

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: February 22, 2019

Time: 1:30 p.m.

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

Present: Sherry Sutherland-Choy, Psy.D., APRN-Rx, Chairperson
Rosemary Adam-Terem, Ph.D., Member
Lisa Chun Fat, Member
Jill Oliveira Gray, Ph.D., Member
Don Pedro, Psy.D., Member
Christopher Fernandez (“EO”)
Daniel Jacob, Esq. Deputy Attorney General (“DAG”)
Susan A. Reyes, Secretary

Excused: Marty Oliphant, Vice Chairperson

Guests: Sean Scanlan, Hawai‘i School of Professional Psychology at Argosy University (“Argosy”)
Amanda Garrett, Hawaii Association of School Psychologists (“HASP”)
Bobbi Lum-Mew, Hawaii Postsecondary Education Authorization Program (“HPEAP”)
Julie Takishima-Lacasa, Hawaii Psychological Association (“HPA”)
Lesley Slavin, Hawaii Psychological Association (“HPA”)

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

The following agenda item was taken out of order:

New Business: News Release: State Urges Argosy Hawaii Students to Take Necessary Steps to Continue Their Education

The Board to discuss the impact should the school close, where students may complete their program, and how it may affect potential licensure.

Chairperson Sutherland-Choy introduced Dr. Sean Scanlan from the Hawai'i School of Professional Psychology at Argosy University ("Argosy") to the Board to give the latest update on the development with Argosy.

Dr. Scanlan began by providing a brief history of the Hawaii School of Professional Psychology at Argosy. He noted that the program has APA accreditation and that they were running a clean and financially healthy program. But management was not good, and it started to fall apart. He emphasized that this happened outside of the program. Now, the Western Association of Schools and Colleges ("WASC") put Argosy on "show cause", which gives Argosy one year to show that they can meet the requirements of WASC. Dr. Scanlan said that he received word from the APA that as long as their curriculum, students, faculty and quality of training did not decrease they were comfortable with them. However, if the program loses WASC affiliation then this may change.

When Argosy went into receivership which caused the WASC "show cause", there was an agency, which he was not sure of the name, that got involved to help protect the students. Argosy gave them the names of their students and each student was contacted by them. This agency wants to prevent what happened to Heald College students when it suddenly closed; a lot of students were left without access to their records, transcripts or who to contact. The students are preparing themselves for the possibility of closing, and Argosy is supporting them which he thinks is good.

Argosy is in a receivership which is sort of a protected bankruptcy. They are allowed to continue on, holding off the creditors, checking for some viability, and look for buyers. The receiver will try to make a decision on this. Dr. Scanlan said that he is looking forward to one of the outcomes because he feels that they are a quality-program and have the APA accreditations and the money.

Right now, it is a crisis because of the possibility of closing or not being assumed by another college or university. Unlike the undergrad where they can transfer to other schools, these students have no other program for two thousand miles. These students will be put into a very bad position if there is a closure.

At the program, the closure talk is not being discussed much. More is being said about a potential "teach-out" where professors teach current students through the program without accepting any new ones. He is not sure how this will work out, and he is just speculating, but said that it can be more expensive when you don't have any new students. Also, the quality of training may be threatened because they may just use adjuncts to finish the programs.

Chairperson Sutherland-Choy asked Dr. Scanlan, if Argosy went into a "teach out", would the students still be here in Hawaii, locally?

Dr. Scanlan answered yes. He said that the problem is that the receiver

assigned to the receivership, does not give them clear messages. Because of this, Argosy does not know what to do, and the students are not sure what path they want to take going forth. Argosy wants to be active and they have support from the alumni and community psychologists to try and keep this going because he feels the state of Hawaii needs the program, or any program.

Chairperson Sutherland-Choy asked Dr. Scanlan if there is an update on the release of stipends?

Dr. Scanlan said that a week ago the receiver came to the campus, said that they have the financial aid money, and it was going to be distributed. But this was not true. Another issue is the program is not being informed before news comes out. Every day they are looking for something to move towards. He is hoping that another institution will go to the receiver and ask to take over. He stated that it will be beneficial for whoever takes over the program because it is already established. It also will help the State of Hawaii, but most importantly, it will help the students who can't go anywhere because they have family here. He further stated that a lot of the students have 3-4 years already into the program, their credits won't be transferred, and their degree will not be the same.

Dr. Oliveira Gray asked if the students could transfer to Alliant.

Dr. Scanlan said that some of the schools have difficulties too. With things moving quickly, these schools cannot make decisions until months later. Dr. Scanlan said they cannot wait too long because admissions will be rolling soon for next year and with not knowing what is in the future, where they could lose faculty, and when you lose faculty then it threatens the program and their APA accreditation.

