

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: August 6, 2021

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/99929836615>

Present: Erin Firmin, Chair, Speech Pathologist
Dr. Susan May, Vice Chair, Audiologist
Dr. Denby Rall, Member, Audiologist
Brian Chen M.D., Public Member/Otorhinolaryngologist
Christopher Fernandez, Executive Officer (“EO”)
Kelly Suzuka, Deputy Attorney General (“DAG”)
Susan A. Reyes, Secretary
Kawehi Mau, Secretary (Technical Support)
Christine Dela Cruz, Office Assistant (Technical Support)

Excused: Lorna Hu, Member, Speech Pathologist.

Guests: None.

Chair Firmin provided information to attendees about how to be identified and provide testimony during the meeting. They were also informed that testimony would be limited to five minutes per person, per agenda item.

Call to Order: Chair Firmin confirmed by roll call that she, Vice Chair May, Dr. Chen and Dr. Rall were present and Ms. Hu is excused. With roll call complete Chair Firmin brought the meeting to order at 2:09 p.m.

Approval of Meeting Minutes For April 16, 2021:

Chair Firmin asked if there was any public person who wished to provide oral testimony on the agenda item; there were none.

Chair Firmin then asked members if there were any amendments to the April 16, 2021 meeting minutes.

Hearing none, it was moved by Chair Firmin, seconded by Dr. Rall, and by roll call vote, members present voted unanimously to approve the minutes for April 16, 2021.

(Continued on next page)

Executive Officer's
Report:

EO Fernandez noted that the license numbers on the agenda, show the zero at the end because that is how it displays in the Ho'ala database. This is not part of the license number and will be removed for all future agendas and minutes.

EO Fernandez reported that there were no disciplinary actions from the Board's last meeting until now.

Applications:

Chair Firmin announced that the Board will go into executive session at 2:13 p.m. to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with HRS §92-5(a)(1), and to consult with the Board's Attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS §92-5(a)(4).

It was motioned by Chair Firmin to go into executive session, seconded by Dr. Chen, and unanimously carried by roll call vote.

EXECUTIVE SESSION

At 2:26 p.m., it was motioned by Chair Firmin, seconded by Vice Chair May, and unanimously carried by roll call vote to return to open session.

A) Board Review

1) Audiologist

Trenton Englund

It was moved by Chair Firmin, seconded by Vice Chair May, and unanimously carried by roll call vote to approve the application of Dr. Englund.

2) Speech Pathologist-Temporary Permit

Elise Roberts

It was moved by Chair Firmin, seconded by Dr. Rall, and unanimously carried by roll call vote to approve the application of Dr. Roberts.

B) Ratifications

SP-1982	Paige Brooks Curry
SP-1983	Carrie P Brady
SP-1984	Katherine O'keeffe
SP-1985	Jennifer Delaney
SP-1986	Madison L Evans
SP-1987	Helen Kilby
SP-1988	Colleen Heather Cappellini
SP-1989	Nicole Marie Shaffer
SP-1990	Yoruba S Duffie
SP-1991	Ashley Gardo
SP-1992	Chelsea Tillman
SP-1993	Rachel Madel
SP-1994	Gabriel F B Tebow
SP-1995	Brandi M Montgomery
SP-1996	Trace M Jahner
SP-1997	Febe Villagomez
SP-1998	Claire Berger
SP-1999	Kaitlyn Crawford
SP-2000	Celia Mah
SP-2001	Sarah Bipath
SP-2002	Ao Lin
SP-2003	Nancy C Lovering
SP-2004	Allison L Heintzelman
SP-2005	Amanda Kinsey
SP-2006	Julie A Yasutake
SP-2007	Cathryn Allen
SP-2008	Vanessa Sciulli
SP-2009	Colleen M Hogan
SP-2010	Jennifer L Colwell
SP-2011	Ana J Ribeiro
SP-2012	Kimberley McMichael
SP-2013	Aulet K Parker
SP-2014	Patricia Iovanna Cortina
SP-2015	Danielle B Shabin
SP-2016	Vicki-Joyce Holland
SP-2017	Katherine Nadal

