



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

MANPOWER AND
RESERVE AFFAIRS

February 8, 2023

The Honorable Senator Joy A. San Buenaventura, Chair
Committee on Health and Human Services
415 South Beretania St.
Honolulu, HI 96813

SUBJ: SB 317 (Relating to the Audiology and Speech-Language Pathology Interstate Compact).

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

On behalf of the U.S. Department of Defense (DoD) and military families, I am writing to express strong support for the policy addressed in Senate Bill (SB) 317.

DoD has advocated for improved licensure and career portability for military Service members and their spouses for several years. Military spouses are disproportionately affected by state-specific professional licensing requirements that can cause delays and gaps in employment, with 36 percent requiring a state license to practice in their professions and an annual cross-state relocation rate ten times higher than their civilian counterparts. Accordingly, military spouses experience unemployment and underemployment at significantly higher rates than their civilian peers.

State policies enacting interstate licensure compacts, such as the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) relieve one of the many stressors of frequent military moves by enabling military spouses to transfer their licenses more quickly across state lines and obtain employment as soon as they relocate to a new state. These policies facilitate greater career sustainability for military spouses, improving their families' financial security and overall resilience.

Finally, interstate licensure compacts benefit not only military spouses, but also apply to all eligible professionals to include active duty Service members, members of the reserve components, veterans, and civilians. By enacting the ASLP-IC policy, Hawaii would have the opportunity to increase its healthcare workforce available to serve the local community while supporting military families.

In closing, the Department of Defense is very appreciative of Hawaii's ongoing commitment and efforts to support members of the military and their families who sacrifice much in service to our country. Thank you, Chair San Buenaventura, for spearheading this effort and providing me the opportunity to provide comments in support of this policy proposal.

Sincerely,

A handwritten signature in cursive script that reads "Kelli May Douglas".

Kelli May Douglas
Pacific Southwest Regional Liaison
Defense-State Liaison Office
DoD, Military Community & Family Policy
571-265-0075



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

KA 'OIHANA PILI KĀLEPA
335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
cca.hawaii.gov

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Health and Human Services
Friday, February 10, 2023
1:00 p.m.**

**On the following measure:
S.B. 317 RELATING TO THE AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY INTERSTATE COMPACT**

Chair San Buenaventura and Members of the Committee:

My name is Esther Brown, and I am the Complaints and Enforcement Officer of the Regulated Industries Complaints Office (RICO), which is an agency within the Department of Commerce and Consumer Affairs. RICO is charged with enforcing the licensing laws of various professional and trade industries in the State through the receipt, investigation and prosecution of, in this case, licensees who fall within the purview of the Hawaii Board of Speech Pathology and Audiology (Board). RICO defers to and supports the Board's position on the measure's policy, administration and implementation matters. RICO **offers comments** on provisions that could directly impact RICO's enforcement authority, practices and/or daily operations.

The purpose of this bill is to authorize the Governor to enter into the Audiology and Speech-Language Pathology Interstate Compact (Compact) on behalf of the State of Hawaii. Under the Compact, qualified speech-language pathologists and audiologists licensed in Compact states are permitted to practice in other Compact states, including

through telehealth, under a practice privilege without the need to obtain another license. This includes practice via telehealth.

1. Notice, fees, limited duration licensure, respecting privacy of licensees under investigation. Key to effective administration and enforcement are: (a) notification to the licensing authority of ability to practice in the State; (b) payment of licensing fees at initial licensure and renewal to be able to adequately staff administration and enforcement functions, (c) limitation on the term of a license to ensure, at renewal, that the licensee is competent and credible still, and (d) respecting the privacy rights of practitioners under investigation as well as medical and treatment records of patients.

