

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

SB 1368 (Wahab) – As Amended June 25, 2026

SENATE VOTE: 33-0

SUBJECT: Speech-language pathologists, audiologists, and hearing aid dispensers

SUMMARY: Extends the sunset date for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (SLPAHADB or Board) until January 1, 2031, and makes additional technical changes, statutory improvements, and policy reforms in response to issues raised during the Board’s sunset review oversight process.

EXISTING LAW:

- 1) Establishes the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act (Act) to regulate Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers (Business and Professions Code (BPC) §§ 2530 *et seq.*)
- 2) Establishes, until January 1, 2027, the Board within the Department of Consumer Affairs (DCA) to enforce and administer the Act. (BPC § 2531)
- 3) Authorizes, until January 1, 2027, the Board to appoint an executive officer and requires the executive officer to exercise the powers and perform the duties delegated by the Board and vested in them by the Act. (BPC § 2531.75)
- 4) Specifies that person represents themselves to be a Speech-Language Pathologist when 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 they purport to treat stuttering, stammering, or other disorders of speech. (BPC § 2530.3(a))
- 5) Specifies that a person represents themselves to be an Audiologist when 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. (BPC § 2530.3(b))
- 6) Requires a supervising Speech-Language Pathologist or Audiologist to register with the Board the name of each applicant working under their supervision, and submit to the Board a description of the proposed professional responsibilities of the applicant working under their supervision. (BPC § 2530.5(f))
- 7) Requires continuing professional development (CPD) to be obtained by accredited institutions of higher learning, organizations approved as continuing education (CE)

providers by either the American Speech Language Hearing Association or the American Academy of Audiology, the California Medical Association's Institute for Medical Quality Continuing Medical Education Program, or other entities or organizations approved as CPD providers by the Board, in its discretion. (BPC § 2532.6(e)(1))

- 8) Exempts accredited institutions of higher learning, organizations approved as CE providers by either the American Speech Language Hearing Association or the American Academy of Audiology, and the California Medical Association's Institute for Medical Quality Continuing Education Program from any application or registration fees that the Board may charge for CE providers. (BPC § 2532.6(e)(4))
- 9) Requires the Board, until January 1, 2027, to deem a person who holds a valid Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech Language Hearing Association Council for Clinical Certification to have met the educational and experience requirements for Speech-Language Pathologists. (BPC § 2532.8(a))
- 10) Requires the Board, until January 1, 2027, to deem a person who holds a valid Certificate of Clinical Competence in Audiology issued by the American Speech Language Hearing Association Council for Clinical Certification or a valid American Board of Audiology certificate issued by the American Academy of Audiology to have met the educational and experience requirements for Audiologists. (BPC § 2532.8(b))
- 11) Requires an applicant for licensure as a Speech-Language Pathologist or Audiologist to possess at least a master's degree in speech-language pathology or audiology from an educational institution approved by the Board or qualifications deemed equivalent by the Board. (BPC § 2535.2(a))
- 12) Specifies that a speech-language pathology corporation or an audiology corporation is authorized to render professional services so long as that corporation and its shareholders, officers, directors, and employees rendering professional services who are Speech-Language Pathologists or Audiologists comply with the Moscone-Knox Professional Corporation Act and the Act. (BPC § 2536)
- 13) Prohibits the Board from renewing any license or registration unless the applicant certifies that they have completed the minimum number of CPD hours established by the Board. (BPC § 2535.6(b))
- 14) Establishes a \$100 fee for an out-of-state Hearing Aid Dispenser to apply for a temporary license. (BPC § 2537.57(c))
- 15) Requires a person applying for approval as a Speech-Language Pathology Assistant to have graduated from a Speech-Language Pathology Assistant associate 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. (BPC § 2538.3)

- 16) Specifies that the Act shall not be construed to limit the utilization of a speech aide or other personnel employed by a public school working under the direct supervision of a credentialed Speech-Language Pathologist, as specified. (BPC § 2538.5)
- 17) Prohibits any person who is not registered as a Speech-Language Pathology Assistant from utilizing the title Speech-Language Pathology Assistant or a similar title that includes the words speech or language when combined with the term assistant. (BPC § 2538.7(a))
- 18) Prohibits any person who is not registered as a Speech-Language Pathology Assistant from performing the duties or functions of a Speech-Language Pathology Assistant, except as provided. (BPC § 2538.7(b))
- 19) Specifies that, as it relates to hearing air dispensers, “license” means a Hearing Aid Dispenser license and includes a temporary or trainee license, and “licensee” means a person holding a license. (BPC § 2538.10(b)-(c))
- 20) Defines “Hearing Aid Dispenser” to mean a person engaged in the practice of fitting or selling hearing aids to an individual with impaired hearing. (BPC § 2538.14)
- 21) Requires all holders of licenses to sell or fit hearing aids to continue their education after receiving the license. (BPC § 2538.18)
- 22) Provides that hearing aids may be sold by catalog or direct mail, provided that:
 - a) The seller is licensed as a Hearing Aid Dispenser in this state.
 - b) There is no fitting, selection, or adaptation of the instrument and no advice is given with respect to fitting, selection, or adaptation of the instrument and no advice is given with respect to the taking of an ear impression for an earmold by the seller.
 - c) The seller has received a statement signed by a physician and surgeon, Audiologist, or a Hearing Aid Dispenser, licensed by the State of California, verifying compliance with requirements related to referral for medical opinion and direct observation of the purchaser’s ear canals.

