

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: June 3, 2022

Time: 12:30 p.m.

Place: King Kalakaua Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

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

Excused: Marty Oliphant, Vice Chair

Guests: Dr. Sachiko Furuya

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, Drs. Oliveira Cabbab, Spira and Ching were present with Vice Chair Oliphant excused. Chair Sutherland-Choy then brought the meeting to order at 12:41 p.m.

Review and Approval
Of Board Meeting

Minutes: It was moved by Dr. Ching, seconded by Dr. Spira, and unanimously carried by roll-call vote to approve the April 1, 2022 open session minutes as is and the executive session minutes for February 4, 2022 and February 22, 2022 as is.

Dr. Pedro arrived at 12:57 p.m.

Statutes and Rules,
and Legislation:

The Board will review the 2022 legislative session outcomes. The Board will review to approve language of an administrative bill which would be introduced in the upcoming 2023 legislative session and do so in relation to a review of the administrative rules. It may also vote to amend the legislative committee to function beyond the 2022 legislative session.

Chair Sutherland Choy asked EO Fernandez if he wished to update the Board on the legislative session and the draft language for the administrative bill amendment for 465.

EO Fernandez started by informing the Board that the last bill to remain alive when the Board last met in April, SB2281, SD2, HD2 relating to school psychologists, died in conference. He added that SCR122, SD1 which requests that the State Auditor perform a sunrise analysis on school psychology prior to next legislative session was passed, and the hope is that the analysis will provide the info needed by the legislature before future bills are introduced with the intent of placing licensure of masters level School Psychology Specialists with the Board.

EO Fernandez further stated that the bill SB2829, relating to mental health, from this last session, which specifically would have changed licensure laws for Psychologists, Marriage and Family Therapists, Licensed Clinical Social Workers, and Mental Health Counselors provided some good ideas for how to change the current psychology licensure laws, if the Board wished to do so. He said that in preparation for this meeting, he used some of the language from SB2829 to draft amendment language for an administrative bill ("admin bill") that would touch on a lot of the issues the Board has experienced in the past several years. EO Fernandez informed the Board that the majority of the amendment ideas in the admin bill have to do with when and how someone can be licensed in the state Hawaii as a Psychologist. For example, it would change the requirements for temporary services, and like SB2829, create temporary permit/provisional license for Associate Psychologists to complete their postdoctoral experience. He added that there are other sections, he wanted to touch on because they have been pretty difficult for the Board and then also for DCCA with regard to appeals and decisions by the Board, such as HRS §465 section 7.5 that has to do with foreign applicants. Some other amendments this language would make would be to the exemptions section and when the EPPP is taken.

[Admin bill language attached to the end of these minutes]

EO Fernandez said the idea behind the rough draft admin bill, was to present the Board with as many areas that he noted may need to be updated, and depending on what it thought, the Board could eliminate or add the changes, and then vote on approving the admin bill content as it wished.

Dr. Oliveira Cabbab asked if it was realistic to complete a review of all of

the changes since that bill (SB2829) died.

EO Fernandez said that he did not see any clear distinction or reason why SB2829 did not get passed in committee reports, though they are not the best judge on what happened being that they are very general and short. He is not sure why it died. It could have been due to other priorities in the legislature and not necessarily about the actual creation of that provisional license itself. He stated that he does know that the sections of HRS §465 are very interconnected and he was not confident that these interconnections were addressed in SB2829. On the other hand, an admin bill would be vetted by the division and the department prior to being introduced, thus the interconnections would be checked out and it would have a better chance of passing because it would fit with the rest of the chapter.

Dr. Oliveira Cabbab said that her main question, is whether the Board is trying to get this done now or can it have more time.

EO Fernandez explained that due to deadlines in the division for requesting admin bills, any language would have to be approved at the meeting. He went on to explain that the division and department need time to review the bill language before proposing it to the Governor, who then would request that the legislature introduce it for next session. He noted that just because amendments may be considered administrative, it does not mean that all of them will be considered by the division or department.

Dr. Pedro said that there is a lot to go over and he was not able to get through even half of it when he reviewed the admin bill language the day before the meeting. He suggested that more time is needed, and he does not want to rush through it.

Dr. Spira suggested that there are pressing matters such as what constitutes appropriate supervision, since it is really not well defined. There is so much to do to update the chapter, e.g. for telehealth too, but the changes that the admin bill language would make would be a good start.

Dr. Oliveira Cabbab noted that she understands the language to be a culmination of a lot of discussions board has had, but if there is more, should the Board wait to get all its eggs in one basket.

