

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

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

MINUTES OF MEETING

Date: December 10, 2021

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/95362056888>

Present: Erin Firmin, Chair, Speech Pathologist
Dr. Susan May, Vice Chair, Audiologist
Lorna Hu, Member, Speech Pathologist
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
Kawehionapua Mau (Technical Support)

Excused: None.

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

Call to Order: **Chair Firmin provided attendees information on how to participate meetings being held remotely and that testimony would be limited to (5) minutes per person, per agenda item.**

Chair Firmin then 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 2:13 p.m.

Approval of Meeting Minutes For October 22, 2021: 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 members if there were any amendments to the October 22, 2021 meeting minutes. Since there were none, Chair Firmin motioned to approve the minutes, seconded by Ms. Hu, and passed unanimously by roll call of members present.

Executive Officer's
Report:

EO Fernandez informed the Board that he had nothing to report.

Applications

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

Chair Firmin noted that licensees Brandelyn Fowkes (SP-2032 and Frances Roden (SP-2033) were inadvertently added to this agenda from the last one. Since they were already ratified, the Board will not be including them in the ratification vote.

A. Ratifications:

SP 2032	Brandelyn G. Fowkes
SP 2033	Frances S. Roden
SP 2063	Nicole A. Steyl
SP 2064	Kehau M. Ai
SP 2065	Julie M. Marcel
SP 2066	Sameeksha Dixit
SP 2067	Lauren Siefring
SP 2068	Tamara Robinson
SP 2069	Rachel M. Oda
SP 2070	Samantha J. Dean
SP 2071	Mackenzie Baber
SP 2072	Chontille M. Afong

TOTAL: 10

AUD 225

TOTAL: 1

After a motion by Chair Firmin seconded by Dr. Rall, the Board unanimously voted by roll call to approve the ratification list, excluding SP-2032 and SP-2033.

Legislative
Matters:

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

EO Fernandez reported to the Board that he received further information about the Audiology and Speech-Language Pathology Interstate Compact ("ASLP-IC") from Kristina Fuentes the former President of the Hawaii Speech-Language-Hearing Association ("HSHA"). He stated that while Ms. Fuentes was able to provide some further information to help answer

questions the Board had from the previous meeting, she could not provide information about such things as the compact's internal structure since this is not expected to be completed by the compact commission until the end of next year (2022); this includes establishing the fees for member states. He noted that Ms. Fuentes suggested the costs of joining the compact will be nominal, but he added that he was uncertain if Ms. Fuentes's claim would be the case. He stated that since the Professional Vocational Licensing Division ("PVL") is partially self-funded, costs for such things as license administration and regulation, i.e. investigations by the Regulated Industries Complaints Office ("RICO"), etc., are funded in part by the licensees via fees. If the compact privilege users will pay a lesser fee this may affect PVL revenue used to investigate violations of statutes for example. Another consideration is whether current state information practices laws may impact the compact language is effective regarding the sharing of information with the compact commission and other states. It is something that EO Fernandez is still checking in to with RICO.

Chair Firmin brought up that HRS §468E is silent on subject of telehealth and her understanding is that the compact privilege users will most likely be utilizing telehealth to provide services. She asked if this would be an issue.

EO Fernandez stated that the compact has a telehealth provision, so those using the privilege would be able to provide remote care, but it is not clear whether those who are licensed in the state would also be able to use telehealth with silent statutes.

Ms. Hu stated that she believes there is still a lot to think about including what types of services should be provided via telehealth.

Vice Chair May echoed Ms. Hu's comment and added that she believes the requiring continuing education ("CEU") is another subject that would need to be addressed.

Dr. Rall agreed.

EO Fernandez asked members what other benefits besides potentially more Audiologists ("AD") and Speech Pathologists ("SP") practicing in Hawaii if the state were to implement the compact.

Chair Firmin stated that she believes access to services is the main reason for the compact since, for example, SPs with specialties, such as Rhett's Disorder, may need to be brought in to help.

Ms. Hu reiterated her concern about what services would be utilized via telehealth and that this is a major concern for her.

EO Fernandez asked the Board how Speech-Language Pathology Assistants ("SLPA") would affect shortage issues.

Ms. Hu stated that if SLPAs were established as a license type or licensing program, she would utilize them to expand her practice.

Vice Chair May stated that SLPAs are used within Kaiser and they are valuable support.

Chair Firmin stated that she is unaware whether HSHA has discussed SLPAs, but that they are an ongoing discussion in the field of speech pathology since a SLPA would be able to provide therapy under the direction of a SP; just not assessments. She stated that it would likely increase access to services. To her knowledge, the conversation about SLPAs is separate from the conversation regarding the compact and the effects on poor access to services.

EO Fernandez asked members how they feel about the compact at this time.

Ms. Hu stated that she has concerns and is hesitant to support legislation for the compact.

