

**STATE BOARD OF SPEECH PATHOLOGY & AUDIOLOGY**

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

MINUTES OF MEETING

Date: January 28, 2025

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=ANxEWtaOaF4>

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")  
Marc Yoshimura, Secretary  
Andrew Kim, Deputy Attorney General (DAG)

Excused:

Guests:

---

Call to Order: **2:27 p.m.** After a roll call confirming that she, Vice Chair Rall were present in the meeting room; that Ms. Hu and Dr. Chen were present and alone in their respective locations, and that the Board had met quorum, Chair Firmin brought the meeting to order.

Approval of Meeting Minutes: After Chair Firmin confirmed there was no public testimony, the Board reviewed the meeting minutes of October 29, 2024.

Chair Firmin asked if any board members had comments or questions. She noted one issue on page 3 regarding the scope of practice for SLPAs. The minutes stated that "SLPAs, if licensed, should not be able to practice independently and should only do those activities that are low risk and exclude testing or diagnostics."

EO Fernandez clarified that the word "not" should be removed, and the sentence on page 3 should read:

"SLPAs, if licensed, should be able to practice independently and should only do those activities that are low risk and exclude testing or diagnostics."

Chair Firmin acknowledged the correction and asked if there were any further

questions. Hearing none, she made a motion to approve the minutes with the edit above, which was seconded by Vice Chair Rall, and approved unanimously by the Board.

Applications:

Chair Firmin made a motion to 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.

The motion was seconded by Dr. Chen, and the Board voted unanimously to enter Executive Session at **2:35 p.m.**

**EXECUTIVE SESSION**

On a motion by Chair Firmin, seconded by Vice Chair Rall, the Board voted unanimously to return to the meeting from Executive Session at **2:39 p.m.**

A. Speech pathologist

1. Lauren Jacobs

After Chair Firmin confirmed there was no public testimony, she asked if any members had any comments or questions. Hearing none she then made the motion to approve the application of Ms. Jacobs. The motion was seconded by Ms. Hu, and unanimously approved by the Board.

B. 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-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 Salabarria
SPP-66	Yvonne A Borrmann
SPP-67	Karolina Hajkova
SPP-68	Emily Lokelani Sewell
SPP-69	Charmaine Joy-Galangco Quilombo

Legislative  
Session:

After Chair Firmin confirmed there was no public testimony, she moved to first sub-item.

A. HB629-Relating to Therapy Services

Chair Firmin introduced House Bill (HB)629, relating to therapy services, and noted HB1070 was a companion bill.

EO Fernandez clarified that the language of both bills were the same and suggested confirming with the Deputy Attorney General (DAG) Kim.

DAG Kim advised that since HB 629 was the only bill listed on the agenda, the board only needed to take a position on that bill. If the others were duplicates, the board could state that its position on HB629 applied to them as well.

Chair Firmin asked if any board members had comments or questions and offered to provide background information.

Chair Firmin explained that the bill would allow Speech-Language Pathologists (SLP), occupational therapists, and physical therapists employed by the Department of Education to bill Medicaid for medically necessary services provided in schools. She noted that current language in the practice act requires physician authorization to make a diagnosis or render billable services, which is likely why the bill was introduced. She provided additional context, explaining that the Individuals with Disabilities Education Act (IDEA) allows school districts to bill Medicaid for medically necessary services. However, IDEA has been underfunded since its inception in 1975. Although it was intended to be funded at 40%, the most recent figures show it is funded at only about 13%. The bill would help schools recover some of those costs and continue providing essential services. Chair Firmin emphasized that, according to ASHA, speech-language pathologists can diagnose communication and swallowing disorders but do not differentially diagnose medical conditions. She expressed concern that the bill's language was too broad and could be interpreted as allowing diagnosis of any medical condition. She suggested that the board consider submitting comments to clarify that diagnoses must remain within the scope of practice and invited discussion.

EO Fernandez asked if she was proposing to add limiting language to ensure diagnoses remain within the scope of SLP practice.

Vice Chair Rall agreed with Chair Firmin's concern, stating that the

language was too open and general.

Chair Firmin pointed to page 2, lines 8 and 9 of the bill, which stated:

“Allowing occupational therapy, physical therapy, and speech therapy services to be provided after a diagnosis of a medical condition by these providers without a physician’s diagnosis.”

She said this language seemed too broad and emphasized the need to ensure the bill aligns with the scope of practice. She added that other states have already been billing Medicaid for years, so this would not be a new or unusual practice.

EO Fernandez explained that the board could vote to support the bill, support its intent, offer comments, or oppose it. He noted that if the board wanted to suggest amendments—such as limiting diagnoses to those within scope—that could be included in a “support with comments” position.