EO Fernandez said if the Board does not approve the bill language today, then it will not make it to the next legislative session since the cut off for admin proposals is prior to the next scheduled meeting.

Dr. Pedro suggested only focusing on pressing matters for the next legislative session.

For the sake of time management, Chair Sutherland-Choy took the meeting out of order to complete application reviews and decisions, so that the Board could return to this discussion for the rest of the meeting.

The following agenda item was taken out of order.

Applications:

The Board will 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 Dr. Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried to enter into executive session at 1:27 p.m.

It was motioned by Dr. Pedro, seconded by Dr. Spira, and unanimously carried to return to open session at 2:24 p.m.

a. Board Review

Examination

Suchiko Furuya
Kim Lessard
Carmen Gonowon
Thomas La Marr

It was moved by Dr. Ching, seconded by Dr. Oliveira Cabbab, and unanimously carried to approve the applications of Dr’s. Furuya, Lessard, Gonowon and La Marr.

Examination Waiver

Brian Imber

It was moved by Dr. Pedro, seconded by Dr. Spira, and unanimously carried to approve Dr. Imber’s application.

Robyn Pashby

It was motioned by Dr. Ching, seconded by Dr. Oliveira Cabbab, and unanimously carried to approve the application of Dr. Pashby pending receipt of additional documentation.

b. Ratification List

PSY-1993	Lisa Wei Zhen Kau	National Register
PSY-1994	Dawn M. McClure	Exam
PSY-1995	Kate F. Termini	Exam Waiver
PSY-1996	Hasse A. Leonard-Pagel	National Register
PSY-1997	Jennifer M. Beathe	National Register
PSY-1998	Linda A. Nishi-Strattner	Diplomate
PSY-1999	Issar Daryanani	Exam
PSY-2000	M. Rynda Norsell	Diplomate
PSY-2001	Brian T. Burgess	Exam Waiver
PSY-2002	Susanna Leigh L. Epp	Exam Waiver
PSY-2003	Heidi E. Meck	Exam Waiver
PSY-2004	Michael J. Taylor	Senior Psychologist
PSY-2005	Trisha Nguyen	National Register
PSY-2006	Marlene Hsi	National Register
PSY-2007	Megan Deaver	National Register
PSY-2008	Jeffrey C. Mann	Exam Waiver
PSY-2009	Michelle H. Murata	Examination
PSY-2010	Kristina E. Whitney	National Register

It was motioned by Dr. Pedro, seconded by Dr. Spira, and unanimously carried to ratify the list above.

The Board recessed at 2:32 p.m. and returned to open session at 2:40 p.m.

The following agenda item was taken out of order.

Statutes and Rules,
and Legislation:

Chair Sutherland-Choy said that since time is limited, the Board will continue the discussion and review of the language of the admin bill starting off with the most pressing changes, instead of going through the draft page by page. She asked EO Fernandez if he had identified any pressing changes in his preparation of the bill language.

EO Fernandez started with stating that he added to the definition section of the chapter to include a definition of for the American Psychological Association (“APA”), Association of Psychology Postdoctoral and Internship Centers (“APPIC”),

Board members generally agreed with the amendments.

Dr. Oliveira Cabbab asked why the definition of “continuing education” was updated to include “state or provincial psychology boards”.

EO Fernandez stated that this was not a necessary change but if the Board wished to allow licensees to use CE approved by these entities to meet the renewal requirement, then it is there.

After a brief discussion the Board decided to decline the changes proposed in the admin bill draft to the continuing education definition,

however, the Board did decide to amend the definition to include “continuing medical education courses approved by the American Medical Association related to the practice of psychology”.

Dr. Ching asked about the next proposed change, the definition of “institutions of higher education” and why it was being updated.

EO Fernandez, referring to the following:

"Institution of higher education" means a university, professional school, or other institution of higher learning that:

- (1) In the United States, is regionally accredited by bodies approved by the Council on Postsecondary Accreditation and the United States Department of Education;
- (2) In Canada, holds a membership in the Association of Universities and Colleges of Canada; or
- (3) In other countries, is accredited by the respective official organization having such authority.

explained that he drafted the update to the definition of “institution of higher education” to reflect changes to names of the accrediting bodies as follows:

- Council for Postsecondary Accreditation is now called Council for Higher Education Accreditation (“CHEA”); and
- Association of Universities and Colleges of Canada is now known as Universities Canada.