SP-2018	Marcia Maria Monteiro Absher
SP-2019	Earl-Jay Padilla
SP-2020	Kolby Joseph
SP-2021	Ator Dinkha
SP-2022	Ashley Dumlao
SP-2023	Rebecca Casey
SP-2024	Lindsay Lowy
SP-2025	Jordyn Ann Sheriff
SP-2026	Sherry Carey
SP-2027	Jessica V. Bren
SP-2028	Caitlyn N. Ingham
SP-2029	James Lee I. Ahuna
SP-2030	Anne S. Wagner
SP-2031	Jenna Roussy

TOTAL: 50

AUD-221 Izumi Furukawa

TOTAL: 1

It was motioned by Chair Firmin, seconded by Dr. Rall, and unanimously carried by roll call vote, to ratify the list of approved applicants noted above.

Examination
Update:

The Board to review and consider adopting the new PRAXIS Audiology exam (5343) that will replace the PRAXIS Audiology exam (5342) starting September 1, 2021.

Chair Firmin asked if there was any public person who wished to provide oral testimony on the agenda item; there were none.

After discussion and based on the recommendations from Dr. May and Dr. Rall, the Audiologist members of the Board, to approve the new examination, it was moved by Chair Firmin, seconded by Dr. Rall, and unanimously carried by roll call vote to approve the use of the PRAXIS Audiology Exam (5343).

Executive Officer
Delegations:

The Board to review and consider updating delegations to approve certain applications provided to the Executive Officer by the board pursuant to Hawaii Revised Statutes §436B-8(b).
Chair Firmin asked if there was any public person who wished to provide oral testimony on the agenda item; there were none.

EO Fernandez informed the Board that the Executive Officer currently has the delegated authority to approve the following:

- 1) Applications for Licensure using the American Speech-Language-Hearing Association's ("ASHA") Certificate of Clinical Competency (CCC). This delegation was clarified at the Board's 8/2/02 meeting to also discontinue requiring Board review of ASHA applications at meetings and the implementation of the current ratification list for Board approvals.
- 2) Applications with a 1st offense DWI provided that the applicant has documented compliance with all orders issued by the court [from 8/6/09 meeting minutes].
- 3) Approve restoration applications, only if: (a) licensee submits app and fee; (b) no licensing requirements have changed; and (c) there is no derogatory info on their license. [from 12/11/15 minutes].

EO Fernandez also informed the Board that he does not currently have authority to approve requests to provide temporary service or what's considered Temporary Permits, which certain Speech Pathologists and Audiologists can make pursuant to HRS §468E-4(8). He stated that due to the pandemic, he expects an increase of Temporary Permit requests and since the Board only meets once every quarter that the purpose of the permits would be better served if he could approve these temporary permits outside of meetings. He also stated that since the delegation to approve "yes" answer applications with 1st offense DWI's specific to DWI's, he cannot approve applications with similar offenses such as DUI's or public intoxication. Based on this information and his suggestion to update the current delegations, EO Fernandez requested the following delegated authorities by the Board:

1. Approve applications for licensure using ASHA's CCCs, board certification in audiology by the American Board of Audiology certification, or by doctor of audiology (AuD) degree pursuant to HRS §468E-5, and Hawaii Administrative Rules ("HAR") chapter 100 sections: 20, 22, and 22.1; and

2. Requests to provide temporary service or Temporary Permits using ASHA CCCs pursuant to HRS §468E-4(8).
3. Applications with 1st offense substance use convictions in the same manner as the current delegation to approve applications 1st offense DWI, with the caveat that the Board list each offense that would qualify under this delegation, such as 1st offense DUI's or public intoxication convictions.
4. Approval of restoration applications, only if submitting application, fees and there's no derogatory information on their license.

After some discussion, Chair Firmin motioned the following be delegated to the Executive Officer:

- a. Approval applications for licensure using ASHA's CCCs, board certification in audiology by the American Board of Audiology certification, or by doctor of audiology (AuD) degree pursuant to HRS §468E-5, and Hawaii Administrative Rules ("HAR") chapter 100 sections: 20, 22, and 22.1;
- b. Approval of requests to provide temporary service or Temporary Permits using ASHA CCCs pursuant to HRS §468E-4(8); and
- c. Approval restoration applications, only if: (a) licensee submits app and fee; (b) no licensing requirements have changed; and (c) there is no derogatory info on their license.

