

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

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

MINUTES OF MEETING

Date: November 22, 2022

Time: 2:00 p.m.

Agenda: The agenda was posted to the State electronic calendar as required by Hawaii Revised Statutes ("HRS") section 92-7(b)

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar
link: <https://dcca-hawaii-gov-.zoom.us/j/96006228704>

Present: Erin Firmin, Chair, Speech Pathologist
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
Johnny Li (Technical Support)
Mia Hoang (Technical Support)

Excused: Dr. Susan May, Vice Chair, Audiologist

Guests: None.

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, Ms. Hu, Dr. Chen and Dr. Rall were present in person, with Vice Chair May excused. With roll call complete Chair Firmin brought the meeting to order at 2:11 p.m.

Approval of Meeting Minutes For May 24, 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 members if there were any amendments to the May 24, 2022 meeting minutes. Chair Firmin motioned to approve the minutes, seconded by Dr. Rall which the board unanimously carried.

Executive Officer's
Report:

a. FDA: OTC hearing aids

EO Fernandez reported that just recently the Federal Drug Administration ("FDA") changed the rules for hearing aids which would allow for over-the-counter purchases by consumers without need of a prescription. With this new information, at first it appeared that all hearing aids were going to be over-the-counter and thus making the Hearing Aid Dealer Fitter ("HADF") profession obsolete, however several weeks ago the FDA and the American Academy of Audiology clarified that it was creating a class of over-the-counter hearing aids, but that prescription hearing aids were still to be prescribed by Audiologist or Otorhinolaryngologists and filled by HADFs. The basic take away is that there are entry level hearing aids that will be available over-the-counter. It was explained that these hearing aids would not be able to be adjusted and there could be issues with this and obviously there are always concerns when some new standard is made, but in general people seem to be happy with the decision of having access to these entry level hearing aids.

Dr. Rall stated that it is not necessarily that they cannot be adjusted at all, there is just a lot of limits that are put on them. They are going to fit a specific type of hearing loss and will not fit everything and will not be able to cover all bases. She does think that there is not that much to worry about changing as far as looking at what HADFs and audiologists will do.

b. Meeting Schedule

EO Fernandez stated to the Board members that the new 2023 meeting schedule that was handed out to them shows that there will be (4) meetings that is scheduled. Depending on what happens during the legislative session, if any bills are introduced with regards specifically to speech pathology or if there are any requirements for the Board to form a position, the number of meetings may change. He understands that their schedule is very busy, and he suggested voting to form a legislative committee.

Applications and
Licensure:

The Board to review the application processes for those applying for a license in Speech Pathology including the provisional license. This may include the consideration of adjustments to the process as needed for administrating licensure, e.g., defining when the supervisor is to be named for the license, or the protocol for when a provisional license holder loses their supervisor, and no new supervisor is named to the

license. The Board may also consider creating further delegations of authority for the Executive Officer to facilitate any new administrative processes.

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

Chair Firmin stated that one of the issues in the application process is when the fellowship supervisor for the provisional license must be identified. Right now, the way it stands is that a supervisor will need to be named before they can be licensed. Another concern is the delay in how long it will take.

Dr. Rall stated that you cannot get a job without a license, and you cannot get a license without a supervisor. What would be the correct way to change or correct this. Can the Board put a condition on the license?

Chair Firmin stated that there could be a letter that says they are conditionally approved pending receipt of the supervisor form.

EO Fernandez said that the statute requires the supervisor to be identified on the license so therefore the supervisor must be named prior to license being issued. It makes it difficult in cases where licensure is required for a job which gives access to the supervisor. He suggested talking to clinics about this issue and suggesting that the Board send a letter that informs the potential employer that the applicant is approved pending proof of supervisor and set a time frame for the applicant to submit proof of a supervisor. This may allow clinics to hire applicants with the letter sans licensure at that time. He offered the suggestion that the Board could delegate to him the authority to approve these applications. He reminded members that the other way to deal with this is to go to the legislature and try and change the statutes. In closing he said that the Board could have the applicant answer questions 3 to 5 on the application again in case something may have changed since the Board tentatively approves those applicants who needs the letter to get the job that will get them the supervisor.