He also added that #3 of the definition which sets forth the accreditation requirements for other countries besides the U.S.A and Canada was removed due to the complications the Board has seen regarding foreign applicants. He explained that this change would be part of the change to how foreign educated applicants are screened, i.e. evaluating if they meet the requirements for licensure. For example, an applicant who is not a graduate from an institution of higher education, which based on the amended language, would be in the U.S. and Canada only, would need to apply for licensure not based on HRS §465-7, the standard requirements for licensure, but HRS §465-7.5 regarding foreign graduates. With this change there would no longer be the possibility of a foreign graduate to be licensed pursuant to HRS 465-7 only. They would need to first meet the requirements of HRS §465-7.5 which would require the person to have their education evaluated by the University of Hawaii at Manoa, or as is drafted in the admin bill, by an accredited degree evaluation service in order to confirm that their *doctoral* degree whose requirements are

significantly similar to the requirements set forth by HRS §465-7, meets the minimum requirements for licensure.

Dr. Spira, referring to the definition of “professional psychology training program” asked EO Fernandez where he got the following underlined language:

“Professional psychology training program” means a doctoral training program that is a planned sequential program of study and training offered in an institution of higher education which reflects an integration of psychological science and practice to facilitate human development and functioning, and prepares individuals to provide psychological services to the general public.

EO Fernandez explained that it was taken directly from the APA Handbook and clarified that the term “sequential” was added so it is clear that the Board would not take education that is a combination of degree programs or piecemeal.

After some discussion the Board supported the change to the definition for “professional psychology training program”.

Dr. Spira asked if with the time left in the meeting the Board could review the exemption section specifically the expert testimony exemption.

EO Fernandez clarified that the language that would allow for unlicensed practice would probably not be supported by DCCA and PVL.

Dr. Spira stated that most expert witnesses would not be practicing in that role and would only be doing testing and evaluations.

Dr. Ching added that that is the practice of psychology as defined by the chapter.

Dr. Spira asked what license type they would need.

EO Fernandez confirmed that it would at least need to be a temporary authorization to practice as set forth in the admin bill draft.

Dr. Ching asked why this is an issue.

EO Fernandez stated that law offices will find an expert and schedule an assessment with their client in detention or jail and realize they would need to complete a long form application for the temporary permit. It is just not feasible.

Dr. Ching suggested that they find a Hawaii licensed expert.

EO Fernandez and Dr. Spira stated that that too may not be regularly feasible when the context of the case requires someone who is not a licensed Hawaii psychologist.

Regarding the process in which foreign graduates' education is evaluated to confirm that it meets the requirements of the chapter for licensure, and after a brief discussion, the Board agreed to accept the proposed changes to HRS §465-7.5 that would change the process and clarify certain aspects of qualifications.

After further discussion, the Board decided to hold on changing sections it did not have the time to review at the meeting. It decided to instead continue the conversation on subjects related to temporary authorization to practice in the state, changes to licensure requirements, and all related sections and language required to make those changes at future meetings. The Board also supported extending the 2022 legislative session Legislative Committee of Chair Sutherland-Choy, Dr. Oliveira Cabbab, and Dr. Spira to the 2023 session so that it can discuss the admin bill draft outside of meetings. The Board lastly decided to accept the following amendments in the admin bill draft:

- HRS §465-1 Definitions, is amended to include the following definitions either new or amended:
 - 1) "APA" means the American Psychological Association;
 - 2) "Continuing education" means courses approved by the American Psychological Association, the Hawaii Psychological Association, or other state or provincial psychological associations, and continuing medical education courses approved by the American Medical Association related to the practice of psychology”;
 - 3) "Institution of higher education" means a university, professional school, or other institution of higher learning that:
 - (1) In the United States, is regionally accredited by bodies approved by the Council for Higher Education Accreditation or the United States Department of Education; or
 - (2) In Canada, holds a membership in Universities Canada
 - 4) "Professional psychology training program" means a doctoral training program that is a planned sequential program of study and training offered in an institution of higher education which reflects an integration of psychological science and practice to facilitate human development and functioning, and prepares individuals to provide psychological services to the general public.

- HRS §465-7.5 Foreign graduates, is amended to:
 - (a) An applicant who holds a doctoral degree in psychology 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 requirements for the doctoral degree are substantially similar to the requirements for a doctoral degree in professional psychology as required in this chapter. The board may consider the certification by a current member agency of the National Association of Credential Evaluation Services that the doctoral degree from the foreign university is equivalent to a doctoral degree granted from an institution of higher education as defined in this chapter; and
 - (b) Regardless of country of origin, a master's degree in psychology shall not have parity with a doctoral degree in professional psychology as required for licensure by this chapter and cannot be used to meet the education requirements in any way.

