

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 31, 2017

Time: 1:30 p.m.

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

Present: Sherry Sutherland-Choy, Psy.D., APRN-Rx, Vice Chairperson
Scott Hashimoto, J.D., Psy.D., Member
Jill Oliveira Gray, Ph.D., Member
Lisa Chun Fat, Member
Mana Moriarty, Esq. Deputy Attorney General ("DAG")
May Ferrer, Executive Officer
Susan Reyes, Secretary

Member(s) Rosemary Adam-Terem, Ph.D., Chairperson
Excused: Marty Oliphant, Member

Guest(s): None.

Call to Order: There being a quorum present, the meeting was called to order by Vice Chairperson Sutherland-Choy at 1:31 p.m.

Approval of the Meeting Minutes: It was moved by Dr. Hashimoto, seconded by Ms. Chun-Fat, and unanimously carried to approve the minutes of the February 17, 2017 meeting, as circulated.

Chairperson's Report: None.

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 February 12, 2017 through March 11, 2017, there were five (5) candidates who took the EPPP exam of which four (4) passed and one (1) failed.

b. File Annual Disclosure of Financial Interests with the Hawaii State Ethics Commission by Wednesday, May 31, 2017

Executive Officer Ferrer reminded the members of their responsibility to comply with the State Ethics Code by filing an annual Disclosure of Financial Interests with the Hawaii State Ethics Commission. First-time filers and filers with more than ten changes are required to file the long form (D-201). Individuals who filed last year may use the "short form" (D-103A) to update their financial information, provided they have no more than ten changes from the preceding period. She told the members to let her know if they have not received the e-mail she sent last week which included a link to the financial disclosure forms.

c. Nomination of Board Member

The executive officer announced that Dr. Don Pedro has been nominated by the Governor to serve on the Board. At its 9:00 a.m. hearing on March 31, 2017, the Senate Committee on Commerce, Consumer Protection, and Health recommended to advise and consent to the nomination of Dr. Pedro.

Revisions to the Agenda:

Dr. Hashimoto noted that documentation in Dr. Solomon's application verifies that she is licensed in another state. Executive Officer Ferrer stated that Dr. Solomon should be moved from application by Examination to application by Examination Waiver.

The executive officer therefore proposed to revise the agenda as follows:

5. Applications

a. Examination

- i. Carinthia Armitage
- ii. Rachel Lynch
- iii. Janet Brito

b. Examination Waiver

- i. Akihiko Masuda
- ii. Annette Solomon

The executive officer also informed the Board that information to support Dr. Lynn Thull's application is still pending. As such, it was suggested to remove Dr. Thull from the ratifications list.

It was moved by Dr. Hashimoto, seconded by Ms. Chun Fat, and unanimously carried to revise the agenda as proposed.

Executive
Session:

It was moved by Dr. Hashimoto, seconded by Dr. Oliveira Gray, and unanimously carried to enter into executive session at 1:36 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 1:44 p.m., it was moved by Dr. Hashimoto, seconded by Ms. Chun Fat, and unanimously carried to return to open session. The room was reopened to the public.

Applications:

a. Examination

- i. Carinthia Armitage
- ii. Rachel Lynch
- iii. Janet Brito

It was moved by Dr. Hashimoto, seconded by Ms. Chun Fat, and unanimously carried to approve the application of Drs. Armitage, Lynch and Brito pursuant to HRS § 465-7 and HAR §§ 16-98-8 and 16-98-9.

b. Examination Waiver

- i. Akihiko Masuda
- ii. Annette Solomon

It was moved by Dr. Hashimoto, seconded by Ms. Chun Fat, and unanimously carried to approve the applications of Drs. Masuda and Solomon pursuant to HRS §§ 465-7 and 465-10, and HAR §§ 16-98-25 and 16-98-30.

c. Ratifications

i. National Register (NR)

- a. Bradley McConnell
- b. Robert Morecook
- c. Kristi Mueller
- d. Liana Phillips

It was moved by Dr. Hashimoto, seconded by Ms. Chun Fat, and unanimously carried to ratify the applications of Drs. McConnell, Morecook, Mueller, and Phillips pursuant to HRS § 465-7.

Legislation:

- a. HB 916/HB 916, HD 1/SB 1078, Relating to Loan Repayment for Health Care Professionals – Makes an appropriation for the health care professionals loan repayment program administered through the John A. Burns School of Medicine.

