application form together with all required information, documentation and fees have been filed by the applicant.~~

~~NOTE: Authority cited: Sections 2531.95, 2532.6(a) and 2538.1(a), Business and Professions Code. Reference: Sections 2530.6, 2531.4, 2532.6(e), 2532.6(e)(2) and 2534.2(f), Business and Professions Code.~~

Amend section 1399.160.6 of Division 13.4 of Title 16 of the CCR as follows:

§ 1399.160.6. Continuing Professional Development Course Approval.

(a) A licensee shall only be credited with continuing professional development hours if the licensee takes a course from a board-approved provider with a valid, current approval as a provider or from an entity listed in Section 2532.6(e)(1) of the Code.

(b) Courses related to the dispensing of hearing aids as offered by hearing aid manufacturers or companies for the purposes of continuing professional development shall be reviewed by the Board prior to the offering of the course. The continuing professional development provider must submit such request for course approval to the Board ~~according to the timeline in Section 1399.151.1(e)~~. Such request shall include:

(1) The nature of the sponsoring institution, the Board issued professional development provider number (with the exception of those entities listed in Section 2532.6(e)(1)), the address, telephone number, and contact person.

(2) Course title, date(s), location(s), and number of continuing professional development hours offered.

(3) Type and method of educational instruction and learner outcomes to be met.

(4) A course outline, course description, and instructor information and qualifications.

(5) If available, advertisements intended to be used by the provider to advertise the relevant course.

(c) A licensee or a continuing professional development provider may voluntarily petition Board consideration of any courses offered by an approved provider or an entity listed in Section 2532.6(e)(1) of the Code. The licensee or continuing professional development provider must submit such request for course approval to the Board ~~according to the timeline in Section 1399.151.1(e)~~. Such request shall include:

(1) The name of the sponsoring institution, the Board issued professional development provider number (with the exception of those entities listed in Section 2532.6(e)(1)), the address, telephone number, and contact person.

(2) Course title, date(s), location(s), and number of continuing professional development hours offered.

(3) Type and method of educational instruction and learner outcomes to be met.

(4) A course outline, course description, and instructor information and qualifications.

(5) If available, advertisements intended to be used by the provider to advertise the relevant course.

NOTE: Authority cited: Sections 2531.95 and 2532.6(a), Business and Professions Code. Reference: Section 2532.6(b), (e)(1) and (e)(2), Business and Professions Code.

Amend section 1399.170.13 of Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.170.13. Application.

(a) Each person desiring registration as a speech-language pathology assistant shall file a completed application forms (77A-60 New 08/01 and, if applicable, 77A-61 New 12/99) and any required supporting documentation with the Board as provided in Section 1399.151.1 specified in subsection (b). Upon receipt of the speech-language pathology assistant application, the Board will review the application for registration and notify the applicant of its approval or disapproval. Failure to comply with the requirements of this section renders any application incomplete and the license will not

be issued until the licensee demonstrates compliance with all requirements.

(b) A completed application submitted to the Board shall include:

(1) A non-refundable fee as specified in Section 1399.157;

(2) Applicant's full legal name, other names used to include maiden name, address of record, telephone number, social security number or individual tax identification number, date of birth;

(3) Applicant's email address, if any;

(4) The applicant shall disclose whether they are serving or has previously served in the United States military.

(5) The applicant shall disclose whether they are an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: a Certificate of Release or Discharge from Active Duty (DD-214) or other documentary evidence showing the date and type of discharge.

(6) The applicant shall disclose whether they hold a current, active, and unrestricted license, or comparable authority, to practice in speech-language pathology or audiology in another United States state, district or territory, and whether their spouse or domestic partner is an active-duty member of the Armed Forces of the United States and was assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review:

(A) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces,

(B) A copy of their current license in another state, district, or territory of the United States, and,

(C) A copy of the military orders establishing their spouse or partner's duty station in California.

(7) The applicant shall disclose whether they were admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a Special Immigrant Visa (SIV).

