

STATE BOARD OF SPEECH PATHOLOGY & AUDIOLOGY

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

AGENDA

Date	January 28, 2024
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	PVL Queen Liliuokalani Conference Room HRH King Kalakaua Building, First Floor 335 Merchant Street Honolulu, Hawaii 96813
Virtual Participation	Virtual Videoconference Meeting—Zoom Meeting (use link below) https://dcca-hawaii-gov.zoom.us/j/83293876716?pwd=xukaT1HBLku22qAYPfbkSW8JK2LbVO.1
Phone:	(669) 444-9171
Meeting ID:	832 9387 6716
Passcode:	834538

If you wish to submit written testimony on any agenda item, please submit your testimony to speech@dcca.hawaii.gov or by hard copy mail to Attn: Speech Pathology & Audiology Board, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

INTERNET ACCESS:

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking.

PHONE ACCESS:

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When the Chairperson asks for public testimony, you may indicate you want to testify by entering "*" and then "9" on your phone's keypad. After entering "*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specific date and time. This information can be found on the Board's website https://cca.hawaii.gov/pvl/boards/speech/meeting_schedule/

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

1. **Call To Order**

2. **Review and Approval of Meeting Minutes**

The Board may enter into Executive Session 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 section 92-5(a)(4) to review the executive session minutes.

A. Meeting Minutes for October 29, 2024

3. **Applications**

A. Speech Pathologist

The Board will enter into Executive Session pursuant to Hawaii Revised Statutes sections 92-5(a)(1) and 92-5(a)(4) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

1. Lauren J. Jacobs

B. Ratifications

**Please see attached ratification list*

4. Legislative Session

A. HB629-Relating to Therapy Services

Expands the scopes of practice for occupational therapists, physical therapists, and speech pathologists employed by or contracted with the Department of Education to diagnose students with a medical condition in an educational setting and treat the students.

B. SB389-Relating to the General Excise Tax

Expands the general excise tax exemption established by Act 47, Session Laws of Hawai'i 2024, to include amounts received by optometrists, audiologists, and chiropractors, for healthcare-related goods or services purchased under the Medicare, Medicaid, and TRICARE programs.

C. SB1373-Relating to Administrative Licensure Actions Against Sex Offenders

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

D. HB1050-Relating to Administrative Licensure Actions Against Sex Offenders

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

5. Next Meeting

Friday, March 18, 2025
Virtual Conference—Zoom Meeting, and
Queen Liliuokalani Conference Room
HRH King Kalakaua Building

6. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Executive Officer Christopher Fernandez at (808) 586-2708 and as soon as possible, preferably by January 24, 2025. Requests

made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

CF:my
01/22/2025

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

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RATIFICATION LIST: For the meeting held January 28, 2025

Date list was generated: 2025.01.22

Audiologist

AUD-271 Aubrey C Ewing

Speech Pathologist

SP-2366 Susan D Urry
SP-2367 Kendra Marie Kirk
SP-2368 Stephanie Hannigan
SP-2369 Katilina L White
SP-2370 Lovel Lewis
SP-2371 Grace Richardson
SP-2372 Ashley McSweeny
SP-2373 Carolyn Margaret Stjohn
SP-2374 Stephanie Badea
SP-2375 Erika R Atkins

Speech Pathologist Provisional License

SPP-65 Leonela Andreina Salabarría
SPP-66 Yvonne A Borrmann
SPP-67 Karolina Hajkova
SPP-68 Emily Lokelani Sewell
SPP-69 Charmaine Joy-Galangco Quilombo

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

MINUTES OF MEETING

Date: October 29, 2024

Time: 2:00 p.m.

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

YouTube Link: <https://www.youtube.com/watch?v=WyZ7Ie9Wj98>

Present: Erin Firmin, Chair, Speech Pathologist
Dr. Denby Rall, Vice Chair, Audiologist
Lorna Hu, Member, Speech Pathologist
Brian Chen M.D., Public Member/Otorhinolaryngologist
Christopher Fernandez, Executive Officer (“EO”)
Rochelle Araki, EO
Marc Yoshimura, Secretary

Excused: Christopher Leong, Esq., Deputy Attorney General (“DAG”)

Guests:

Call to Order: **2:10 p.m.** After a roll call confirming that she, Vice Chair Rall; Ms. Hu; and Dr. Chen were all present and the Board had met quorum, Chair Firmin brought the meeting to order.

Approval of Meeting Minutes: After Chair Firmin confirmed the public had no testimony, the Board reviewed the meeting minutes of July 30, 2024. Chair Firmin motioned to approve the minutes as is, which was seconded by Vice Chair Rall, and approved unanimously by the Board.

Applications:

A. Ratifications

After Chair Firmin confirmed there was no public testimony and on her motion, seconded by Vice Chair Rall, the Board unanimously carried to approve the ratification list below.

Audiologist

AUD-266	Melanie J Shaffer
AUD-267	Nirali Govind
AUD-268	Catrina Lan-Tien Liner

AUD-269 Nina E Kashanian
AUD-270 Lisa Batterton

Speech Pathologist

SP-2331 Katie D Newell
SP-2336 Maya Millar
SP-2337 James Landherr
SP-2338 Faith Bishop-Purkey
SP-2339 Hrefna Czaja
SP-2340 Amy Virginia Saparto
SP-2341 Glenn Alan Higginbotham
SP-2343 Caroline R Marta
SP-2344 Celine Montcerisier Nysse
SP-2345 Molly B Cote
SP-2346 Kimberley Cole
SP-2347 Lexi Ward
SP-2348 Teri L Kawasaki
SP-2349 Kirsten C Pavlovics
SP-2350 Annette Boulgourjian
SP-2351 Rebecca Gerety
SP-2352 Amy Marie Ashley
SP-2353 Amy Brown McMahan
SP-2354 Melanie Wang
SP-2355 Mattie Roberts
SP-2356 Kensey Nicole Neely
SP-2357 Michaela S Rappa
SP-2358 Lisa Steng
SP-2359 Felicia K Darling
SP-2360 Scott K Davis
SP-2361 Maiko Ogawa
SP-2362 Kimberly Steinberg
SP-2363 Rebecca E Graham
SP-2364 Kristin R Howard
SP-2365 Keira Strickling

Speech Pathologist Provisional License

SPP-60 Evangelina Scianna
SPP-61 Emmaline K Bradley
SPP-62 Lindsay K Delmont
SPP-63 Katherine M Rodriguez
SPP-64 Kendall Fink

SLPAs and SLP
Scope Of
Practice:

Chair Firmin asked if there was any public testimony.

