

**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, 2022

Time: 12:30 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/91403801562>

Present: Sherry Sutherland-Choy Psy.D., Chair  
Marty Oliphant, Vice Chair  
Jill Oliveira Cabbab, Ph.D., Member  
James Spira, Member, Ph.D., Member  
June Ching, Ph.D., Member  
Christopher Fernandez Executive Officer (“EO”)  
Susan A. Reyes, Secretary  
John E. Cole, Esq. Deputy Attorney General (“DAG”)  
Kedin Kleinhans (Technical Support)

Excused: Don Pedro, Psy.D., Member

Guests: None.

Call to Order: Chair Sutherland-Choy provided instructions for public participation during the meeting including providing testimony, which will be limited to five minutes per testifier per agenda item.

Chair Sutherland-Choy confirmed by roll call that she, Vice Chair Oliphant, Drs. Oliveira Cabbab, Spira and Ching were present with Dr. Pedro excused. Chair Sutherland-Choy then brought the meeting to order at 12:15 p.m.

Legislative Matters: The Board will review the 2022 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, to which there were none.

a) SB2830 - RELATING TO MENTAL HEALTH LICENSING

*Requires psychologists licensed in the State to complete at least 3 hours of continuing education per licensing biennium on topics relating to cultural diversity, cultural competence, or health equity.*

b) HB2318 - RELATING TO MENTAL HEALTH LICENSING

*Requires psychologists licensed in the State to complete at least 3 hours of continuing education per licensing biennium on topics relating to cultural diversity, cultural competence, or health equity.*

Chair Sutherland-Choy stated that SB2830 and HB2318 are companion bills and asked the board members if they had any questions.

Dr. Oliveira Cabbab wanted to know if the cultural diversity was going to be expanded in the definition.

EO Fernandez said what was submitted in testimony for HB2318 which was heard by the House Committee on Health, Human Services, & Homelessness on February 15, 2022 was the term used by the legislative committee: "social-cultural-gender diversity".

Dr. Ching commented that the term "diversity" encompasses a myriad of subjects related to social and economic. She also stated that "cultural" in the term "cultural diversity" should be removed because "cultural" is already included in the term "cultural competence".

EO Fernandez said that the Board could add this into the bill testimony if it wishes.

Dr. Ching reiterated that she would prefer to keep terminology broad since the spirit of this bill is for people to be aware and to actually be interested in pursuing differences and understand the whole idea of diversity.

Chair Sutherland-Choy said she agrees with Dr. Ching adding that when the Legislative Committee met, it did talk about all of these different diversity factors, but as a member of the Legislative Committee she supports its recommendation to include the term "socio-cultural-gender diversity". The simple specification would provide more guidance during the renewal process and the random audit. In general, the Board does support the bill.

Chair Sutherland-Choy motioned to support the bill with amendments, seconded by Dr. Ching. With no objections, the motion was passed unanimously.

c) SB2829 - RELATING TO MENTAL HEALTH

*Establishes provisional or associate level licensure requirements for marriage and family therapists and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing other requirements.*

EO Fernandez informed members that the Senate Committee on Commerce & Consumer Protection (“CPN”) heard the bill today. The recommendation was to defer until tomorrow (2/23/22) for decision making. Senator Baker, Chair of CPN stated that the bill was not ready yet. EO Fernandez clarified that there is technical language that needed to be fixed, for example, the bill language states that a program, meaning doctoral degree program, will need to be approved by the program director; and this does not coincide with authorities of the Board. He noted that Board should be prepared to answer questions from Senator Baker.

Dr. Oliveira Cabbab asked if all of the recommendations from the last Legislative Committee meeting were put in the testimony.

EO Fernandez responded in the affirmative.

Chair Sutherland-Choy motioned to support the general intent of the bill with comments, revisions and amendments. It was seconded by Dr. Spira and with no objections, the motion was passed unanimously.

d) SB2281 - 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, 2025. Increases the composition of the Board of Psychology to include two school psychologists.*

e) SB1274 - 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 the Legislative Committee reviewed SB2281 and recommends the Board oppose; which is consistent with its position for SB1274 and similar bills from 2019 to 2020 legislative biennium. The Legislative Committee suggests that licensure be under the Department of Education (“DOE”) Teacher’s Standard Board as it believes the intent of this Board is to license doctorate level psychologists. She added that the Legislative Committee recommends a sunshine analysis be done regarding the profession identified in SB2281 and SB1274 that would be considered new license types.

EO Fernandez informed the Board that SB2281 was heard today in the Senate CPN Committee and the recommendation was to pass with amendments. He explained that the bill was amended to create interim licensure for school psychologists and require the Board of Psychology and the DOE to meet and create a permanent licensure scheme prior to the 2023 legislative session.

Dr. Spira said that he believes that the Board is not opposed to school psychologists being licensed and regulated generally. His thought, however, is that the difficulty would be in having this Board assess the master’s level applicants and similarly the School Psychologists, in the newly created Board member positions, would not necessarily be appropriate for reviewing doctorate level clinical psychologists. He asked how it will be handled and does the Board need to modify its rules.