- The notification component seems present in the measure at page 9, line 8, (“On application for a privilege to practice,”).
- There are references in the measure about charging fees for licensure at page 14, lines 18 – 19, and page 15, line 14 – 15, and recouping costs at page 21, lines 9 – 13, but we still prefer the clarity of SB 1322 (RE Nurses Licensed in Another Jurisdiction) with respect to the recouping of licensing fees in Hawaii (see page 2, lines 11 – 13 of that measure).
- There is reference to a renewal process in the measure at page 9, at line 18.
- In the area of respecting the privacy rights of practitioners under investigation, as well as safeguarding treatment records, I note for the Committee that SB674, which is the proposed Interstate Medical Licensure Compact that is currently supported by the Hawaii Medical Board, gives the Hawaii Medical Board discretion in both the handling of non-public investigative information and the choice to participate in joint investigations with other Compact-member states. Under this proposed Compact the Board “*may*” participate in “joint investigations” too, see page 21, lines 20 -21, but it does not appear to have the same discretion to share investigative materials that may have a significant privacy right attached thereto, see page 22, line 1 “member states *shall* share any investigative information.”

2. Miscellaneous Issue – instrumentality of the state & financing by state.

Though we do not fully understand the implications of these, we note for the Committee that:

- a.) The governing body under the Compact is considered an “instrumentality of the compact states,” see page 23, lines 9 – 10; and
- b. The governing body has the ability to “levy on and collect an annual assessment from each member state” or “impose fees on other parties to cover operations and activities, see page 33, lines 1 –5.

3. Miscellaneous Issue – ambiguity re indemnification of Hawaii Board and RICO employees. The measure protects the governing body and its hired or retained agents and employees through immunity, limitation of liability, defend/indemnify and “hold harmless” provisions that run from page 34, line 5 through page 36, line 5, but on its face does not seem to cover the regulatory entities in Hawaii should a Hawaii employee attempt to comply with mandatory provisions or rules or bylaws of the Compact that could conflict with provisions of existing state law.

Thank you for the opportunity to testify on this bill.

Testimony of the Board of Speech Pathology and Audiology

**Before the
Senate Committee on Health and Human Services
Friday, February 10, 2023
1:00 p.m.
Conference Room 225 & Videoconference**

**On the following measure:
S.B. 317, RELATING TO THE AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY INTERSTATE COMPACT**

Chair San Buenaventura and Members of the Committee:

My name is Christopher Fernandez, and I am the Executive Officer of the Board of Speech Pathology and Audiology (Board). The Board's legislative committee (Committee) offers comments on this bill.

The purpose of this bill is to establish provisions relating to the Audiology and Speech-Language Pathology Interstate Compact to facilitate interstate practice of audiology and speech-language pathology.

The Committee provides the following comments and concerns:

- (1) S.B. 317 represents the first time the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) has been introduced in the legislature, it would be premature to adopt it without further discussion, particularly since the Commission of ISLP-IC has not yet established many of its bylaws and rules, including those regarding fees to participate in compact for the member states. Currently, ASLP-IC legislation has been enacted by twenty-three (23) states; however no privileges have yet been issued by the ASLP-IC, and that roll-out of the first authorizations may not happen until the end of 2023 or later;
- (2) The Committee is concerned that the bill language would allow Compact privilege holders to provide:
 - (a) Unlicensed telehealth mental health services to Hawaii consumers;
and
 - (b) Unlicensed in-person services.

- (3) Currently, the Board does not perform Federal Bureau of Investigations (FBI) background checks on applicants as this is not required by HRS chapter 468E . Page 8, line 7 to page 9, line 7, of the Compact requires this capability. To comply with the Compact, HRS chapter 468E and HRS chapter 846 would have to be amended to require Hawaii applicants to acquire FBI background checks.
- (4) The Board has expressed concerns about establishing telehealth laws in HRS chapter 468E for Audiologists and Speech Pathologists. Audiologists and speech pathologists sometimes utilize measuring equipment that must also function remotely, adding a layer of complexity to telehealth for audiologists and speech pathologists.
- (5) If a Compact user is disciplined in this State, the Board is responsible for any costs related to travel, etc. Therefore, this may represent a loss for the State if it is unable to recoup the costs of travel by fines, or fees established for the use of the privilege in this state;
- (6) Finally, the Committee notes that there may be a significant impact on the fees collected by the Board for licensure, which partially funds the Professional Vocational Licensing Division's and the Regulated Industries Complaints Office's administrative and enforcement functions. Although the Compact language allows each member state to set the fees for use of the privilege, this amount will likely be far less than Hawaii licenses for audiologists and speech pathologists.

Thank you for the opportunity to testify on this bill.