Hearing none, the Board began its discussion on regulation of Speech Language Pathology Assistants (SLPA) and their scope of practice.

Chair Firmin asked if members had any information stemming from the Board's last discussion on the subject.

Ms. Hu noted that SLPAs, if licensed, should not be able to practice independently and should only do those activities that are low risk and not excludes testing or diagnosis. She added that SLPAs should be helping maintain the treatment plans set by the Speech Pathologist, which is really providing support with case load management.

Chair Firmin stated that she reviewed the American Speech-language-Hearing Association (ASHA) information and found the SLPA examination blueprint, which provides a list of skills needed and scope of duties for an SLPA, including:

- Assisting Care Givers in completing relevant history and completing forms.
- Assisting during assessments.
- Assisting in translations or interpretations services.
- Following treatment plans.
- Creating activities.
- Providing therapy under the treatment plan of the SLP.
- To help with subjects such as: language, speech, voice fluency, cognitive, and pragmatics.
- Supporting the family or caregivers of the children.
- Checking equipment.

Chair Firmin noted that she disagreed with one duty that ASHA included: administering screenings without clinical interpretation. She contemplated how a screening can be administered without a clinical interpretation being done by the SLP.

members generally agreed with the list of acceptable duties and skills.

Chair Firmin stated she also compiled some tasks that should never be done by an SLPA if a license type is created in Hawaii, including:

- Assess or interpret assessments
- Design treatment programs
- Using instrumentation for screening. (Chair Firmin noted her concern for SLPAs using an otoscope).

- Advising and designing home programs without SLPs

After members considered the information Chair Firmin provided, Ms. Hu noted the significant number of states who have SLPA licensure laws established.

EO Fernandez noted the size of the scope of practice as presented in ASHA documents, adding that the Board will most likely need to really set parameters for practice if the scope is so big.

Ms. Hu supported the idea of SLPAs applying for licensure with training in place and not using the jobs for on-job training and asked if SLPA practice would be unlicensed.

EO Fernandez explained that SLPAs are unlicensed in Hawaii currently, and the chapter would need to be amended to at least allow SLP licensees to retain supervised SLPAs under their license. He added as example, that if the Board were to begin licensing SLPAs, it would need to identify education and training required for the license.

Vice Chair Rall noted that Audiology Assistants is a new term, but "Aud Techs" or Audiology Technicians have on the job training with specializations requiring extra training or course study.

The Board considered various ways regulating SLPAs from simply having the SLP register the SLPA under their license, to obtaining their own license. It was noted that SLPAs can work under several SLPs, and so creating registration under the license of an SLP may not be conducive to professional practice.

Chair Firmin suggested that if SLPAs are licensed that their employer be responsible for ensuring they are working under a supervisor. She added that the Board should look into Certified Occupational Therapist Assistants (COTA) and Physical Therapy Assistants (PTA) and how they are supervised.

The Board discussed potential licensure requirements, establishing fees, and additional legislative research to complete that would better address the licensure of SLPAs.

EO Fernandez recommended waiting for DAG Leong for legal questions pertaining to this subject matter and the legislative process.

The Board also considered how to continue discussion outside of meetings either by creating a Permitted Interaction Group or designating two members to work on researching SLPA licensure.

Vice Chair Rall noted that Audiologist Assistants would be dissimilar enough in practice that another licensure would likely be needed.

Chair Firmin agreed that an Assistant license-type would be needed for both professions.

Board discussed how billing happens with the services that SLPAs provide.

Members concluded that SLPAs would most likely submit billing that is cosigned by a Speech Pathologist supervising the work.

Chair Firmin noted that she and Ms. Hu will continue researching SLPA licensure.

The Board unanimously approved a motion by Ms. Hu, seconded by Vice Chair Rall, to establish group of (2) members or less including Chair Firmin and Ms. Hu, to research SLPA regulation and licensure.

Next Meeting: Chair Firmin noted the next meeting as scheduled:

Date to be determined
Virtual Conference—Zoom Meeting, and Conference Room to be determined
HRH King Kalakaua Building

Adjournment: There being no further business, the meeting was adjourned by Chair Firmin at **2:56 p.m.**

Taken, Recorded, Reviewed and Approved By:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

CF

[] Minutes approved as is.
[] Minutes approved with changes; see minutes of _____.

A BILL FOR AN ACT

RELATING TO THERAPY SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that amending Hawaii's
2 occupational therapy, physical therapy, and speech pathology
3 laws is necessary to promote a more cost effective model for
4 delivering therapeutic services to students in the department of
5 education. Currently, the department of education is unable to
6 claim reimbursement unless licensed occupational therapists,
7 physical therapists, and speech pathologists employed by or
8 contracted with the department of education obtain a
9 prescription from a physician or other authorized health care
10 provider before providing services to students. This
11 requirement creates barriers that hinder the department of
12 education's ability to be reimbursed for the services provided.

13 The legislature further finds that timely access to
14 occupational, physical, and speech therapy services is critical
15 for supporting students' development, particularly in physical,
16 sensory, cognitive, and communication skills. These services
17 enable students to participate more fully in educational and



1 social activities and to benefit more effectively from their
2 learning environments.

3 Moreover, the legislature also finds that expanding the
4 scopes of practice for licensed occupational therapists,
5 physical therapists, and speech pathologists may facilitate the
6 department of education's ability to obtain reimbursement. By
7 allowing occupational therapy, physical therapy, and speech
8 therapy services to be provided after a diagnosis of a medical
9 condition by these providers without a physician's diagnosis,
10 the department of education can more effectively bill for these
11 services, generating additional funding to support and enhance
12 therapeutic resources for students.