THIS BILL:

- 1) Specifies that a person represents themselves to be a Speech-Language Pathologist when they hold themselves out to the public by any business name incorporating the words “speech pathology,” among others.
- 2) Specifies that a person represents themselves to be an Audiologist when they hold themselves out to the public by any business name incorporating the word “audiologist,” among others.
- 3) Repeals the requirement that a supervising Speech-Language Pathologist or Audiologist submit to the Board a description of the proposed professional responsibilities of the applicant working under their supervision.

- 4) Authorizes master's degrees in communication disorders, communication sciences and disorders, communicative disorders, and speech, language, and hearing sciences from an educational institution approved by the Board to count towards licensure as a Speech-Language Pathologist or Audiologist.
- 5) Clarifies that Speech-Language Pathology and Audiology Aides, and Speech-Language Pathology Assistants, cannot be the sole proprietors of, manage, or independently operate a business that engages in the practice of speech-language pathology or audiology.
- 6) Authorizes CPD services to be obtained from the following:
 - a) Organizations approved as CE providers by the California Academy of Audiology, the California Speech Language Hearing Association, or the American Medical Association.
 - b) A federal, state, or local governmental entity.
- 7) Exempts the California Academy of Audiology, the California Speech Language Hearing Association, the American Medical Association, and federal, state, and local governmental entities from any application or registration fees that the Board may charge for CE providers.
- 8) Authorizes courses offered by any of the following entities to count towards a Speech-Language Pathology Assistant's CPD requirements:
 - a) Accredited institutions of higher learning.
 - b) Organizations approved as CE providers by either the American Speech Language Hearing Association, the American Academy of Audiology, the California Medical Association's Continuing Medical Education Program, the California Academy of Audiology, the California Speech Language Hearing Association, or the American Medical Association.
 - c) A federal, state, or local governmental entity.
 - d) Other entities or organizations approved as CPD providers by the board.
- 9) Prohibits coursework from a master's degree that would qualify an applicant for licensure as a Speech-Language Pathologist from counting towards a Speech-Language Pathology Assistant's CPD requirements.
- 10) Requires the Board, upon an application and payment of a \$75 fee, to issue a retired license to a licensed Speech-Language Pathologist, Speech-Language Pathology Assistant, Audiologist, Hearing Aid Dispenser, or Dispensing Audiologist, as specified.
- 11) Prohibits the holder of a retired license from engaging in any activity for which an active license is required or representing that they have an active license.
- 12) Specifies that a retired license is not subject to renewal.

- 13) Allows the holder of a retired license to apply once to restore their license to active status if they meet specified requirements.
- 14) Requires a holder of a retired license who is requesting to restore their license to active status to complete CE equivalent to that required for a single license renewal period, as specified.
- 15) Authorizes a holder of a retired license to apply for and obtain a new license if they have been on retired status for more than three years from the date of issuance, unless the holder continuously maintains a current, valid, active, and clear license in the same profession in another state or United States territory.
- 16) Authorizes the holder of a retired license to use the title “retired.”
- 17) Authorizes a Board-approved bachelor’s degree in speech, language, and hearing sciences, communication sciences and disorders, or communicative disorders to count towards registration as a Speech-Language Pathology Assistant.
- 18) Expressly prohibits a speech aide or other personnel employed by a public school working under the supervision of a Speech-Language Pathologist from performing the scope of responsibility, duties, and functions of a Speech-Language Pathology Assistant.
- 19) Prohibits any person who is not registered as a Speech-Language Pathology Assistant from using the title SLP assistant or the letters “SLPA.”
- 20) Clarifies that a Hearing Aid Dispenser “licensee” includes a person holding a permanent license and clarifies that “license” in this context means a license to engage in the practice of fitting or selling hearing aids to an individual or individuals with impaired hearing.
- 21) Redefines “Hearing Aid Dispenser” to mean a person who is issued a permanent license by the Board.
- 22) Clarifies that hearing aids sold online are subject to the same requirements as those sold by catalog or direct mail.
- 23) Establishes a \$100 license fee for a Hearing Aid Dispenser trainee license.
- 24) Codifies CE requirements, and license renewal and expiration requirements, for Dispensing Audiologists.
- 25) Extends the Board’s operations to January 1, 2031.
- 26) Deletes obsolete requirements and makes numerous other clarifying, conforming, or technical changes.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- The 2026-27 Governor’s Budget provides approximately \$3.16 million (Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund) and 14.6 positions to support the continued operation of the board’s licensing and enforcement activities.

- The board anticipates costs to create and implement the retired license category to be minor and absorbable due to the small size of the impacted license population.
- The Office of Information Services within the Department of Consumer Affairs anticipates absorbable costs of approximately \$16,000 to perform various IT activities.

