

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: January 8, 2021

Time: 1:30 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/96391481981>

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”)
Kawehi May, Secretary
Sandra Matsushima, Executive Officer
Micah Caldoza, Secretary

Excused: Don Pedro, Psy.D., Member

Guests: Ray Folen
Risé Doi
Kellie Teraoka

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 1:45 p.m.

Election of Board Officers: Chair Sutherland-Choy motioned to nominate Mr. Oliphant as Vice Chair, Mr. Oliphant nominated Dr. Sutherland-Choy as Chair, seconded by Dr. Oliveira Gray, and unanimously carried to approve Dr. Sutherland-Choy for the Chair position.

Approval of the Meeting Minutes:

Chair Sutherland-Choy asked if there was any public person who wished to provide oral testimony on the agenda item; there were none.

Chair Sutherland-Choy asked members if there were any amendments to the December 11, 2020. Dr. Oliveira Gray noted two corrections on page 6:

Line 9 should read as:

- “(B) A person who holds s doctoral degree in psychology from”

Line 11 should read as:

- “postdoctoral experience in the work supervised; and”

It was moved by Vice Chair Oliphant, seconded by Dr. Oliveira Gray, and by roll call vote, members present voted unanimously to approve the minutes for December 11, 2020 with the amendments.

Executive Officer's Report:

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

EO Fernandez reported that from December 9, 2020 to January 2, 2021 there was (1) EPPP exam and it passed.

- b. DCCA Disciplinary Actions Through November 2020

EO Fernandez also reported that there were no disciplinary actions up to November 2020.

Applications:

Chair Sutherland-Choy asked if there was any public testimony on the agenda item; there was none.

Executive Session:

Chair Sutherland-Choy announced that the Board will go into executive session at 1:52 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).

Dr. Spira motioned to go into executive session, which was seconded by Dr. Oliveira Gray, and unanimously carried by all members present.

EXECUTIVE SESSION

At 2:22 p.m., it was moved by Vice Chair Oliphant, seconded by Dr. Oliveira Gray, and unanimously carried to return to open session.

Vice Chairperson Oliphant, Drs. Spira and Pedro, and Chair Sutherland-Choy confirmed by roll call that they were present back in open session.

Applications:

a. Senior Psychologist

i. Michael Ellis

Upon a motion by Dr. Spira, and seconded by Vice Chair Oliphant, the Board voted unanimously by roll call vote to defer the application of Dr. Michael Ellis pursuant to HRS §436B-10(a)(9).

b. Ratification(s)

Examination

a. Mei-Lin Lawson

Upon a motion by Dr. Oliveira Gray, seconded by Vice Chair Oliphant, Board members present voted unanimously to approve Dr. Lawson by roll call vote.

National Register ("NR")

a. William Wood

b. Danielle Eakins

Upon a motion by Dr. Oliveira Gray, seconded by Dr. Spira, Board members present voted unanimously to approve Drs. Wood and Eakins by roll call vote.

Senior Psychologist

a. Melody London

Upon a motion by Vice Chair Oliphant, seconded by Dr. Oliveira Gray, Board members present voted unanimously to approve Dr. London by roll call vote.

Chair Sutherland-Choy asked if there was any public testimony on the agenda item; there was none.

Legislative Session,
Delegations, and
Board Meeting
Schedule for 2021:

a. The Board will review previous legislative session bills and consider creating a legislative committee.

Chair Sutherland-Choy asked if anyone would be interested in serving on the legislative committee.

Dr. Spira asked if the legislative committee is comprised of members of this board.

EO Fernandez said that our administrators asked that the boards create a legislative committee to provide testimony to bill drafts between meetings. The testimony would be titled as the Hawaii Board of Psychology Legislative Committee („HBPLC“). It would not be reflective of the Board, but it would be an interim comment until the Board is able to meet at a later time. The Board reviews bills that are relating to psychology and if HRS Chapter 465 is affected when supporting or not supporting. Any other instances when HRS §465 is not touched the Board will only be providing comments.

Dr. Spira asked if the people on this committee will provide testimony to the legislature.

EO Fernandez said that the committee will be less than quorum (between 1-3 members). This committee would get together with him to discuss if there were issues with the amendments to the draft, or if there were no issues, the testimony that he would generate would be reflective of the HBPLC and there would be comments on this bill. At least legislative committees will have real-time response from members of the board. He also said that the members are welcome to attend and speak.

Dr. Spira said that he would not mind being on this committee and invited Dr. Oliveira Gray to join him.

Chair Sutherland-Choy said it would be better to have two people on this committee so as to not put burden on just one person.

Dr. Oliveira Gray, said that she would be happy to join him.

