

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 20, 2018

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, Chairperson
Lisa Chun Fat, Member
Marty Oliphant, Vice Chairperson
Jill Oliveira Gray, Ph.D., Member
Don Pedro, Psy.D., Member
May Ferrer, Executive Officer (“EO”)
Daniel Jacob, Esq. Deputy Attorney General (“DAG”)
Susan A. Reyes, Secretary

Excused: Rosemary Adam-Terem, Ph.D., Member

Guest: None.

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

Approval of the Meeting Minutes: It was moved by Dr. Oliveira Gray, seconded by Mr. Oliphant, and unanimously carried to approve the open session minutes of the March 23, 2018 meeting as circulated.

Amendments to Agenda: 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 25, 2018 – March 24, 2018, there were four candidates who took the EPPP exam; one passed and three failed.

b. Association of State and Provincial Psychology Boards (“ASPPB”)
Midyear Meeting, April 12 – 15, 2018, Savannah, Georgia

Chairperson Sutherland-Choy briefed the Board about this meeting, which included discussions about regulatory authority and an anti-regulatory climate in recent years. There was a lot of talk about the North Carolina Board of Dental Examiners. In one case in 2010, the Board of Dental Examiners had sent out cease and desist letters to individuals who were working in the mall that were providing teeth whitening services and products. It went all the way to the U.S. Supreme Court. It was with North Carolina Dental Examiners vs. The Federal Trade and Commission, and essentially what they found was that the cease and desist letters were violating anti-trust laws.

DAG Jacob said that the Board itself which was made up of dentists, determined that the scope of practice entailed teeth whitening, which it did not. He noted that members of the North Carolina Dental Board were not appointed and confirmed in the same manner as the members of the Hawaii Board of Psychology. Rather, the members are appointed to the North Carolina Board by members of their professional association. They would go to the professional association and have an election, and the election would dictate who would be on the board. There is no approval by the governor or legislature. Licensing boards use to qualify for what it is called the parker immunity. It used to be thought that the Board was with the State, and therefore protected by immunity. The U.S. Supreme Court recognized that the Board is not a State entity, and could potentially collude or restrain a trade of practice improperly. In order for the licensing Board not to be found in violation of the anti-trade practices there had to be an exactitude precision, where a government authority reviews the Boards decisions. DAG Jacob stated that he can advise the Board, but not supervise.

Chairperson Sutherland-Choy also informed the Board about the “Plus 15 States”. To increase mobility, there are 15 states that have instituted a process to streamline their licensure requirements, with the automated banking of credentials to keep track of the continued education units (“CEUs”).

DAG Jacob recommended that if more discussion is needed on the “Plus 15 States,” it may be added to the next agenda.

EO Ferrer stated that she will gather information regarding this and present it to the Board at the next meeting.

- c. Discussion on report of general examinee information and pass/fail results for the EPPP; preparation for exam; how institutions maintain standards for curriculum

EO Ferrer proposed to defer this agenda item until the next meeting.

- d. 2018 license renewal information

EO Ferrer stated that renewal information is available on our website. On-time renewals for the licensing period of July 1, 2018 through June 30, 2020 begin Monday, May 7, 2018 and end midnight (HST) on Saturday, June 30, 2018. Renewal postcard reminders will be mailed out May 4, 2018. You may renew online at <https://pvl.ehawaii.gov/mypvl>.

EO Ferrer went on to say that when you renew, you will need to attest to having complied with the 18 hours of CEU requirement.

A Board member asked if certificates of CE completion need to be submitted. EO Ferrer stated that you do not need to submit documentation unless you are audited. A random audit will be conducted after the renewal period. Five percent of a pool of active licensees, not including first-time licensees and industrial/organizational psychologists will be randomly selected. If you are audited, you will receive a letter and will have 60 days from the date of the letter to provide proof of compliance.

A Board member asked if the Board grants a request for an extension, would the audited individual be able to continue to practice? DAG Jacob said that the licensee will not be able to renew and said pursuant to:

§465-11(e) Each licensee shall be responsible for maintaining the continuing education records. At the time of renewal, each licensee shall certify under oath that the licensee has complied with the continuing education requirement of this section. The board may require a licensee to submit evidence satisfactory to the board that demonstrates compliance with the continuing education requirement.

(f) Any licensee seeking renewal of a license without full compliance with the continuing education requirement shall submit with the renewal application the required fee, a notarized affidavit setting forth the facts explaining the reasons for noncompliance, and a request for an extension on the basis of the facts; provided that the licensee complete at least thirty-six hours

of continuing education for the next licensing biennium. The board shall consider each case on an individual basis and may grant an extension based on:

(1) Practice in an isolated geographical area with an absence of opportunities for continuing education by taped programs or otherwise; or

(2) Inability to devote sufficient hours to continuing education because of incapacity, undue hardship, or any other serious extenuating circumstances.

Dr. Pedro asked if a licensee was working with critical patients, will s/he have to have someone fill in for them? DAG Jacob said that as long as s/he request for an extension prior to when the renewal ends, s/he will be able to still work.

EO Ferrer said she will review this matter and provide a response at the next Board meeting.

Dr. Pedro then asked: How are the licensees to know when to request for an extension? DAG Jacob stated that every licensee should be knowledgeable of the laws that regulate them.

DAG Jacob suggested that the Board review and discuss the rules for CE requirements on the next meeting.

