

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 17, 2021

Time: 3:30 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/97052193228>

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”)
Kedin Kleinhans, Executive Officer
Stephanie Karger, Office Assistant (Training)
Christine Dela Cruz, Office Assistant (Training)

Excused: Don Pedro, Psy.D., Member

Guests: Alan Taniguchi, Executive Officer
Grant Simens

Call to Order: Chair Sutherland-Choy gave directional information for the public to participate if they wanted to provide a testimony. They were also informed that testimonies will be limited to five minutes.

Chair Sutherland-Choy confirmed by roll call that she, Vice Chair Oliphant, Drs. Oliveira Gray and Spira were present, and that Dr. Pedro was excused. With roll call complete Chair Sutherland-Choy brought the meeting to order at 3:50 p.m.

Legislative
Session 2021:

The Board will review the 2021 legislative session bills related to the practice of psychology.

Chair Sutherland-Choy asked if there was any public person who wished to provide oral testimony on the agenda item; to which Grant Simens raised his hand.

Mr. Simens introduced himself as a third-year law student with the University of Hawaii and wanted to discuss bill SB1274, which he understands it establishes licensing requirements for school psychologists. He is not a licensed psychologist, but he has a special interest in this matter, as his mother was a clinical psychologist and his mother-in-law works in mental health. Personally, he has had good and bad experiences with school psychologists. He is glad that this is being implemented and the legislature is working with the Board to implement such licensing requirements. He does understand the importance of school psychologists, especially from K-12, in how they provide a necessary rule, when it comes to mental health with children who have to deal with problems today, like cyber bullying and social media. As a new father himself of a young baby girl, worrying on what's going to happen when she goes off to school. Especially when he sees the rising rates of depression and suicidality in young kids today. His biggest worry is when a school who is often strapped in finding qualified candidates, are unable to find someone to fill a position. Or there are kids trying to turn to someone in a moment of need and there is no one there. If the standards are too high, then there would be a smaller pool of available candidates. He was hoping as it is implemented and the Board is deciding on whether to accept, deny or revoke licenses, to keep in account the needs of the school and the kids. He just wants the Board to consider what will be available to the school and will there be people there for the kids when they need them. He concluded that he did submit written testimony highlighting these points.

Chair Sutherland-Choy thanked Mr. Simens for his testimony.

a. SB131: Relating to Psychologists

Requires the board of psychology to establish a pilot program to grant prescriptive authority to qualified psychologist applicants in counties with a population of less than one hundred thousand persons. Repeals on 8/31/2026.

EO Fernandez said that this was deferred by the Senate Health and Commerce and Consumer Protection committees. He does not expect that this bill will move forward. He will add this to our next agenda to have a longer discussion, as it may carry-over to next year.

Dr. Oliveira Gray asked EO Fernandez about the committee's comment regarding this bill.

EO Fernandez said they may have had to do with a request made in the Board's testimony for extended times for the effective date of the pilot program.

Dr. Olivera Gray asked if they had stated a reason why they are

deferring it.

EO Fernandez said that there is no committee report, so he cannot say.

b. SB 1295: Relating to Prescriptive Authority for Certain Clinical Psychologists

Authorizes an establishes procedures and criteria for prescriptive authority for clinical psychologists who meet specific education, training, and registration requirements. Requires the Board of Psychology to accept applications for prescriptive authority privilege beginning 7/1/2023. Requires the Board of Psychology to report to the Legislature prior to the Regular Session of 2022. Sunsets on 8/31/2026.

EO Fernandez stated to the Board that he has not heard of any hearing scheduled for this bill. This is the same language as SB131, without the pilot program. He asked the Board to make a position.

Dr. Spira asked EO Fernandez what are the guidelines for discussion. Should the Board be discussing how it impacts the Board, how it impacts the practiced psychology, how it impacts the patients. What are the constraints for this discussion?

EO Fernandez said that Board will deal with the licensing of psychologists, pursuant to HRS 465 and HAR 16-98. The Board can discuss everything from requirements that may change, to how this affects the practice, as far as ethical requirements of psychologists at the National and State level. Lastly, a discussion should include how this affects the services provided to the public, since this involves public protection. As far as how this affects the profession of psychology, it will be secondary to the primary focus of the licensing. The Board may want to look at language that makes it difficult to administrate.

Dr. Spira asked if the Board had a position last year on this.