COMMENTS:

Purpose. This bill is one of five sunset bills sponsored by the Author. According to the Author, “This bill is necessary to make changes to the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board to improve the oversight of the regulated professions under the jurisdiction of the Board.”

Background. The Board’s mandate is to protect the public by licensing and regulating speech-language pathology, audiology, and hearing aid dispensing in California, three distinct professions with individual scopes of practice, licensure requirements, and professional settings.

In total, the Board licenses and registers nearly 45,000 individuals and entities, including:

- Speech-Language Pathologists are licensed to provide assessment and therapy for individuals who have speech, language, swallowing, and voice disorders.
- Speech-Language Pathology Assistants are registered paraprofessionals who complete formal education and training and serve under the direction of a licensed Speech-Language Pathologist.
- Speech-Language Pathology Aides are support personnel approved to work directly under the supervision of a Speech-Language Pathologist and are not required to complete formal education or training, but on-the-job training must be provided.
- Audiologists are licensed to identify hearing, auditory system, and balance disorders, and provide rehabilitative services, including hearing aids and other assistive listening devices.
- Dispensing Audiologists are licensed to perform the duties of an Audiologist as described above and authorized to sell hearing aids.
- Audiology Aides are support personnel approved to work under the supervision of a licensed Audiologist and are not required to complete formal education or training, but on-the-job training must be provided.
- Required Professional Experience Temporary Licenses are granted to Speech-Language Pathology and Audiology applicants to complete the required professional experience under the supervision of a licensed practitioner.
- Speech-Language Pathology or Audiology Temporary Licenses are granted to Speech-Language Pathologists or Audiologists, licensed in another state, who qualify for a six-month license while seeking permanent licensure.

- Hearing Aid Dispensers are licensed to fit and sell hearing aids, take ear mold impressions, perform postfitting procedures, and directly observe the ear and test hearing in connection with the fitting and selling hearing aids.
- Hearing Aid Dispenser Temporary Licenses are granted to Hearing Aid Dispensers licensed in another state who qualify for a 12-month temporary license while seeking permanent licensure.
- Hearing Aid Dispenser Trainee Licenses allow Hearing Aid Dispenser trainee applicants to work under the supervision of a licensed Hearing Aid Dispenser for up to 18 months.
- Branch Licenses are issued to Hearing Aid Dispensers, authorizing the dispenser to work at additional branch locations.

The Board is composed of nine members, including two Speech-Language Pathologists, two Audiologists (one of whom must be a Dispensing Audiologist), two Hearing Aid Dispensers, and three public members. As a Special Fund agency, the Board receives no General Fund support and relies solely on licensing and renewal fees set by statute. At the end of Fiscal Year 2026/27, the Board is projected to have a balance of \$1.68 million, with a 5.4-month budget reserve.

The Board's mission statement, as stated in its 2025-2028 Strategic Plan, is as follows:

To protect the people of California by promoting standards and enforcing the laws and regulations that ensure the qualifications and competence of providers of speech-language pathology, audiology, and hearing aid dispensing services.

SUNSET ISSUES FOR CONSIDERATION

In preparation for the sunset hearings, committee staff publish background papers that identify outstanding issues related to the entity being reviewed. All background papers are available on the committee's website: <https://abp.assembly.ca.gov/hearings/joint-sunset-review-oversight-hearings>. While all of the issues discussed in the background papers remain available for discussion, the following issues are those addressed in this bill or actively being considered:

- 1) *Sunset Issue #5: Retired License.* In 2016, the Legislature passed, and the Governor signed AB 2859 (Low), Chapter 473, Statutes of 2016, which permitted any of the boards within DCA to establish a retired licensure category for persons not actively engaged in their practice. Boards would need to do this through the regulatory process. BPC § 464 prohibits a retired license holder from practicing unless the board specifies, through regulation, the criteria for a retired license to practice.

Current law does not authorize the Board to issue a retired license; it requests authority to do so. According to the Board, licensees have requested to be placed in retired status rather than renewing their licenses or allowing them to expire at a specified time before they can be canceled. Licensees were failing their CPD audits because they had professionally retired and should have been in inactive status, but continued to renew either because they were unaware of the inactive status or because they made a mistake on their renewal form.

According to the Board, creation of this license would require a one-time fee and would provide a means for a retired licensee to return to active status under certain circumstances. The Board would also like to ensure that any retired license creation ensures the following:

- A retired license cannot be issued if the licensee is currently holding a license that is restricted, if they have outstanding citations and fines, or if they are currently under investigation for an active complaint or conviction.
- The license cannot be reinstated to active if the individual has been out of practice for a specified number of years.
- The licensee is limited to a certain number of times that a license can be reinstated from retired to active.

Staff Recommendation in the Background Paper: The Committees may wish to authorize the Board to establish a retired license category.