Chair Firmin acknowledged the options.

Vice Chair Rall commented that suggesting an amendment would be more binding than simply offering a comment or expressing agreement with the bill.

Chair Firmin agreed and recommended that the board support the intent of the bill, with comments emphasizing that diagnoses must remain within the scope of practice.

EO Fernandez asked the board how concerned they were about the general language in the bill—whether it warranted a formal amendment or if a general comment would suffice.

Vice Chair Rall inquired whether a comment would be considered binding.

EO Fernandez explained that while testimony would be public, it would ultimately be up to the legislature to decide whether to incorporate any suggested amendments. Even if the board included recommended amendment language, there was no guarantee it would be adopted. However, he noted that providing justification for the comment—such as clarifying that diagnoses should remain within a provider’s scope of practice—would be helpful. The board could either submit a general comment or propose specific amendment language, which he could submit on their behalf.

Chair Firmin responded that, as practitioners, providers are already expected to remain within their scope of practice. She questioned whether it was necessary to include that language in the bill, given existing ethical and professional standards. She asked for the board’s input.

Ms. Hu noted that the expectation to stay within scope is already implied

by professional titles and licensing. Each profession—speech-language pathology, occupational therapy, and physical therapy—has clearly defined boundaries.

Chair Firmin suggested that perhaps a comment would suffice rather than a formal amendment.

Vice Chair Rall acknowledged that while she initially preferred an amendment, she could also see the rationale for submitting a comment. Since it's generally assumed that professionals will act ethically and within their scope, a comment might be sufficient.

Another board member pointed out that on page 13 of the bill, the language already implied that diagnoses must be within the scope of practice for those employed by or contracted with the Department of Education. That limitation is already embedded in the structure of each profession's scope.

Chair Firmin agreed but noted that in some cases—such as diagnosing a cleft palate—instrumentation might be required, and that could fall outside the scope of a speech-language pathologist. That was why she had initially thought more specific language might be needed. She acknowledged the point and thanked the board for the discussion.

Chair Firmin then made a motion that the board support the intent of the bill, with comments regarding the importance of diagnoses remaining within the scope of practice. Dr. Chen seconded the motion and with no objections or abstentions the Board approved the motion unanimously.

**B. SB389-Relating to the General Excise Tax**

Chair Firmin explained that the bill would expand the GET 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 Medicare, Medicaid, and TRICARE.

After confirming no public testimony, Chair Firmin asked if any board members had comments or questions.

Ms. Hu asked for clarification on how the bill would apply to audiologists. They interpreted the bill to mean that if an audiologist sold a hearing aid or provided related services paid for through Medicare, Medicaid, or TRICARE, they would be exempt from paying the general excise tax. Ms. Hu referenced a section of the bill that excluded certain devices from the exemption, including auditory and ocular devices. They noted that this language seemed to exclude hearing aids from the exemption.

EO Fernandez reminded the board that only the underlined language in the bill represented new provisions.

Ms. Hu asked what the bill was replacing.

EO Fernandez clarified that the bill was not replacing anything but rather adding to existing language. It included physicians, osteopathic physicians, dentists, audiologists, and others as new practitioners eligible for the general excise tax exemption. He noted that it wasn't removing any language unless it was contradictory—just expanding the list of eligible providers.

Ms. Hu stated that she would fully support the bill.

EO Fernandez explained that the Board's responsibility was to ensure the integrity of Chapter 468E, but since this bill affected a different section of HRS, the board could choose to monitor it. If it later impacted Chapter 468E, the board could then submit testimony. He asked for any justifications the board might want to include in support of the bill's intent.

Ms. Hu expressed support for the bill.

EO Fernandez asked if she had any reasons or justification for supporting it.

Ms. Hu explained that reimbursements under Medicaid, Medicare, and TRICARE had historically been low. The bill aimed to encourage more cost-effective care for patients and provide financial relief for audiologists through the tax exemption.

Chair Firmin made a motion to support Senate Bill 389

Ms. Hu seconded the motion.

Chair Firmin asked if there were any objections or abstentions. Hearing none, she confirmed that the motion passed.

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

After confirming there was no public testimony, Chair Firmin introduced Senate Bill (SB)1373, which would authorize 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.

Chair Firmin then asked if any board members had comments or questions.

Ms. Hu asked if this bill was the same as another one previously discussed.

