

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: November 13, 2020

Time: 1:30 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/97696566859>

Present: Sherry Sutherland-Choy, Chair
Marty Oliphant, Vice Chair
Jill Oliveira Gray, Ph.D., Member
James Spira, Member, Ph.D., Member
Christopher Fernandez Executive Officer (“EO”)
Susan A. Reyes, Secretary
Daniel Jacob, Esq. Deputy Attorney General (“DAG”)
Ahlani Quiogue, Supervising Executive Officer (“SEO”)
Chelsea Fukunaga, EO
Kelly Wei, Secretary
Terry Akasaka-Toyama, Secretary

Excused: Don Pedro, Psy.D., Member

Guests: Jordana Hazam
Christine
Cassandra Caceros-Licos

Call to Order: Chair Sutherland-Choy provided instructions for public participation, including how to provide testimony both prior to and during the meeting and the use of available modalities to do so. The public was also informed that testimonies will be limited to five minutes.

After Chair Sutherland-Choy took a roll call and confirmed there was a quorum of members present, including herself, Vice Chair Oliphant, Dr. Oliveira Gray, and Dr. Spira, she called the meeting to order at 1:31 p.m.

Approval of the Meeting Minutes: Chair Sutherland-Choy asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

It was motioned by Dr. Spira, seconded by Vice Chair Oliphant, and

unanimously carried by Dr. Oliveira Gray, and Chair Sutherland-Choy to approve the open session minutes with the following amendments:

- First page, under Guests: Dr. Yael Gappell, should be **Ms.** Yael Gappell.
- Third page, second paragraph: Dr. Gappell, should be **Ms.** Gappell

Executive Officer's Report:

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

EO Fernandez reported that during the period of October 15, 2020 to November 7, 2020 two candidates took the EPPP exam; and two failed.

b. DCCA Disciplinary Actions Through July 2020

EO Fernandez said that there were two disciplinary actions.

Applications:

Chair Sutherland-Choy asked if there are any members of the public who would like to provide oral testimony, to which Jordana Hazam raised her hand.

Ms. Hazam stated that she is available for any questions that the Board may have regarding her application.

Executive Session:

Chair Sutherland-Choy announced that the Board will go into executive session at 1:48 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). She called for a motion to go into executive session which was made by Dr. Oliveira Gray, seconded by Dr. Spira, and unanimously carried.

EXECUTIVE SESSION

At 2:18 p.m., it was moved by Vice Chair Oliphant, seconded by Dr. Oliveira Gray, and unanimously carried to return to open session.

By roll call, Chair Sutherland-Choy confirmed that she, Vice Chairperson Oliphant, Dr. Oliveira Gray, Dr. Spira all returned from executive session.

Applications:

a. Examination

- i. Andrew Choi
- ii. Jordana Hazam
- iii. Christine Hernandez

iv. Cassandra Caceres-Licos

It was moved by Vice Chair Oliphant, seconded by Dr. Spira, and unanimously carried to approve Dr. Jordana Hazam and Dr. Christine Hernandez's applications.

It was moved by Vice Chair Oliphant, seconded by Dr. Oliveira Gray, and unanimously carried to approve Drs. Choi and Caceres-Licos's applications pursuant to HRS § 465-7 and 436B-10 upon receipt of signed letter from the Program Director of the school that the student has completed all program requirements and course work prior to the start of their post-doctoral experience. Once the Board receives confirmation, the applicants will be approved for examination.

b. Examination Waiver

- i. Sarah Christensen
- ii. Mary-Jo Bautista-Bohall

It was moved by Dr. Spira, seconded by Dr. Oliveira Gray, and unanimously carried to approve Dr. Christensen's application.

It was moved by Dr. Spira, seconded by Dr. Oliveira Gray, and unanimously carried to defer Dr. Bautista-Bohall's application.

c. Ratification(s)

It was moved by Dr. Oliveira Gray, seconded by Dr. Spira, and unanimously carried to ratify the following applications.

Certificate of Professional Qualification ("CPQ")

- a. Theodore Ciesinski

National Register ("NR")

- a. Sarah Sharp
- b. Jennifer Jaeger-Darakjy
- c. Hawlan Ng
- d. Shawn Rutledge
- e. Meifen Wei

Senior Psychologist

- a. Erica Ellis

Dr. Cassandra Caceres-Licos raised her hand. When called on by Chair Sutherland-Choy, she asked for clarification regarding her application approval.

Chair Sutherland-Choy explained to Dr. Caceres-Licos that she started her post-doctoral experience before her degree was conferred. She added that the Board wants confirmation that the degree was conferred, and all of the course work was completed prior to her starting the post-doctoral experience.

Ms. Caceres-Licos explained that the school goes by when her internship was completed which was in the middle of the month, but she was given the okay to start her post-doctoral.

Chair Sutherland-Choy said that the Board would like a letter from the Dean or Program Director to verify this.

