

**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: March 3, 2023

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  
Jill Oliveira Cabbab, Ph.D., Vice Chair  
Jeffrey Stern, PhD, 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: 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, Drs. Oliveira Cabbab, Ching and Stern were present., with Dr. Pedro excused. Chair Sutherland-Choy then brought the meeting to order at 12:56 p.m.

Review and  
Approval  
Of Board Meeting  
Minutes:

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. February 3, 2023: Open Meeting and Executive Session

It was motioned by Dr. Ching, seconded by Vice Chair Cabbab, and unanimously carried to approve the open session minutes as

is and to make non-substantive corrections to the executive session minutes.

B. December 2, 2022: Executive Session

It was motioned by Dr. Ching, seconded by Vice Chair Cabbab, and unanimously carried to approve the executive session minutes with a non-substantive correction.

Applications:

On a motion by Dr. Stern, seconded by Vice Chair Oliveira Cabbab, the Board unanimously voted to enter into Executive Session at **1:05 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 1:25 p.m., it was moved by Dr. Stern, seconded by Dr. Ching, and unanimously carried to return to open session.

A. Ratification List

PSY-2059	Carson A.M. Tabiolo	Exam
PSY-2060	Yurie I. Van Dermark	National Register
PSY-2061	Diana Bray	National Register
PSY-2062	Alexander A. Young	National Register
PSY-2063	Alexandria King	Exam
PSY-2064	Alistair G. Taylor	National Register
PSY-2065	Steven Hobaica	Exam
PSY-2066	Simone K. Madan	National Register
PSY-2067	Mariel Barcebal	National Register
PSY-2068	Elizabeth Everett	Exam

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

B. Applications for Board Review

Senior Psychologist

Colleen Darichuk

A motion by Vice Chair Oliveira Cabbab, seconded by Dr. Stern, and unanimously carried to conditionally approve the application of Dr. Darichuk pending 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). Dr. Darichuk has (2) years to provide the Board with the information requested and required for licensure.

Legislative Session: The Board to review 2023 legislative bills related to the practice of psychology in order to form, maintain, or amend its position on the measures.

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).

A. 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.

Chair Sutherland-Choy briefed the board that since the filing of this meeting's agenda, the bill has apparently died.

EO Fernandez stated that the bill needed to be heard by the joint committees CPN/WAM and the recommendation submitted to the Senate Clerk by today's date, but the committees appear to have chosen not to hear it.

B. 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.

EO Fernandez informed the Board that this bill is still alive and that the HD 2 version is essentially the original bill unchanged. He noted however that the bill was amended by the HHS committee to include a new section for the purpose of appropriating funds to establish the provisional licenses which would come out of the

state's general fund. However, the FIN committee amended section IV removing the general fund appropriation and replacing it with funding derived from the Compliance Resolution Fund or CRF. He explained that the CRF is internal to the Professional Vocational Licensing Division ("PVL") and is obtained in fees for licensure and renewal of licenses. The CRF funds primarily the functions of the Regulated Industries Complaints Office ("RICO"). In essence, the FIN committee is recommending that the PVL pay for the new provisional licenses itself instead of through the general fund. The issue with this, is that there would be no initial funding to add more staffing and to make necessary updates to the internal database before the license programs could be initiated. The sole reason the DCCA and PVL had requested for general funds in the first place was that it does not have the resources to develop the license types set forth by the bill. He then asked members if they had any changes to the Board's position on the bill and any further comments or recommended amendments.

Dr. Stern stated that proponents may be better off if the bill was broken up by profession-type and not lumped together. But if the bill was moving forward this may be a non-issue.

Board members reiterated that Section 27 of the HD 1 version of HB 1300 relating to the Licensure of state employed clinical psychologists, should not provide state-employed Psychologists with an indefinite waiver to practice without being licensed. As, written, the bill currently provides the Board the authority to grant a waiver "if the psychologist can demonstrate the delay was caused by circumstances beyond their control" (page 38, lines 10-13).

EO Fernandez noted that this section language would most likely require the promulgation of rules to set the criteria for granting a waiver.

Board members also reaffirmed their position regarding section 26 which would allow people to sit for the exam prior to completing their internship (page 37, lines 18-20). The Board strongly believes this would be an error believing that one should sit for the exam after completing their degree, which would include completing an internship.

Vice Chair Oliveira Cabbab noted that this would be similar if not the same as how states such as Colorado handle their exams. Colorado has a provisional-type license which allows holders to accrue postdoctoral hours and sit for the exam.

Dr. Ching also added that this would also set up chapter 465 for if

or when the Board adopts the EPPP2 examination, which would be taken after the completion of one's postdoctoral experience.

Chair Sutherland-Choy added that while some Ph.D. applicants may be in a position to sit for the exam prior to receiving their degree, most Psy.D. applicants would benefit from completing their degree.