EO Fernandez explained that the bill was lengthy because it amended multiple chapters. He emphasized that the key point was that, under current law, if someone is convicted of a sex offense, the DCCA PVL must still go through a formal disciplinary process to revoke their license. He clarified that the board deals with licensing, not criminal

prosecution. Violations of HRS Chapters 436B or 468E would trigger disciplinary action, but only after a conviction. If someone was arrested or charged but not convicted, their license could not be revoked. He explained that once a conviction is finalized, RICO (the enforcement arm of DCCA PVL) must file a petition and go through a formal process to revoke the license. This bill would eliminate that step and allow for automatic revocation upon conviction for certain sex offenses. He noted that other boards had raised concerns about what level of sex offense would trigger automatic revocation. He deferred to the DAG for further clarification.

DAG Kim confirmed that under current law, RICO must go through a lengthy administrative process to revoke a license after a conviction. The proposed bill would streamline that process by requiring automatic revocation for certain offenses listed in HRS 846E, the sex offender registration statute. He explained that not all sex offenses are included—only those deemed more severe. For example, indecent exposure is not included, but more serious offenses like sexual assault in the second degree are. If a licensee is convicted of one of the listed offenses, their license would be automatically revoked without the need for a petition.

EO Fernandez added that concerns had been raised in other meetings about lower-level offenses like indecent exposure, which might not warrant automatic revocation.

DAG Kim noted that the bill does provide a process for appeal. If a license is automatically revoked, the licensee has the right to request a hearing to argue why their license should not be revoked under the law.

Chair Firmin acknowledged the appeal process and noted that a former licensee could request a review after revocation, then asked whether the timeline outlined in the bill—requiring a hearing within 30 days after a written request submitted within 10 days—was typical or reasonable.

DAG Kim responded that, generally, licensees have 30 or 60 days to request a hearing, depending on the statute. However, this bill provided a more expedited process, requiring a request within 10 days and a hearing within 30 days. He noted that this was faster than usual and intended to avoid prolonged appeals.

Chair Firmin asked whether the board should simply track the bill or take a stronger position, given that it directly affected their licensees and practice laws.

EO Fernandez recommended that the board take a formal position, since the bill specifically named their profession.

Ms. Hu asked what chapter governed their licensure.

EO Fernandez confirmed it was Chapter 468E, HRS.

Chair Firmin noted that the bill used the same language as other

chapters but had been adjusted for their profession, and expressed personal support for the bill, stating that it included an appeal process for licensees while also providing immediate consumer protection. She recommended that the board support the bill and asked for others' input.

Ms. Hu agreed, emphasizing that the appeal process offered a safeguard. She added that many of their patients were children or members of vulnerable populations, making immediate action especially important.

Chair Firmin moved that the board support Senate Bill 1373. Ms. Hu seconded the motion. Chair Firmin asked if there were any objections or abstentions. Hearing none, she confirmed that the motion passed.

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

Chair Firmin introduced agenda item 4(D) and noted a typo in the agenda. The bill listed as HB 1050 should have been HB 1054. She asked whether the board could amend the agenda to correct the error.

DAG Kim reviewed the requirements for amending an agenda and explained that a two-thirds vote of the full board was needed. Since the board had only four members present out of seven, they did not meet the threshold and could not amend the agenda. He noted further that although the bill title and description were correct, the number was wrong. He suggested the board could enter executive session to discuss how to proceed.

Chair Firmin made a motion to 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) at **2:47 p.m.**

**EXECUTIVE SESSION**

On a motion by Ms. Hu, seconded by Chair Firmin, and unanimously approved by the Board to return to the meeting from Executive Session.

Chair Firmin reconvened the meeting and conducted roll call.

Vice Chair Dr. Denby Rall, Ms. Lorna Hu, and Dr. Brian Chen confirmed their presence. Chair Firmin also confirmed she was present.

Chair Firmin stated that the board wished to note a typo on page 3 of the agenda:

Agenda item 4(D) should have listed HB 1054 instead of HB 1050. Because the board could not amend the agenda, it would defer discussion on item 4(D). However, she expressed the Board noted HB1054 is the companion bill to SB1373, which the board had voted to support.

**Next Meeting:** Chair Firmin announced that the next board meeting would be held on Tuesday, March 18, 2025, in the Queen Lili'uokalani Conference Room at the King Kalākaua Building. She noted that the website would be updated to reflect the correct date.

**Adjournment:** There being no further business, the meeting was adjourned by Chair Firmin at **3:23 p.m.**

Taken, Recorded, Reviewed and Approved By:

/s/ Christopher Fernandez \_\_\_\_\_  
Christopher Fernandez  
Executive Officer

CF

- [ ] Minutes approved as is.
- [ ] Minutes approved with changes.

DRAFT