Dr. Scanlon thanked the Board wishing he had more information to share.

Approval of the
Meeting Minutes:

It was moved by Dr. Adam-Terem, seconded by Dr. Pedro, and unanimously carried to approve the minutes of the January 11, 2019 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 Fernandez reported that during the period of December 30, 2018 to February 16, 2019, there were seven candidates who took the EPPP exam; three passed and four failed.

Executive Session:

It was moved by Ms. Chun Fat, seconded by Dr. Oliveira Gray, and unanimously carried to enter into executive session at 1:44 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 2:10 p.m., it was moved by Ms. Chun Fat, seconded by Dr. Oliveira Gray and unanimously carried to return to open session. The room was reopened to the public.

Applications:

a. Examination

- i. Janeen Agosto
- ii. Emily Brickell
- iii. Lysa Kama-Carr
- iv. Leatrice Wolfe

It was moved by Dr. Oliveira Gray, seconded by Dr. Adam-Terem, and unanimously carried to **approve** the applications of Drs. Agosto, Brickell, Kama-Carr and Wolfe pursuant to HRS § 465-7 and HAR §§ 16-98-8 and 16-98-9.

b. Examination Waiver

- i. Linda Feldthausen

It was moved by Dr. Pedro, seconded by Dr. Adam-Terem and unanimously carried to **defer** the application of Dr. Feldthausen 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.

c. Senior Psychologist

- i. Jane McNaught

It was moved by Dr. Oliveira Gray, seconded by Dr. Adam-Terem,

and unanimously carried to approve the application of Dr. McNaught pursuant to HRS § 465-7.

The following agenda item was taken out of order:

Legislative Matters: c. SB818 SD1 – Relating to School Psychologists
Establishes licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board. Specifies that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465.

Dr. Amanda Garrett from the Hawaii Association of School Psychologists (“HASP”) introduced herself to the Board. She stated that the school psychologist degree is separate than every other area in psychology, as they are not required to have a doctorate. Although she does have a doctorate, many of her colleagues do not. They are required to have at minimum, a specialist degree which is between 60 – 70 graduate credits and up to 1200 hours in a school setting.

Dr. Garret further stated that in Hawaii, it seems that people are sneaking into positions and do not meet the requirements. There is also no way of reporting these individuals. HASP wants to protect students that are not only in public schools, but also private schools, early intervention, and college level. Currently these students will have to pay out-of-pocket and HASP feels that this is not fair. Also, Medicaid reimbursement will be a plus as well. For these reasons, they wish to have school psychologists under the DCCA.

Dr. Garrett concluded by informing the Board that this year the wording for SB818 was changed. She said that they want it to go back to the language similar to HB384 which is now dead.

EO Fernandez asked what the DOE could do for school psychologists, specifically regarding licensure?

Dr. Garrett stated that she is not sure and has not heard of a teacher standards board credentialing in other states. She stated that her biggest concern is that it would not cover all students.

Chair Sutherland-Choy asked to confirm if school psychologist is licensed under the DOE in other states.

Dr. Garrett stated that they are through the DOE, but they are credentialed through psychology boards.

EO Fernandez said that the previous EO had done research on the subject of whether school psychologists are licensed by

departments of education or not. They were provided the information by the Association of State and Provincial Psychology Boards (ASPPB). What it said was that in 21 of 23 jurisdictions, school psychologists are licensed by states' departments of education.

After some discussion about the education standards for school psychologists, who creates those standards, and who would create those standards in the DOE, the Board asked further questions of Dr. Garrett.

Dr. Adam-Terem asked Ms. Garrett about the third-party payments for services for student evaluations. She stated that it is only going to reimburse the services that are medically necessary. Thus, there has to be a mental health diagnosis, which is required by Medicaid or other insurance.

Dr. Garrett stated that working in schools, they do not diagnose. She is not saying that they are not capable of it, but they are not working in a private practice now and a lot of school psychologists are not at that level. They are working with, what they call, educational classification. They would do their evaluations, evaluate the students and get their results. There are federal laws and state regulations they would look at to see if they meet the criteria in a specific classification. If they evaluate a student they need criteria, and if they were licensed they would be able to bill for services.

Dr. Adam-Terem said she is still not sure how one would address the issue of medical necessity if you're going to try and bill for services.

Dr. Garrett said because it would be in the speech and language services.

Dr. Adam-Terem said that is academic and not medical. This has been a problem for psychologist in general—these evaluations. The insurers will not take something that is designed for academic.

Dr. Garrett said that she is not as familiar with this but in the schools, parents are not paying for evaluations.

Dr. Adam-Terem said then this would be a matter for the students in the private schools, who we want help or assist, and for the parents who are currently paying for these evaluations.