13 The purpose of this Act is to expand the scopes of practice
14 for occupational therapists, physical therapists, and speech
15 pathologists employed by or contracted with the department of
16 education to diagnose students with a medical condition and
17 treat them, thereby streamlining service delivery.

18 SECTION 2. Section 457G-1.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§457G-1.5 Practice of occupational therapy. (a) The
21 practice of occupational therapy is the therapeutic use of



1 everyday life activities with individuals or groups for the
2 purpose of participation in roles and situations in home,
3 school, workplace, community, and other settings. It includes:

4 (1) Evaluation of factors affecting activities of daily
5 living, instrumental activities of daily living, rest
6 and sleep, education, work, play, leisure, and social
7 participation, including:

8 (A) Client factors, including body functions, such as
9 neuromusculoskeletal, sensory-perceptual, visual,
10 mental, cognitive, and pain factors; body
11 structures, such as cardiovascular, digestive,
12 nervous, integumentary, genitourinary systems,
13 and structures related to movement, values,
14 beliefs, and spirituality;

15 (B) Habits, routines, roles, rituals, and behavior
16 patterns;

17 (C) Occupational and social environments, cultural,
18 personal, temporal, and virtual contexts and
19 activity demands that affect performance; and



- 1 (D) Performance skills, including motor and praxis,
2 sensory-perceptual, emotional regulation,
3 cognitive, communication, and social skills;
- 4 (2) Methods or approaches selected to direct the process
5 of interventions, including:
- 6 (A) Establishment, remediation, or restoration of a
7 skill or ability that has not yet developed, is
8 impaired, or is in decline;
- 9 (B) Compensation, modification, or adaptation of
10 activity or environment to enhance performance or
11 prevent injuries, disorders, or other conditions;
- 12 (C) Retention and enhancement of skills or abilities
13 without which performance in everyday life
14 activities would decline;
- 15 (D) Promotion of health and wellness, including the
16 use of self-management strategies, to enable or
17 enhance performance in everyday life activities;
18 and
- 19 (E) Prevention of barriers to performance and
20 participation, including injury and disability
21 prevention; and



- 1 (3) Interventions and procedures to promote or enhance
2 safety and performance in activities of daily living,
3 instrumental activities of daily living, rest and
4 sleep, education, work, play, leisure, and social
5 participation, including:
- 6 (A) Therapeutic use of occupations, exercises, and
7 activities;
- 8 (B) Training in self-care, self-management, health
9 management and maintenance, home management,
10 community reintegration, work reintegration,
11 school activities, and work performance;
- 12 (C) Development, remediation, or compensation of
13 neuromusculoskeletal, sensory-perceptual, visual,
14 mental, and cognitive functions; pain tolerance
15 and management; and behavioral skills;
- 16 (D) Therapeutic use of self, including one's
17 personality, insights, perceptions, and
18 judgments, as part of the therapeutic process;
- 19 (E) Education and training of individuals, including
20 family members, caregivers, groups, populations,
21 and others;



- 1 (F) Care coordination, case management, and
2 transition services;
- 3 (G) Consultative services to groups, programs,
4 organizations, or communities;
- 5 (H) Modification of environments, such as home, work,
6 school, or community, and adaptation of
7 processes, including the application of ergonomic
8 principles;
- 9 (I) Assessment, design, fabrication, application,
10 fitting, and training in seating and positioning;
11 assistive technology; adaptive devices; orthotic
12 devices; and training in the use of prosthetic
13 devices;
- 14 (J) Assessment, recommendation, and training in
15 techniques to enhance functional mobility,
16 including management of wheelchairs and other
17 mobility devices;
- 18 (K) Low vision rehabilitation;
- 19 (L) Driver rehabilitation and community mobility;
- 20 (M) Management of feeding, eating, and swallowing to
21 enable eating and feeding performance;



1 (N) Application of physical agent modalities and use
2 of a range of specific therapeutic procedures,
3 such as wound care management, interventions to
4 enhance sensory-perceptual and cognitive
5 processing, and manual therapy, to enhance
6 performance skills; and

7 (O) Facilitating the occupational performance of
8 groups, populations, or organizations through the
9 modification of environments and the adaptation
10 of processes.

11 (b) No person shall engage in the practice of occupational
12 therapy gratuitously or for pay, offer to practice occupational
13 therapy, offer occupational therapy, or represent, advertise, or
14 announce, either publicly or privately, that the person is an
15 occupational therapist, unless the person is appropriately
16 licensed under this chapter.

17 (c) No person shall use, in connection with the person's
18 name or business, the words "occupational therapist licensed",
19 "registered occupational therapist", "licensed occupational
20 therapist", "occupational therapist", or "doctor of occupational
21 therapy", or the letters "OT", "OTR", "OTD", "OT/L", "OTR/L", or



1 "OTD/L", or any other words, letters, abbreviations, or insignia
2 indicating or implying that the person is an occupational
3 therapist unless the person is appropriately licensed as an
4 occupational therapist under this chapter.

5 (d) Effective January 1, 2017, except as otherwise
6 provided in this chapter, no person shall engage in the practice
7 of occupational therapy or represent the person's self as able
8 to practice as an occupational therapy assistant in the State
9 unless:

10 (1) The practice is done under the supervision of and in
11 partnership with an occupational therapist who is
12 licensed to practice occupational therapy in the
13 State; and

14 (2) The person possesses a valid license issued pursuant
15 to this chapter to practice occupational therapy as an
16 occupational therapy assistant.

17 (e) No person shall use the title "occupational therapy
18 assistant licensed", "licensed occupational therapy assistant",
19 the letters "OTA/L" or "COTA/L", or any other words, letters,
20 abbreviations, or insignia indicating or implying that the
21 person is an occupational therapy assistant unless that person



1 is appropriately licensed as an occupational therapy assistant
2 under this chapter.

3 (f) A licensed occupational therapist employed by or
4 contracted with the department of education may diagnose medical
5 conditions that can be treated by occupational therapy services
6 when providing occupational therapy services to students of the
7 department of education in an educational setting.