February 10, 2023

1 p.m.

Conference Room 225

VIA VIDEOCONFERENCE

To: Senate Committee on Health and Human Services

Sen. Joy A. San Buenaventura, Chair

Sen. Henry J.C. Aquino, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB317 — RELATING TO THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB317](#), which would allow Hawaii to enter into the Audiology and Speech-Language Pathology Interstate Compact.

If this bill is enacted, the Legislature will take an important step toward addressing Hawaii's shortage of medical practitioners and specialists, a problem that has existed for years and has become a serious obstacle to healthcare access in our state.

Across the state, and especially in rural areas, Hawaii is facing shortages of experienced health professionals, from primary care providers to nurses, specialists and staff. Fixing the problem requires a multipronged strategy that will address everything from Hawaii's high cost of living to the state's regulatory scheme for healthcare facilities. Perhaps most important is the need to reform licensing regulations for healthcare professionals.

One-fourth of all licensed workers in the U.S. work in healthcare.¹ Their licenses can be difficult to obtain, are expensive and carry geographic or "scope of practice" limitations.

¹ Ryann Nunn, "[Improving Health Care Through Occupational Licensing Reform.](#)" RealClear Markets, Aug. 28, 2018

As discussed in an upcoming policy brief on medical licensing by the Grassroot Institute of Hawaii, the state's shortage of healthcare professionals makes its restrictions on healthcare workers who already hold licenses in other U.S. states seem redundant and self-defeating.

As the Federal Trade Commission noted in a report on occupational licensing portability:

There is little justification for the burdensome, costly, and redundant licensing processes that many states impose on qualified, licensed, out-of-state applicants. Such requirements likely inhibit multistate practice and delay or even prevent licensees from working in their occupations upon relocation to a new state. Indeed, for occupations that have not implemented any form of license portability, the harm to competition from suppressed mobility may far outweigh any plausible consumer protection benefit from the failure to provide for license portability.²

In other words, though medical licensing is intended to protect the public, there is a point at which the level of regulation reduces the number of people in practice without an appreciable public benefit.

One study of licensing among medical professionals found that “licensing is associated with restricted labor supply, an increased wage of the licensed occupation, rents, increased output prices, and no measurable effect on output quality.”³

This is where we can benefit from the lessons learned during the coronavirus situation. The governor's emergency modification to state licensing laws demonstrated a need to embrace license portability, making it a simple matter for a doctor licensed in another state to practice in Hawaii.

The interstate compact approach outlined in this bill would allow licensed audiologists and speech-language pathologists from other participating compact states to apply for the privilege of practicing in Hawaii.

² Karen Goldman, [“Options to Enhance Occupational License Portability.”](#) U.S. Federal Trade Commission, September 2018, p. 25.

³ Sean Nicholson and Carol Propper, [“Chapter Fourteen — Medical Workforce.”](#) in “Handbook of Health Economics, Vol. 2,” Elsevier, B.V., 2012, p. 885, cited also in the previously mentioned [FTC study](#), footnote #9, p3.

This legislation would increase the pool of audiologists and speech-language pathologists able to practice in Hawaii and shorten the time it would take for them to begin working here.

With one bill, the Legislature will be able to improve access to and choice of audiology and speech-language pathology providers for all Hawaii residents.

At present, the [ASLP Compact](#) includes 23 states. Nine additional states have introduced legislation to join as well. The Compact's successful implementation speaks to the safety and effectiveness of this approach to license reciprocity.

Joining the ASLP Compact would be an important step toward attracting more medical providers to our state, thereby improving healthcare access for all.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns,
Grassroot Institute of Hawaii



February 10, 2023

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

Re: SB317 – Relating to the Audiology and Speech-Language Pathology Interstate Compact

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB317, which establishes provisions relating to the Audiology and Speech-Language Pathology Interstate Compact to facilitate interstate practice of audiology and speech-language pathology.

HMSA strongly believes in strengthening access to quality health care services in the state of Hawaii. Participation in the compact can help, particularly in rural and underserved communities where the need is greatest. By creating an opportunity for providers who are already licensed in other states to practice in Hawaii, we can expand and support our current health care workforce while making it easier for Hawaii residents to access health care in the place they're located at the time when they need it.

