

## **BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY**

Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

### MINUTES OF MEETING

Date: October 22, 2021

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/94954674185>

Present: Lorna Hu, Member, Speech Pathologist  
Erin Firmin, Member, Speech Pathologist  
Dr. Susan May, Member, 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  
Sandy Matsushima, Executive Officer (Technical Support)  
Risé Doi, Executive Officer (Technical Support)

Excused: None.

Guests: Kristina Fuentes, past President, Hawaii Speech-Language-Hearing Association (“HSHA”)

**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, Dr. Rall and Ms. Hu were present. With roll call complete Chair Firmin brought the meeting to order at 2:12 p.m.

Regulated  
Industries Complaints

Office (RICO):

Advisory Committee

Members: After a brief discussion and a motion by Chair Firmin seconded by Ms. Hu, members present voted unanimously by roll call to approve the RICO Advisory Committee members.

Approval of  
Meeting Minutes  
For August 6,  
2021:

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

After Chair Firmin asked members if there were any amendments to the August 6, 2021 meeting minutes and noting one correction on page 6, fourth paragraph from the bottom showing her name was spelled incorrectly, Ms. Hu motioned to approve the minutes for August 6, 2021 with the correction noted by the Chair. The motion was seconded by Dr. Chen and passed unanimously by roll call of members present.

Executive Officer's  
Report:

EO Fernandez informed the Board that he found information that may authorize licensed Audiologists who do not hold American Speech-Language-Hearing Association ("ASHA") certification, i.e. those who are Doctors of Audiology or hold American Board of Audiology certification to provide temporary services. He noted that since the subject was not on this agenda that it would be placed on the next agenda.

Applications

A. Ratifications:

SP 2032	Brandelyn G. Fowkes
SP 2033	Frances S. Roden
SP 2034	Kirsten M. Nakamura
SP 2035	Loryn R. McGill
SP 2036	Jennifer B. Adelizzi
SP 2037	Jacquelyn Jarachovic
SP 2038	Emily Jones
SP 2039	Kathleen Hodges
SP 2040	Carly rei Kakuda
SP 2041	Taylor C. Bushman
SP 2042	Savannah Philips Ross Evans
SP 2043	Adrienne Fuller
SP 2044	Patti Hill
SP 2045	Kelsey Elizabeth Whitaker
SP 2046	Amanda Rae Wilson
SP 2047	Abigail P. Chaney
SP 2048	McKenzie C. Winchell
SP 2049	Alexa Jean Anderson
SP 2050	Elizabeth A. Sampson
SP 2051	Haley L. McMahon
SP 2052	Kelley Hickman
SP 2053	Kelty E. Wickham
SP 2054	Hannah Schneier

SP 2055	Aida Rashimi
SP 2056	Elana Carp
SP 2057	Carly Isabella Levine
SP 2058	Patricia Ellen Whitney
SP 2059	Catherine Castellano
SP 2060	Adrienne Kathleen Wagster
SP 2061	Courtney A. Kornblum
SP 2062	Meredith L. Petersen

**TOTAL: 31**

AUD 223	Chelsea L. Maag
AUD 224	Rose Buchbinder

**TOTAL: 2**

After a motion by Chair Firmin seconded by Dr. Rall, the Board unanimously voted by roll call to approve the ratification list.

Legislative  
Matters:

***Board conversation regarding forming a legislative committee for the upcoming 2022 Hawaii State Legislative Session.***

Chair Firmin asked if there was any public person who wished to provide oral testimony on the agenda item; there was none. She also invited EO Fernandez to provide information regarding the agenda item.

EO Fernandez reminded members that during the legislative session the Board will be providing testimony on all bills amending HRS §468E and may also provide testimony on bills that are related to but do not affect the chapter. In times when the Board is unable to meet prior to a bill being scheduled for hearing, a Legislative Committee comprised of three or less members can submit written comments. While the Legislative Committee would not represent the Board formally, it would allow the legislature to hear information that may help its deliberations and time for the Board to organize a meeting where it can formally vote on a position. He informed the Board that it would need to vote to form the committee and identify the members.