8 For the purposes of this subsection, "occupational therapy
9 services" means the therapeutic use of everyday life activities
10 with students for the purpose of participation in roles and
11 situations in school, home, and community settings.

12 "Occupational therapy services" include but are not limited to:

- 13 (1) Evaluating students' needs and developing
14 individualized treatment plans;
- 15 (2) Providing interventions to improve students' fine
16 motor skills, gross motor skills, sensory processing,
17 visual-motor integration, and cognitive skills;
- 18 (3) Adapting classroom environments and materials to
19 facilitate students' participation in school
20 activities;



- 1 (4) Training teachers and parents on strategies to support
2 students' occupational needs;
3 (5) Recommending assistive technology devices and adaptive
4 equipment; and
5 (6) Diagnosing medical conditions that can be treated by
6 occupational therapy."

7 SECTION 3. Section 461J-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§461J-2 Practice of physical therapy; qualifications.**

10 (a) No person shall practice physical therapy gratuitously or
11 for pay, offer to practice physical therapy, offer physical
12 therapy or physical therapy services, or represent, advertise,
13 or announce, either publicly or privately, that the person is a
14 physical therapist or physiotherapist, unless the person is
15 appropriately licensed under this chapter.

16 (b) No person shall use, in connection with the person's
17 name or business, the words "licensed physical therapist",
18 "physical therapist", or "physiotherapist", or the letters
19 "RPT", "LPT", "DPT", "PT", or any other words, letters,
20 abbreviations, or insignia indicating or implying that the
21 person is a physical therapist, unless the person is



1 appropriately licensed as a physical therapist under this
2 chapter.

3 (c) No person shall use the title "physical therapist
4 assistant", the letters "PTA", or any other words,
5 abbreviations, or insignia in connection with that person's name
6 to indicate or imply, directly or indirectly, that the person is
7 a physical therapist assistant unless that person is
8 appropriately licensed as a physical therapist assistant under
9 this chapter.

10 (d) No person shall practice as a physical therapist or as
11 a physical therapist assistant, except as licensed pursuant to
12 this chapter and under the administrative rules determined by
13 the board in accordance with chapter 91.

14 (e) A licensed physical therapist employed by or
15 contracted with the department of education may diagnose medical
16 conditions that can be treated by physical therapy services when
17 providing physical therapy services to students of the
18 department of education in an educational setting.

19 For the purposes of this subsection, "physical therapy
20 services" includes the following:



- 1 (1) Assessing students' physical abilities and
- 2 limitations;
- 3 (2) Developing and implementing individualized treatment
- 4 plans to address students' physical therapy needs;
- 5 (3) Providing interventions to improve students' strength,
- 6 flexibility, range of motion, balance, coordination,
- 7 and mobility;
- 8 (4) Adapting physical education activities and school
- 9 environments to meet the needs of students with
- 10 physical disabilities;
- 11 (5) Educating teachers, parents, and students on proper
- 12 body mechanics and injury prevention;
- 13 (6) Recommending adaptive equipment to facilitate
- 14 students' participation in school activities; and
- 15 (7) Diagnosing medical conditions that can be treated by
- 16 physical therapy."

17 SECTION 4. Section 468E-3, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§468E-3 Practice as speech pathologist or audiologist;**
20 **title or description of services.** (a) A person represents
21 oneself to be a speech pathologist when the person:



- 1 (1) Holds oneself out to the public by any title or
2 description of services incorporating the words
3 "speech pathologist", "speech pathology", "speech
4 therapy", "speech correction", "speech correctionist",
5 "speech therapist", "speech clinic", "speech
6 clinician", "language pathologist", "language
7 pathology", "logopedics", "logopedist",
8 "communicology", "communicologist", "asphasiologist",
9 "voice therapy", "voice therapist", "voice pathology",
10 or "voice pathologist", "language therapist", or
11 "phoniatriest", or any similar titles;
- 12 (2) Purports to treat stuttering, stammering, or other
13 disorders of speech;
- 14 (3) Is employed as a faculty member in speech pathology;
15 or
- 16 (4) Is employed as a speech pathologist by the State or
17 any county agency.
- 18 (b) A licensed speech pathologist employed by or
19 contracted with the department of education may diagnose medical
20 conditions that can be treated by speech pathology services when



1 providing speech pathology services to students of the
2 department of education in an educational setting.

3 ~~(b)~~ (c) A person represents oneself to be an audiologist
4 when the person:

5 (1) Holds oneself out to the public by any title or
6 description of services incorporating the terms
7 "audiology", "audiologist", "audiological", "hearing
8 clinic", "hearing clinician", "hearing therapist", or
9 any similar titles;

10 (2) Is employed as a faculty member in audiology; or

11 (3) Is employed as an audiologist by the State or any
12 county agency."

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

16

INTRODUCED BY:



JAN 17 2025



H.B. NO. 629

Report Title:

Department of Education; Occupational Therapists; Physical Therapists; Speech Pathologists; Diagnosis; Treatment

Description:

Expands the scopes of practice for occupational therapists, physical therapists, and speech pathologists employed by or contracted with the Department of Education to diagnose students with a medical condition in an educational setting and treat the students.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



JAN 15 2025

A BILL FOR AN ACT

RELATING TO THE GENERAL EXCISE TAX.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Act 47, Session Laws
2 of Hawaii 2024 (Act 47), scheduled to take effect on January 1,
3 2026, exempts from general excise tax, amounts received by
4 licensed physicians, osteopathic physicians, dentists, advanced
5 practice registered nurses, and pharmacists for healthcare-
6 related goods or services under the medicare, medicaid, and
7 TRICARE programs to encourage cost-effective patient outcomes.

8 The purpose of this Act is to expand this general excise
9 tax exemption to licensed optometrists, audiologists, and
10 chiropractors to further encourage cost-effective patient
11 outcomes.