Dr. Pedro mentioned a tracking system called "CE Broker" that will track and maintain your continuing education documents. The subscription cost for licensed professionals is \$29.99 per month.

Executive Session: It was moved by Vice Chairperson Oliphant, seconded by Dr. Oliveira Gray, and unanimously carried to enter into executive session at 1:55 p.m. to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with HRS §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 HRS §92-5(a)(4).

EXECUTIVE SESSION

At 2:02 p.m., it was moved by Dr. Pedro, seconded by Vice Chairperson, Oliphant, and unanimously carried to return to open session. The room was reopened to the public.

Applications:

a. Examination Waiver

i. Nanako Negome-Kapur

It was moved by Dr. Oliveira Gray, seconded by Dr. Pedro, and unanimously carried to approve the application of Dr. Negome-Kapur pursuant to HRS §§ 465-7 and 465-10 and HAR §§ 16-98-9, 16-98-16, 16-98-23, 16-98-25, and 16-98-30.

b. Ratifications

i. Senior Psychologist

a. Marianne Freeman

It was moved by Dr. Pedro, seconded by Dr. Oliveira Gray, and unanimously carried to approve the application of Dr. Freeman pursuant to HRS § 465-7.

ii. Certificate of Professional Qualification / National Register

a. Amy Hecht

b. Franziska Ronquillo

c. Scott Sautter

It was moved by Dr. Pedro, seconded by Dr. Oliveira Gray, and unanimously carried to ratify the application of Drs. Hecht, Ronquillo, and Sautter pursuant to HRS § 465-7.

New Business:

a. Registration requirements for Industrial/Organizational (“I/O”) psychologists

After a review and brief discussion of the registration requirements for I/O psychologists, the Board determined that no changes are required at this time.

b. Reporting to the National Practitioner Data Bank (“NPDB”) and the ASPPB Disciplinary Database

EO Ferrer stated that disciplinary actions taken against licensed psychologists are reported to the NPDB. However, license denials that are not disciplinary (i.e., education requirements not met) are not reported.

EO Ferrer said it was concerning to her that not all jurisdictions report disciplinary actions. Due to the privacy laws in some

jurisdictions, certain information regarding the licensee cannot be disclosed. Without certain information, it may difficult for the Board to make a decision on whether to grant a license, and it does not serve the consuming public well when pertinent information is withheld.

- Legislative Matters:
- a. HB 2657, Relating to Behavior Analysis – Clarifies the scope of practice of behavior analysis to mean the practice of applied behavior analysis. Broadens and clarifies the exemption of licensed or credentialed practitioners practicing within their own recognized scopes of practice who are already exempt from the Behavior Analyst Law.

The Senate Committee on Commerce, Consumer Protection, and Health (“CPH”) passed HB 2657, HD 1. with amendments. The House disagrees with the Senate amendments in HB 2657, HD 1, SD 1. As such, this measure would go to conference.

- b. SB 270, Relating to Minors – Prohibits specific state-licensed persons who are licensed to provide professional counseling from engaging in, attempting to engage in, or advertising sexual orientation change efforts on persons under eighteen years of age.

The House Committee on Judiciary (“JUD”) passed SB 270, SD 1, HD 1 with amendments. The Senate disagrees with the House amendments in SB 270, SD 1, HD 2. As such, this measure would go to conference.

- c. SB 2298, Relating to Healthcare Preceptor Tax Credits – Allows advanced practice registered nurses, physicians, dentists, psychologists, pharmacists, and social workers to receive tax credits for acting as preceptors in volunteer-based supervised clinical training rotations provided to eligible students that enable or certificate. Establishes the Preceptor Credit Assurance Committee to issue certificates to volunteer preceptors upon verifying that the volunteer preceptors meet the requirements of the tax credit.

The House Committee on Finance (“FIN”) passed SB 2298, SD 2, HD 2 with amendments. The Senate disagrees with the House amendments in SB 2298, SD 2, HD 3. As such, this measure would go to conference.

- d. HB 1906, Relating to Health Care Workers – Makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony.

The Senate Committee on Judiciary (“JUD”) passed SB 1906, H.D. 2, S.D. 1 with amendments. The House disagrees with the Senate amendments in SB 1906, H.D. 2, S.D. 2. As such, this measure would go to conference.

Announcements:

- a. Appointment/re-appointment of Board members

EO Ferrer announced that Vice Chairperson Marty Oliphant has been confirmed by the Senate for reappointment to the Board of Psychology.

EO Ferrer informed the Board that the nomination for Dr. Kenneth Tremayne had been withdrawn.

EO Ferrer reminded the Board that Dr. Rosemary Adam-Terem’s term will be expiring on 6/30/18. She stated that individuals interested in serving on the Board should submit an application to the Governor’s office.

- b. EPPP2 – Latest developments

- i. Tuesday, April 24, 2018 Webinar on Rules and Regulations for EPPP Part 2 and Early Admittance Option

EO Ferrer reminded the Board that the EPPP Part 2 webinar is on Tuesday, April 24, 2018 at 6:00 a.m., Hawaii Standard Time.

Open Forum:

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

None.

Next Meeting:

Friday, May 18, 2018
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. Pedro, seconded by Dr. Oliveira Gray, 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 A. Reyes
Susan A. Reyes
Secretary

MF:sar

05/11/18

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