

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 3, 2023

Time: 12:30 p.m.

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

Present: Sherry Sutherland-Choy Psy.D., Chair
Jeffrey Stern, PhD, Member
Jill Oliveira Cabbab, 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: Don Pedro, Psy.D., Member

Guests: Hector West, Executive Officer

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, Ching and Stern were present., with Dr. Pedro excused. Chair Sutherland-Choy then brought the meeting to order at 12:39 p.m.

Review and
Approval
Of Board Meeting
Minutes for
December 2,
2022:

The Board may enter into Executive Session to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4) to review the executive session minutes.

A motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, was unanimously carried by the Board to approve the open session minutes

as is. The executive minutes will be approved at the next meeting.

Applications:

On a motion by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, the Board unanimously voted to enter into Executive Session at **12:40 p.m.** pursuant to HRS sections 92-5(a)(1) and 92-5(a)(4) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

At 1:07 p.m., it was moved by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, and unanimously carried to return to open session.

a. Ratification List

PSY-2054	Veronica Marisol Acosta	Exam
PSY-2055	Robert I. Pashby	National Register
PSY-2056	Laeq Evered	National Register
PSY-2057	Danielle Shallcross	National Register
PSY-2058	Carol Rotko	National Register

A motion by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, was unanimously carried by the Board to ratify the list of approved applications above.

b. Board Review

Examination

Sarah Novickis

A motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, and unanimously carried to approve the application of Dr. Novickis.

Examination Waiver

Anya Stekoll

A motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, and unanimously carried to approve the application of Dr. Stekoll.

Senior Psychologist

Colleen Darichuk

A motion by Vice Chair Cabbab, seconded by Dr. Ching, and

unanimously carried to defer the application of Dr. Darichuk pending verification of current licensure to meet the requirements for senior psychologist pursuant to HRS 465-7(c)(1) and proof of meeting the license requirements set forth by HRS subsection 436B-10(a) paragraphs (4) and (6), and HRS subsection 436B-10(b) paragraph (2).

Request to Provide
Remote Supervision
Of Psychological
Assistant:

Pursuant to Hawaii Administrative rules §16-98-4(6), the Board will review the requests by Dr. Michi Wong, Psy.D. and Dr. John Pyles, Psy.D.; to approve other arrangements, i.e. remote supervision, in lieu of being in the same physical setting as the following persons acting as Psychological Assistants:

Dr. Nicole Knapp
Dr. Jennifer Duncan

After a brief discussion, and on a motion by Dr. Stern, seconded by Dr. Ching, the Board approved hybrid supervision requests with the following conditions:

- 1) The hybrid supervision must adhere to an 80/20 model where no more than 80 percent is remote supervision with 20 percent in-person;
- 2) The Board requests a copy of the materials provided to patients who should be informed of the hybrid supervision; and
- 3) The authorization is good for one year, at which time the requestors will be required to re-request authorization.

Legislative Session: The Board will review the 2023 legislative session bills, and related material related to psychology.

The Board may enter into Executive Session to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

Before the Board began discussion, Dr. Stern wished to inform the Board that he is currently still serving on the Hawaii Psychological Association ("HPA") legislative advocacy committee, but that his role was limited to reviewing and tracking school psychology subject matter. Dr. Stern acknowledged that he would be managing multiple roles and was open to guidance as needed.

A. HB1432 – RELATING TO PRESCRIPTIVE AUTHORITY FOR PSYCHOLOGISTS.

Authorizes the Board of Psychology to grant prescriptive authority to psychologists who meet specific education, training, and registration requirements.

In its discussion, the Board noted that not much had changed in the bill the Board supported in last year's session. Dr. Oliveira Cabbab did identify a change allowing psychologists with 6 years of prescriptive authority experience in another state to apply for the privilege. She suggested that this be acceptable to the Board.

EO Fernandez informed the Board that since the bill would create a new license privilege, it would also come with costs to implement and administrate. He stated that the Department and Division (DCCA-PVL) would most likely be requesting appropriations due to these costs.

Dr. Stern noted that several of the bills including the prescriptive authority bills and the provisional license bills have appropriation language in them. He asked if the Department and Division opposes bills based on the costs and lack of manpower, and how the Board's testimony fits in to that.

Dr. Ching agreed that this was a good question. Is the Board to deliberate on the subject matter or philosophical justifications for or against a bill only, or also the administrative logistics as well.

EO Fernandez offered that the Board could address both the philosophical and logistical concerns, but that the Board needs to make sure the bill is administrable. Related, he also asked if the Board felt that having a member that holds the privilege would be necessary for administrating the language of the bill if it passes. He provided the example of having only talk therapy psychologists on the Board and receiving a formulary question.

Members generally agreed that it would be a good idea.

After further non-technical discussion, it was motioned by Dr. Ching, seconded by Dr. Stern, and unanimously carried to support this bill with comments including requesting a later effective date.