SLPAHADB Response: The Board has long needed the retired license status so that dedicated professionals do not have to let their license go delinquent until it cancels at the end of their distinguished career. The Board is requesting separate statutory authority in its Practice Act to establish the retired license status in a way that has adequate consumer protection safeguards.

The Board looks forward to working with the Committees to create a retired license status for Board licensees that is both practical and places consumer protection at the forefront. Specifically, the Board needs separate statutory authority to enact the following consumer protections for a retired license:

- Restrict licensees from placing their license on retired status if they are currently on a restricted license (i.e., license subject to a Board imposed disciplinary order such as probation), they have not abated any Board issued citation and fine, or they are currently under investigation for an active complaint or conviction.
- Restrict licensees from reinstating their license to active status if they have been out of practice for a specified number of years.
- Restrict the number of times a licensee can reinstate from retired to active status.

Committee Recommendation: This bill authorizes the Board to issue a retired license according to specified requirements.

- 2) *Sunset Issue #7: CE and CPD Providers.* The Board highlighted the need for statutory clarifications to ensure robust oversight of CE, CPD, and CE/CPD providers. Specifically, the Board would like to:

- Clarify that both the national and California chapters of professional organizations qualify as approved and exempt CE providers.
- Allow mandatory training courses required by either state, federal, or local government entities that cover professional issues that impact the provision of services to qualify as CE.
- Allow Speech-Language Pathology Assistants to meet their CPD requirements through the same course providers as their supervisors are allowed.
- Prohibit Speech-Language Pathology Assistants from using coursework required by a master's degree for licensure as a Speech-Language Pathologist towards their CPD requirement, as a master's level course is intended to prepare an individual for a different professional role, not expand the knowledge of practicing as a Speech-Language Pathology Assistant.

CE courses and CPD providers are reviewed and approved by the Board for compliance under the regulations governing CE course content and CPD provider applications. Subject matter experts may provide guidance on course content, if needed. The American Speech-Language Hearing Association, the American Academy of Audiology, or the California Medical Association's Institute for Medical Quality Continuing Medical Education are accepted by the Board through statutory authority as CPD providers. The Board suggests that licensees often do not pay close attention to the CPD approval status of course providers, and clarification could benefit those taking coursework.

The Board states that its goal is to conduct random audits of 5% of its CPD providers. However, the Board has been unable to conduct audits of CPD providers since its last sunset review due to staffing shortages. The Board will request a CPD provider under an audit to provide the following information within 30 days: course syllabi, information regarding the time and location of the course offering, course advertisements, course instructor resumes or curriculum vitae, attendance rosters including names and license numbers of the attendees, and a record of course completion. The Board will review the documentation, and if a compliance issue is found, consult the Board's Executive Officer. Pursuant to 16 CCR § 1399.160.8, the Board may revoke a provider's approval for failure to comply with the CPD requirements. It would be helpful for the Committees to understand how the Board plans to continue its oversight of providers for mandatory CE and CPD, and whether it needs additional resources to carry out these efforts.

Staff Recommendation in the Background Paper: The Committees may wish to amend the law to ensure standards for CE and CPD providers. The Board should update the Committees on efforts to effectively oversee CE and CPD providers and determine that they are meeting legal requirements.

SLPAHADB Response: The Board appreciates the Joint Committees' assistance in clarifying and modernizing the Board's statutory CPD requirements. These updates will help licensees to be able to use professional development courses mandated by California

government entities towards their renewal requirements and will modernize the CPD requirements for the growing population of Speech-Language Pathology Assistants.

As the Board continues to enhance its continuing education audits to integrate professional development providers into the audit process, the Board will provide updates to the Joint Committee on those efforts and any areas of improvements the Board finds necessary to enforce professional development provider requirements and ensure licensees are getting quality professional development from these CPD providers.

Committee Recommendation: This bill adopts the Board's recommendations to authorize additional providers of CPD; allow Speech-Language Pathology Assistants to meet their CPD requirements through the same course providers as their supervisors; and prohibit Speech-Language Pathology Assistants from using coursework required by a master's degree for licensure as a Speech-Language Pathologist towards their CPD requirement.

- 3) *Sunset Issue #8. Audiology Assistants.* According to the Board's 2026 Sunset Review report, in FY 2024-25, there were 1,794 licensed Audiologists and 63 Audiology Aides registered with the Board. Audiology Aides provide support to licensed Audiologists and work under their direct supervision.

During an October 2019 Board meeting, the Board discussed feedback from a licensed Audiologist who supervises Audiology Aides, noting ambiguity in the regulatory requirements for clinical tasks that Audiology Aides may perform and in the supervision they require. Audiology Aide supervisors were concerned that, without clear standards, these individuals who lack training and education may end up providing clinical services that licensed Audiologists should provide. Also, they noted that supervision requirements were so strict that licensed Audiologists were deterred from utilizing Audiologist Aides. In response, the Board directed the Audiology Practice Committee to define the tasks an Audiology Aide can perform, the supervision necessary, and also asked whether legislative or regulatory changes were necessary. These discussions led to the changes made to AB 2686, as previously mentioned, authorizing the Board to establish a regulatory framework for both Speech-Language Pathology and Audiology Aides for registration renewal and continued competency efforts.