After Board discussion it was moved by Dr. Pedro, seconded by Dr. Spira, and unanimously carried by all Board members present to approve of the amendments to HRS §465 listed above and to submit a request for an administrative bill for the 2023 legislative session; and to extend the Legislative Committee membership for the 2022 legislative session to the 2023 legislative session in order to continue discussion about the admin bill and other amendments to HRS §465 that the Board wishes to review for future legislation to be discussed by the Board at future meetings.

Next Meeting: August 12, 2022
12:30 p.m.
King Kalakaua Conference Room

Adjournment: There being no further business to discuss, the meeting adjourned by Chair Sutherland-Choy at 3:42 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
6/30/22

[] Minutes approved as is.
[X] Minutes approved with changes; see minutes of 9/2/22.

CHAPTER 465 PSYCHOLOGISTS

SECTION

465-1	Definitions
465-2	License required
465-3	Exceptions
465-3.5	Public service employment
465-4	Board of psychology; appointment, qualifications, term, expenses
465-5	Repealed
465-6	Powers and duties
465-7	Requirements for licensure ing
<u>465-7.1</u>	<u>Requirements for limited & temporary permit; Associate Psychologist</u>
<u>465-7.2</u>	<u>Authorization to provide temporary services</u>
465-7.3	Repealed
465-7.4	Repealed
465-7.5	Foreign graduates
465-7.6	Licensure of state employed clinical psychologists
465-8	Licenses, issuance, display
465-9	Temporary permit (<u>Repealed</u>)
465-10	Examination waiver
465-11	Renewals; continuing education requirement
465-12	Fees; disposition
465-13	Denial, suspension, revocation of license, or probation of a license holder
465-14	Repealed
465-14.5	Repealed
465-15	Prohibited acts; penalties

§465-1 Definitions. As used in this chapter, unless the context otherwise requires:

"APA" means the American Psychological Association.

"APPIC" means the Association of Psychology Postdoctoral and Internship Centers.

"Associate psychologist" means a person with a doctoral degree approved by the board to engage in post-doctoral experience in health service in psychology, and who renders to individuals, or to groups of individuals, services defined as the practice of psychology under the direct supervision of a licensed psychologist as established by 465-7.1.

"Board" means the board of psychology.

"Continuing education" means courses approved by the American Psychological Association, the Hawaii Psychological Association, ~~or~~ other state or provincial psychological associations, ~~or state or provincial psychology boards.~~

"Credit hour" means, except as otherwise provided, the value assigned to fifty minutes of instruction.

"Department" means the department of commerce and consumer affairs.

"Director" means the director of commerce and consumer affairs.

"Institution of higher education" means a university, professional school, or other institution of higher learning that:

- (1) In the United States, is regionally accredited by bodies approved by the Council ~~on Postsecondary~~ for Higher Education Accreditation ~~and/or~~ the United States Department of Education; or
- (2) In Canada, holds a membership in the ~~Association of Universities and Colleges of Canada~~ Universities Canada; ~~or~~
- (3) ~~In other countries, is accredited by the respective official organization having such authority.~~

"Licensed" means the authority to engage in the autonomous practice of psychology. The terms certified, registered, chartered, or any other term chosen by a jurisdiction used in the same capacity as licensed are considered equivalent terms.

"Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

"Professional psychology training program" means a doctoral training program that is a planned sequential program of study and training offered in an institution of higher education which reflects an integration of psychological science and practice to facilitate human development and functioning, and prepares individuals to provide psychological services to the general public, that includes

~~(1) and (2), or (1) and (3) of the following:~~

- (1) ~~Is a planned program of study which reflects an integration of the science and practice of psychology including practica and internship; and~~
- (2)(1) ~~Is designated as a doctoral program in psychology by the Association of State and Provincial Psychology Boards and the National Register of Health Service~~

~~Providers in Psychology or is accredited by the Canadian Psychological Association; or~~

~~(3) Is offered in a regionally accredited institution of higher education.~~

"Psychologist" means a person who offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology. A person represents to be a psychologist if the person uses any title or description of services incorporating the words "psychology," "psychological," "psychologist," or "psychotherapy," or if the person offers or renders to individuals or to groups of individuals services defined as the practice of psychology.

"Regionally accredited institution" means an institution of higher education accredited by the bodies approved by the Council on Postsecondary Accreditation and the United States Department of Education.