Motioned by Vice Chair Oliphant, seconded by Chair Sutherland-Choy, Board members present voted unanimously to have Drs. Spira and Oliveira Gray serve on the HBPLC by roll call vote.

EO Fernandez had asked if there were any interest from the board to discuss the previous bills in regards to their history.

DAG Jacob wanted to share that he attended a zoom meeting with State Legislature leadership. They talked about how this legislaive session was going to be a little bit shorter. It will be completely using zoom. You will not be able to go to the capital and even if you have an appointment with the legislators, you will be escorted in and out of the capitol. He wanted the members to be aware that if they will be testifying, that it will probably be by zoom. The board could submit written testimony, but with the bills

moving quickly and with the board not meeting as often, it will be harder.

Dr. Spira commented that he and Dr. Oliveira Gray have testified representing other organizations.

DAG Jacob said that any member of this Board could go to the Board of Legislature and testify stating that they are a member of the Board, but testifying on their own personal opinion, and that they are not representing the Board.

Dr. Spira said that this would be a useful avenue in case the board will not be able to get together to vote.

EO Fernandez wanted to briefly summarize the bills that were introduced last year for the 2020 session as:

- SB2771, relating to psychology interjurisdictional compact. This is the PSYPACT bill that the board has discussed for at least two years now. This enacts and enter into the psychology interjurisdictional compact to facilitate telehealth in temporary in person face to face practices of psychology across jurisdictional boundaries. This bill was introduced, passed its first reading, which means it went on to the floor and it was approved and voted in to be referred to CPH and JDC. Then it was re-referred to CPH and JDC/WAM. There was no hearing, no testimony, and no fresh discussion from the Board regarding PSYPACT. The last discusson was in 2019 and at this time we spoke to representatives from ASPPB about the social cultural concerns.

Chair Sutherland-Choy said that Julie Takishima-Lacasa from Hawaii Psychological Association (“HPA”) came in and spoke about their concerns. There were cultural diversity issues, where people are coming from other states not knowing the local culture in treating these patients.

EO Fernandez also stated, Matt Turner discussed PSYPACT and the EPPP2 by phone at one of our meetings. Also there was discussion on disciplinary actions for someone who practices in Hawaii through PSYPACT would not go through RICO. They would go through PSYPACT’s disciplinary board and the members are from participating jurisdictions. There were concerns with the lack of authority for DCCA to prosecute or do disciplinary actions.

Chair Sutherland-Choy said that it would essentially take away the States authority.

EO Fernandez clarified that it would only be for those practicing psychologists under PSYPACT. He said that the PSYPACT language is fixed and we would need to accept it as is. He was wondering if Hawaii could, in HRS §465 statutes, recognize PSYPACT's psychologists as being able to provide temporary services if they provide their credentials through PYSYACT. He is not sure if it is possible to refer them through RICO, since we are not amending HRS §465 for PSYPACT, but recognizing through an amendment to HRS §465 PSYPACT psychologists.

Dr. Spira said that his understanding of the value of PSYPACT for psychologists and patients of this state, is that we have a lot of patients that move or transition that we cannot follow. Some states, due to COVID, will allow guest privileges. But, other than the COVID situation, you may not be able to provide services. There are some positives to allow our therapists to see transitioning patients on the mainland. There are some concerns from HPA about the advertisement because when he talks to insurance companies, they said they will only impanel local providers and not impanel providers from the mainland. This is probably a moot point since people will have to be willing to pay to allow this to occur.

EO Fernandez said that the board may consider its own temporary practice for these type of telehealth situations. Right now someone who is not licensed in the state of Hawaii can get a temporary license up to ninety days with an extension of up to ninety days. But, what is not clarified in the statutes, is whether it is minimum or transitional services.

EO Fernandez said that we might see a bill and the Board has the opportunity to make a position on this bill.

Vice Chair Oliphant had asked who introduced the bill.

EO Fernandez said that it was introduced by Senator Gabbard.

Vice Chair Oliphant said he is for this bill because which ever state has PSYPACT, you will be able to practice there.

Mr. Spira wanted to raise an opinion clarifying that it is not his objection, but wanted to pass it on. There is a fear amongst a few people that there are mainland conglomerants getting together and making offers to reimburse more per session making it inexpensive. So, psychologists here are worried that there would be less than optimal care flooding from the mainland to take care of our patients. There are also cultural and experience factors. The major concern is that mainland providers are flooding the market here with telehealth and teletherapy.

Chair Sutherland-Choy said that there is legitimate concerns when you look at national advertisements to get patients to go on these telehealth services.

EO Fernandez said that precedence has been set in the Governor's proclamation.

Dr. Spira stated that there are more patients looking for providers, than there are providers to provide. He personally does not think that the Board should be in the business of protecting the pocket book of the psychologists, so much as making sure that the public is served, which is why he tends to being on the side of PSYPACT being good for the public. We have to make sure that we understand what would be in effect, that would be equivalent to meet safety standards.