According to the Board's 2026 Sunset Review report, during an Audiology Practice Committee review of the scope of regulations for Audiology Aides, the committee discussed whether licensure was warranted for Audiology Aides, similar to the licensing requirements of Speech-Language Pathology Assistants. The Speech-Language Pathology Assistant licensing category was established by AB 205 (Machado), Chapter 1058, Statutes of 1998, and required a person seeking licensure as a Speech-Language Pathology Assistant to complete an Associate of Arts program in speech-language pathology. AB 205 also included a grandparent provision, permitting Speech-Language Pathology Aides with at least a year of experience to apply for licensure as Speech-Language Pathology Assistants without completing the associate of arts degree until July 1, 2001. Speech-Language Pathology Assistants are required to complete formal education and 100 hours of field work experience at a Board-approved associate degree Speech-Language Pathology Assistant training program. Individuals with an

undergraduate degree in Communication Disorders and Sciences may qualify for Speech-Language Pathology Assistant registration. Speech-Language Pathology Assistants are required to renew their licensure annually, complete 12 hours of CPD/CE every two years, and often share similar patient care tasks and services as Speech-Language Pathology Aides, even though the Aides do not have to meet the same education and training requirements.

There are distinctive levels of supervision requirements for Speech-Language Pathology Assistants pursuant to 16 CCR 1399.170 and 1399.170.2. “Immediate supervision” requires the licensed Speech-Language Pathologist supervisor to be physically present during, but not limited to, any direct client activity involving medically fragile patients. “Direct supervision” requires on-site observation and guidance by the supervisor, and duties may include, but are not limited to, observing a portion of the screening or treatment procedure being performed, coaching, and modeling for the assistant. “Indirect supervision” requires the supervisor to be available via asynchronous electronic means, and duties may include, but are not limited to, demonstration, record review, review and evaluation, clerical tasks, and other non-client care activities. 16 CCR 1399.170.15(b)(4) requires supervisors to provide direct supervision that consists of at least 20 percent of the Speech-Language Pathology Assistant’s work schedule per week during the first 90 days following initial licensure. Supervisors may not supervise more than three full-time equivalent (30 hours per week) support personnel, including Speech-Language Pathology Assistants and Speech-Language Pathology Aides, and no more than six support personnel at any time pursuant to 16 CCR 1399.170.16.

Since the development of this licensing category, the Speech-Language Pathology Assistant population has grown; according to the Board’s 2026 Sunset Review report, in FY 2024-25, the Board registered 5,323 Speech-Language Pathology Assistants.

In January 2025, the California Academy of Audiology (CAA), the professional association representing Audiologists in California, submitted a letter to the Board requesting that the Board discuss creating a new license type for Audiology Assistants. CAA further submitted a letter of support requesting that an Audiology Assistant license category be considered within the Board’s 2026 Sunset Review instead of sponsoring legislation, as typically stand-alone measures that amend the same Act as is being evaluated through the Committees’ comprehensive joint sunset review oversight efforts are either absorbed into the broader sunset discussion or, if a bill proposes something that is beyond what is agreed to in a sunset bill, those bills do not usually move through the legislative process in the same year.

In CAA’s letter, they state that the audiology community has concerns related to access to adequate care for consumers, the growing aging population related to hearing loss and balance disorders, the questionable legal and appropriate utilization of audiology aides, lack of clarity in the definition of aide, appropriate clinical tasks that are allowable for an aide, and defined supervision. The CAA supports creating an Audiology Assistant license type using the Speech-Language Pathology Assistant legislative model to promote a class of professionals with educational credentials and practicum experience that would increase access for consumers. As previously noted, there is currently an extremely small

category of Audiology Aides. These individuals may not perform any function that constitutes the practice of audiology unless they are under the supervision of an Audiologist or have met certain requirements for an exemption. 16 CCR § 1399.154.2 states that an Audiology Aide's supervisor shall have legal responsibility for the health, safety, and welfare of the patients and for the acts and services provided by the Audiology Aide, including compliance with the law. Additionally, the supervisor must be physically present while the Audiology Aide is assisting patients, unless an alternative supervision plan has been approved by the Board (the proposed supervision plan must be submitted with the application form), or unless exemptions are in place. The supervisor must review the patient histories and the audiograms and make necessary referrals for evaluation and treatment. Supervisors are also responsible for evaluating, treating, managing, and determining the future dispositions of patients. Supervisors must also train the Audiology Aide to assist in evaluation and/or treatment and define the services which the Audiology Aide may provide.