12 SECTION 2. Act 47, Session Laws of Hawaii 2024, is amended
13 by amending section 2 to read as follows:

14 "SECTION 2. Section 237-24.3, Hawaii Revised Statutes, is
15 amended to read as follows:



1 "§237-24.3 Additional amounts not taxable. In addition to
2 the amounts not taxable under section 237-24, this chapter shall
3 not apply to:

4 (1) Amounts received from the loading, transportation, and
5 unloading of agricultural commodities shipped for a
6 producer or produce dealer on one island of this State
7 to a person, firm, or organization on another island
8 of this State. The terms "agricultural commodity",
9 "producer", and "produce dealer" shall be defined in
10 the same manner as they are defined in section 147-1;
11 provided that agricultural commodities need not have
12 been produced in the State;

13 (2) Amounts received by the manager, submanager, or board
14 of directors of:

15 (A) An association of a condominium property regime
16 established in accordance with chapter 514B or
17 any predecessor thereto; or

18 (B) A nonprofit homeowners or community association
19 incorporated in accordance with chapter 414D or
20 any predecessor thereto and existing pursuant to
21 covenants running with the land,



- 1 in reimbursement of sums paid for common expenses;
- 2 (3) Amounts received or accrued from:
- 3 (A) The loading or unloading of cargo from ships,
- 4 barges, vessels, or aircraft, including
- 5 stevedoring services as defined in section 382-1,
- 6 whether or not the ships, barges, vessels, or
- 7 aircraft travel between the State and other
- 8 states or countries or between the islands of the
- 9 State;
- 10 (B) Tugboat services including pilotage fees
- 11 performed within the State, and the towage of
- 12 ships, barges, or vessels in and out of state
- 13 harbors, or from one pier to another;
- 14 (C) The transportation of pilots or governmental
- 15 officials to ships, barges, or vessels offshore;
- 16 rigging gear; checking freight and similar
- 17 services; standby charges; and use of moorings
- 18 and running mooring lines; and
- 19 (D) Wharfage and demurrage imposed under chapter 266
- 20 that is paid to the department of transportation;



- 1 (4) Amounts received by an employee benefit plan by way of
2 contributions, dividends, interest, and other income;
3 and amounts received by a nonprofit organization or
4 office, as payments for costs and expenses incurred
5 for the administration of an employee benefit plan;
6 provided that this exemption shall not apply to any
7 gross rental income or gross rental proceeds received
8 after June 30, 1994, as income from investments in
9 real property in this State; and provided further that
10 gross rental income or gross rental proceeds from
11 investments in real property received by an employee
12 benefit plan after June 30, 1994, under written
13 contracts executed prior to July 1, 1994, shall not be
14 taxed until the contracts are renegotiated, renewed,
15 or extended, or until after December 31, 1998,
16 whichever is earlier. For the purposes of this
17 paragraph, "employee benefit plan" means any plan as
18 defined in title 29 United States Code section
19 1002(3), as amended;
- 20 (5) Amounts received for purchases made with United States
21 Department of Agriculture food coupons under the



1 federal food stamp program, and amounts received for
2 purchases made with United States Department of
3 Agriculture food vouchers under the Special
4 Supplemental Foods Program for Women, Infants and
5 Children;

- 6 (6) Amounts received by a hospital, infirmary, medical
7 clinic, health care facility, pharmacy, or a
8 practitioner licensed to administer the drug to an
9 individual for selling prescription drugs or
10 prosthetic devices to an individual; provided that
11 this paragraph shall not apply to any amounts received
12 for services provided in selling prescription drugs or
13 prosthetic devices. As used in this paragraph:

14 "Prescription drugs" are those drugs defined
15 under section 328-1 and dispensed by filling or
16 refilling a written or oral prescription by a
17 practitioner licensed under law to administer the drug
18 and sold by a licensed pharmacist under section 328-16
19 or practitioners licensed to administer drugs;
20 provided that "prescription drugs" shall not include



1 cannabis or manufactured cannabis products authorized
2 pursuant to chapters 329 and 329D; and

3 "Prosthetic device" means any artificial device
4 or appliance, instrument, apparatus, or contrivance,
5 including their components, parts, accessories, and
6 replacements thereof, used to replace a missing or
7 surgically removed part of the human body, which is
8 prescribed by a licensed practitioner of medicine,
9 osteopathy, or podiatry and that is sold by the
10 practitioner or that is dispensed and sold by a dealer
11 of prosthetic devices; provided that "prosthetic
12 device" shall not mean any auditory, ophthalmic,
13 dental, or ocular device or appliance, instrument,
14 apparatus, or contrivance;

15 (7) Taxes on transient accommodations imposed by chapter
16 237D and passed on and collected by operators holding
17 certificates of registration under that chapter;

18 (8) Amounts received as dues by an unincorporated
19 merchants association from its membership for
20 advertising media, promotional, and advertising costs
21 for the promotion of the association for the benefit



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1 of its members as a whole and not for the benefit of
2 an individual member or group of members less than the
3 entire membership;

4 (9) Amounts received by a labor organization for real
5 property leased to:

6 (A) A labor organization; or

7 (B) A trust fund established by a labor organization
8 for the benefit of its members, families, and
9 dependents for medical or hospital care, pensions
10 on retirement or death of employees,
11 apprenticeship and training, and other membership
12 service programs.

13 As used in this paragraph, "labor organization" means
14 a labor organization exempt from federal income tax
15 under section 501(c)(5) of the Internal Revenue Code,
16 as amended;

17 (10) Amounts received from foreign diplomats and consular
18 officials who are holding cards issued or authorized
19 by the United States Department of State granting them
20 an exemption from state taxes; ~~and~~



1 (11) Amounts received as rent for the rental or leasing of
2 aircraft or aircraft engines used by the lessees or
3 renters for interstate air transportation of
4 passengers and goods. For purposes of this paragraph,
5 payments made pursuant to a lease shall be considered
6 rent regardless of whether the lease is an operating
7 lease or a financing lease. The definition of
8 "interstate air transportation" is the same as in
9 title 49 [U.S.C.] United States Code section 40102[-];
10 and

11 (12) Amounts received by a hospital, infirmary, medical
12 clinic, health care facility, or pharmacy, or a
13 medical or dental practitioner, for healthcare-related
14 goods or services purchased under the medicare,
15 medicaid, or TRICARE programs. For the purposes of
16 this paragraph, the healthcare-related services need
17 not be performed by a medical or dental practitioner
18 but may be performed by a physician's assistant,
19 nurse, or other employee under the medical or dental
20 practitioner's direction. As used in this paragraph:



1 "Medicaid" means the program established under
2 Title XIX of the Social Security Act of 1935, as
3 amended;

4 "Medical or dental practitioner" means a
5 physician or osteopathic physician licensed pursuant
6 to chapter 453; a dentist licensed under chapter 448;
7 an advanced practice registered nurse licensed
8 pursuant to chapter 457; a pharmacist licensed
9 pursuant to chapter 461; an optometrist licensed
10 pursuant to chapter 459; an audiologist licensed
11 pursuant to chapter 468E; or a chiropractor licensed
12 pursuant to chapter 442.