Dr. Adam-Terem also stated that school psychologists can also provide psychological counseling for individuals, groups and families.

Dr. Lesley Slavin the Chief Psychologist of Childhood and Adolescent Health Division for Hawaii Psychological Association (“HPA”) introduced herself to the Board and stated that if school psychologists want to bill Medicaid for anything that they do they have to have a diagnosis.

Discussion ensued regarding what types of diagnoses would qualify for billing.

Dr. Adam-Terem asked if they prefer to have this license under the Board of Psychology?

Ms. Garrett answered yes, they would.

Dr. Adam-Terem feels that the Board does not have the expertise or training that they have. So, she was not sure if it would mean having a school psychologist added to the Board.

EO Fernandez stated that in some variations of this bill he has seen it would change to add/replace two school psychologists. It would also be affecting our exemptions.

DAG Jacob said that if you wanted to work as a school psychologist you would probably have to get this license. It will be a scope of practice question. If the scope of practice says that the presence of a school is what makes you a school psychologist and it says that it is in a school. It depends on what the bill says when it becomes final.

Dr. Garrett said that clinical psychologists are hired to positions because the education field has a severe shortage. School psychologists do a lot of IQ testing and clinical psychologists do not want to be doing this because they don't feel that they are not trained in educational classification and the whole educational realm. They are trained in the psychology realm. She believed that they feel uncomfortable and they want to pass the IQ testing back to school psychologists and do more in what they feel like they are well trained for.

Dr. Adam-Terem asked if she has any insight as to why this is.

Dr. Garrett said that there is a national shortage. There is not a single graduate-level school psychology program in the State of

Hawaii. She thanked the Board for the opportunity to present information.

Ms. Garrett left the meeting at 2:40 p.m.

Dr. Julie Takishima-Lacasa from Hawaii Psychological Association (“HPA”) wanted to give her position on this bill. She stated that the community would be better served if school psychologists were under the Board of Psychology and not the HTSB because the work that they do is psychological work.

After some discussion, EO Fernandez said that the Board should make a distinction on where the school psychologist should be: with the Board of Psychology or HTSB and then make an opinion on where they stand. He reported that as recent as 2017, the Board held that school psychologists be placed in the DOE. If the Board decides the opposite, what would be the justification?

Chair Sutherland-Choy stated that she feels that since that previous decision she has learned some troubling things such as there is no recourse for malpractice. She states that this is crucial to public protection. The Board did not know that there was no recourse in the DOE and questioned whether RICO would be able to be involved.

After a lengthy discussion, it was motioned by Dr. Adam-Terem, seconded by Dr. Pedro, and unanimously carried to provide testimony with comments to support the intent to create a school psychologist license, and request amendments.

The following agenda item was taken out of order:

e. SB819 SD1 – Relating to Prescriptive Authority for Certain Clinical 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. Sunsets on 8/31/2025.

Dr. Takashima-Lacasa said that when the legislature started there were three bills that were introduced, and this is the only bill remaining. It is very similar to previous bills. She asked the Board if they had any questions for them.

Dr. Oliveira Gray said that the fact sheet does not have the additional training requirements for SD1. It was showing 400 hours and now it is 800 hours.

EO Fernandez said that the 800 hours came from information he had taken from last year or the year before and incorporated into the most recent testimony.

Dr. Oliveira Gray wanted to know what the 800 hours included.

Dr. Adam-Terem said that the 800 hours of clinical prescribing practicum should include, on page 11 of SB819 SD1, B through F.

It was moved by Dr. Adam-Terem, seconded by Dr. Pedro, and unanimously carried to support this bill with amendments.

The following agenda item was taken out of order:

- i. HB902 HD1 – Relating to loan repayment for health care professionals
Appropriates funds for the health care provider loan repayment program administered through the John A. Burns School of Medicine of the University of Hawaii at Manoa; provided that the funds are matched on a dollar-for-dollar basis by a private or another public source.

After a brief discussion, it was moved by Dr. Pedro, seconded by Dr. Adam-Terem, and unanimously carried to support the intent of this bill.

Dr. Pedro left the meeting at 3:27 p.m.

The Board took a break at 3:27 p.m. and reconvened at 3:32 p.m.

- a. HB379 HD1 – Relating to Health
Authorizes the Department of Education to develop and coordinate mental health training to be offered annually to complex area superintendents, registered school nurses, and school health aides. Includes autism and fetal alcohol spectrum disorder training.

After a brief discussion, it was moved by Dr. Adam-Terem, seconded by Ms. Chun Fat, and unanimously carried to support the intent of this bill.

- b. HB249 HD1 – Relating to School Psychologists
Establishes licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board. Specifies that certain school psychologists shall be exempt from licensure under chapter 465, Hawaii Revised Statutes.