Chair Firmin stated that she would be interested in being a part of the legislative committee. She asked if it was appropriate to have members from different disciplines, since they have some specializations.

EO Fernandez said that he believes it is a good idea.

Vice Chair May asked if the legislative session will be done virtually and if there are any dates set up yet. She would like to participate if her schedule will allow.

Dr. Rall also expressed interest to participate as long as her schedule will allow.

EO Fernandez said that the committee can communicate in various manners and that the legislative session will probably be done virtually and that if she was not able to be there, he will be able to provide the testimony on the committee's behalf. He said that the legislative calendar does not come out until the end of December 2021 or early January 2022.

It was motioned by Ms. Hu, seconded by Dr. Chen, and unanimously carried by roll call vote, to appoint Chair Firmin, Vice Chair May and Dr. Rall to the legislative committee.

***Board conversation regarding the Audiology Speech-Language-Pathology Interstate Compact ("ASLP-IC")***

Chair Firmin asked EO Fernandez to share information with the Board about the ASHA interstate compact that may be coming up during the legislative session.

EO Fernandez responded that Kristina Fuentes, past President of HSHA, is present and asked if the Board would like to have a discussion with her.

The Board agreed.

Ms. Fuentes said that HSHA has intentions of getting a bill regarding the ASLP-IC, supported by the American Speech-Language-Hearing Association ("ASHA"), introduced for this legislative session. She explained that the bill would increase public access to Audiologist ("AUD") and Speech Language Pathologist ("SLP") services by mutual recognition of member state licenses. She further explained that if a practitioner has a home state other than Hawaii and we are part of this compact; and if the practitioner pays a contract fee, we will be able to recognize them as providers in the state as well. It encourages the member states to regulate having a multi-state license. She has already shared some information with EO Fernandez about disciplinary actions; specifically, that there is a compact association that would take care of regulating that information, between all the states, and do investigations. Currently there are 15 states that have enacted the compact and another 7 states that have pending legislation. She concluded that HSHA is hoping this would ease up the licensure and get practicing Audiologists and Speech Language Pathologists in the state when needed.

When asked to explain the contracts in more detail, Ms. Fuentes said that it's like having privileges in other states, where you can have your home state in Hawaii and practice in other states that are part of the compact. However, you will have to be part of the compact to have those privileges to work in another state. And vice versa: if someone in California has a contract to work in Hawaii, and the states are a part of the compact legislation, the person will be able to pay that compact fee and practice here and not have to go through the entire application process for the separate Hawaii state license. There would be some general requirements that may have to be added in Hawaii, like fingerprinting and certain things that every state must do in order to be part of this Compact as well.

Vice Chair May asked Ms. Fuentes where the Board could locate the list of the 15 states that are currently in the compact.

Ms. Fuentes said that at [www.aslpcompact.com](http://www.aslpcompact.com) there is information, frequently asked questions, and a map that shows the states.

Chair Firmin noted that Ms. Fuentes mentioned the compact being responsible for disciplinary actions and asked how it works.

Ms. Fuentes said that she does not have the full information, but she knows that there is a compact commission that is created [by the compact language] with representatives from member states, possibly from each state. The commission will have a special data system, so sharing information between the states will be a lot easier. A remote state will have disciplinary power and can report infractions to the home state, and the home state will make decisions. She will have to get more information on this, and she is hoping to have a meeting with a representative from the ASLP-IC and get more details for the Board.

Chair Firmin stated that tele-practice is within the scope of practice of Speech Language Pathologists and she imagines the majority of people participating in the compact, who wish to practice in Hawaii, will utilize the service. She asked Ms. Fuentes what provisions for tele-practice are within the compact.

Ms. Fuentes said that one of the purposes is to allow for the use of telehealth technology. It is allowed through them [the compact language], but she does not know if there are certain restrictions on it.