13 "Medicare" means the program established under
14 Title XVIII of the Social Security Act of 1935, as
15 amended; and

16 "TRICARE" means the program of the Department of
17 Defense military health system managed by the Defense
18 Health Agency, or any successor program."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: _____

A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be a name with a long, sweeping underline.

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Report Title:

General Excise Tax; Exemption; Medicaid; Medicare; TRICARE;
Optometrists; Audiologists; Chiropractors; Act 47 (2024)

Description:

Expands the general excise tax exemption established by Act 47, Session Laws of Hawaii 2024, to include amounts received by optometrists, audiologists, and chiropractors, for healthcare-related goods or services purchased under the Medicare, Medicaid, and TRICARE programs.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



JAN 23 2025

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist licensing
16 program, state board of massage therapy, Hawaii
17 medical board, mental health counselors licensing

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1 program, state board of naturopathic medicine, state
2 board of nursing, nurse aide program, nursing home
3 administrator program, occupational therapy program,
4 midwives licensing program, dispensing opticians
5 program, board of examiners in optometry, board of
6 pharmacy, board of physical therapy, board of
7 psychology, behavior analyst program, respiratory
8 therapist program, social worker licensing program,
9 and state board of speech pathology and audiology to
10 automatically revoke and deny the renewal,
11 restoration, or reinstatement of a license to a
12 licensee who is a registered sex offender;

13 (2) Establish conditions for the disciplinary action; and

14 (3) Ensure consumer protection by requiring any final
15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436E- Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction as
21 a registered sex offender; conditions. (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

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1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the licensing
20 authority within ten days of the notice. The hearing shall be
21 held within thirty days of the revocation or denial. The
22 proceeding shall be conducted in accordance with chapter 91.

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1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

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1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

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1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the licensing
8 authority within ten days of the notice. The hearing shall be
9 held within thirty days of the revocation or denial. The
10 proceeding shall be conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the license holder is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the program from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.

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1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The director shall not restore, renew, or otherwise
4 reinstate the license of a person under any of the following
5 circumstances:

6 (1) The person has been required to register as a sex
7 offender pursuant to the requirements of chapter 846E,
8 regardless of whether the conviction has been
9 appealed; and

10 (2) The person engaged in the offense with a patient or
11 client, or with a former patient or client if the
12 relationship was terminated primarily for the purpose
13 of committing the offense."

14 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§439A- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction as
19 a registered sex offender; conditions. (a) Notwithstanding any
20 law to the contrary, the board shall automatically revoke a
21 license or deny an application to renew, restore, or reinstate a
22 license under either of the following circumstances:

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1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.

21 (d) For the purposes of enforcement of this section, a
22 plea or verdict of guilty, or a conviction after a plea of nolo

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1 contendere, shall be deemed a conviction. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 (e) If the related conviction of the license holder is
5 overturned upon appeal, the revocation or denial ordered
6 pursuant to this section shall automatically cease. Nothing in
7 this subsection shall prohibit the board from pursuing
8 disciplinary action based on any cause other than the overturned
9 conviction.

10 (f) Any final order of discipline taken pursuant to this
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise
13 reinstate the license of a person under any of the following
14 circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to the requirements of chapter 846E,
17 regardless of whether the conviction has been
18 appealed; and

19 (2) The person engaged in the offense with a patient or
20 client, or with a former patient or client if the
21 relationship was terminated primarily for the purpose
22 of committing the offense."

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1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§447- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§448F- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§451J- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§453- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§455- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457A- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457G- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§458- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§459- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§461-_____ Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§463E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§465- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§465D- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 30. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 31. New statutory material is underscored.

16 SECTION 32. This Act shall take effect upon its approval.

17

18

19

INTRODUCED BY: 
BY REQUEST

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Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

SB. NO. 1373

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, and 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee becomes or is found to be a registered sex offender. This bill allows for the automatic revocation of a license or denial of an application to renew, reinstate, or restore a license for certain professions when the licensee is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO THERAPY SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that amending Hawaii's
2 occupational therapy, physical therapy, and speech pathology
3 laws is necessary to promote a more cost effective model for
4 delivering therapeutic services to students in the department of
5 education. Currently, the department of education is unable to
6 claim reimbursement unless licensed occupational therapists,
7 physical therapists, and speech pathologists employed by or
8 contracted with the department of education obtain a
9 prescription from a physician or other authorized health care
10 provider before providing services to students. This
11 requirement creates barriers that hinder the department of
12 education's ability to be reimbursed for the services provided.

13 The legislature further finds that timely access to
14 occupational, physical, and speech therapy services is critical
15 for supporting students' development, particularly in physical,
16 sensory, cognitive, and communication skills. These services
17 enable students to participate more fully in educational and

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1 social activities and to benefit more effectively from their
2 learning environments.

3 Moreover, the legislature finds that expanding the scopes
4 of practice for these licensed professionals may facilitate the
5 department of education's ability for reimbursement. By
6 allowing occupational therapy, physical therapy, and speech
7 therapy services to be provided after a diagnosis of a medical
8 condition by these providers without a physician's diagnosis,
9 the department of education can more effectively bill for these
10 services, generating additional funding to support and enhance
11 therapeutic resources for students.

12 The purpose of this Act is to expand the scopes of practice
13 for occupational therapists, physical therapists, and speech
14 pathologists employed by or contracted with the department of
15 education to diagnose students with a medical condition and
16 treat them, thereby streamlining service delivery.