While access-to-care issues remain significant for millions of patients throughout the state across multiple aspects of their health, it would be helpful for the Committees to understand the practical impacts of this proposal on potential Audiology Assistants, the Board, and facilities providing services. It would be helpful for the Committees to understand if there are new payor options or coverage for this type of personnel and services that require licensure. It would be helpful for the Committees to understand what the scope of education and training would look like, whether there are existing programs in California providing this type of training, the cost for these programs, and, significantly, the cost for individuals to continue working with Audiologists if they are required to pay for mandated coursework and pay licensing fees. It would be helpful for the Committees to understand whether this is feasible, given the small population of licensed Audiologists, the fact that only 63 Audiology Aides are registered with the Board today, and whether licensure is the most effective pathway to provide additional services to California audiology patients. The creation of a new category of licensed or regulated professional is subject to Government Code provisions that require a plan and numerous data sets to enable the Legislature to better evaluate the impacts of a licensure proposal on members of the profession, the public, and government agencies. The profession and Board may wish to work with the Committees to develop a formal plan and respond to the Sunrise Questionnaire worksheet that the Committees utilize.

Staff Recommendation in the Background Paper: The Board should update the Committees on its discussions with stakeholders, other state partners that may have this type of license category, educational institutions, and health care facilities. The Board should update the Committees on the feasibility of creating this new category, the potential applicant and license pool, and the potential costs that applicants and licensees would incur for a mandatory license.

SLPAHADB Response: The Board's Audiology Practice Committee and then full Board discussed this issue and is supportive of the creation of the Audiology Assistant License type as it would advance the profession of Audiology and increase consumer access to care. Since this request was not based on consumer protection, the Board felt this effort

was best led by the professional association (the California Academy of Audiology) rather than the Board.

Creation of an audiology assistant license type could potentially allow Audiologists to see more patients per day, similar to the way that Optometrists use optometric assistants and Dispensing Opticians to do the standardized computer-based eye tests and the selection, fitting, and dispensing of frames with prescription lenses, which allows Optometrists to see more patients per day. This creates increased access to care as the Optometrist can see more patients in the same amount of time by allowing them to focus on the higher complexity work their license allows, such as checking visual acuity and eye health, and screening for signs of systemic diseases that appear in the eye, diagnosing and treating common eye conditions and managing chronic diseases, prescribing eyeglasses or contact lenses, or medications as needed, and referring patients to ophthalmologists for surgical procedures or specialized care if warranted. Currently, Audiologists perform almost all functions of hearing health care services within their clinics, from the hearing screenings leading to diagnosis of audiological disorders, to screening for other conditions that may require referrals to an otolaryngologist for further testing, diagnosis and surgery, and then performing hearing aid selection, adaptation, fitting, and post-fitting services for the consumer. In general, Audiologists may spend an hour or more with a single patient, which significantly limits the number of consumers who can access care.

There is a current unmet need for audiological services that continues to grow, with over 65 percent of adults over age 70 have hearing loss (Journal of the American Medical Association, July 2023); approximately 1,000 infants identified annually with permanent hearing loss (California Department of Health Care Services), and fewer than 2,500 licensed Audiologists for California's 39 million residents. Additionally, the California Academy of Audiology (CAA) did a survey of their members and reported that 88 percent of audiologists that responded wanted to hire audiology assistants and anticipated hiring three assistants. If this survey can be extrapolated to the Board's current audiology licensee population, this could lead to potential demand for over 6,000 assistants.

Currently, the lack of demand for Audiology Aides is not due to the lack of need for support personnel but rather due to the limited education, training, and limited scope of responsibilities of the aide registration, which are limited due to the statutory framework for aides. If there was a license type with educational and fieldwork requirements, the scope of responsibilities for that license type could be more expansive and thus more useful to Audiologists, similar to the Speech-Language Pathology Assistant (SLPA) license and its utility for Speech-Language Pathologists.

There is currently no associate degree programs developed for audiology assistants in California, but if the legal requirements mirrored the SLPA requirements, there are many students who have graduated from a board-approved bachelor's degree program in communication disorders which covers topics in audiology. The requirement to obtain supervised fieldwork prior to licensure would be a potential hurdle early on, as it takes time and coordinated effort for universities to develop fieldwork programs, however the Board has seen a considerable uptick in the creation of these fieldwork programs in the California State University system. Currently, the Board is aware of nine California

universities that offer Bachelor's degree programs that include fieldwork programs to meet SLPA licensure requirements. Today, if students with bachelor's degrees in communication disorders do not pursue graduate degrees for licensure as Speech-Language Pathologists or Audiologists, their only other option to obtain employment in the field is to obtain fieldwork and pursue licensure as a SLPA or seek work as an Audiology Aide.

With the creation of the SLPA license category, it took the Board three years to develop the regulations for the SLPA license requirements and SLPA associate degree program approval requirements, so by that time, there were already four qualified associate's degree programs ready for application and approval as soon as the regulations were effective. This grew to six programs within the first five years and is now at eight approved SLPA associate's degree programs.

The Board has only engaged in discussions with the CAA regarding the creation of this license type and has not engaged in discussions with other state partners who may have this type of license category, educational institutions, or health care facilities. The Board had expected that it would be engaging with these various stakeholders during the time that CAA was developing the Sunrise Questionnaire, as the amount and type of data required for the questionnaire would have required this level of engagement amongst the various stakeholders, CAA and the Board.