EO Fernandez clarified that the Board will approve her application upon receipt of the letter. She will not need to go in front of the Board in December. If she has any questions, she could send them to the Board's email.

Application Procedures/Reviews, and Board & Executive Officer Delegations

The Board will review application requirements and application review procedures, including, but not limited to the process for examination applicants, examination waiver applicants, and foreign graduate applicants. The Board will consider delegations to Board members, subcommittees, or the Executive Officer to address the impact of COVID-19 on the Board's responsibilities.

After Chair Sutherland-Choy called for and confirmed that there was no public testimony, the Board commenced with the discussion.

To begin, EO Fernandez wanted to clarify that currently the Board reviews the examination, examination waivers and any applications with "yes" answers. Other applications such as Senior Psychologist, CPQ, NR and Diplomate do not require Board review as the EO has been delegated authority to approve them. Usually two Board members will review the applications prior to the meeting and then they provide a recommendation in executive session. Administrative speaking, he is trying to figure out ways to reduce the time spent on applications so that the Board has enough time to discuss other agenda items within the two-hour settings of the remote meetings. When he spoke to DAG Jacob prior to the meeting, it was concluded that the reason for any kind of changes in the application process should not be for time saving, however, this is something that he thinks should still be considered by the Board. Outside of time constraint concerns, he wanted to know if the Board believed the examination and examination waiver applications could be delegated to the EO, a Board Member, or committee to approve outside of the meetings.

Dr. Oliveira Gray said that there is a checklist that they follow that could be used and to support the idea of giving authority to the EO and a Board Member.

Dr. Spira and Vice Chair Oliphant both agreed and that it will help the application review process.

EO Fernandez asked: if someone were to apply by examination waiver, and their degree was from an APA accredited school, both their internship and post-doctoral experience were APA accredited, they submitted all the forms required including license verifications from other states, and everything was good to go, would this application be approvable without requiring any discretionary or expertise knowledge from the Board Members?

Dr. Oliveira Gray answered yes.

EO Fernandez asked the Board another scenario, similar to the previous one, but instead the internship and post-doc experience are not an APA accredited; would this still qualify as something that would not require discretionary or expertise knowledge?

Dr. Spira responded that most postdoctoral programs are not accredited and not many internships are either. The concern is more with whether the documentation can provide a clear picture of the internship. For example, how much of the time was clinical and how much was administrative.

Dr. Oliveira Gray stated that in the case of unaccredited experience, the Board would look at the summary provided by the supervisor, which would describe the internship and post-doc experience.

Dr. Spira then suggested that the reviewing psychologist would then look to that for approval without the need to going before the Board.

DAG Jacob stated he believed that it would still need to go before the Board in this case.

Chair Sutherland-Choy asked for clarification whether any application on the ratification list would require further evaluation.

EO Fernandez clarified that no they would not.

After further discussion the Board decided to defer this matter until the next meeting in December.

EO Fernandez also asked if the Board had anything to discuss with regards to HRS §465-7.5 which refers to foreign applicants:

An applicant trained in an institution other than an institution of higher education as defined in this chapter must demonstrate to the satisfaction of the board that the applicant possesses a doctoral degree in

psychology, the requirements for which are substantially similar to the requirements for a doctoral degree in professional psychology as required in this chapter. The board shall consider the certification of the graduate division of the University of Hawaii that the degree from the foreign university is equivalent to a doctoral degree granted from an institution of higher education as defined in this chapter.

He went on to explain that after his and Dr. Sutherland-Choy's conversation with Dr. Floyd and Dr. Pappa of the University of Hawaii at Manoa ("UH") psychology department, it is not clear whether those with foreign education who are requesting evaluation by UH pursuant to the statute should already have an application pending with the Board or not. The statute does refer to "applicants".

Dr. Sutherland-Choy added that it is also a Board concern whether foreign master's degrees are being evaluated or not.

Dr. Spira also added that in a previous Board conversation it determined a doctoral degree was required and that the Board should request that UH only evaluate doctoral degrees which excludes master's to doctoral degree equivalency evaluations.

Dr. Sutherland-Choy noted that ASPPB, which Dr. Pappa had referred to in their discussion, has guidelines stating that a foreign master's degree may be equivalent to a U.S. doctoral degree. She wished to make clear that even though this may be so, the Board's requires a doctoral degree and UH should not evaluate master's degrees for the purpose of certification pursuant to HRS §465-7.5 and HRS §465-7.

This was echoed by Board members as something that needed to be discussed with UH.

Vice Chair Oliphant contemplated what vested interest, e.g. fees for services, UH had in certifying education wondering whether the process, appearing somewhat informal, needs to be more formal perhaps through statutory clarification.

EO Fernandez stated that he was not certain, but he believed UH may not charge fees. He went on to state that this ties into a question he still had about the process stemming from something Dr. Floyd and Dr. Pappa had told him and Dr. Sutherland-Choy.