§465-2 License required. Except as otherwise provided in this chapter, it shall be unlawful to represent one's self as a psychologist or engage in the practice of psychology without having first obtained a license as provided in this chapter.

§465-3 Exemptions. (a) This chapter shall not apply to:

- (1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology outside the responsibilities of the person's employment;
- (2) 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;
- (3) Any person employed by a local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of such government employment;
- (4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title as "psychology trainee", "psychology student", "psychology intern", or "psychology resident", that indicates the person's training status; provided that the person shall not

identify the person's self as a psychologist or imply that the person is licensed to practice psychology;

- (5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render or advertise services, including psychotherapy, within the scope of practice as defined in the statutes or rules regulating the person's professional practice; provided that, notwithstanding section 465-1, the person does not represent the person's self to be a psychologist or does not represent that the person is licensed to practice psychology;
- (6) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person's professional capacities; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological;
- (7) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not represent the person to be a psychologist, or the person's services as psychological; or
- (8) Any psychologist employed by the United States Department of Defense, while engaged in the discharge of the psychologist's official duty and providing direct telehealth support or services, as defined in section 431:10A-116.3, to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the psychologist employed by the United States Department of Defense is credentialed by Tripler Army Medical Center.

(b) Nothing in this chapter shall in any way restrict any person from carrying out any of the psychological activities as defined in section 465-1; provided that such person does not offer psychological services as defined in this chapter except as such activities are incidental to the person's lawful occupational purpose.

(c) A person may use the title of industrial/organizational psychologist, provided that the person registers with the board, and:

- (1) Is professionally competent in the practice of industrial/organizational psychology; and
- (2) Holds a doctoral degree from an accredited institution of higher education with training and education in industrial/organizational psychology, satisfactory to the board; and
- (3) Provides psychological service or consultation to organizations which does not involve the delivery or supervision of direct psychological services to individuals

or groups of individuals, without regard to the source or extent of payment for services rendered.

~~(d)~~ Nothing in this chapter shall prevent the provision of expert testimony ~~by a psychologist~~ considered the practice of psychology by a person hired or contracted for a specific case provided that the person functions only within the person's professional capacities, and is licensed as a psychologist in another state for no less than 5 years with no sanctions or disciplinary action taken or pending against their license.

~~(1) -who is otherwise exempted by this chapter.~~

~~(d)~~—

(e) Nothing in this chapter shall be construed as permitting the administration of prescription of drugs, or in any way engaging in the practice of medicine as defined in the laws of the State.

§465-3.5 Public service employment. (a) Notwithstanding other provisions in this chapter the director of health may certify that there is an absence or shortage of licensed psychologists for government employment in a particular locality. Upon receiving certification of the absence or shortage, the board shall authorize the director to hire and retain persons currently in government employment to fill the absence or shortage; provided persons hired or retained have been duly licensed as a psychologist by written examination under the laws of another state or territory of the United States prior to 1977.

(b) Persons hired and retained under this section shall be exempt from the requirements of this chapter for no more than eighteen months while employed in a government position that the director continues to certify as subject to an absence or shortage.

(c) In no case shall persons hired and retained under the provisions of this section provide private patient care for a fee.

§465-4 Board of psychology; appointment, qualifications, term, expenses. There is created a board of psychology consisting of seven members. There shall be five members representing varied specialties of the profession, each of whom shall be licensed to practice psychology under this chapter and have a minimum of five years of post-doctoral professional experience, and two lay members from the community at large. A lay member shall not be a psychologist, an applicant, or former applicant for licensure as a psychologist.

§465-5 REPEALED.

§465-6 Powers and duties. In addition to any other powers and duties authorized by law, the board shall:

- (1) Examine the qualifications of applicants for licensing under this chapter to determine their eligibility for licensing as psychologists;
- (2) Administer and grade examinations for applicants as may be required for the purposes of this chapter. The board shall determine the examinations and the score that shall be deemed a passing score. Examinations shall be scheduled at least once annually;
- (3) Keep a record of action taken on all applicants for licensing; the names of all persons licensed; petitions for temporary permits; actions involving suspension, revocation, or denial of licenses; decisions on waiver of examination in whole or in part and receipt and disbursement of any moneys; and
- (4) Adopt, amend, and repeal pursuant to chapter 91, rules as it deems proper for the purposes of this chapter.