Chair Sutherland-Choy said yes. She went on to say that historically we have been supportive of this bill. She does not think that our position has changed. She asked the Board if they would like to add or make corrections to the bill.

Dr. Oliveira Gray agreed with Chair Sutherland-Choy. Although they support the spirit and the intent of Bill SB131, the Board prefers the language to include Statewide vs. Pilot Program and county limitations.

Chair Sutherland-Choy said she agrees with Dr. Oliveira Gray.

EO Fernandez said that this bill is a double referral and it should be scheduled in the Health Committee in the Senate. After the first lateral, the bills need to be in their final committee on either the Senate or House side. It has to be scheduled by this Friday, if it is not, it will not move on in the session and die.

It was motioned by Dr. Spira, seconded by Vice Chair Oliphant, and unanimously carried to support this bill.

c. SB 1274: Relating to Psychology

Establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists to be licensed by July 1, 2024. Increases the composition of the board of psychology to include two school psychologists.

Chair Sutherland-Choy stated that in the past the Board supported the spirit of this bill, but there have been problems that were encountered. She asked the Board if they wanted to make any changes or had any thoughts, or are we keeping the same position as last year.

Dr. Spira stated that the testimony given by Mr. Simens was important and profound. Originally, he agreed with the spirit and the intent to establish standards for the profession of school psychology. There are complications regarding the master's level and structural limitations, but it was important and further research needs to be done before we can take a stand. He questions if it would actually limit the ability for students to be able to access a school counselor.

EO Fernandez stated that this bill has the same referral and position as Bill SB1295. He believes that this is a formula bill that is used in other jurisdictions as well. There is a lot of work to be done to fit into our HRS 465. He was not able to find information on the number of school psychologists expected to be licensed at the doctoral or master's level. Or, how that number would compare in relation to our doctoral psychologist that are being licensed currently under HRS 465.

Dr. Spira asked EO Fernandez if there were any discussion on separating the doctoral level school psychologists out for this bill from the master's level, so that there would be a reconsideration to only have a bill or similar bill in the future address doctoral level school psychologists or a master's level would have to be considered with a different board.

EO Fernandez said that HRS 465 currently allows for school psychologists with doctoral degrees to be licensed under HRS 465. The language of the bill for school psychologists at the doctoral level however does not require as many hours, for example of internship and postdoc as our current statutes require. They would be completing the number of hours as is stated in national standards for school psychologists. The bill would also specify master's level licensees as "school psychology specialists" and not a psychologist, because they are not doctoral degree holders and cannot call themselves psychologists. The most robust conversation that happened with school psychologists was two years ago in the legislature. There were three different bills, one which placed the regulation of the school psychologists with the DOE's Teachers Standards Board, one with placing it with HRS 465, and there was a third one, which was a variation of the HRS 465 one. He is uncertain that a new Board would be established for any profession; or even a Program. As it stands, there are two public members and four licensed members. With this bill it would add an additional two members, where it would be school psychologists. The debate also was, who was going to be regulating the school psychologists, DOE or PVL.

Dr. Oliveira Gray asked if DOE ever came to any of our meetings to hear their side.

Chair Sutherland-Choy and Mr. Oliphant said, no they have not.

EO Fernandez asked the Board if they want to make a position on this bill. Last year the Board opposed the bill.

It was motioned by Dr. Spira, seconded by Dr. Oliveira Gray, and unanimously carried to oppose, although it supports the intent, the Board does not believe it can be implemented as written.

d. HB0472: relating to Telehealth

Exempts telehealth-related gifts from procurement requirements. Makes permanent certain telehealth-related exemptions for licensed health professions issued by recent gubernatorial proclamation.

EO Fernandez said that section 18 of this bill affects HRS 465. It is codifying the language that is in the Governor's emergency proclamations. There are adjustments that the Board should be aware of, but due to the time, we not be able to get through all of it. However, he did say that it was heard today by CPC at 2:00 p.m., but he did not see any recommendation yet. The Board

could also add this bill to the next agenda to have further discussion on it.

Chair Sutherland-Choy commented that she is generally supportive of this bill, but she was concerned about the exclusion of reimbursement for telephone calls for certain patients who do not have internet access, I-phones or computers, so this will limit their access to care currently.

Dr. Oliveira Gray said the use of telehealth was widely acceptable and would benefit public access to mental health care.

Chair Sutherland-Choy said that the Board will continue this discussion and at its next meeting.

Next Meeting: May 7, 2021
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 4:33 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer
CF:sar

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

02/23/21

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