B. SB677 – RELATING TO PRESCRIPTIVE AUTHORITY FOR 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 2024.

Since this was Dr. Stern's first meeting on the Board, EO Fernandez explained that the Board had formed a legislative committee consisting of Chair Sutherland-Choy, Dr. Oliveira Cabbab, and Dr. Ching. He explained that the committee can be consulted for nuances and questions regarding a bill the Board as a whole voted on at a publicly noticed meeting, or a bill that it has not voted on. He explained that the legislative committee can provide comments in testimony so long as it clarifies a Board position and does not change it or form a position in general.

After a brief discussion including noting that this bill is the companion bill to HB1432, it was motioned by Dr. Ching, seconded by Dr. Stern, and unanimously carried to support this bill with comments in the same manner as HB1432, specifically noting the potential need to have a prescribing psychologist on the Board if it passes, and to request pushing back the effective date.

C. SB760 – RELATING TO PSYCHOLOGISTS.

Requires the Board of Psychology to establish a pilot program to grant prescriptive authority to qualified psychologist applicants statewide. Repeals on 8/31/2028.

After a brief discussion noting that the Board also supported this bill language last session, it was motioned by Dr. Ching, seconded by Dr. Stern, and unanimously carried to support this bill with comments with for example adjusted effective dates.

D. HB776 – RELATING TO MENTAL HEALTH.

Establishes provisional or associate level licensure requirements for marriage and family therapists, mental health counselors, and psychologists. Authorizes insurance reimbursements for associate family therapists, associate mental health counselors, associate psychologists, and supervised social work interns, in certain circumstances. Allows psychologists license applicants to sit for the licensing examination before completing other requirements.

Dr. Ching mentioned that although it does make sense to have all of the licensed professions represented in the bill (Psychologists, Marriage and Family Therapists, Social Workers, and Mental Health Counselors) to simplify advocacy, her opinion was that it makes it more difficult to comment on the bill.

EO Fernandez reassured members that the testimony the Board would submit would only pertain to its statutory chapter, or section IV of the bill.

Dr. Ching stated she was more concerned with supporting a bill that also creates other licenses not under the Board.

EO Fernandez reminded members that this was why the Board supported the intent of the bill last year, because it should defer to the licensing programs and the department for opinions and positions on license types outside of its purview.

Members acknowledged.

It was noted that drafters took note of some of the Board's recommended changes last year but not for the amendments to the examination requirements, continuing education waiver, or indefinite waiver for civil-employed state psychologists.

Dr. Ching was concerned about civil employed psychologists not being licensed indefinitely and what that means to patient care. She wanted the care of patients to be on par with the non-civil sector and felt that being able to be in a position indefinitely without getting licensed is antithetical to that.

Board members agreed.

Dr. Stern asked if that was within the Board's wheelhouse to comment on.

EO Fernandez confirmed yes. He also offered for the Board's consideration that perhaps the section on civil employed psychologists was redundant with the creation of the provisional license. He also added that at the HLT committee hearing today in the House, the Chair of the committee disagreed that insurance language should not be in the bill saying that it should. EO Fernandez reminded the Board that last session the division research showed that insurance code should be changed for insurance companies to be compelled to pay out for partial services, but it was not certain if they would with changes to the professional code, i.e. HRS chapter 465.

Members acknowledged.

Vice Chair Oliveira Cabbab mentioned that her understanding was that last year the Board suggested that the language of the insurance billing not compel insurance reimbursement but that it be kind of just there.

EO Fernandez also reminded the Board that the purpose of creating a license-type cannot be for reimbursement purposes, but rather to protect the public (pursuant to HRS 26H-2). This was the basis for the department's recommendation, that it will not be included.

Chair Sutherland-Choy raised concern about billing conflicts between the supervisor and the provisional license holder asking if they both could bill for the same contact date.

Vice Chair Oliveira Cabbab doubted they could and stated that this would be double-dipping.

Chair Sutherland-Choy added that there doesn't seem to be any language that prohibited both from billing, as well as language about who the patient belongs to.

Vice Chair Oliveira Cabbab noted that the patient would most likely be the supervisors. The trainee would bill at a lower rate since to bill the full amount the supervisor would have to be present the entire session.

Dr. Ching believed that the moneys though would go to the supervising psychologist or the clinic.

Vice Chair Oliveira Cabbab stated that it depends on the site. If it's a clinic then the reimbursement would go to the site since the provisional license holder is an employee, but in a private practice, it may be up to the supervisor and what agreement they made with the trainee, e.g., whether the reimbursement goes directly back to the trainee or to the practice.

Dr. Ching stated she read it differently.

EO Fernandez asked DAG Cole if the language on page 30 lines 4 to 11 establishes the capabilities to bill but not guidance on how it should be done.

DAG Cole suggested yes.

Dr. Stern and other members raised concern about what would be the supervisor's responsibilities and would that include responsible billing as well as concerns about liability which the bill as well the other bills on the same subject do not address.

The Board generally agreed that this was an important consideration about the language.

After a brief discussion, it was motioned by Vice Chair Oliveira

Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments.