Dr. Oliveira Gray wanted to know if we could reach out to other boards that may have been going to PSYPACT training and have utilized it for awhile, just to see what their experience has been.

Chair Sutherland-Choy commented that when she attended a meeting in New Mexico, she spoke to board members from California that decided strongly against it. They were very concerned about being able to monitor what is happening within their state. It was also the issue with RICO as well for them, so they decided not to do it.

Dr. Oliveira Gray said that she had a patient that moved to California. So, she contacted the board about her doing telehealth until her patient found someone else. California has a more lax policy, where they have up to thirty visits per year. It does not state that it has to end or be temporary, as long as it does not extend past the thirty visits.

EO Fernandez asked if the committee members have enough information to provide any comments to the legislature. He could also check to see if ASPPB had any disciplinary actions and see how it went. If the board decides not to go with PSYPACT, there are also options that the board could provide information that the board will be able to create rules to better deal with situations like COVID or even another bill could be introduced that mirrors what PSYPACT does, but still maintains RICO's authority and not so lucrative.

- SB3075 relating to psychologists. It has to do with the pilot program to grant prescriptive authority to qualified psychologists applicants in counties with a population with less than 100,000 persons.

It was introduced and passed its first reading and referred to CPH/PSM and JDC. It was then rereferred to CPH and JDC. Both of the committees heard the bill and recommended passage and it crossed over to the House. It was a triple referral and it was not heard by any of the committees and died quickly after crossssover. He also noted that last year the board had a robust discussion.

Dr. Oliveira Gray said the discussion was regarding training hours and education and suggested to re-review it and see whether the Board would want to stay with it.

Dr. Spira also said that we should include supervision hours.

EO Fernandez said that regarding insurance implications, if the Board could provide more information while in committee.

Dr. Spira asked if this is for how much the liability insurance would increase for psychologists.

EO Fernandez said that and also whether someone's insurance will cover a psychologist who prescribes.

Dr. Spira said it is a known entity, insurance increases minimally. There are a limited number of psychologists with prescriptive authority because it requires additional training, supervision and taking a board exam, etc. He could get stats regarding this.

- SB3145 relating to health. This 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.

The bill was introduced, it passed the first reading and referred to CPH. The bill was heard, but the committee deferred the bill, it died and did not go to crossover. The year before in 2019, there were multiple bills and it carried over. They were reintroduced but they were not voted on the floor so it did not pass the first reading and they were not referred out to committees. There were three different bills going around. One was through DOE and the other two was through us.

Dr. Oliveira Gray said that the Board was opposed to the bill.

EO Fernandez said that the Board supported the intent of the bill to license school psychologists, but not under the Board.

Chair Sutherland-Choy said another issue with one of the bills was where they had a masters level prepared psychologists. It did not qualify with the Board.

EO Fernandez said that currently a school psychologist, at a doctoral level, if they meet other requirements, can be licensed under HRS §465. He said that the majority of school psychologists, who are trying to engage in the field, are at the masters level. There was comments added to the testimony last year that the Board had concerns that adjusting the members of the Board, there will be two members who do not have the doctoral clinical experience.

Dr. Spira said that he is all in favor in supporting school psychologist highest level to ensure good quality care of the students. If they were going to introduce a bill for Ph.D. school psychologists and have one member of the board in addition to help positively for assuring quality care for the schools.

Chair Sutherland-Choy said that we are supportive of this, last year as well, and we were hoping for more services to students so that they will be able to bill for services in the schools.

Vice Chair Oliphant said he thought the Board made a recommendation that they make their own board.

EO Fernandez said that he does not believe they did. PVL already covers over 50 license types, so establishing another board will add a significant amount of work. It is not a reason to not do it, it will be a consideration to imbed it into our Board and we adjust our structure or to establish a whole entire new type. He said it is not a consideration at this point.

- b. The Board to review application requirements, application forms, and application review procedures, including, but not limited to the creation of supervisor summary check off list to accompany internship and postdoctoral experience verification forms.

EO Fernandez wanted to see if the Board was interested in working with him to create this form. He stated to the Board that this will be used as a guide for him when reviewing applications.

- c. The Board to consider adjusting its meeting schedule.

After a brief discussion, it was motioned by Vice Chair Oliphant, seconded by Dr. Oliveira Gray, and unanimously carried, that as of January 8, 2021, the Board will have meetings every other month as noted on the public website. The next meeting will be March 5, 2021.

HAR Title 16
Chapter 98 Rule
Revision

This agenda item will be moved to the next meeting for discussion.

Next Meeting:

March 5, 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 3:52 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

1/21/21

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