He explained that typically, if someone who is contemplating applying for licensure asks him if their foreign degree would qualify, he informs them that he does not have the discretionary knowledge nor the authority to make an evaluation. He instead suggests they contact UH to request a certification pursuant to HRS §465-7.5. He said that at this point the Board has no responsibilities related to the inquiry. He was informed by Dr. Floyd and Dr. Pappa that this is somewhat problematic, since requestors contacting UH sort of appear out of the blue which, they say, leaves a question of the completeness of information as it relates to Hawaii licensure.

EO Fernandez wondered if a person was required to apply for a license, i.e. complete an application packet and pay fees and therefore be considered an “applicant”, before UH certified their education, if this issue would be resolved. This way UH would know that the Board is aware of the applicant and that the information is complete. He did admit that he was not sure if this would be possible, or necessary, but is willing to do further research.

After further discussion, the Board decided to reach out to Dr. Pappa to go over the details of the process set forth by HRS §465-7.5 and potentially specifying a procedure before continuing the discussion. EO Fernandez offered to set up a meeting via Zoom with Dr. Pappa, Dr. Sutherland-Choy, and Dr. Spira.

Request for Informal Interpretation Regarding Psychological Assistants

The Board to review Dr. Raymond Folen’s request to clarify whether a licensed Psychologist/Supervisor must be on premises when a Psychological Assistant is providing services, and if that rule pertaining to the supervision of Psychological Assistants has been modified in response to the COVID-19 pandemic.

After Chair Sutherland-Choy confirmed that there was no public testimony, the Board commenced with the discussion.

Referring to Hawaii Administrative Rules (“HAR”) §16-98-4(6), which states that a licensed psychologist can direct the services of an individual if they, “Works in the same physical setting as the person being directed, unless other arrangements are approved by the board;” EO Fernandez stated that it seems possible for supervision to happen remotely only if the Board approves the arrangement. He suggested that the supervisor would need to include with their written notification to the Board as explained in HAR §16-98-4(1)(A) and (B), information that the Board could evaluate to make a decision to approve the remote supervision.

Dr. Oliveira Gray asked if ‘psychological assistant’ was defined.

EO Fernandez cited HRS §465-3(a)(2), which states:

Any person who performs any, or any combination of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term “psychological assistant”, but shall not identify the person's self as a psychologist or imply that the person is licensed to practice psychology;

Dr. Spira asked for clarification regarding working “in the same physical location”, because, a psychologist could be working in the same location but say not be on site at any given time.

Chair Sutherland-Choy stated that supervisors should be on site for multiple reasons including insurance.

Dr. Oliveira Gray asked if the current language in the Governor Ige's Emergency Proclamation regarding psychologists covers remote supervision.

EO Fernandez stated that it did not and only referred to psychologist licensed in other states who are not licensed in Hawaii who have pre-existing relationships with patients who are located in Hawaii.

Dr. Spira stated that this was a good question because it really depends on what is meant by "works in the same physical location", e.g. employed at the same site or literally physically on standby.

Vice Chair Oliphant asked if there was a reason for needing to be physically present, such as safety.

Dr. Spira stated if there was a reason that would be it.

Chair Sutherland-Choy added that a supervisor, for example, would need to be present to do an MH-4 form if a client was suicidal, because the student could not. She also added that insurance was also a factor, because the supervisor could open themselves up to fraud if they are not present.

Dr. Oliveira Gray stated that it seems then that the Board would evaluate on a case by case basis, since some rural clinics have different insurance standards.

After further discussion, Chair Sutherland-Choy asked for a motion, which was provided by Dr. Spira, seconded by Dr. Oliveira Gray, and unanimously carried by present members to respond to Dr. Folen with regards to the supervision of psychological assistants remotely as follows:

- 1) HAR §16-98-4 Direction of individual has not been modified in response to the COVID-19 pandemic; and
- 2) Pursuant to HAR §16-98-4(6), the Board can approve other arrangements of supervision if the supervisor is not working in the same physical location on a case by case basis. In order for the Board to review a request to approve other arrangements, the supervisor, in addition to the notification information required by HAR §16-98-4(1)(A) and (B), needs to provide, at the least, information to address the following concerns:
 - 1) That the client's safety is being protected as if the supervising licensed psychologist was physically present and emergency procedures have been implemented; and
 - 2) That the supervising psychologist has fully disclosed and is transparent with the insurance company about their arrangements and is abiding by the standards and requirements of the insurance company.

Please be advised that in accordance with Hawaii Administrative Rules §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

Next Meeting: Friday, December 11, 2020
1:30 a.m.
Virtual Videoconference Meeting -- Zoom Webinar

Adjournment: There being no further business to discuss, the meeting was adjourned by Chair Sutherland-Choy at 4:00 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

10/20/20

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