§465-7 Requirements for licensure. (a) Every applicant for a license as a psychologist shall submit evidence satisfactory to the board that the applicant meets the following requirements:

(1) The applicant for licensure shall possess a doctoral degree in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas from:

(A) ~~An American Psychological Association approved program in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas; or~~

(B) ~~A professional psychology training program, awarded by an institution of higher education as defined by this chapter, or from a regionally accredited institution;~~

(2) The applicant for licensure shall demonstrate that the applicant has completed one year, the equivalent of (1900) hours, of supervised experience in an internship program:

(A) Approved by the APA; or

(B) That meets the APPIC standards for internship programs;

~~(2)(3)~~ The applicant for licensure shall demonstrate that the applicant has completed one year, the equivalent of (1900) hours, of post doctoral supervised experience in health service in psychology, and:

(A) ~~An internship approved by the American Psychological Association~~ In a program approved by the APA; or

(B) ~~One year of supervised experience in health service in psychology in an internship or residency program in an organized health service training program That meets the APPIC standards for postdoctoral programs; and~~

(4) The applicant for licensure has passed an examination as may be prescribed by the board.

~~(3)(5) Master's level study or coursework shall only be considered if the coursework was accepted by the professional psychology training program the person graduated from.~~

(b) Notwithstanding subsection (a), a license may be issued to an applicant who holds:

(1) A diplomate certificate in good standing granted by the American Board of Professional Psychology;

(2) A current Certificate of Professional Qualification in Psychology issued by the Association of State and Provincial Psychology Boards; or

(3) A current National Register of Health Service Providers in Psychology credential.

(c) A license may be issued to a senior psychologist who:

(1) Holds a valid and current license in another jurisdiction in which the Examination for Professional Practice in Psychology was not required for licensure at the time of licensure or in a jurisdiction in which the Examination for Professional Practice in Psychology was required and the applicant obtained a score that was equal to or higher than the board's passing score at the time the applicant sat for the Examination for Professional Practice in Psychology;

(2) Before application in this jurisdiction, has been licensed as a psychologist for at least twenty years in United States or Canadian jurisdictions where that license was based on a doctoral degree. The total of twenty years shall be obtained by counting sequential, not concurrent, years of licensure;

(3) Has had no disciplinary sanction against the person's license in any jurisdiction during the entire period of being licensed as a psychologist; and

(4) Has submitted the application and fees as required.

~~(d) A person who holds certification identified under subsection (b) or a person licensed under the laws of another state or the District of Columbia as a psychologist who has applied for licensure established by this chapter may perform professional psychological services in this State for a period not to exceed ninety days from the time of submitting the person's application.~~

NOTE. L 1985, c 115, §19 provides: "Any person enrolled in an APA-approved program or a regionally accredited school prior to January 1, 1986, and who meets the requirements established by the Board of Psychology, need not meet the one year, supervised post-doctoral clinical experience requirement and shall be allowed to sit for the examination."

§465-7.1 Requirements for Limited and Temporary Permit; Associate

Psychologist. (a) Every applicant for a limited and temporary permit as an associate psychologist shall submit evidence satisfactory to the board that the applicant meets the following requirements:

(1) The applicant for limited and temporary permit shall possess a doctoral degree in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas from:

(A) An APA approved program; or

(B) A professional psychology training program awarded by an institution of higher education as defined by this chapter;

(2) The applicant for limited and temporary permit shall demonstrate that the applicant has completed one year, the equivalent of (1900) hours, of supervised experience in an internship program:

(A) Approved by the APA; or

(B) That meets the APPIC standards for internship programs.

(b) An associate psychologist shall render services to the public considered to be the practice of psychology only under the direct supervision of a licensed psychologist provided that:

(1) The licensed psychologist or supervisor is in good standing with the department; and

(2) The supervisor is identified on the limited and temporary permit.

(c) A provisional license issued pursuant to this section shall be valid for two years from the date of issuance to fulfill the requirements for licensure as a psychologist under section 465-7.

(d) Applicants approved for the limited and temporary permit are authorized to sit for an examination as may be prescribed by the board.

§465-7.2 Authorization to Provide Temporary Services. (a) A person not licensed in the State who wishes to temporarily engage in the practice of psychology and use the title of psychologist without obtaining licensure or a limited and temporary permit may petition for board authorization provided the following:

(1) The petitioner submits proof of licensure that is current and in good standing in another state, and provided further that the licensing requirements of the originating state are equal to or greater than the current requirements for licensure in Hawaii; and

(2) The petitioner submits letters to the Board detailing the following:

(C) Reasons for requesting the authorization; and

(D) A plan of care in case of an emergency.

(b) Board authorization to provide temporary services shall be good for a period up to but not to exceed ninety consecutive business days and shall not be extended.

