

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: June 16, 2017

Time: 1:30 p.m.

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

Present: Rosemary Adam-Terem, Ph.D., Chairperson
Sherry Sutherland-Choy, Psy.D., APRN-Rx, Vice Chairperson
Scott Hashimoto, J.D., Psy.D., Member
Lisa Chun Fat, Member
Marty Oliphant, Member
Jill Oliveira Gray, Ph.D., Member
Don Pedro, Psy. D., Member
May Ferrer, Executive Officer ("EO")
Daniel Jacob, Esq., Deputy Attorney General ("DAG")
Susan Reyes, Secretary

Excused: Mana Moriarty, Esq., DAG

Guest: None.

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Adam-Terem at 1:30 p.m.

Approval of the Meeting Minutes: It was moved by Mr. Oliphant, seconded by Ms. Chun Fat, and unanimously carried to approve the open session and executive session minutes of the May 19, 2017 meeting with the following amendments:

Open Session Minutes

1st sentence, 2nd paragraph on page 5 should read as follows:

From: Dr. Oliveira Gray moved to add HRS §§436B-19(5) and 436-19(7) to to the grounds . . .

To: Dr. Oliveira Gray moved to add HRS §§436B-19(5) and 436-19(7) to the grounds . . .

Executive Session Minutes

6th sentence, 1st paragraph on page 3 should read as follows:

From: Dr. Hashimoto asked the EO to confirm that that the New Jersey Board . . .

To: Dr. Hashimoto asked the EO to confirm that the New Jersey Board . . .

Chairperson's Report:

a. None.

Dr. Don Pedro arrived at the meeting at 1:34 p.m.

Executive Officer's Report:

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

Executive Officer Ferrer reported that during the period of May 7, 2017 through June 3, 2017, there were five (5) candidates who took the EPPP exam of which two (2) passed and three (3) failed.

b. Privileged Communication and Duty to Warn

The Board reviewed and discussed information pertaining to privileged communication and the duty to warn. Members agreed that this issue is not adequately addressed in Rule 504.1. EO Ferrer said that because this matter impacts various health care professions, it may be prudent to have a discussion with individuals of those professions and to do something collectively rather than just in the Board's statutes/rules. A member asked if the Board may form a subcommittee and invite other stakeholders.

DAG Jacob stated that the Board may create a Permitted Interaction Group ("PIG"). A PIG may meet without notice or agenda and may include anyone who may be useful to that working group. DAG Jacob explained that the PIG would report only their findings at the next Board meeting and the findings would be documented in the minutes. Discussion on the findings is permitted at the following meeting.

The DAG suggested that, in seeking members for the PIG, the Board consider professionals from the community rather than from other licensing areas. This may help the other licensing areas

prevent any possible violations of the Sunshine Law.

Dr. Sutherland-Choy offered to coordinate the PIG. EO Ferrer asked DAG Jacob if her own attendance would be required. The DAG said, "No."

In reviewing information on the OIP website, DAG Jacob stated that two or more members of a Board, but less than the number of the members that would constitute a quorum, may be assigned to investigating a matter relating to official business of the Board. In order for the Board to take action on the matter investigated by the PIG, three meetings must occur.

At the first meeting of the Board, the scope of investigation and the scope of each member's authority are defined. The PIG may then begin their investigation.

At the second meeting of the Board, findings and recommendations of the PIG are presented to the Board, but the Board cannot discuss or act upon the report at this meeting. If the Board would like to discuss, deliberate, or make any decisions regarding the PIG's report, they must do so only at the third meeting.

Members discussed and defined the scope as: Investigating the need for legislation on duty to warn/protect.

It was moved by Dr. Pedro, seconded by Mr. Oliphant, and unanimously carried to create a PIG. Dr. Sutherland-Choy volunteered to be the chairperson of the PIG. Drs. Oliveira Gray and Pedro volunteered to serve as members of the PIG.

Executive Session: It was moved by Mr. Oliphant, seconded by Dr. Pedro, and unanimously carried to enter into executive session at 1:58 p.m. to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with Hawaii Revised Statutes §92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, immunities and liabilities in accordance with Hawaii Revised Statutes §92-5(a)(4).

EXECUTIVE SESSION

At 2:03 p.m., it was moved by Mr. Oliphant, seconded by Dr. Oliveira Gray, and unanimously carried to return to open session. The room was reopened to the public.

Applications:

a. Examination

i. Larissa Cordeira

It was moved by Dr. Sutherland-Choy, seconded by Ms. Chun Fat, and unanimously carried to approve the application of Dr. Cordeira pursuant to HRS § 465-7 and HAR §§ 16-98-8 and 16-98-9.

b. Ratifications

i. ABPP Diplomate

a. Jeffrey Kline

ii. Certificate of Professional Qualification in Psychology (CPQ)

a. Samuel Dutton

The EO informed the Board that information to support Dr. Dutton's application is still pending. As such, Dr. Dutton's application was removed from the ratifications list.

iii. National Register (NR)

a. Wendy Biss

It was moved by Dr. Oliveira Gray, seconded by Dr. Pedro, and unanimously carried to ratify the applications of Drs. Kline and Biss pursuant to HRS § 465-7.

New Business:

a. Inquiry Regarding License Maintenance by Psychologist with Mental Health Concern

The Board discussed the following inquiry: "Can a psychologist who ends up on Social Security Disability for a mental health concern still maintain their license and practice a limited number of hours with accommodations that do not impair the psychologist's ability to provide such limited services?" EO Ferrer put this question on the ASPPB ListServ and received responses from four jurisdictions, none of which have come across this situation before.

Vice Chairperson Sutherland-Choy indicated that this type of matter is addressed in the American Psychological Association Ethical Principles of Psychologist and Code of Conduct ("APA Ethics Code"). EO Ferrer referred the Board to the APA Ethics Code, Section 2: Competence, 2.06 Personal Problems and Conflicts (a): "Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner. (b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance and determine whether they should limit, suspend or terminate their work-related duties."

DAG Jacob referred the Board to §465-13(14): Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, or excessive use of any substance, or as a result of any mental or physical condition.

The Board directed the EO to respond to the inquiry citing HRS §465-13(14) and Section 2.06, Personal Problems and Conflicts, from the APA Ethics Code.

DAG Jacob suggested that it would be a good idea to recommend that the individual consult with a private attorney regarding this particular circumstance.

Announcements: a. ASPPB 2017 Annual Meeting, October 17 – 22, 2017, Waikoloa, Hawaii

Mr. Oliphant recommended that the Board attend the meeting. They can access the agenda on the ASPPB website.

b. Changes to the Board's 2017 meeting schedule are as follows:

August: August 11, 2017 meeting is cancelled

September: September 15, 2017 meeting is rescheduled for September 8, 2017

October: October 20, 2017 meeting is rescheduled for October 6, 2017

Open Forum: a. (Public comment on issues not on the agenda, for consideration for Board's agenda at a subsequent meeting.)

Next Meeting: Friday, July 21, 2017
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
Dr. Sutherland Choy, seconded by Mr. Oliphant, and unanimously carried
to adjourn the meeting at 2:35 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer
May Ferrer
Executive Officer

/s/ Susan Reyes
Susan Reyes
Secretary

MF:sr

06/29/17

[] Minutes approved as is.
[X] Minutes approved with changes; see minutes of July 21, 2017.