DAG Suzuka stated that this covers everything for now, but there may be something to sort out process wise, with the different facilities and when more details are available. The Board can decide what to do. She also said it will be good to give delegation to the executive officer so that he can process these as they come in.

EO Fernandez said that the intent of the letter is to inform the applicant that they have met all other requirements and the Board is awaiting verification of the supervisor.

Dr. Rall stated that the letter should not be going to the applicant, but to the perspective supervisor or to people who are in charge of hiring. The applicant may request a letter from the Board to clarify to their perspective employer that the applicant has met all requirements other than the supervisor signature on Form SP-07 and will immediately obtain provisional license upon receipt of the form with the executive officer having the authority to approve upon receipt.

It was seconded by Ms. Hu and unanimously carried to approve the motion of Dr. Rall to (1) delegate to the EO officer applications that require a letter from the Board addressed to their potential employer the applicant meets the requirements and the Board is awaiting confirmation that the applicant has obtained a fellowship supervisor and approve said applications once proof is received. (So long as the applicant continues to meet the requirements for licensure as set forth by HRS 468E and 436B, and HAR 16-100 from the time they are reviewed by the Board, or Executive Officer, and when it receives the notarized proof of having a fellowship supervisor on form SP-07)

Chair Firmin stated that another issue with the provisional license is, should the provisional licensee lose their supervisor, what then is the process.

EO Fernandez said that recently a supervisor contacted the Board to inform it that they are no longer acting as the supervisor for a SPP license holder. He said that he did not hear from the licensee. He asked, what does the Board do in these scenarios. Other license types would put these licenses into a temporary hold ("TE"). It basically freezes the license until that essential requirement is met again.

In cases that no one informs the Board, not the supervisor or the licensee, then there will be someone with an ongoing license who is probably in violation, and this could lead to a disciplinary action on the license. Ideally, the current supervisor and the applicant both inform the Board that they are parting ways, but the applicant has a new supervisor ready to take over. He said that this would require a new SP-07 form be filled out for the new supervisor and that it should be accompanied with a letter from all parties (old and new supervisors, licensee, and maybe the clinical/training director) that everyone knows of this change.

Chair Firmin noted that the provisional license is good for one year and asked if a licensee goes on inactive status, will this eat into their year.

EO Fernandez answered that he thinks so, but since they have the option to extend for another year it could cover the time that they are inactive. But, because the original application approval was based on certain dates, then his suggestion is that Board authorization would have to

adhere to those dates. He would need to look further to see if there is anything saying that the Board is barred from changing though.

DAG Suzuka said that the key is setting a time frame in how long that gap can be. The Board should decide this today.

Chair Firmin asked, what happens if a provisional licensee is on an extended leave, and it is the supervisor that left.

EO Fernandez said he will need to check on this.

After further discussion, it was motioned by Chair Firmin, seconded by Dr. Chen, and unanimously carried to allow the executive officer delegation to provide a letter for a provisional licensee should they lose their supervisor during their provisional license year, and to allow them (30) days from the date the letter is sent out, notifying them that they will need to obtain a new supervisor or risk disciplinary action.

Chair Firmin said that one of the other topics under a provisional license is how the provisional licensee will sign their name. When they are doing their CCCs, they sign as SLP-CF. She asked, if they will need to identify themselves as a provisional licensee in a similar manner, since there is nothing that states this right now.

EO Fernandez said that the statute language only identifies the license, but it does not identify the title.

Applications:

Chair Firmin announced that the Board will go into executive session at 3:10 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).

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

It was motioned by Chair Firmin to go into executive session, seconded by Ms. Hu, and unanimously carried by the Board.

EXECUTIVE SESSION

At 3:52 p.m., it was motioned by Chair Firmin, seconded by Ms. Hu, and unanimously carried by the Board to return to open session.

A. Board Review of Applications

Speech Pathologist

1) Anyea Livers

It was motioned by Chair Firmin, seconded by Ms. Hu, and unanimously carried with no objections to approve Dr. Livers' application.

2) Aja Carrillo

It was motioned by Ms. Hu, seconded by Chair Firmin, and unanimously carried with no objections to approve Dr. Carrillo's application pending receipt or confirmation of completing 375 clinical practicum hours pursuant to HAR § 16-100-20(c).