(c) Individual petitioners shall be limited to two authorizations within a calendar year.

(d) Authorization to provide temporary services shall only apply to pre-established patients or clients, and authorized persons shall not advertise services.

(e) Notwithstanding the requirement set forth by subsection (a) paragraph (1), a petitioner who has held licensure in another jurisdiction for five years or more shall be authorized if:

(A) all licenses held by the petitioner related to the practice of psychology are current and in good standing; and

(B) The petitioner has had no sanction or disciplinary action taken against any license held.

§465-7.3 REPEALED.

§465-7.4 REPEALED.

§465-7.5 Foreign graduates. (a) An applicant who holds a doctoral degree in psychology 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 for the doctoral degree 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 doctoral degree from the foreign university is equivalent to a doctoral degree granted from an institution of higher education as defined in this chapter.

(b) Regardless of country of origin, a master's degree in psychology shall not have parity with a doctoral degree in professional psychology as required for licensure by this chapter and cannot be used to meet the education requirements in any way.

§465-7.6 Licensure of state employed clinical psychologists. (a) A psychologist employed in a civil service clinical psychologist position in this State after January 1, 1988, shall be licensed subject to:

- (1) Meeting the requirements of section 465-7; and
- (2) Obtaining licensure within two years from the date of employment.

(b) After the time period in subsection (a)(2) has expired, a psychologist, employed in a civil service clinical psychologist position rendering diagnostic or treatment services, who has

not obtained a license, shall immediately cease and desist the practice of psychology until a license is obtained pursuant to this chapter.

§465-8 Licenses, issuance, display. Upon the board forwarding to the director the name of each applicant who is entitled to a license under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each applicant a license authorizing the applicant to engage in the practice of psychology for a period of two years. The license shall be in the form as the director shall determine. A licensed psychologist shall display the license in a conspicuous place in the psychologist's principal place of business.

~~§465-9 Temporary permit.~~ A person not licensed in the State who wishes to engage in the practice of psychology for a period not to exceed ninety days within a calendar year shall petition the board for a temporary permit. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, the person shall be entitled to a temporary permit in the same manner and subject to the same conditions specified in section 465-8 applicable to the issuance of licenses. The period of ninety days may be extended at the discretion of the board but not to exceed ninety days.

§465-10 Examination waiver. (a) The board may recommend licensing without written examination of an applicant who has not previously failed to pass an examination in psychology prescribed by the board and who submits evidence satisfactory to the board that the applicant is certified or licensed, and in good standing, to practice psychology in another state deemed by the board to have standards at least equivalent to this chapter.

(b) The director shall issue a license under this section in the same manner and subject to the same conditions specified in section 465-8.

§465-11 Renewals; continuing education requirement. (a) Every license issued under this chapter shall be renewed biennially on or before June 30 of each even-numbered year. Failure to renew a license shall result in forfeiture of the license; provided that a psychologist whose license has been forfeited for one year or less for failure to renew may restore the license by payment of the renewal fee and, in the case of a psychologist who is audited, pursuant to subsection (g), submission of documentation of continuing education compliance, for the biennium in which the failure occurred. If licensing has lapsed for more than one year, the person may reapply for a license in the manner prescribed in this chapter.

(b) A psychologist in good standing who will not be practicing in the State for at least one year may petition the board to have the psychologist's license placed on inactive status without penalty. When

the psychologist wishes to return to practice, an application shall be made to the board for reactivation upon payment of the license fee for the biennial period and subject to the board's review of the application as provided in its rules.

(c) An associate psychologist in good standing who will not be practicing in the State for at least one year may petition the board to place their limited and temporary permit on inactive status for up to two years provided that:

(1) The petition is co-signed by the program director or another representative accepted by the board;

(2) To reactivate the limited and temporary permit the associate psychologist and postdoctoral program director, or another program representative acceptable by the board, shall provide proof that the associate psychologist's supervisory relationship remains established. If the supervisory relationship cannot be confirmed the license shall remain inactive until it expires; and

(3) The petition to go inactive is submitted no later than three months prior to the expiration date of the limited and temporary permit.

~~(a)~~

~~(b)~~(d) Beginning with the July 1, 2016, through June 30, 2018, biennium period and prior to every biennial renewal thereafter, each licensee shall:

(1) Pay all required fees; and

(2) Complete a minimum of eighteen credit hours of continuing education within every licensing biennium-; provided that any required course content be establish by rule by the board.

~~(e)~~(e) First-time licensees shall not be subject to the continuing education requirement established under subsection (c) (2) for the first license renewal.