Dr. Rall agreed. She stated that she sees the benefits but obtaining a license or temporary permit is very simple in Hawaii so it challenges why there would be a need for it. She admitted that the compact may benefit clinics and hospitals more than the military which is her setting.

EO Fernandez informed the Board that beginning January 1, 2022, military spouses can obtain temporary licensure good for 5 years. He stated that this noteworthy because most funding for the development and promotion of interstate compacts comes from Federal defense grants to help military spouses be more mobile license-wise.

Dr. Rall added that most military spouses will try to get positions within the military too, because they get priority and do not require a state license. She feels that the practice mobility of military spouses is not really a factor in supporting the compact.

Chair Firmin stated that she sees pros and cons for supporting the compact. For example, a pro would be helping fix a lack of access to services, and a con would be a potential decrease in quality of services. She stated she would like to see the compact functioning for a few years before the Board considers entering it.

Dr. Hu agreed and added that she feels that addressing telehealth standards for SPs and Ads is more pressing, as well as looking in to SLPA practice in the state.

EO Fernandez reminded the Board that consideration such as Ms. Hu's would require statutory amendment and so if the Board wishes, it can create a permitted interaction group ("PI Group"). The PI Group would allow up to (3) members to meet outside of meetings to discuss these matters in order to present to the full Board at a public meeting their findings. Since the Board will only be meeting (4) times in 2022, it may be good idea to establish the PI Group at the next meeting.

Board members present stated that they would be interested in creating the PI Group to discuss telehealth.

Application
Requirements
And Forms:

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

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 the members have any discussion on this item.

Dr. Rall asked as a reminder if this provisional license is only for SPs.

EO Fernandez confirmed and added that he added this item to the agenda just to inform the Board that he has completed all steps in preparation for the roll out, including the addition of the requirement that applicants complete a practicum verification form. This stemmed from the conversation the Board had at the previous meeting where it recommended adding the form as an application requirement.

Chair Firmin asked if there is a way of changing a supervisor mid-year for those holding the provisional license.

EO Fernandez stated that there is no guidance within the language of the new statute, and that the Board should probably discuss what to do if this happens. He reminded the Board that the supervisor, per the statute, must be listed on the person's provisional license.

Chair Firmin asked if this could be taken care of by submitting a new verification form.

EO Fernandez stated that he thinks this is possible, but that he and DAG Suzuka can discuss this and provide an answer at the next meeting; just to make sure that the current language permits a supervisory change. He will also have to look into whether fees will be required since actions will need to be taken to update the licensee's record.

- b. The Board will discuss the application for licensure process which may include review of current requirements, forms, and current Board-authorized delegations.

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

EO Fernandez informed the Board that his current delegation to approve temporary permits is only for those using their AHSA certification and does not include ADs without ASHA, because at the time the Board voted to approve the delegation it was unclear if they could provide temporary services pursuant to HRS §468E-4(8), which states in part that an applicant must be a "...holder of the ASHA certificate of clinical competence in speech pathology or audiology or its equivalent...".

After reviewing the statute and Hawaii Administrative Rules ("HAR") §16-100-20(g) which states, "A doctor of audiology (AuD) degree or a board certification in audiology from the ABA meets the eligibility requirements of an ASHA certificate of clinical competence in audiology", EO Fernandez asked DAG Suzuka, prior to the meeting, if it was possible to grant temporary permits to ADs with ABA certification or a doctoral degree since those with these credentials are considered to have met the requirements for ASHA certification in the rules; essentially they are equivalent. DAG Suzuka responded that this would be within the Board's authority to grant. EO Fernandez asked the Board if it would update his delegation to approve temporary permits for those ADs that hold ABA certification or an AuD.

After a brief discussion the Board, and on a motion by Chair Firmin, seconded by Dr. Rall, it all members present voted to informally opined that pursuant to HRS §468E-4(8) and HAR §16-100-20(g), ADs who hold current ABA certification or an AuD are considered to have met the requirements for an ASHA certificate of clinical competence in audiology and therefore are seen as equivalent to ASHA certification.

Please be advised that in accordance with Hawaii Administrative Rules §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

Additionally, on a motion by Chair Firmin, seconded by Dr. Rall, the Board voted by roll call to update the Executive Officer's current delegation to approve requests to provide temporary services for those who hold ASHA CCCs to the following:

Approval of requests to provide temporary service or Temporary Permits by those who hold ASHA CCCs, or Audiologist who hold current ABA certification or a doctoral degree in audiology pursuant to HRS §468E-4(8) and HAR §16-100-20(g).

Next Meeting February 1, 2022
Date: 2:00 p.m.
Virtual Videoconference Meeting – Zoom

Chair Firmin stated that beginning February 1, 2022, the Board will be meeting day will change from Friday to Tuesday.

Adjournment: There being no further business to discuss, the meeting was adjourned at 3:52 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

12/10/21

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of 2/1/22.