Ms. Hu asked what types of services are provided through this compact, for example: will dysphagia treatment and assessment be done through telehealth and tele-practices? Are there going to be any provisions or restrictions for the types of services that are provided through this compact?

Ms. Fuentes responded that her understanding is that it will be based on whatever the remote state's scope of practice is. She stated that she will need to get more information on this.

EO Fernandez mentioned that he had the privilege of speaking with representatives from ASHA and the Council of State Governments-National Center for Interstate Compacts ("CSG"); the latter of which is in charge of promoting and organizing the implementation of the ASLP-IC. From that conversation he noted there is a section in the compact language, specifically section 5 regarding compact privileges to practice telehealth. Basically, anyone that is practicing in Hawaii via the compact, if Hawaii were to adopt this, would be able to use telehealth. If you were only licensed in Hawaii, and not through the compact, it would raise a question on whether or not *you* would be able to as well. Right now, the statutes are silent. He suggested the Board look into this before it forms a position on the compact.

Dr. Rall asked Ms. Fuentes, regarding the compact's disciplinary language and the use of tele-practice in one state from another, would she follow Hawaii state laws or the laws in the state she is seeing the patient.

Ms. Fuentes said her understanding is that each state, the home state and the remote state, can still make their own decision regarding discipline. So, if you are practicing in a remote state, and this is where there might be some action needed to be taken, the remote state could suspend your privileges. Then the home state will be notified, and they would do their own investigation and make their own decision about what actions to take. She will need to get clarification and get back to the Board on this.

Responding to Dr. Rall, EO Fernandez stated that section 7 of the compact outlines what is defined therein as "adverse actions" in other words: the disciplinary process. But, Section 7 only provides a general structure to how it works. He went on to say that it's important to note that, as of right now, the compact has just achieved the number of member states needed to make it active. This means there has been no compact commission meetings yet. Looking at the language of the compact regarding the organizational structure of the compact, there are two tiers, the Compact Commission and the Executive Committee which are in charge of creating all the bylaws, requirements, e.g. specifying the adverse action process. Since the language of the compact is final and cannot be amended, we will have to wait and see how the Compact Commission will create this internal structure in order to get answers to questions like Dr. Rall's. ASHA and CSG could not provide some information due to this reason. He added that they also could not provide what the cost would be for the member states to fund the internal

structure of the compact such as application processing and disciplinary action proceedings because this too would be decided at the Compact Commission meetings. ASHA and CSG stated that they may try to acquire grants, etc. to subsidize costs, but EO Fernandez said there could still be a substantial risk of it costing a lot more to be a part of compact than what the state actually gets out of it. He added that the compact language affords member states the authority to charge a fee to use the privilege in their bounds, but there is no way to know right now what this could be. The best way to find out, he suggested, is to wait until the end of next year (2022) when ASHA and CSG told him they predict that the internal structure of the compact will be fully formed and the first privileges issued. This would provide more data about how the compact is functioning.

Ms. Fuentes added that when she went to the summit, she specifically asked if there would be a cost to member states, because she was concerned about things Hawaii currently does not require for licensure, such as fingerprinting. CSG informed her that there should not be costs to member states for things like fingerprinting since those costs would be built into the application for the privilege which she believed they said would be somewhere around \$30 to \$35.00. But she was interested in getting clarification on costs.

EO Fernandez added that the compact would invariably require the Regulated Industries Complaints Office ("RICO") to provide information to other member states, and it was not clear who would pay for the costs. For example, in adverse action cases one of the member states involved will be responsible for paying for such things as witness travel if they are required to appear for a hearing, etc. He stated he also needs more clarification about these costs.

Ms. Hu asked, who would be in charge of the complaints coming in. Would it be the state or the compact that has a separate RICO Board that looks at the complaint.

