

**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: April 21, 2017

Time: 1:30 p.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> 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  
Don Pedro, Psy. D., Member  
Lisa Chun Fat, Member  
Marty Oliphant, Member  
Mana Moriarty, Esq. Deputy Attorney General ("DAG")  
May Ferrer, Executive Officer ("EO")  
Susan Reyes, Secretary

Member(s) Jill Oliveira Gray, Ph.D., Member

Excused:

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 Dr. Hashimoto, seconded by Dr. Sutherland-Choy, and unanimously carried to approve the open session minutes of the March 31, 2017 meeting with the following amendment:

On page 4 under Legislation a., the fourth sentence should read as follows:

"Psychologists are not included in section 309H-3, HRS, which established the **loan** repayment program."

It was moved by Dr. Hashimoto, seconded by Dr. Sutherland-Choy, and unanimously carried to approve the executive session minutes of the March 31, 2017 meeting as circulated.

Chairperson's Report: None.

- Executive Officer's Report:
- a. Welcome Newly Appointed Member  
  
Executive Officer Ferrer introduced Dr. Don Pedro and welcomed him to the Board.
  - b. Record of Candidates Examined: For the Examination for Professional Practice in Psychology (EPPP)  
  
Executive Officer Ferrer reported that during the period of March 12, 2017 through April 8, 2017, there were six (6) candidates who took the EPPP exam of whom four (4) passed and two (2) failed.
  - c. File Annual Disclosure of Financial Interests with the Hawaii State Ethics Commission by Wednesday, May 31, 2017  
  
The EO 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.
  - d. The Association of State and Provincial Psychology Boards (ASPPB) 2017 Mid-Year Meeting, April 27-30, 2017, Memphis, TN  
  
Executive Officer Ferrer briefed the Board on the upcoming ASPPB 2017 Mid-Year Meeting and thanked Dr. Adam-Terem in advance for attending the meeting and representing the Board.
  - e. Update on the Examination for Professional Practice in Psychology (EPPP) Step 2  
  
The Executive Officer briefed the Board on updates to the status of the EPPP Step 2. Per the ASPPB, it will not be a mandatory exam. It will be up to each jurisdiction to decide whether or not to use it. The EPPP Step 2 will assess practice skills and may consist of six different clusters: Scientific Orientation, Assessment and Intervention, Relational Competence, Professionalism, Ethical Practice, Collaboration, and Consultation.

Executive  
Session:

It was moved by Dr. Hashimoto, seconded by Ms. Chun-Fat, and unanimously carried to enter into executive session at 1:49 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 1:59 p.m., it was moved by Dr. Hashimoto, seconded by Mr. Oliphant, and unanimously carried to return to open session. The room was reopened to the public.

Applications:

a. Examination

i. Peter Warren

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

b. Ratifications

i. Senior Psychologist

a. Lynn Thull

It was moved by Dr. Sutherland-Choy, seconded by Ms. Chun Fat, and unanimously carried to ratify the application of Dr. Thull pursuant to HRS § 465-7 subject to the receipt of Dr. Thull's official license verification from the California Board of Behavioral Sciences.

c. Applicant for License Reactivation

i. Daniel LeGoff

Executive Officer Ferrer explained that Dr. LeGoff wrote the Board an email dated March 24, 2017 in which he appealed the Board's decision to deny his request to reactivate his license and asked the Board to reconsider its decision. Executive Officer Ferrer added that copies of earlier published work of Dr. LeGoff were attached to Dr. LeGoff's March 24, 2017 email.

Executive  
Session:

It was moved by Dr. Hashimoto, seconded by Mr. Oliphant, and unanimously carried to enter into executive session at 2:09 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).

Dr. Adam-Terem recused herself from participating in the discussion of Dr. LeGoff's application and left the meeting room at 2:09 p.m. following the vote to enter into executive session.

EXECUTIVE SESSION

At 2:25 p.m., it was moved by Dr. Sutherland-Choy, seconded by Mr. Oliphant, and carried by vote of the members present (i.e., Dr. Sutherland-Choy, Dr. Hashimoto, Dr. Pedro, Ms. Chun Fat, and Mr. Oliphant) to return to open session. The room was reopened to the public.

Dr. Adam-Terem returned to the meeting room at 2:25 p.m.

Dr. Hashimoto moved to grant reconsideration of Dr. LeGoff's application for reactivation. Dr. Sutherland-Choy seconded the motion. Drs. Hashimoto, Sutherland-Choy, and Pedro, Ms. Chun Fat, and Mr. Oliphant voted to grant Dr. LeGoff's request for reconsideration. Dr. Adam-Terem took no part in the decision.

Legislation:

- a. SB 384, SD 2, HD 1, 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. Requires the Board of Psychology to report to the legislature prior to the regular session of 2021. (SB384 HD 1)

The Executive Officer informed the Board that this measure has "died." The last committee to hear this bill was the House Committee on Finance. She stated that she sent a request for a hearing to the Committee chairperson on behalf of the Board, however, a hearing was not scheduled.

- b. SB 224, SD 2, HD 2, 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 2)

The Executive Officer informed the board that the measure is moving forward and that a conference meeting is scheduled at 2:45 p.m. today.

She stated that the Department prepared a conference letter requesting that a sunrise analysis be done by the Auditor.

New Business:

a. Privileged Communication and Duty to Warn

Dr. Sutherland-Choy briefed the Board on a recent incident concerning a psychologist's duty to warn when the psychologist's patient threatens a person with violence.

DAG Moriarty provided the Board information regarding the case of Tarasoff vs. the Regents of the University of California. Discussion followed.

Executive Officer Ferrer indicated that the American Psychological Association Ethical Principles of Psychologists and Code of Conduct addresses the duty to protect on page 9 under "4.05 Disclosures (b) (3) protect the client/patient, psychologist, or others from harm."

Dr. Pedro said that there is a statute in HIPAA that as long as your attempts are documented and there was a reasonable amount of effort on your part to notify the target of the threat, you are not breaching the confidentiality of the psychologist-patient relationship, but just warning the person.

Executive Officer Ferrer will check with other jurisdictions to see how they are handling it.

b. Role of Deputy Attorney General

DAG Moriarty deferred this agenda item until the two new Board members, Drs. Oliveira Gray and Pedro, will both be present to discuss.

Announcements:

Mr. Oliphant briefed the Board on the upcoming ASPPB meeting in Waikoloa, Hawaii and encouraged everyone to attend. He will discuss this more in detail at the next meeting.

Mr. Oliphant left the meeting at 3:00 p.m.

Open Forum:

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

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Next Meeting: Friday, May 19, 2017  
1:30 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, it was moved by  
Ms. Chun Fat, seconded by Dr. Hashimoto, and carried by concurring  
vote of all members present to adjourn the meeting at 3:14 p.m.

Reviewed and approved by:

Taken and recorded by:

\_\_\_\_\_  
May Ferrer  
Executive Officer

\_\_\_\_\_  
Susan Reyes  
Secretary

MF:sr

05/15/17

[X] Minutes approved as is.  
[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.