After a brief discussion, it was moved by Dr. Adam-Terem, seconded by Dr. Oliveira Gray, and unanimously carried to support the intent of this bill.

The following agenda item was taken out of order:

- g. HB384 – Relating to Health
Establishes licensure requirements for school psychologists to be administered by the board of psychology. Amends the composition of the board to include 2 school psychologists.

It was moved by Dr. Oliveira Gray, seconded by Ms. Chun Fat and unanimously carried to support the intent of this bill.

The following agenda item was taken out of order:

- j. SB1404 – Relating to loan repayment for health care professionals
Appropriates funds for the health care provider loan repayment program administered through the John A. Burns School of Medicine of the University of Hawaii at Manoa; provided that the funds are matched on a dollar-for-dollar basis by a private or another public source.

It was moved by Dr. Adam-Terem, seconded by Dr. Oliveira Gray, and unanimously carried to support the intent of this bill.

The following agenda item was taken out of order:

- d. HB1566 HD1 – Relating to Prescriptive Authority for Certain Clinical 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. Sunsets on 8/31/2025.

After a brief discussion, it was moved by Dr. Adam-Terem, seconded by Ms. Chun Fat, and unanimously carried to support the intent of this bill.

The following agenda item was taken out of order:

- h. HB663 – Relating to Health
Authorizes the Department of Education to use licensed professionals other than applied behavior analysts, where appropriate, to meet the department's needs for students diagnosed with autism spectrum disorder.

It was moved by Dr. Adam-Terem, seconded by Ms. Chun Fat, and unanimously carried to support the intent of this bill.

- k. SB202 – Relating to professional and vocational regulatory programs
Establishes repeal dates for all professional and vocational regulatory programs under the professional and vocational licensing division of the department of commerce and consumer affairs. Requires the auditor to perform an evaluation of each program prior to repeal.

It was moved by Dr. Olivera Gray, seconded by Ms. Chun Fat, and unanimously carried to oppose this bill.

- l. HB112 – Relating to Taxation
Requires a tax clearance before a professional or vocation license may be issued or renewed. Applies to taxable years after 12/31/2020. Deferred.

It was moved by Dr. Olivera Gray, seconded by Ms. Chun Fat, and unanimously carried to oppose this bill.

- m. SB1114 – Relating to Taxation
Requires a tax clearance before renewal or issuance of a professional or vocational license. Deferred.

It was moved by Dr. Olivera Gray, seconded by Ms. Chun Fat, and unanimously carried to oppose this bill.

The following agenda item was taken out of order:

- f. SB884 – Relating to Psychologists
Establishes a five-year pilot program to allow qualified psychologists limited authority to prescribe psychotropic medications to patients under the care of the psychologist at a federally qualified health center. Repeals June 30, 2025.

No position.

The following agenda item was taken out of order:

- n. HB1528 – Relating to Commerce and Consumer Affairs
Requires the Department of Commerce and Consumer Affairs to suspend all fees relating to the licensing or registration of persons under its jurisdiction, from the fiscal year beginning in 2021 to the fiscal year ending in 2029.

It was moved by Dr. Olivera Gray, seconded by Ms. Chun Fat, and unanimously carried to oppose this bill.

The following agenda item was taken out of order:

New Business: News release: State Urges Argosy Hawaii Students to Take Necessary Steps to Continue Their Education

DAG Jacob wanted the Board to know that their consumer protection division have been getting emails from students stating that their hours are not being accepted by other schools.

After a brief discussion, the Board stated that there would be little it could do to help the people affected by the potential closure, but suggested EO Fernandez possibly create a memo to be added to the website which would inform the public what the Board can and cannot do to support those affected. The letter should also invite any individual if they wish to discuss their experience at a Board meeting.

Old Business: a. PSYPACT
Discussion of ASPPB's Psychology Interjurisdictional Compact regarding telehealth and temporary in-person, face-to-face practice of psychology.

Chair Sutherland-Choy deferred this item until the next meeting.

Public Comments for items Not on the Agenda: Comments from the public are accepted at this time on topics not specifically addressed elsewhere on the agenda. The public may comment by signing-in before speaking during the Public Comment section. The Board is precluded from discussing or acting on items raised by Public Comment that are not already on the agenda, except to decide whether to place the matter on the agenda of a future meeting. ***Public Comment will be limited to 5 minutes per person at the discretion of the Chairperson.***

Next Meeting: Friday, March 15, 2019
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, the meeting was adjourned by Chairperson Sutherland-Choy at 3:54 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes
Secretary

CF:sar

03/04/19

- Minutes approved as is.
 Minutes approved with changes; see minutes of 3/15/19.