17 SECTION 2. Section 457G-1.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§457G-1.5 Practice of occupational therapy. (a) The
20 practice of occupational therapy is the therapeutic use of
21 everyday life activities with individuals or groups for the

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1 purpose of participation in roles and situations in home,
2 school, workplace, community, and other settings. It includes:

3 (1) Evaluation of factors affecting activities of daily
4 living, instrumental activities of daily living, rest
5 and sleep, education, work, play, leisure, and social
6 participation, including:

7 (A) Client factors, including body functions, such as
8 neuromusculoskeletal, sensory-perceptual, visual,
9 mental, cognitive, and pain factors; body
10 structures, such as cardiovascular, digestive,
11 nervous, integumentary, genitourinary systems,
12 and structures related to movement, values,
13 beliefs, and spirituality;

14 (B) Habits, routines, roles, rituals, and behavior
15 patterns;

16 (C) Occupational and social environments, cultural,
17 personal, temporal, and virtual contexts and
18 activity demands that affect performance; and

19 (D) Performance skills, including motor and praxis,
20 sensory-perceptual, emotional regulation,
21 cognitive, communication, and social skills;

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- 1 (2) Methods or approaches selected to direct the process
2 of interventions, including:
- 3 (A) Establishment, remediation, or restoration of a
4 skill or ability that has not yet developed, is
5 impaired, or is in decline;
- 6 (B) Compensation, modification, or adaptation of
7 activity or environment to enhance performance or
8 prevent injuries, disorders, or other conditions;
- 9 (C) Retention and enhancement of skills or abilities
10 without which performance in everyday life
11 activities would decline;
- 12 (D) Promotion of health and wellness, including the
13 use of self-management strategies, to enable or
14 enhance performance in everyday life activities;
15 and
- 16 (E) Prevention of barriers to performance and
17 participation, including injury and disability
18 prevention; and
- 19 (3) Interventions and procedures to promote or enhance
20 safety and performance in activities of daily living,
21 instrumental activities of daily living, rest and

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- 1 sleep, education, work, play, leisure, and social
2 participation, including:
- 3 (A) Therapeutic use of occupations, exercises, and
4 activities;
 - 5 (B) Training in self-care, self-management, health
6 management and maintenance, home management,
7 community reintegration, work reintegration,
8 school activities, and work performance;
 - 9 (C) Development, remediation, or compensation of
10 neuromusculoskeletal, sensory-perceptual, visual,
11 mental, and cognitive functions; pain tolerance
12 and management; and behavioral skills;
 - 13 (D) Therapeutic use of self, including one's
14 personality, insights, perceptions, and
15 judgments, as part of the therapeutic process;
 - 16 (E) Education and training of individuals, including
17 family members, caregivers, groups, populations,
18 and others;
 - 19 (F) Care coordination, case management, and
20 transition services;
 - 21 (G) Consultative services to groups, programs,
22 organizations, or communities;

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- 1 (H) Modification of environments, such as home, work,
2 school, or community, and adaptation of
3 processes, including the application of ergonomic
4 principles;
- 5 (I) Assessment, design, fabrication, application,
6 fitting, and training in seating and positioning;
7 assistive technology; adaptive devices; orthotic
8 devices; and training in the use of prosthetic
9 devices;
- 10 (J) Assessment, recommendation, and training in
11 techniques to enhance functional mobility,
12 including management of wheelchairs and other
13 mobility devices;
- 14 (K) Low vision rehabilitation;
- 15 (L) Driver rehabilitation and community mobility;
- 16 (M) Management of feeding, eating, and swallowing to
17 enable eating and feeding performance;
- 18 (N) Application of physical agent modalities and use
19 of a range of specific therapeutic procedures,
20 such as wound care management, interventions to
21 enhance sensory-perceptual and cognitive

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1 processing, and manual therapy, to enhance
2 performance skills; and

3 (0) Facilitating the occupational performance of
4 groups, populations, or organizations through the
5 modification of environments and the adaptation
6 of processes.

7 (b) No person shall engage in the practice of occupational
8 therapy gratuitously or for pay, offer to practice occupational
9 therapy, offer occupational therapy, or represent, advertise, or
10 announce, either publicly or privately, that the person is an
11 occupational therapist, unless the person is appropriately
12 licensed under this chapter.

13 (c) No person shall use, in connection with the person's
14 name or business, the words "occupational therapist licensed",
15 "registered occupational therapist", "licensed occupational
16 therapist", "occupational therapist", or "doctor of occupational
17 therapy", or the letters "OT", "OTR", "OTD", "OT/L", "OTR/L", or
18 "OTD/L", or any other words, letters, abbreviations, or insignia
19 indicating or implying that the person is an occupational
20 therapist unless the person is appropriately licensed as an
21 occupational therapist under this chapter.

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1 (d) Effective January 1, 2017, except as otherwise
2 provided in this chapter, no person shall engage in the practice
3 of occupational therapy or represent the person's self as able
4 to practice as an occupational therapy assistant in the State
5 unless:

6 (1) The practice is done under the supervision of and in
7 partnership with an occupational therapist who is
8 licensed to practice occupational therapy in the
9 State; and

10 (2) The person possesses a valid license issued pursuant
11 to this chapter to practice occupational therapy as an
12 occupational therapy assistant.

13 (e) No person shall use the title "occupational therapy
14 assistant licensed", "licensed occupational therapy assistant",
15 the letters "OTA/L" or "COTA/L", or any other words, letters,
16 abbreviations, or insignia indicating or implying that the
17 person is an occupational therapy assistant unless that person
18 is appropriately licensed as an occupational therapy assistant
19 under this chapter.

20 (f) A licensed occupational therapist employed by or
21 contracted with the department of education may diagnose medical
22 conditions that can be treated by occupational therapy services

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1 when providing occupational therapy services to students of the
2 department of education in an educational setting.

