

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1707 (Committee on Business and Professions) – As Introduced March 2, 2017

SUBJECT: Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

SUMMARY: Extends the sunset date of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (SLPAHAD) and its authority to appoint and Executive Officer (EO) by four years, until January 1, 2022.

EXISTING LAW:

- 1) Establishes the SLPAHAD under the jurisdiction of the Department of Consumer Affairs (DCA) to license and regulate speech-language pathologists, speech language pathology assistants, speech-language pathology aides, audiologists, dispensing audiologists, and hearing aid dispensers. (Business and Professions Code (BPC Section 2530 et seq.)
- 2) Sunsets the SLPAHAD and its authority to appoint an Executive Officer on January 1, 2018. (BPC Sections 2531, 2531.75)
- 3) States that protection of the public is the SLPAHAD's highest priority when exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (BPC Section 2531.02)
- 4) Establishes a hearing Aid Dispensing Committee (Committee) within the jurisdiction of the board to review and research the practice of fitting or selling hearing aids and advises the SLPAHAD about the practice based on that review and research; and, specifies that the Committee is to be comprised of two licensed audiologists, two licensed hearing aid dispensers, one public member of the board who is a licensed physician and surgeon and who is board certified in otolaryngology. (BPC Section 2301.5)

THIS BILL:

- 1) Extends the sunset date of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (SLPAHAD) and its authority to appoint an EO by four years, until January 1, 2022.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. Unless legislation is carried this year to extend the sunset date for the Board, it will be repealed on January 1, 2018. The legislative changes reflected in this bill are solutions to issues raised about the Board in the Assembly Committee on Business and Professions' staff Background Paper and during its sunset review hearing on March 6, 2017.

Background. *SLPAHDB.* AB 1535 (Jones), Chapter 309, Statutes of 2009, created the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (SLPAHAD) by

combining the regulatory programs of the SLPAB and the Bureau. The Board exists to protect the public by licensing and regulating speech-language pathologists, audiologists, and hearing aid dispensers who provide speech and hearing services to Californians. The Board sets licensing standards, examination requirements, enforces standards of conduct, investigates complaints against licensed and unlicensed practitioners, and takes disciplinary action when appropriate. The Board licenses and regulates more than 23,000 licensees including 14,860 speech-language pathologists, 556 audiologists, 1,045 dispensing audiologists, and 996 hearing aid dispensers, among a total of 11 separate professions. Each profession has its own scope of practice, entry-level requirements, and professional settings, with some overlap in treated pathologies and rehabilitation. The SLPAB was last reviewed in 2013 and at that time received a four year sunset extension.

The Board is comprised of 9 members; 6 professional and 3 public members. The professional members consist of two speech-language pathologists, two hearing aid dispensers, and two audiologists, one of which must be a dispensing audiologist. In addition to the professional members, one public member must be a licensed, Board certified physician and surgeon in otolaryngology. All of these members (except two) are appointed by the Governor. The remaining public members are appointed individually by the Senate Rules Committee and Speaker of the Assembly.

Joint Oversight Hearings and Sunset Review of Department of Consumer Affairs (DCA) Licensing Boards. In February and March of 2017, the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee (Committees) conducted multiple joint oversight hearings to review 12 regulatory boards within the DCA and one regulatory entity outside of the DCA. The sunset bills are intended to implement legislative changes recommended in the respective background reports drafted by the Committees for the agencies reviewed this year. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency.

The Sunset Review Process. The sunset review process provides a formal mechanism for the DCA, the Legislature, the regulatory boards, bureaus and committees, interested parties, and stakeholders to make recommendations for improvements to the authority of consumer protection boards and bureaus. This is performed on a standard four-year cycle and was mandated by SB 2036 (McCorquodale), Chapter 908, Statutes of 1994. Each eligible agency is required to submit to the Committees a report covering the entire period since last reviewed that includes, among other things, the purpose and necessity of the agency and any recommendations of the agency for changes or reorganization in order to better fulfill its purpose. During the sunset review hearings, the Committees take public testimony and evaluate the eligible agency prior to the date the agency is scheduled to be repealed. An eligible agency is allowed to sunset unless the Legislature enacts a law to extend, consolidate, or reorganize the eligible agency. This bill simply extends the Board by four years, until January 1, 2022, and makes other technical and non-controversial changes to provisions of the act.

Current Related Legislation. SB 198 (Galgiani) of the current legislative session includes cerumen management and tympanometry for patients 18 years of age and older in the practice of fitting or selling hearing aids; makes a licensed hearing aid dispenser who has passed his or her licensing examinations eligible to sit for a board-approved examination assessing techniques and

patient safety measures in cerumen management or tympanometry; requires the SLPAHAD to apply board-approved courses in cerumen management and tympanometry to the continuing education requirement; and requires the administration of cerumen management by a licensed hearing aid dispenser to occur under physician and surgeon supervision, as specified. *STATUS: This bill is pending in the Senate Committee on Business, Professions and Economic Development.*

SB 247 (Moorlach) of the current legislative session would repeal the licensure requirements for hearing aid dispensers, among other provisions. *STATUS: This bill is pending in the Senate Business, Professions and Economic Development Committee.*

Prior Related Legislation. SB 305 (Lieu), Chapter 516, Statutes of 2013, extended until January 1, 2018, the sunset dates for the provisions establishing the Naturopathic Medicine Committee, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, The Board of Occupational Therapy, the Physical Therapy Board of California, the Board, and the Respiratory Care Board of California, extended the term of specified executive officers; provided that certain acts of sexual abuse or misconduct may result in denial or revocation of licensure, or may be deemed unprofessional conduct by the Board; and specified that any board, committee or bureau regulated by DCA is authorized to receive specified criminal records needed to complete an application for licensure, as specified.

SB 933 (Runner) Chapter 449, Statutes of 2011, repealed the Hearing Aid Dispensers Licensing Law, and recasts these provisions into the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act.

AB 1535 (Jones) Chapter 309, Statutes of 2009 merged the Speech-Language Pathology and Audiology Board and the Hearing Aid Dispensers Board to create the current SLPAHAD effective January 1, 2010; restructured the board membership; and created a Hearing Aid Dispensers Committee under the jurisdiction of the SLPAHAD.

ARGUMENTS IN SUPPORT:

None on file.

ARGUMENTS IN OPPOSITION:

None on file.

REGISTERED SUPPORT:

None on file.

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Elissa Silva / B. & P. / 916-319-3301