If authorized, the Board would work on the creation of the regulatory framework for the Audiology Assistant license type to ensure minimum education and experience requirements uphold California's rigorous standards for consumer protection. This would include:

- Development of regulations similar to the Speech-Language Pathology Assistants
- Meeting with Community Colleges and California based university Communication Science Disorder programs about potential educational requirements and fieldwork requirements
- Requesting additional resources to support dedicated workload for regulation and license development activities necessary for the creation of the license type as well as budget authority for contracted costs required to develop applications for the new license type.
 - To do this in an expedited timeframe, the Board may need additional staff resources to backfill the workload shifted to completing this project. Initially in the development and promulgation of the regulations, and subsequently for implementation activities including creation of the licensing applications, renewals, and enforcement system capabilities necessary with the creation of a new license type. These resources could be staggered over a multi-year timeframe to efficiently utilize these resources and budget authority.

- The Board would also need additional budget authority for technology vendor costs related to the creation of new applications and license types in our new licensing system, as well as cross-functionality to other Board utilized databases and systems required for renewal and enforcement. The Board would have to work with the DCA Office of Information Services and Budget Office to create these estimated costs if the Committee pursues authorization of this license type through the Board's Sunset bill.

Committee Recommendation: The committees are currently reviewing the sunrise questionnaire submitted by CAA.

- 4) *Sunset Issue #11: Online Practice.* According to the Board, the online purchase of hearing aids and online hearing testing has become a common business model as more companies have started marketing devices to consumers directly via the internet with claims of one-size-fits-all or the ability to remotely adapt the hearing aid to fit the purchaser's needs without the need for an office visit. Unlicensed practice, or failure to comply with the Song-Beverly Consumer Warranty Act and properly issue refunds to consumers, are common complaints submitted to the Board regarding online sales of hearing aids.

The Federal Drug Administration (FDA) regulates the online sales of hearing aids, and FDA provisions do not specifically restrict the online sale of hearing aids, but they do prohibit any state from establishing any requirement that is different from, or in addition to, the federal provisions, unless the state is granted an exemption from the federal government to enforce more restrictive regulations.

The Board submitted an exemption request to the FDA in May 2012, and in August 2023, the Board received a response stating that "applicable Federal requirements for hearing aids have changed since the Board submitted the Application, and the bases for the requested exemption are no longer in effect. As such, the FDA has determined that the Application is moot." The Board reports that in October 2022, the FDA created a new category of Over-The-Counter (OTC) hearing aids, expressly allowing the sale of OTC hearing aids in person and online for adults with perceived mild-to-moderate hearing loss without a medical exam or fitting. Consequently, the FDA no longer requires approval for exemptions to state laws regarding hearing aids for adults with severe hearing loss and children, which are considered prescription devices. As such, the Board continues to require sellers to comply with BPC § 2538.23.

The Board reports that it has received very few complaints related to OTC hearing aids and has not seen any significant drop in the number of Hearing Aid Dispenser and Dispensing Audiologist applications. Moreover, the Board plans to survey Hearing Aid Dispensers and Audiologists in the future to determine how many are selling OTC hearing aids. The Board reports that licensure for Hearing Aid Dispensers and Dispensing Audiologists remains necessary because OTC hearing aids are limited to mild-to-moderate hearing loss, and licensure is necessary for consumer protection and enforcement of laws regarding warranties for prescription hearing aids.

Additionally, the Board continues to regulate mail-order hearing aids. California law provides that mail-order hearing aids may be purchased only from a California-licensed Dispensing Audiologist or Hearing Aid Dispenser. The law states that when hearing aids are purchased by mail order, there must be no fitting, selection, or adaptation of the instrument, and the seller may not give advice with respect to the taking of an ear impression (ear impressions are made to ensure the proper fit of a hearing aid). The law also requires that, prior to purchasing a hearing aid through mail order, the consumer must provide a statement signed by a physician, audiologist, or licensed dispenser that verifies direct examination of the seller's ear.

Staff Recommendation in the Background Paper: The Board should keep the committees informed of federal changes and their impact on Dispensing Audiologists and Hearing Aid Dispensers.

SLPAHADB Response: To date, Dispensing Audiologists and Hearing Aid Dispensers have not seen an overwhelming demand for Over-The-Counter (OTC) hearing aids or patients coming in using OTC hearing aids. The impact of OTC hearing aids has not turned out to be as concerning as previously thought for the Dispensing Audiologists and Hearing Aid Dispensers.

The Board has received very few complaints related to online sales of prescription hearing aids or OTC hearing aids and is therefore unable to provide any substantial evidence that the Board could not take action against a Board licensee if we found they were violating the Board's Practice Act through online sales. With the recent Federal changes, this could get more complex with OTC hearing aids, but the Board does not currently have any basis for concern at this time outside of the normal difficulties involved in investigations of unlicensed practice.

Since the FDA determined that our request for exemption regarding requiring online sellers of prescription hearing aids to obtain a statement signed by a California licensed physician, surgeon, audiologist, or a hearing aid dispenser that there has been direct observation of the purchaser's ear canals prior to sale, it would be beneficial to the Board to obtain statutory clarity that the laws related to catalog or direct mail in Business and Professions Code section 2538.23 also apply to online sales by California licensees.