EO Fernandez said that according to the compact language each member state has the authority to discipline all people practicing SLP and AUD within their bounds. This would include those who are using the compact privilege and those using the state licenses. If the state claims that its laws were violated by someone using the compact privilege, they could file with the Compact Commission a disciplinary action request. From this point on they would need to send all information to the Commission and their disciplinary action committee or whatever it will be called as well as the home state of the privilege holder, because they would be the ones who would be taking action against their licensee. But it appears convoluted and this is where the guidance of bylaws and

procedures would be useful. He believes that there are a lot of administrative costs that are still unknown.

Chair Firmin noted there is still a lot of research to be done to discuss the matter further before the 2022 legislative session begins and suggested holding an additional meeting on Friday, December 10, 2021 to discuss this and other matters before the Board.

Application  
Requirements  
And Forms:

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

Chair Firmin asked if EO Fernandez had information to share.

EO Fernandez first wished to remind the Board that from the last Board meeting there were still some ambiguities as to how the new provisional license would be implemented in the PVL database. He stated that he is more confident that the database can handle the new license without too much hassle.

Second, while revamping the Board's license applications and instructions to incorporate the provisional license, he noted a few points of concern that he wished to notify the Board about.

- 1) It is not clear that the requirements for licensure as outlined in Hawaii Administrative Rules ("HAR") §16-100 are consistent with the requirements for ASHA's Certificate of Clinical Competence ("CCC") anymore. For example, 2020 requirements for CCC require 400 hours of clinical observation and practicum, HAR §16-100-20(c)(1) requires only 375. Additionally, he noted that although the CCC is the standard for licensure across the U.S., HRS §468E does not require it. There is an alternative, but the requirements for which are basically supposed to be the same; thus
- 2) There are a couple pathways for SLP licensure, including:
  - a) providing proof that the applicant has met the requirements for ASHA's CCC, aka providing a letter of certification from ASHA; and
  - b) Applying by Licensure by Examination, which involves submitting supporting documents that provide proof that applicant is eligible to meet CCC requirements set forth by ASHA. The documents include:

- 1) Clinical Observation and Clinical Practicum Verification form;
  - 2) Clinical Fellowship Verification form;
  - 3) 3 Letters of Recommendation;
  - 4) Official transcripts;
  - 5) Praxis Exam passing score; and
  - 6) The Licensure by Examination pathway also allows applicants with a bachelor's degree in Speech Pathology or Audiology to prove equivalency to a master's degree by completing a Verification of Coursework form that can be evaluated by the Board.
- 3) The last point EO Fernandez wished to make is that HAR §16-100-20(c) clearly states that applicants for licensure by examination must submit evidence of eligibility for meeting the requirements of ASHA's CCC, but since the paragraphs of subsection (c) do not appear to be consistent with current ASHA CCC requirements, it's unclear if degree equivalency set forth by subsection (d) is possible anymore. Currently ASHA requires at least a master's degree for SLP and a doctoral degree for AUD.

Third, since an applicant for the provisional license will not be able to provide the CCC letter of proof, EO Fernandez based the provisional license application instructions on the requirements for Licensure by Examination. The current draft of instructions instructs the applicant to submit their official transcripts and Verification of Clinical Fellowship Supervisor form along with the application form since this is supported by the language of HRS §468E-12.5. However, he wanted to know if the Board wished to include any other verifying information such as the Clinical Observation and Clinical Practicum Verification form because he was unsure if this was necessary to begin a clinical fellowship for ASHA CCC. He informed the Board that based on the language of HRS 436B, it can request additional information, to some extent, to make sure someone meets the requirements for licensure.

Chair Firmin stated that she believes so, because ASHA is clear about when you can start your clinical fellowship. It can only be started after your academic course work and your supervised clinical practicum has been completed and verified by your graduate program. She further stated that the Board would have no other way of knowing if it didn't ask for it.

EO Fernandez said that he will include this in the instructions, and the Board can review again at the December 2021 meeting agenda.

Next Meeting December 10, 2021  
Date: 2:00 p.m.  
Virtual Videoconference Meeting – Zoom

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:32 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

11/18/21

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_.