

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

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes (HRS).

Date: March 13, 2015

Time: 12:30 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Scott Hashimoto, J.D., Psy.D., Chairperson
Carol L. Nowak, Ph.D., Vice Chairperson
Rosemary Adam-Terem, Ph.D., Member
Lisa Chun Fat, Member
Brian B. Combs, Ph.D., Member
Marty Oliphant, Member
Margo I. Peter, Psy.D., Member
May Ferrer, Executive Officer
Shari J. Wong, Deputy Attorney General (“DAG”)
Faith Nishimura, Secretary
Ahlani K. Quiogue, Executive Officer
Charlene L.K. Tamanaha, Supervising Executive Officer

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Hashimoto at 12:38 p.m.

Approval of the Meeting Minutes: It was moved by Dr. Nowak, seconded by Ms. Chun Fat, and unanimously carried to approve both the open session and executive session minutes of the February 20, 2015 meeting as circulated.

Additions/Revisions to Agenda: It was moved by Dr. Nowak, seconded by Mr. Oliphant, and unanimously carried to add the following matter to the agenda:

7. Legislation

d. Establishment of a Legislative Committee

The following agenda item was taken out of order.

Legislation: a. House Bill No. 1072, H.D. 1 Relating to Prescriptive Authority for Certain Psychologists

This measure authorizes the board of psychology to issue certificates of prescriptive authority to medical psychologists who meet certain education,

training, and registration requirements.

The House Committee on Finance held a decision making hearing on March 3, 2015 and recommended that the measure be passed unamended.

The measure crossed over to the Senate on March 12, 2015 and referred to the Senate Committees on Health/Judiciary and Labor, and Commerce and Consumer Protection.

Members discussed drafting amendments to House Bill No. 1072, H.D. 1. Discussion followed. The following was the consensus of the Board:

- Amend the term “Drug” to “Psychotropic medication,” which shall include controlled substances except narcotics; provided further that the term psychotropic medication shall be limited to only those agents related to the diagnosis and treatment of mental and emotional disorders pursuant to the practice of psychology, as that term is defined in section 465-1.
- Amend all references to the term “medical psychologist” to “prescribing psychologist.”
- Amend all references to “primary care physician” and “attending physician” to “physician of record.”
- Add the definition of “Physician of Record” to mean a physician licensed in the state pursuant to chapter 453, Hawaii Revised Statutes.
- Page 8 line 3 (c) to read as follows:

Every applicant for a prescriptive authority privilege shall be considered qualified if they have met the requirements of HRS §465-7, and have met the requirements for the prescriptive authority privilege of HRS §465- **Prescriptive authority privilege; requirements.**
- Page 9 delete lines 7–21.
- Page 10 (3) be amended to (2)
- Page 10 section (B) to read as follows:

“Clinical experience within no less than 12 months and no more than 48 months, and includes the supervision of a minimum of 100 patients. Such experience shall include no less than 2 hours per week of supervision by a licensed physician.”
- Page 10 delete lines 17–21.

- Page 11 delete lines 1–17.
- Page 11, line 18 (4) be amended to (3)
- Page 11, line 18 to read as follows:
 - (4) “The applicant has successfully **passed** the ...”
- Page 12, line 21 to Page 13, lines 1–2 to read as follows:

“has completed at least **eighteen hours** within every licensing biennium of acceptable continuing education, as determined by the Board for the purposes of this section, relevant to the pharmacological treatment of mental and emotional disorders.”
- Page 13, add (d) to read as follows:

“The board may conduct random audits of licensees to determine compliance with the continuing education requirement. The board shall provide written notice of an audit to a licensee randomly selected for audit. Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with the continuing education requirement established by this section.”
- Page 14, lines 11–12 to read as follows:
 - (d) A prescribing psychologist shall not prescribe for any patient who does not have a physician of record.

Dr. Adam-Terem, Dr. Nowak and Mr. Oliphant left the meeting at 2:15 p.m.

- On page 15, delete lines 3–14.