~~(f)~~(f) Each licensee shall be responsible for maintaining the licensee's continuing education records. At the time of renewal, each licensee shall certify under oath that the license has complied with the continuing education requirement of this section. The board may require a licensee to submit evidence satisfactory to the board that demonstrates compliance with the continuing education requirement.

(gf) Any licensee seeking renewal of a license without full compliance with the continuing education requirement shall submit with the renewal application the required fee, a notarized affidavit setting forth the facts explaining the reasons for noncompliance, and a request for an extension on the basis of the facts; provided that the licensee complete at least thirty-six hours of continuing education for the next licensing biennium. The board shall consider each case on an individual basis and may grant an extension based on:

(1) Practice in an isolated geographical area with an absence of opportunities for continuing education by taped programs or otherwise; or

- (2) Inability to devote sufficient hours to continuing education because of incapacity, undue hardship, or any other serious extenuating circumstances.

(hg) The board may conduct random audits of licensees to determine compliance with the continuing education requirement. ~~The, provided that the board may request the continuing education records of any licensee for good cause for the biennium immediately prior to the current biennium.~~ Provided further that the board shall provide issue written notice of an audit to a licensee randomly selected for audit, or to a licensee whose continuing education records are being requested. Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with the continuing education requirement established by this section.

§465-12 Fees; disposition. Application, examination, license, renewal, and temporary permit fees required by this chapter, none of which are refundable, shall be as provided in rules adopted by the director pursuant to chapter 91.

§465-13 Denial, suspension, revocation of license, or probation of a license holder.

(a) In addition to any other actions authorized by law, the board shall refuse to grant a license to any applicant and may revoke or suspend any license, or may place a license, or may put a license holder on conditional probation, for any cause authorized by law, including but not limited to the following:

- (1) Professional misconduct, gross carelessness, manifest incapacity, or incompetency in the practice of psychology;
- (2) Violation of this chapter by the applicant within one year of the application, or violation of this chapter by a license holder any time the license is valid;
- (3) Any unethical practice of psychology as defined by the board in accordance with its own rules;
- (4) Fraud or deception in applying for or procuring a license to practice psychology as defined in section 465-1;
- (5) Conviction of a crime substantially related to the qualifications, functions, or duties of psychologists;
- (6) Willful unauthorized communication of information received in professional confidence;
- (7) The suspension, revocation, or imposition of probationary conditions by another state of a license or certificate to practice psychology issued by that state if the act for which the disciplinary action was taken constitutes a violation of this chapter;

- (8) The commission of any dishonest, corrupt, or fraudulent act or any act of sexual abuse, or sexual relations with a client, or sexual misconduct that is substantially related to the qualifications, functions, or duties of a psychologist;
- (9) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
- (10) Exercising undue influence in the manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
- (11) Conviction of fraud in filing medicaid claims or conviction of fraud in filing claims to any third party payor, for which a copy of the record of conviction, certified by the clerk of the court entering the conviction, shall be conclusive evidence;
- (12) Aiding or abetting any unlicensed person to engage in the practice of psychology;
- (13) Repeated acts of excessive treatment or use of diagnostic procedures as determined by the standard of the local community of licensees;
- (14) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, or excessive use of any substance, or as a result of any mental or physical condition;
- (15) Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;
- (16) Use of untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment;
- (17) Functioning outside of the licensee's professional competence established by education, training, and experience;
- (18) Refusal to comply with any written order of the board;
- (19) Making any fraudulent or untrue statement to the board, including a false certification of compliance with the continuing education requirement of section 465-11; or
- (20) Violation of a board rule.

(b) The board at its discretion may order any licensee who is placed on probation or whose license is suspended to obtain additional training and to take an examination as prescribed by the board.

§465-14 REPEALED.

§465-14.5 REPEALED.

§465-15 Prohibited acts; penalties. (a) No person shall:

- (1) Use in connection with the person's name any designation tending to imply that the person is a licensed psychologist unless the person is duly licensed and authorized under this chapter;
- (2) Represent oneself as a licensed psychologist during the time the person's license issued under this chapter is suspended or revoked;
- (3) Advertise or make a representation, either publicly or privately, as being a psychologist, licensed or otherwise, or as being able to perform professional services described in section 465-1, except as otherwise provided in this chapter, without having a valid unrevoked license or temporary permit issued by the director;
or
- (4) Otherwise violate this chapter.

(b) Any person who violates this chapter shall be fined not more than \$1,000 for each violation of this chapter or imprisoned not more than one year, or both.