We support Hawaii's participation in interstate compacts, and while broad participation would be ideal, we defer to DCCA for determining capacity and prioritization.

Thank you for the opportunity to testify on SB317.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations

February 8, 2023

To: Senator Joy San Buenaventura, Chair
Senate Committee on Health and Human Services
Hawai'i State Legislature
415 South Beretania St.
Honolulu, HI 96813

Re: Testimony in SUPPORT of SB317: Relating to Audiology and Speech-Language Pathology Interstate Compact

The Hawai'i Speech-Language Hearing Association (HSHA) is a professional, non-profit organization of speech-language pathologists (SLP) and audiologists (AUD) that is nationally recognized by the American Speech-Language-Hearing Association. Our mission is to promote excellence in speech-language pathology and audiology through professional development, advocacy, and leadership to provide education and quality services that embrace the diversity of those we serve. We **STRONGLY SUPPORT** SB317 for Hawai'i to become part of the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) to facilitate interstate practice of audiology and speech-language pathology.

Our members often have difficulty obtaining multiple state licenses to practice due to administrative burdens. Over the past few years, our association has received several emails and calls asking for our assistance in getting their license applications expedited due to significantly long waiting periods. There have been employees hired and relocated to the state that were unable to begin working for several months and sometimes having to leave due to the financial implication of their pending licensure. These burdens hinder their ability to provide quality services and restrict consumer access in our underserved and rural communities across the islands. Passage of SB 317 would address these issues by:

- Facilitating continuity of care when patients, clients and/or students relocate or travel to another state, specifically with members of the military and their spouses.
- Improving license processing and distribution of AUDs and SLPs which will increase access to care for patients, clients and/or students.

Passage of this bill will also allow Hawai'i to enjoy the same benefits of the 23 other ASLP-IC member states. Fringe benefits of this bill include decreased workload for the State Board of Professional and Vocational Licensing with the nation-wide database of members and their license history; increased financial gains for members requesting privileges to practice in Hawaii.

The United States Department of Defense State Liaison Office and the American Speech-Language-Hearing Association (ASHA) join HSHA in supporting SB 317. We appreciate your sponsorship and hope the Committee will pass this important legislation.

If you or your staff have any questions, please contact us at info@hsha.org.

Sincerely,



Kristina Fuentes, MS, CCC-SLP
2023 HSHA President

SB-317

Submitted on: 2/9/2023 9:29:41 AM

Testimony for HHS on 2/10/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nahale Kalfas	Testifying for ASLP-IC Commission and Council of State Governments	Support	Remotely Via Zoom

Comments:

As a co-primary drafter and current Counsel for the ASLP-IC Commission, as well as the Legal Counsel for the Council of State Governments/National Center for Interstate Compacts, I support SB 317 which would adopt the Audiology and Speech-Language Pathology Interstate Compact in Hawaii. I will be available remotely to speak to the Compact and answer any questions from the Committee.



February 10, 2023

To: Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services

From: Hawaii Association of Health Plans Public Policy Committee

Date/Location: February 10, 2023; 1:00 p.m., Conference Room 225/Videoconference

Re: Testimony in support of SB 317 – Relating to the Audiology and Speech-Language Pathology Interstate Compact.

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify in support of SB 317. HAHP is a statewide partnership that unifies Hawaii’s health plans to improve the health of Hawaii’s communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

HAHP appreciates the compact’s ability to relieve some of the burden on our health care providers and increase resources and access for rural communities. HAHP also recognizes that the pandemic highlighted gaps in our health care system. Workforce support and expansion is important to strengthening Hawaii’s health care network. While we recognize that participation in all of the compacts is probably not doable immediately, we support a prioritized and systematic approach to participation in interstate compacts to expand Hawaii’s “toolkit” for providing essential care for our members and our community.

Thank you for the opportunity to testify on SB 317.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

AlohaCare | HMAA | HMSA | Humana | HWMG | Kaiser Permanente | MDX Hawaii | Ohana Health Plan | UHA Health Insurance | UnitedHealthcare

hahp.org | 818 Keeaumoku Street, Honolulu, HI 96814 | info@hahp.org