Executive Officer Ferrer would consult with the Board of Pharmacy’s Executive Officer to determine if the Board must provide: an annual list of prescribing psychologists holding valid certificates of prescriptive authority; the names of any prescribing psychologists who are added or deleted from the list; and notification in a timely manner of the revocation, suspension, or reinstatement of any certificate of prescriptive authority.

Executive Officer Quogue left the meeting at 3:00 p.m.

- b. Senate Bill No. 13 Relating to Psychology
- c. House Bill No. 269 Relating to Psychology

These measures expand doctoral degree requirements for licensing of psychologists to include additional doctoral programs accredited by the American Psychological Association.

Senate Bill No. 13 crossed over to the House and referred to the House Committee on Consumer Protection and Commerce on March 12, 2015.

House Bill No. 269 crossed over to the Senate and referred to the Senate Committee on Commerce and Consumer Protection on March 10, 2015.

Executive Officer Ferrer will submit testimony indicating that the Board supports both measures in the event of future hearings.

d. Establishment of a Legislative Committee

It was moved by Ms. Chun Fat, seconded by Dr. Combs, and unanimously carried to approve Drs. Hashimoto, Nowak, and Peter as the Board's legislative committee members.

Chairperson's Report:

None.

Executive Officer's Report:

a. Record of Candidates Examined: For the Examination for Professional Practice in Psychology (EPPP)

None.

Supervising Executive Officer Tamanaha left the meeting at 3:05 p.m.

Executive Session:

It was moved by Ms. Chun Fat, seconded by Dr. Peter, and unanimously carried to enter into executive session at 3:07 p.m. pursuant to Section 92-5(a)(1), HRS, to consider and evaluate personal information relating to individuals applying for professional license cited in Section 26-9, HRS, and pursuant to Section 92-5(a)(4), HRS, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

EXECUTIVE SESSION

At 3:10 p.m., it was moved by Dr. Combs, seconded by Dr. Peter, and unanimously carried to return to open session. The room was reopened to the public.

Applications:

a. Examination

- i. Andrea H.P.P. Hermosura
- ii. Cori L. Takesue
- iii. John B. Weems

It was moved by Dr. Combs, seconded by Ms. Chun Fat, and unanimously carried to approve the applications of Drs. Hermosura, Takesue and Weems pursuant to HRS § 465-7 and HAR §§ 16-98-8

and 16-98-9.

b. Examination Waiver

None.

d. Senior Psychologist

None.

e. ABPP Diplomate

None.

f. CPQ/NR

None.

g. Ratifications

i. National Register

a. Charles M. Lepkowsky

b. Steven N. Sparta

It was moved by Dr. Peter, seconded by Dr. Combs, and unanimously carried to ratify the approval of the applications of Drs. Lepkowsky and Sparta pursuant to HRS § 465-7.

New Business: None.

Correspondence: a. E-mail dated January 30, 2015 from Rachel Stankowski, PhD, regarding research via telemedicine in Hawaii

Members reviewed an email dated January 30, 2015 from Rachel Stankowski, PhD, regarding research via telemedicine in Hawaii.

The Board informally opined that anyone engaged in telehealth medicine as it relates to the practice of psychology, as defined by Hawaii Revised Statutes (“HRS”) § 465-1, is required to have a license in the state of Hawaii. HRS § 465-1, defines the practice of psychology as:

“the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not

limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered."

The Board stated that as an alternative to becoming licensed in Hawaii, the psychologist licensed in the state of Wisconsin who would be engaged in the second intervention arm could provide telehealth services under the direction of a Hawaii licensed psychologist. Pursuant to HRS §465-3(a)(2), "Any person who performs any, or any combination of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term "psychological assistant", but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology".

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

Next Meeting: Friday, April 17, 2015
1:30 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, it was moved by Ms. Chun Fat, seconded by Dr. Combs, and unanimously carried to adjourn the meeting at 3:19 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer
May Ferrer
Executive Officer

/s/ Faith Nishimura
Faith Nishimura
Secretary

MF:fn

4/9/15

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