EO Fernandez said that it is hard to say now that this bill has been changed, and it has been changed very drastically. Currently it has an effective date of July 1, 2022, which could be seen as encouragement for the DOE and the Board of Psychology to get this report done. With this being said, the DOE and the Board are not on the same page about under whom School Psychologists should be licensed. He wanted to note that the DOE’s testimony did not state that it should go with this Board. They just agreed that it would be in the best interest that School Psychologist be licensed or credentialed; it is just a matter of who will license them.

Dr. Spira said that presumably, it will be a combined effort so recommendations in the future could possibly include that the DOE do a pre-review and pass their recommendations to this new Board.

EO Fernandez asked if the Board would be willing to meet with DOE to discuss creating a permanent licensure scheme. If so, the Board could still oppose the intent to include School Psychologists on this Board, but support meeting with the DOE.

Vice Chair Oliphant asked when they say Board of Education, who are they identifying.

EO Fernandez said he also questioned that and was not sure if they were referring to the Teachers Standards Board or to the Department of Education generally. He will need to get clarification. He also noted that absent from this collaboration to create licensing scheme and report to the Legislature, is the Hawaii Association of School Psychologists (“HASP”) who are pushing this bill.

Dr. Ching asked to clarify if this will be for master’s level School Psychologists.

EO Fernandez said that the bill, as it stands, defines School Psychologists in two tiers. There is a School Psychologist – Doctoral level and then there is the School Psychologist – Specialist level, which would represent the master’s level program training.

Dr. Ching asked would this be licensed so that they are licensed to practice just within the DOE or is this licensure so that they can practice as psychologist do in terms of seeing people outside of the DOE.

EO Fernandez responded that one of the things that HASP had brought up was that this would be for licensure of all School Psychologists in the State (in school settings). He added that he does not have information whether the DOE would be able to regulate those who are in private educational institutions or not. This would need to be answered by DOE.

Dr. Ching said that if you’re a school psychologist, does this entitle you to have competence in all areas of seeing people individually.

EO Fernandez responded that the bill right now as designed, only allows licensure of school psychologists if they hold current national certification by the NASP or equivalent.

Dr. Oliveira Cabbab said the other important issue is to make sure that it does not exclude current clinical psychologists who are also working in the school setting.

EO Fernandez said that one thing that the doctoral level school psychologists have been struggling with, which HASP had brought to the Board three years ago, was that their standards for training in their doctoral program do not include as much of the training as would a clinical or counseling psychologist. A lot of the doctoral level school psychologists do not meet our current requirements,

unless they do extra internship and extra postdoc over and above what is required for national certification standards.

Dr. Ching commented that she does not want the public to think that they are equivalent, because then it is misrepresenting things and confusing the public in which we should be looking after their welfare. She is surprised that with so many muddled areas, that it passed.

EO Fernandez responded that he does not know what the intentions of the legislature are, but it does seem that there is a lot of support at the legislature through testimony and also just the passage of these types of bills for augmenting the current structure of mental health care in Hawaii.

Chair Sutherland-Choy commented that it is for billable services too.

EO Fernandez responded saying that it is not so much in the forefront as SB2829, but it does state in the introduction of the bill that one purpose is capturing Medicaid. He was not sure on what level of licensure is required to capture Medicaid, like Medicaid for direct services provided. Again, this is another question that the Board needs to ask, because does a provider merely need to be certified or do they actually have to carry a license. From the research that he has done so far, he was not sure.

Dr. Oliveira Cabbab said that a task force would really be helpful to flush out these really important details.

Dr. Spira added that we also need the ability to give feedback to the legislature on these aspects they might not have considered fully.

EO Fernandez said if the bill gets heard on the House side, then the Board can provide the updated testimony to add that in further.

Dr. Spira asked if the Board wanted to approve this measure or instead come up with a new vote to meet with the DOE.

EO Fernandez responded that the Board could still oppose the actual language that the Board reviewed and provide the same reasons, but also add that the Board appreciates the intent of the creation of a report that's to be given to the Legislature by the DOE and the Board of Psychology.

Chair Sutherland-Choy motioned that SB2281 and SB1274, the Board opposes the bill language amending 465 to include School Psychologists, but appreciates the intent to require the Board and

the DOE to meet to create a permanent licensing scheme and provide a report to the Legislature, it was seconded by Dr. Ching and with no objections, the motion was passed unanimously.

f) 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.*

g) SB1295 - 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 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.*

Chair Sutherland-Choy said that the Legislative Committee recommends that the Board support both SB131 and SB1295, despite their differences, since both contain language similar to bills the Board has either supported the intent of or supported outright historically. She also noted that the pilot program is the major difference.

Since there was no further discussion, she motioned to support SB131 and SB1295 with amendments, seconded by Vice Chair Oliphant and with no objections, the motion was passed unanimously.