Executive Officer Ferrer informed the members that SB 1078 was “dead.” She stated that HB 916, HD 1 was last heard by the joint Senate Committees on Consumer Protection & Health (CPH) and Higher Education. Both Committees passed the measure with amendments. The SD 1 clarifies the name of the loan repayment program and deletes references to certain professions, including psychologists. Psychologists are not included in section 309H-3, HRS, which establishes the loan repayment program. The executive officer said that because psychologists have been deleted from the measure, the Board probably no longer has any interest in tracking this bill. The members concurred that tracking of this bill is no longer necessary.

- b. HB 1484/HB 1484, HD 1/HB 1484, HD2, Relating to Assault – Establishes the offense of assault in the second degree if a person intentionally or knowingly causes bodily injury to a health care professional, as defined in section 451D-2, Hawaii Revised Statutes, who is engaged in the performance of duty at the time of the assault. (HB 1484 HD 2)

Executive Officer Ferrer informed the Board that HB 1484, HD 2 is “dead.”

- c. HB 767/HB 767, HD 1/SB 384/SB 384, SD 2, Relating to Prescriptive Authority for Certain Psychologists – Authorizes and establishes procedures and criteria for prescriptive authority for clinical psychologists who meet specific education, training, and registration requirements, including requiring prescribing psychologists to adhere to all applicable statutory regulations. Requires the Board of Psychology to report to the legislature prior to the regular session of 2021. Takes effect on January 7, 2059. Sunsets August 31, 2025. (SD 2).

Executive Officer Ferrer reminded the Board that at its continuance meeting on Tuesday, February 21, 2017, the Board discussed HB 767, HD1 and SB 384, SD 1 and recommended amendments to the measures to strengthen the experience requirements.

The executive officer informed the board that HB 767, HD 1 would not be moving forward. She also stated that at its decision making on SB 384, SD 2 on March 23, 2017, the House Committee on Health recommended to pass the measure with amendments to incorporate the Board's recommended changes.

The executive officer asked the Board its position on SB 384, SD 2 and whether any changes to the measure should be considered. Members stated that the measure incorporates all the changes that the Board had proposed and that no additional changes were necessary.

It was moved by Dr. Hashimoto, seconded by Dr. Oliveira Gray, and unanimously carried to support SB 384, SD 2.

A member asked if a hearing is scheduled for SB 384, SD 2. The executive officer stated that a hearing has not been scheduled. DAG Moriarty stated that the Board could submit a letter to request a hearing.

It was moved by Dr. Hashimoto, seconded by Dr. Oliveira Gray, and unanimously carried to direct the executive officer to submit a request for a hearing to the House Committee on Finance.

- d. HB 241/SB 224/SB 224, SD 1/SB 224, SD 2/SB 224, SD 2, HD1, Relating to Psychology – Establishes licensure requirements for school psychologists to be administered by the board of psychology. Amends the composition of the board to include two school psychologists. (SB 224 HD 1)

The executive officer informed the board that HB 241 is “dead,” however, SB 224 has been continuing to move forward. There was a hearing on SB 224, SD 2, HD 1 with the House Committees on Intrastate Commerce, and Consumer Protection & Commerce on March 21, 2017. The Committees recommended to pass the measure with amendments that adds language to clarify the exemptions.

The executive officer stated that the Department of Commerce & Consumer Affairs recommended that a sunrise analysis be conducted by the State Auditor in accordance with HRS §26H-6. DAG Moriarty explained that the statute requires that measures proposing the regulation of new professions be analyzed by the Auditor prior to the enactment of those measures. A sunrise analysis is done to ensure that the regulation of a profession or vocation will serve the purpose of protecting consumers, not the regulated area. The Auditor must examine the probable effects of proposed regulation, including costs, and consider if there are other alternatives for regulation.

The Board again expressed its support of the intent of the regulation of school psychologists, but maintained that school psychologists should be regulated by an appropriate, separate regulatory body, rather than the Board of Psychology.

Announcements:

- a. Privileged Communication and Duty to Warn

Dr. Sutherland-Choy stated that she would like to include an agenda item for discussion at the Board's next meeting regarding the scope of privileged communication between a patient and a psychologist, and a psychologist's duty to warn.

- b. ASPPB Call for Nominations for ASPPB Board of Directors, Fellows and Other Awards

Executive Officer Ferrer informed the Board about the call for nominations by the Association of State and Provincial Psychology Boards (“ASPPB”). Nominations are being accept for the offices of President-Elect and 1st Year Member-at-Large as

well as for various awards. The executive officer briefed the Board on the general expectations of the positions as well as the qualification requirements. She recommended to the members that they consider these positions and stated that she would e-mail the Board a link to the information. Nominations are due by Monday, May 1, 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, April 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. Hashimoto, seconded by Dr. Oliveira Gray, and unanimously carried to adjourn the meeting at 3:10 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

04/03/17

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