3 For the purposes of this subsection, "occupational therapy
4 services" means the therapeutic use of everyday life activities
5 with students for the purpose of participation in roles and
6 situations in school, home, and community settings. These
7 services include, but are not limited to:

- 8 (1) Evaluating students' needs and developing
9 individualized treatment plans;
- 10 (2) Providing interventions to improve students' fine
11 motor skills, gross motor skills, sensory processing,
12 visual-motor integration, and cognitive skills;
- 13 (3) Adapting classroom environments and materials to
14 facilitate students' participation in school
15 activities;
- 16 (4) Training teachers and parents on strategies to support
17 students' occupational needs;
- 18 (5) Recommending assistive technology devices and adaptive
19 equipment; and
- 20 (6) Diagnosing medical conditions that can be treated by
21 occupational therapy."

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1 SECTION 3. Section 461J-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§461J-2 Practice of physical therapy;

4 qualifications. (a) No person shall practice physical therapy
5 gratuitously or for pay, offer to practice physical therapy,
6 offer physical therapy or physical therapy services, or
7 represent, advertise, or announce, either publicly or privately,
8 that the person is a physical therapist or physiotherapist,
9 unless the person is appropriately licensed under this chapter.

10 (b) No person shall use, in connection with the person's
11 name or business, the words "licensed physical therapist",
12 "physical therapist", or "physiotherapist", or the letters
13 "RPT", "LPT", "DPT", "PT", or any other words, letters,
14 abbreviations, or insignia indicating or implying that the
15 person is a physical therapist, unless the person is
16 appropriately licensed as a physical therapist under this
17 chapter.

18 (c) No person shall use the title "physical therapist
19 assistant", the letters "PTA", or any other words,
20 abbreviations, or insignia in connection with that person's name
21 to indicate or imply, directly or indirectly, that the person is
22 a physical therapist assistant unless that person is

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1 appropriately licensed as a physical therapist assistant under
2 this chapter.

3 (d) No person shall practice as a physical therapist or as
4 a physical therapist assistant, except as licensed pursuant to
5 this chapter and under the administrative rules determined by
6 the board in accordance with chapter 91.

7 (e) A licensed physical therapist employed by or
8 contracted with the department of education may diagnose medical
9 conditions that can be treated by physical therapy services when
10 providing physical therapy services to students of the
11 department of education in an educational setting.

12 For the purposes of this subsection, "physical therapy
13 services" includes the following:

- 14 (1) Assessing students' physical abilities and
15 limitations;
16 (2) Developing and implementing individualized treatment
17 plans to address students' physical therapy needs;
18 (3) Providing interventions to improve students' strength,
19 flexibility, range of motion, balance, coordination,
20 and mobility;

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- 1 (4) Adapting physical education activities and school
- 2 environments to meet the needs of students with
- 3 physical disabilities;
- 4 (5) Educating teachers, parents, and students on proper
- 5 body mechanics and injury prevention;
- 6 (6) Recommending adaptive equipment to facilitate
- 7 students' participation in school activities; and
- 8 (7) Diagnosing medical conditions that can be treated by
- 9 physical therapy."

10 SECTION 4. Section 468E-3, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§468E-3 Practice as speech pathologist or audiologist;**
13 **title or description of services. (a) A person represents**
14 **oneself to be a speech pathologist when the person:**

- 15 (1) Holds oneself out to the public by any title or
- 16 description of services incorporating the words
- 17 "speech pathologist", "speech pathology", "speech
- 18 therapy", "speech correction", "speech correctionist",
- 19 "speech therapist", "speech clinic", "speech
- 20 clinician", "language pathologist", "language
- 21 pathology", "logopedics", "logopedist",
- 22 "communicology", "communicologist", "asphasiologist",

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1 "voice therapy", "voice therapist", "voice pathology",
2 or "voice pathologist", "language therapist", or
3 "phoniatriest", or any similar titles;

4 (2) Purports to treat stuttering, stammering, or other
5 disorders of speech;

6 (3) Is employed as a faculty member in speech pathology;

7 (4) Is employed as a speech pathologist by the State or
8 any county agency.

9 (b) A licensed speech pathologist employed by or
10 contracted with the department of education may diagnose medical
11 conditions that can be treated by speech pathology services when
12 providing speech pathology services to students of the
13 department of education in an educational setting.

14 ~~(b)~~ (c) A person represents oneself to be an audiologist
15 when the person:

16 (1) Holds oneself out to the public by any title or
17 description of services incorporating the terms
18 "audiology", "audiologist", "audiological",
19 "hearing clinic", "hearing clinician", "hearing
20 therapist", or any similar titles;

21 (2) Is employed as a faculty member in audiology;

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1 (3) Is employed as an audiologist by the State or any
2 county agency."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6
7 INTRODUCED BY: Nedra K. Nelson

8 BY REQUEST

JAN 21 2025

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Report Title:

DOE; Department of Commerce and Consumer Affairs; Department of Human Services

Description: Expands the scopes of practice for occupational therapists, physical therapists, and speech pathologists to allow those professionals working for or contracted by the Department of Education to diagnose medical conditions that can be treated with their respective services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO THERAPY SERVICES.

PURPOSE: To facilitate the Department's ability to bill and be reimbursed for therapy services provided in a school setting by expanding the scopes of services for occupational therapists, physical therapists, and speech pathologists employed or contracted by the Department.

MEANS: Amend sections 457G-1.5, 461J-2, and 468E-3, Hawaii Revised Statutes.

JUSTIFICATION: This bill would allow the Department to expand its ability to bill and be reimbursed for therapy services by expanding the scopes of practice for occupational therapists, physical therapists, and speech pathologists employed or contracted by the Department of Education to diagnose medical conditions that can be treated with their respective therapy services.

Impact on the public: This bill will positively impact the public by helping to improve the health and academic success of students.

Impact on the department and other agencies: The bill amends certain Department of Commerce and Consumer Affairs' statutes to expand the scopes of practice for occupational therapists, physical therapists, and speech pathologists to include medical diagnosis. This bill may require the Department of Human Services to amend its administrative rules and the Medicaid State Plan.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

None.

OTHER AFFECTED
AGENCIES:

Department of Commerce and Consumer Affairs,
Department of Human Services.

EFFECTIVE DATE:

Upon approval.