E. HB1242 – RELATING TO MENTAL HEALTH.

Establishes provisional or associate level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to take licensing examinations before completing other requirements.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments in the same manner as HB776.

F. HB1300 – RELATING TO MENTAL HEALTH.

Establishes provisional or associate-level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing certain other requirements. Allows the Board of Psychology to grant licensure waivers in certain circumstances for psychologists. Authorizes insurance reimbursements for services provided by a supervised social work intern in certain circumstances.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments in the same manner as HB776.

G. SB343 – RELATING TO MENTAL HEALTH.

Establishes provisional or associate-level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing certain other requirements. Allows the Board of Psychology to grant licensure waivers in certain circumstances for psychologists. Authorizes insurance reimbursements for services provided by a supervised social work intern in certain circumstances.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments in the same manner as HB776.

H. SB1444 – RELATING TO MENTAL HEALTH.

Establishes provisional or associate level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances. Allows psychologist license applicants to take licensing examinations before completing other requirements.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments in the same manner as HB776.

I. HB484 – RELATING TO MENTAL HEALTH LICENSING.

Requires psychologists licensed in the State to complete at least four hours of continuing education per licensing biennium on topics relating to cultural diversity, cultural competence, sexual orientation, gender identity, or health equity. Requires psychologists seeking renewal of their license in the State without full compliance with the continuing education requirement to have completed at least seven hours of continuing education in the next licensing biennium on topics relating to cultural diversity, cultural competence, sexual orientation, gender identity, or health equity.

After Dr. Ching made clear that she believes that licensees should be knowledgeable on the continuing education course subjects as set forth by the bill, but that her concern is whether the way the bill is written would require to keep adding subject matter to the topics which could go on ad infinitum.

Dr. Stern stated that when the continuing education requirement was created it was made to be as general as possible to appease as many people as possible, but that this may need a different approach.

Members contemplated various amendments that would have the Board choosing the subjects for this continuing education type each licensing biennium, or that more course types be added to the current bill language, or even how this would be affected by entering the psychology interjurisdictional compact.

Dr. Ching asked if the Board supports the bill if there would be any downside.

EO Fernandez noted that this bill may increase administrative duties.

After a brief discussion, it was motioned by Vice Chair Oliveira

Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments.

J. SB953 – RELATING TO MENTAL HEALTH LICENSING.

Requires psychologists licensed in the State to complete at least four hours of continuing education per licensing biennium on topics relating to cultural diversity, cultural competence, sexual orientation, gender identity, or health equity. Requires psychologists seeking renewal of their license in the State without full compliance with the continuing education requirement to have completed at least seven hours of continuing education in the next licensing biennium on topics relating to cultural diversity, cultural competence, sexual orientation, gender identity, or health equity.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried to support the intent of this bill with comments in the same manner as HB484.

K. DC67 – From the Office of the Auditor dated November 15, 2022, transmitting the Sunrise Analysis: Regulation of School Psychologists (Report NO. 22-13) pursuant to S.C.R. No. 122, S.D. 1 (2022).

EO Fernandez stated that he listed this as a reference. The Board does not need to form a position in DC67.

L. HB1116 – RELATING TO SCHOOL PSYCHOLOGY.

Establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists to be licensed by 7/1/2025. Increases the composition of the board of psychology to include two school psychologists.

After a brief discussion noting that the Board's position remains the same, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Stern, and unanimously carried to oppose this bill.

M. HB1265 – RELATING TO PSYCHOLOGY.

Establishes licensure for school psychologists consistent with National Association of School Psychologists standards. Clarifies that the exemptions from licensure as a psychologist apply to those persons employed as school psychologists by an educational institution and practicing only within a school setting. Prohibits private practice by school psychologists. Renames the

Hawai'i teacher standards board the Hawai'i teacher standards and school psychologists board; amends the composition of the board to include two school psychologists and requires the board to submit a report to the legislature. Sunsets 7/1/2026.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Stern, and unanimously carried to support the intent of this bill with comments.

N. SB958 – RELATING TO SCHOOL PSYCHOLOGY.

Establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists to be licensed by 7/1/2025. Increases the composition of the board of psychology to include two school psychologists.

After a brief discussion, it was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Stern, and unanimously carried to oppose this bill.

O. SB320 – RELATING TO THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT.

Adopts the Psychology Interjurisdictional Compact to allow a person authorized to practice psychology in a compact state in which the person is not licensed.

Chair Sutherland-Choy deferred discussion to the next meeting.

Administrative Rules:

The Board to continue to review the progress of and work on updating and amending the language of HAR §16-98.

Chair Sutherland-Choy deferred this to the next meeting for discussion.

Next Meeting:

March 3, 2023
12:30 p.m.
King Kalakaua Conference Room

Adjournment:

There being no further business to discuss, the meeting adjourned by Chair Sutherland-Choy at 3:53 p.m.

Board of Psychology
Minutes of the February 3, 2023 Meeting
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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
02/06/23

Minutes approved as is.

Minutes approved with changes; see minutes of _____.