Chair Sutherland-Choy stated that since the bills of subsections (h) through (s) do not affect HRS 465, no position will be voted on and they will be tracked only.

h) SB2073 - RELATING TO TELEHEALTH

*Allows for standard telephone contacts for telehealth purposes.*

i) HB2057 - RELATING TO TELEHEALTH

*Allows for standard telephone contacts for telehealth purposes.*

j) SB2680 - RELATING TO HEALTH

*Authorizes advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with*

*their scope of practice and prescribing authority. Authorizes psychiatric mental health nurse practitioners and clinical nurse specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient. Reduces the mandatory waiting period between oral requests from twenty days to fifteen days. Waives the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.*

k) HB1823 - RELATING TO HEALTH

*Authorizes advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority. Authorizes psychiatric mental health nurse practitioners and clinical nurse specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient. Reduces the mandatory waiting period between oral requests from twenty days to fifteen days. Waives the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.*

l) SB2751 - RELATING TO HEALTH

*Expands the Hawaii health corps program and Hawaii rural health care provider loan repayment program to include incentives for psychologists and social workers. Makes the department of health responsible for administering the Hawaii rural health care provider loan repayment program. Appropriates funds.*

m) HB1795 - RELATING TO HEALTH

*Expands the Hawaii health corps program and Hawaii rural health care provider loan repayment program to include incentives for psychologists and social workers. Makes the department of health responsible for administering the Hawaii rural health care provider loan repayment program. Appropriates funds.*

n) SB2823 - RELATING TO EDUCATION

*Establishes a school psychologist national certification incentive program. Appropriates funds.*

o) SB839 SD2 - RELATING TO HEALTH

*Authorizes advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority. Authorizes psychiatric mental health nurse practitioners and clinical nurse*



*specialists, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient. Reduces the mandatory waiting period between oral requests from twenty days to fifteen days. Waives the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period. (SD2)*

p) SB323 - RELATING TO HEALTH

*Authorizes advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority. Authorizes psychiatric mental health nurse practitioners, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient. Reduces the mandatory waiting period between oral requests from twenty days to fifteen days. Waives the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.*

q) SB805 SD2 - RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

*Makes the exemption from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist. Clarifies exemptions from licensure as a behavioral analyst for general education teachers, direct support workers, special education teachers, and teacher trainees working in collaboration with or under the supervision of licensed professionals. (SD2)*

r) SB616 - RELATING TO THE PRACTICE OF BEHAVIOR ANALYSIS

*Makes the exemption from the behavior analyst licensing requirements permanent for certain teachers working in collaboration with a licensed behavior analyst or licensed psychologist. Clarifies that the licensure exemption for registered behavior technicians applies to those working under the direction of a licensed behavior analyst or licensed psychologist. Exempts licensed special education teachers and individuals in approved and accredited special education training programs who are working toward licensure as special education teachers whose scope of practice and training includes applied behavior analysis.*

s) HB472 HD1 - RELATING TO TELEHEALTH

*Exempts telehealth-related gifts from procurement requirements. Codifies the authorization of advanced practice registered nurses*

*to use telehealth to assist a patient, including those advanced practice registered nurses who are not licensed in the State, under certain conditions. Makes permanent certain telehealth-related exemptions for licensed health professions issued by recent gubernatorial proclamation. Effective 7/1/2050. (HD1)*

Applications: The Board may enter into Executive Session to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with Hawaii Revised Statutes (“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).

It was motioned by Chair Sutherland-Choy, seconded by Dr. Spira and with no objections, the motion passed unanimously to go into executive session at 12:53 p.m.

It was motioned by Chair Sutherland-Choy, seconded by Dr. Spira and with no objections, the motion passed unanimously to go to open session at 1:00 p.m.

a. Board Review

ABPP Diplomats

Angeles M. Cheung

**Chair Sutherland-Choy left the meeting at 1:00 p.m.**

Vice Chair Oliphant motioned to approve Dr. Cheung’s application upon receipt of additional documentation, seconded by Dr. Ching and with no objections, the motion was passed unanimously.

**Dr. Ching left the meeting at 1:05 p.m.**

The Practice  
of Psychology  
and Exemptions:

The Board to review the following:

Teresa Kono, Interim Program Officer with the University of Hawaii at Manoa, asks whether the University’s Counseling Center would require a Hawaii licensed Psychologist to act as “a neutral third party [to] serve as a sort of consultant” to provide a licensed Psychologist with additional training on the center’s policies and procedures, as well as “sitting in on some sessions and providing recommendations and feedback”.

Vice Chair Oliphant stated that since we do not have quorum to continue the meeting this will be deferred until the next meeting.

Next Meeting: April 1, 2022  
12:30 p.m.

King Kalakaua Conference Room

Adjournment: Due to not having quorum, the meeting was adjourned by Vice Chair  
Oliphant at 1:05 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

3/23/22

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_.