If the applicant affirmatively states they meet any of these criteria, they shall provide the applicable documentation below with the application to receive expedited review:

(A) Form I-94, arrival/departure record, with an admission class code such as “RE” (refugee) or “AY” (asylee) or other information designating the person a refugee or asylee;

(B) Special Immigrant Visa that includes the “SI” or “SQ”;

(C) Permanent Resident Card (Form I-551), commonly known as a “green card,” with a category designation indicating that the person was admitted as a refugee or asylee; or,

(D) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(8) The applicant shall provide the following regarding required education as specified in Section 1399.170.11:

(A) Name of the institution;

(B) City and state of the institution;

(C) Field of study, or major;

(D) Type of degree received;

(E) Date of the degree received;

(F) Official transcript sealed by the institution and mailed to the Board; and

(G) If the degree is not posted on the official transcript, a photocopy of diploma.

(9) The applicant shall provide the following regarding fieldwork experience as specified in 1399.170.11:

(A) Applicant’s full legal name

(B) Name of the institution;

(C) Supervisor’s full legal name and license number;

(D) Location of where the experience was obtained;

(E) Start and end dates of the experience;

(F) Hours earned; and

(G) A written statement, signed by the training program director or coordinator and the applicant, certifying that all of the information provided in the form is true and correct under penalty of perjury under the laws of the state of California.

(10) The applicant shall disclose if they have been licensed to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where the license was issued.

(11) The applicant shall disclose if they have been denied a license to practice speech-language pathology or audiology in any other state or country, and if applicable, the state and country where the license was issued. Applicants are not required to disclose any information regarding a denial based upon any of the following:

(A) Convictions dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement;

(B) Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;

(C) Convictions for which the person has been granted clemency or a pardon by a state or federal executive;

(D) An arrest that resulted in a disposition other than a conviction including an infraction or citation;

(E) Convictions that were adjudicated in the juvenile court; or,

(F) Convictions under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b) which are two years or older.

(13) The applicant shall disclose if, within the preceding seven years, they have had a license subjected to formal discipline by a licensing board in or outside of California. Discipline includes suspension, revocation, voluntary surrender, probation, reprimand, or any other restriction on a license or registration held by the licensee. If the applicant affirmatively states they meet this criterion, they

shall provide on a courtesy form provided by the Board the following information:

(A) Name of the disciplinary action taken against the applicant;

(B) Date of the offense;

(C) Name of the licensing entity;

(D) Dates of probation, if applicable;

(E) Description of the circumstances of the incident;

(F) A certified copy of the determination made by the licensing entity that includes the date and location of the incident, specific violation(s), dates of disciplinary action, sanctions or penalties imposed and the completion dates;

(G) A letter describing the applicant's rehabilitation efforts or changes;

(H) Any evidence that present sufficient rehabilitation and demonstration of the applicant's fitness for licensure; and

(I) A written statement, signed by the applicant, certifying that all of the information provided in the application is true and correct under penalty of perjury under the laws of the state of California.

(14) The applicant shall submit a Live Scan inquiry or furnish two classifiable sets of fingerprints to the Board to establish the identity of the applicant and to permit the Board to conduct a criminal history record check. The applicant shall submit along with their application and the fees required by section 1399.157, a receipt showing the transmission of their fingerprints to the Department of Justice, or the two classifiable sets of fingerprints. The applicant shall pay any costs for furnishing the fingerprints and conducting the criminal history record check including the Live Scan operator's "rolling fee," if any, and fees charged by the California Department of Justice, and the Federal Bureau of Investigation.

(15) A written statement, signed by the applicant, certifying that all of the information provided in the application or any attachments is true and correct under penalty of perjury under the laws of the state of California.

Note: Authority cited: Sections 2531.95 and 2538.1(a), Business and Professions Code. Reference: SectionSections 115.4, 115.5, 135.4, 144, 144.5, 480, 2531.4, 2533, 2535, 2535.2, and 2538.1(b)(1), Business and Professions Code.



MEMORANDUM

DATE	September 14, 2023
TO	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
FROM	Maria Liranzo, Legislation/Regulation/Budget Analyst
SUBJECT	Agenda Item #13(k): Discussion and Possible Action to Amend Regulations Regarding Audiology Supervised Clinical Experience as Stated in Title 16, CCR Section 1399.152.2

Background

This proposed regulation will codify the number of clock hours of supervised clinical practice required for audiology licensure applicants who have completed an audiology doctoral program.