Committee Recommendation: This bill clarifies that the online sale of hearing aids is subject to the same requirements as the sale of hearing aids by catalog or direct mail.

- 5) *Sunset Issue #13. Technical Changes.* There are instances in the Act where technical clarifications may improve the Board's operations and applications of the statutes governing the Board. The Board has requested technical and non-substantive statutory amendments. Furthermore, the Board is requesting statutory changes that provide clarity and consistency regarding the requirements for addresses of record and Branch Office requirements for Board licensees and staff.

Staff Recommendation in the Background Paper: The Committees may wish to amend the Act to include technical clarifications requested by the Board.

SLPAHADB Response: The Board appreciates the Committees assistance in amending its Practice Act to provide additional clarity and technical clean-up where needed.

Committee Recommendation: This bill deletes obsolete provisions and makes numerous other clarifying, conforming, or technical changes.

- 6) *Sunset Issue #14. Continued Regulation by the Board.* Patients and the public are best protected by strong regulatory boards that oversee licensed professionals. The Board has shown a strong commitment toward efficiency and effectiveness, responding to practice and operational issues in a proactive, forward-thinking manner.

Staff Recommendation in the Background Paper: The Board's licensing and regulation of various health care professionals should continue and be reviewed again on a future date to be determined.

SLPAHADB Response: The Board appreciates Committee Staff's analysis and recommendation that the Board continue to regulate the professions of Speech-Language Pathology, Audiology, and Hearing Aid Dispensing. The Board is proud of the work that it and Board staff have accomplished since the last Sunset Review and looks forward to continuing its work to make additional improvements over the next four years.

Committee Recommendation: This bill extends the Board's sunset date by four years.

Current Related Legislation. AB 2771 (Committee on Business and Professions) is the sunset vehicle for the Bureau for Private Postsecondary Education. *At the time of this writing, AB 2771 is currently pending in the Senate Business, Professions and Economic Development Committee.*

AB 2772 (Committee on Business and Professions) is the sunset review vehicle for the California Council for Interior Design Certification. *At the time of this writing, AB 2772 is currently pending in the Senate Business, Professions and Economic Development Committee.*

AB 2773 (Committee on Business and Professions) is the sunset review vehicle for the California Board of Occupational Therapy. *At the time of this writing, AB 2773 is currently pending in the Senate Business, Professions and Economic Development Committee.*

AB 2774 (Committee on Business and Professions) is the sunset review vehicle for the Physical Therapy Board of California. *At the time of this writing, AB 2774 is currently pending in the Senate Business, Professions and Economic Development Committee.*

AB 2775 (Committee on Business and Professions) is the sunset review vehicle for the State Board of Chiropractic Examiners. *At the time of this writing, AB 2775 is currently pending in the Senate Business, Professions and Economic Development Committee.*

SB 1302 (Wahab) is the sunset review vehicle for the California Board of Registered Nursing. *SB 1302 is currently pending in this committee.*

SB 1303 (Wahab) is the sunset review vehicle for the California Board of Naturopathic Medicine. *SB 1303 is currently pending in this committee.*

SB 1304 (Wahab) is the sunset review vehicle for the California Respiratory Care Board. *SB 1304 is currently pending in this committee.*

SB 1363 (Wahab) is the sunset review vehicle for the California Board of Barbering and Cosmetology. *SB 1363 is currently pending in this committee.*

Prior Related Legislation. AB 2686 (Berman), Chapter 415, Statutes of 2022, extended the sunset date for the Board until January 1, 2027, subjected speech-language pathology and audiology aides subject to renewal every two years, required applicants, registrants, and licensees to share their email address with the Board, and made additional technical changes, statutory improvements, and policy reforms in response to issues raised during the Board's sunset review oversight process.

AB 1706, Chapter 454, Statutes of 2017, extended the operation of the Board, as well as the Physical Therapy Board of California and California Board of Occupational Therapy, until January 1, 2022, and made additional technical changes, statutory improvements, and policy reforms in response to issues raised during the Board's sunset review oversight process.

ARGUMENTS IN SUPPORT:

In support, the *Board* writes:

This bill would ensure that the Board is able to continue its important consumer protection work for the next four years. This bill would clarify and expand the types of acceptable continuing professional development for speech-language pathologists, speech-language pathology assistants, and audiologists for purposes of licensure renewal. This bill would provide new guardrails preventing aides, assistants, and trainees from independently operating businesses, thus enhancing public safety by ensuring only fully licensed professionals provide clinical services. This bill would also provide a clear pathway for experienced professionals to exit or re-enter their practice responsibly with the addition of retired license provisions. Together, these changes promote public protection while aligning the Board's Practice Act with current technology, education, and service-delivery models.

ARGUMENTS IN OPPOSITION:

There is no opposition on file.

REGISTERED SUPPORT:

California Speech Language Hearing Association
California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

REGISTERED OPPOSITION:

There is no opposition on file.

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