B. Ratifications:

Speech Pathologists

SP-2122	Kristi Iseke
SP-2123	Caroline Naomi Yamashiro
SP-2124	Patricia L. Jarman
SP-2125	Heather M. Brown
SP-2126	Grace Leonard
SP-2127	Brian W. Martin
SP-2128	Jordan R. Patrick
SP-2129	Angela M. Davis
SP-2130	Kari R. Fossen
SP-2131	Breanna S. Fort
SP-2132	Katherine E. Loebker
SP-2133	Kelsie Kiemi Murai
SP-2134	Hannah I. Duke
SP-2135	Joanna E. Smith
SP-2136	Ashley Wren Morrow
SP-2137	Emily A. Utia
SP-2138	Nicholas Brow
SP-2139	Rachel R. Badgett-Mills
SP-2140	Sara E. Berry
SP-2141	Cassidy R. Hurd
SP-2142	Anjelic Jennifer Aspelund
SP-2143	Avery Constance Bennett
SP-2144	Erika Ordonez
SP-2145	Sean Hess
SP-2146	Denevieve-Marie C. Ventarola
SP-2147	Madeline Summer Seymour
SP-2148	Samantha Cozzolino

SP-2149	Jacob Rothstein Rothstein
SP-2150	Kylene Wenner
SP-2151	Christina Powell
SP-2152	Holly J. Nunn
SP-2153	Hannah R. Humphrey
SP-2154	Jessica Burchiel
SP-2155	Desiree Contreras-Provost
SP-2156	Amanda Kate Woodmansee
SP-2157	Danielle I. Allen
SP-2158	Cortney Zeiler
SP-2159	Jocelyn B. Titus
SP-2160	Lyndsey A. Uyeda
SP-2161	Phedra L. Burnett
SP-2162	Sandra Magbual
SP-2163	Rusty L. Pennington
SP-2164	McKenzie Ann Sesterhenn
SP-2165	Esther Pak
SP-2166	Katrina L. Maxwell
SP-2167	Jazmine Del Mazo
SP-2168	Mallory J. Luke
SP-2169	Robyn H.Y. Morikuni
SP-2170	Tiya Gallegos
SP-2171	Janet Lau
SP-2172	Nalanda Chakraborty
SP-2173	Erni C. Preston
SP-2174	Katherine I. Free
SP-2175	Lane Williams
SP-2176	Kristin F. Chormann
SP-2177	Stephanie C. Berry
SP-2178	Katherine C. Benoit
SP-2179	Renee S. Martin
SP-2180	Carmen S. Aguilar
SP-2181	Kathryn G. Heim
SP-2182	Lara Christina Cody
SP-2183	Mona Ali
SP-2184	Megan L.W. Jones

TOTAL: 63

Audiologists

AUD-234	Jan M. Sakamoto
AUD-235	Tena I. McNamara
AUD-236	Steven James Rea
AUD-237	Kate M. Landowski
AUD-238	James I. Parks
AUD-239	Amelia K. Pollard

AUD-240	Andrea L. Casey
AUD-241	Michael J. Figueiredo
AUD-242	Amelia Grabowski
AUD-243	Mary E. Neeley

TOTAL: 10

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

**Legislation
& Rules:**

The Board to discuss the upcoming legislative session and to discuss HRS 468E areas within that may require administrative rule or statutory amendments, including those to be considered for administrative bills. The Board may create permitted interaction groups or committees regarding such subjects as telehealth, legislative session, or related to the amending of HRS chapter 468E or HAR 16-100.

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

EO Fernandez suggested that the Board form a legislative committee in case a bill is heard before the next meeting.

After a brief discussion, Chair Firmin motioned to maintain the 2022 legislative committee consisting of Chair Firmin, Dr. Rall and Vice Chair May for the 2023 legislative session, which was seconded by Ms. Hu and unanimously carried by the Board.

**Next Meeting
Date:**

January 31, 2023
2:00 p.m.
Queen Liliuokalani Conference Room

Adjournment:

There being no further business to discuss, the meeting was adjourned at 4:07 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

11/25/22

Board of Speech Pathology and Audiology
Minutes of Meeting of November 22, 2022
Page 9

☒ Minutes approved as is.

☐ Minutes approved with changes; see minutes of _____.