Senate Bill 821 (Committee on Business, Professions and Economic Development; Chapter 307, Statutes of 2009) changed the entry level licensing requirements for audiologists from a master's degree to a doctoral degree to reflect industry and educational standards. However, regulations were not promulgated to establish the number of clock hours of supervised clinical practice required for audiology licensure applicants who have completed an audiology doctoral program.

On February 23, 2023, the Audiology Practice Committee (Committee) determined that the number of clock hours presently required for applicants who have completed an audiology graduate program in 16 CCR section 1399.152.2 is sufficient for audiology licensure applicants who completed an audiology doctoral program and recommend the Board to adopt proposed changes.

Summary of Changes

The following are the changes made to regulations:

- Amended subsection (a) to make definitions also applicable for applicants under Business and Professions Code (BPC) section 2532.25 and include "dispensing audiologist" as an acceptable supervisor.
- Amended subsection (c) to remove audiology applicants.
- Added in new subsections (d) and (e) to clarify supervised clinical experience for applicants before and after the enactment of BPC section 2532.25. As discussed on February 24, 2023, and based on survey responses from audiology programs within the State of California, the Committee determined applicants under BPC section 2532.25 should have the same requirements as applicants under BPC section 2532.2. New subsection (e) changes Audiology degree requirements from the prior standard of completion of a Master's degree ("graduate program") to the completion of a doctoral degree ("doctoral program").

- Re-lettered existing subsection (d) to be subsection (e).

Action Requested

Staff recommends the Board review and discuss the provided materials. The Board may wish to determine whether or not to amend and approve the revised regulatory language and initiate the rulemaking process.

Suggested Motion Language

Move to approve the proposed regulatory text for 16 CCR section 1399.152.2, 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 section 1399.152.2 as noticed/amended.

Attachment: Audiology Supervised Clinical Experience Proposed Text

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Audiology Supervised Clinical Experience

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1399.152.2 of Article 3 or Division 13.4 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.152.2. Supervised Clinical Experience.

(a) Supervised clinical experience within the meaning of ~~Section~~ Sections 2532.2 and 2532.25, subdivision (e) of the Code shall be in the area for which licensure is sought. Speech-language pathology clinical experience shall be under the supervision of a licensed speech-language pathologist or a speech-language pathologist having qualifications deemed equivalent by the Board. Audiology clinical experience shall be under the supervision of a licensed audiologist, licensed dispensing audiologist, or an audiologist having qualifications deemed equivalent by the Board. "Qualifications deemed equivalent by the Board" includes a supervisor who holds the legal authorization to practice in the field for which licensure is sought in the state where the experience is being obtained, if the supervised clinical experience is obtained in a setting which is exempt from the licensure requirements of the Act or out of state.

(b) A total of t~~Two~~ hundred seventy-five (275) clock hours of clinical experience shall be required for licensure as a speech-language pathologist or audiologist for applicants who completed their graduate program on or before December 31, 1992.

(c) A total of t~~Three~~ hundred (300) clock hours of clinical experience in~~across~~ three (3) different clinical settings shall be required for licensure as a speech-language pathologist ~~or audiologist~~ for applicants who completed their graduate program after December 31, 1992.

(d) A total of three hundred (300) clock hours of clinical experience across three (3) different clinical settings shall be required for licensure as an audiologist for applicants who completed their graduate program after December 31, 1992, and on or before December 31, 2007.

(e) A total of three hundred (300) clock hours of clinical experience across three (3) different clinical settings shall be required for licensure as an audiologist for applicants who completed their doctoral program on or after January 1, 2008.

(df) Twenty-five (25) hours of the required clinical experience may be in the field other than that for which the applicant is seeking licensure (speech-language pathology for an audiologist or audiology for a speech-language pathologist) if such clinical experience is under a supervisor who is qualified in the minor field as provided in subsection (a).

NOTE: Authority cited: Section 2531.95, Business and Professions Code.
Reference: ~~Section~~ Sections 2532.2 and 2532.25, Business and Professions Code.