Moving on to another subject of the bill, Vice Chair Oliveira Cabbab asked if it was necessary for the Board to include in its testimony any addressal of the insurance language found throughout the Psychologist section of the bill. It is her opinion that this language does not affect the purpose of the bill which is to establish the provisional license.

EO Fernandez stated that the board can exclude any discussion about the insurance language if it wishes, but he wished to also remind members that if reimbursements for provisional license holders are based solely on HRS 465, they may not get it. He reminded members that the insurance code being amended to include provisional license-holders would guarantee that.

It was motioned by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, and unanimously carried to support the intent of the bill with comments including strongly recommending that section 27, be amended to read:

“The applicant shall be required to complete the requirements of Paragraph (1) and sub-paragraphs (2)(A) or (B) not be required to complete the requirements of paragraph (2) to be eligible to take the examination required in paragraph (3).”

C. 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 initiated the conversation by asking who, specifically, would be a part of the working group.

Vice Chair Oliveira Cabbab noted that EO Fernandez would likely be a part of the working group.

Dr. Stern noted the language provided the following from page 1, line 11 through page 2, line 8:

- (1) One member of the department of commerce and consumer affairs, who shall serve as chair;
- (2) One member of the United States Department of Defense-State Liaison Office;
- (3) One member of the senate, to be selected by the president of the senate;
- (4) One member of the house of representatives, to be selected by the speaker of the house of representatives;
- (5) One member of the public, to be selected by the president of the senate;
- (6) One member of the public, to be selected by the speaker of the house of representatives; and
- (7) One member of the council of state governments.

He expressed his concern about the inclusion of a member from the Council of State Governments (CSG), who have been charged with promoting the compact in states on behalf of the Association of State and Provincial Psychology Boards (ASPPB). He also raised concern that there is no position for someone who practices under HRS 465, namely a Hawaii licensed Psychologist.

Chair Sutherland-Choy echoed the concern about this oversight; that a vested interest members such as the CSG and the Department of Defense have positions on the group but not a psychologist who very well may be affected by the passage of SB320.

EO Fernandez added that it was through funding from the Department of Defense that most of these compacts were developed to address issues with license portability for service members and their spouses. He added that it was his understanding that the medical physicians compact was the first to be created and so many compacts for other professions use the language as a model that they then modify for their own purposes. These modifications then make the compact language unique.

Dr. Ching asked if it was possible, since no member of the Board is included in the membership of the group, for the Board to be

informed of the group's work. She also added that what is to be reported namely:

- (1) The beneficial impact of the compact;
- (2) The implementation and administration of the compact;  
and
- (3) The economic feasibility of adopting the compact.

(Page 1, lines 5 through 8, SB320 SD1)

were vague for the speed with which the report is supposed to be submitted (20 days prior to the convening of the regular session of 2024) and contemplated what would actually need to be reported.

EO Fernandez suggested it was possible to keep the Board informed.

Dr. Ching also raised concerns about insurance and how that may affect reimbursement or other coverage issues.

Dr. Stern noted that Hawaii has a high reimbursement rate and psychologists he has spoken to are concerned that a boom in Psypact-authorized practitioners could potentially affect practice here in Hawaii, and that this is merely financial benefit of those practitioners.

Vice Chair Oliveira Cabbab asked if Psypact-authorized psychologists would need to get on the local insurance panels.

Dr. Stern stated it was his understanding that yes, they would.

EO Fernandez stated that the bill language does not speak to insurance compensation, but that a compact privilege is considered equivalent to licensure in any compact member state. Thus, it would seem that Psypact-authorized providers would have what a licensee would have in Hawaii, but insurance coverage is not clear.

After a brief discussion, it was motioned by Dr. Ching, seconded by Dr. Stern, and unanimously carried to support the intent of the bill with comments, including:

- a. That a Hawaii-licensed Psychologist be added to the working group, or a delegate from HPA;
- b. That a member of the Board be added to the working group since the Board will be managing access by Psypact-authorized practitioners; and
- c. That the report include information about insurance reimbursement and other liability related questions not answered in the language of the bill.

D. HB1031 and SB1329 - RELATING TO LICENSE REQUIREMENTS FOR PSYCHOLOGISTS

The companion bills noted above update definitions related to the education and training requirements of psychologists; amend the screening process for applicants educated at a foreign institution.

Chair Sutherland-Choy deferred discussion to the next meeting.

Next Meeting: April 14, 2023  
12:30 p.m. HST  
King Kalakaua Conference Room

Adjournment: There being no further business to discuss, the meeting adjourned by Chair Sutherland-Choy at 2:36 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  
03/06/23

[ x ] Minutes approved as is.  
[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.