Chair Fermin's motion further included the withdrawal of the delegated authority of Executive Officer to approve applications with 1st offense DWI, and declined EO Fernandez's request to approve any related offenses such DUI, or public intoxication. All applications with convictions will now be required to go before the Board for review. The motion was seconded by Vice Chair May, and carried by roll call vote of all members present.

Vice Chair May asked if delegation to approve Temporary Permits would also include Audiologists certified by the ABA or doctors of audiology, also adding if they can obtain the Temporary Permit.

EO Fernandez stated that it would not and that he is uncertain based on the language of HRS 468E-4(8) if those audiologists would qualify for Temporary Permit. He suggested the Board keep the language of the delegation until he can do further research at which point the delegation can be updated if needed.

Vice Chair May stated this is reasonable.

Application
Requirements and
Forms:

The Board to discuss the implementation of the new provisional license for those completing their clinical fellowship year (CFY), which is going active on January 1, 2022.

EO Fernandez stated that the draft application he prepared for the Board for the provisional license is based on the existing permanent licensure application forms. In order for the Board to properly screen provisional license applicants the applicant should provide the information need to apply by examination set forth by the Administrative Rules excluding proof of completing a CFY. He stated that he is creating a form for the supervisor of the applicant to provide pertinent information about the fellowship to confirm the requirements of Act 235 (2019) have been met. This would include information such as when the clinical fellowship would begin and end, its location, and other identify information such as their license number. What he did not include in the Board's information was requirements for submitting an extension request letter or creating another form, which would be used in case the applicant needs another year to complete their hours. He reminded members that ACT 235 allows for a (1) year extension to the provisional license if approved by the Board.

Dr. May asked why Audiologist were not included on the bill.

Dr. Rall stated that Audiology students will not have graduated by the time they are completing their fellowship.

Dr. May also added that she was confused then by the application form and there was a suggestion that since Act 235 itself only included speech pathologists, the application form and instructions should be adjusted to prevent confusion on the type of license applying for.

EO Fernandez said that he can start finalizing the draft applications and asked the Board if they had any questions or if they wanted to make any changes.

Vice Chair May said that the forms look fine and thanked EO Fernandez for his work on it thus far.

Scope of Practice:
Audiologists:

Is the administration of audiometric tests as part of an occupational hearing conservation program within the scope of the practice of audiology? Specifically, if the person administering the test does not do any evaluation of the results, but merely facilitates the audiometric test, would such a person require licensure as an audiologist?

Dr Rall stated that the answer to the first question “is the administration of audiometric testing within the scope of audiology?” is yes. But if that person who is running the test is not doing the diagnostics they do not necessarily need a license. Additionally, technicians need to be certified.

Dr. May agreed that that is her understanding too.

EO Fernandez clarified that if the Board believes that it is within the scope of an Audiologist to test then only Audiologists should be performing the test. He suggested that if the Board does not believe it has enough information to answer this question, then it can request further information to clarify what is being asked.

Dr. May stated that she did not feel that this was within the authority of the Board since it is question of whether someone who is not licensed can test, and the Board deals with those who are licensed.

Dr. Rall suggested informing the requester to provide further info or to request information from their home state. She added that ASHA has information about scope of practice for hearing conservation and audiology which should be reference

The Board was also reminded that it is not required to provide an answer and if it did decide to do so, that it would be informal. In accordance with Hawaii Administrative Rules §16-201-90, informal opinions and interpretations are for informational and explanatory purposes only. They are not an official opinion or decision, and therefore not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

After discussion, Vice Chair May asked EO Fernandez to ask for additional clarification in order for the Board to discuss further.

Next Meeting

Date:

October 22, 2021

2:00 p.m.

Virtual Videoconference Meeting - Zoom

Adjournment:

There being no further business to discuss, the meeting was adjourned at 3:59 p.m. by Chair Firmin.

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes
Secretary

CF:sar

08/11/21

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 10/22/21.