

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 2, 2024

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
Jill Oliveira Cabbab, Ph.D., Vice Chair
Don "Keith" Pedro, Psy.D., Member
June Ching, Ph.D., Member
Jeffrey Stern, Ph.D., Member
Christopher Fernandez, Executive Officer ("EO")
Rochelle Araki, EO
Juliet Kalilikane, Secretary
Andrew Kim, Esq. Deputy Attorney General ("DAG")

Excused: None.

Guests: Becky Gardner, Policy Matters, LLC

Call to
Order:

EO Fernandez read the instructions for participating remotely on behalf of Chair Sutherland-Choy. She then confirmed by roll call that Dr. Stern and herself were present in the conference room and Vice Chair Oliveira Cabbab, Dr. Pedro, and Dr Ching were alone in their respective rooms attending via remote access. With quorum established, Chair Sutherland-Choy brought the meeting to order at 12:49 pm.

Legislative
Session:

Chair Sutherland-Choy asked if there was any public testimony.

There was none.

Provisional Licensure

A. SB0343-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.

B. HB1830-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. Requires psychologist license applicants to possess a doctoral degree and complete certain supervised experience requirements before sitting for the licensing examination. Authorizes insurance reimbursements for services provided by a supervised social work intern in certain circumstances. Appropriates funds. Parts II, III, IV, and V effective 7/1/2026.

C. 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.

D. SB2243-Relating to Mental Health

Establishes 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.

Board Discussion:

Because the bills above are all similar in language and effect, the Board reviewed the Senate and House bills listed related to provisional licensure together.

Vice Chair asked if the Board will be reviewing all of the bills above.

EO Fernandez suggested that the Board focus on the bills that were getting traction at the legislature including HB1830 and SB343. He added some additional information regarding hearings of the bills, including HB1830, which he indicated as part of the House Caucus bill and suggested may be the vehicle if the bill subject matter is passed.

Dr. Stern noted that HB1830, (which was heard in committee the day of the Board's meeting), still has language authorizing an applicant to sit for an exam after meeting all requirements.

EO Fernandez suggested the language may have been taken from last session's bill prior to the legislature accepting the Board's request to amend it. The amendment would allow approved applicants to sit for the exam after completing a doctoral degree with internship. He added, since the decision making had not been released from the House Health committee for HB1830, he was unsure if the requests to amend the language to allow applicants to sit for examination on a degree and internship by other testifiers, including the Hawaii Psychological association were accepted.

Vice Chair Oliveira Cabbab asked which page the unamended language was on.

Chair Sutherland-Choy noted that it was on page 31, line 18 of the bill.

Vice Chair Oliveira Cabbab was concerned that the language as it was written was not clear and that it should be so that applicants do not believe they can take the exam prior to their postdoctoral experience.

There was some discussion by members regarding the requirements for the provisional license set forth on page 31 of HB1830.

Dr. Ching suggested that references to internship in the bill should include the term "predoctoral" since some programs and schools call postdoctoral experience, "postdoctoral internship", or "residency".

Vice Chair Oliveira Cabbab also suggested that the language be clearer around when the exam can be taken, specifically after a provisional license is approved. She noted that this was not present in the bill at the time of the meeting.

EO Fernandez also suggested that the Board consider when an applicant can apply for the provisional license. Do they begin before they graduate, or do they wait until they can supply all of the required documents? He stated that this will be important since the state will be asking applicants to provide certain information and the Board should ensure that they are not creating an impossible application process. For example, the language regarding the license requires that a supervisor be named, but when and how an applicant can obtain a supervisor should be considered if it cannot happen prior to applying for provisional licensure.

Vice Chair Oliveira Cabbab added that applicants will be in postdoctoral programs when they apply so should have the supervisor at the time of applying. She added that to apply for the provisional license as long as the applicant has completed a doctoral degree with predoctoral internship, and be engaged in a postdoctoral training program under the supervision of a licensed psychologist.

Dr. Ching contemplated if the Board need to specify the EPPP1 examination. She was concerned that the Board would need to update the exam again if the EPPP2 becomes a mandatory exam.

It was noted that the Board already has the authority to specify the exam used in licensure.

EO Fernandez stated that he has not worked out yet how to ensure that when the provisional license is granted, so too would the exam authorization.

Dr. Stern asked whether the number of hours of postdoctoral should be reduced to levels that several other states have; specifically, down from 1900 hours to 1500 hours. He stated that the number of internship hours for the provisional should be explicit.

Vice Chair Oliveira Cabbab offered that this could be covered by rules.

Dr. Ching added that the effective date should provide time to develop the license.

Chair Sutherland-Choy noted comments from Becky Gardner on Zoom who suggested the Board look at page 40, Lines 1 and 2 of the bill, which provides for when the exam can be taken.

Members disagreed with how the language was currently.

For clarifying purposes, EO Fernandez summarized and asked the Board if it supports the EPPP1 exam being authorized to an applicant who has been approved for the provisional license based on a doctoral degree with a predoctoral internship.

Members agreed with the summary.

Dr. Stern asked if only provisional license holders would be authorized for the exam.

EO Fernandez stated that only those approved for the provisional license without a postdoc would be able to sit for the exam.

Vice Chair Oliveira Cabbab asked if the provisional license holder term could be dropped and only use Associate Psychologist.

EO Fernandez replied that it may be possible since the Board can request any amendments it wishes.

The Board then addressed whether it should ask for amendments to its authority set forth by the bill to approve training programs. Members were concerned with the lack of consistency in terms referring to the same thing such as "training program" versus "training program in health service psychology". The Board wants consistency with terms and with a review process of training programs.

DAG Kim suggested promulgating rules to address this.

Chair Sutherland-Choy promoted Ms. Gardner to panelist in order to speak with her.

Ms. Gardner stated that the bill has a lot of support from legislators and suggested that small fixes could be added without affecting the bill passage. She added that it would merely require explanation so that the bill is clear to legislators. She added that she testified (same day) on HB1830 the Hawaii, on behalf of HPA, and asked the legislators to update when the exam can be taken, specifically to be able to take the exam after the doctoral degree and predoctoral internship. She added that the spirit of the bill is to stop a "brain drain" where students move to the mainland to get experience and license, and do not return, only because they can take the exam before applying for full licensure there.

EO Fernandez provided a scenario where an applicant has completed their doctoral degree, not APA accredited, and have supplied a training report. They have completed their internship under a qualifying

supervisor, and want to take the exam here, but want to complete their postdoctoral experience on the mainland. Is that person going to be able to sit for the exam per the language.

Dr. Ching suggested that anyone could apply just as it is now.

However, Vice Chair Oliveira Cabbab noted that this causes a problem with supervision. She reminded others that the Board in the past has considered that the supervisor be licensed in Hawaii, which would require that the postdoctoral experience also be in Hawaii. She added though that this may be too limiting.

EO Fernandez asked if the Board was now gravitating towards supporting a bill that would allow graduates of a doctoral program with an internship to sit for the exam without needing to also complete the postdoctoral experience. which concerned members.

Dr. Pedro added that pay scales also affect whether someone stays in Hawaii, which is relevant to this bill's purpose.

Members agreed.

Ms. Gardner added that the bill is trying to also address the cost of living and practicing in Hawaii. She stated that the bill would make the provisional license optional, but that trainees should be able to train without it too.

Dr. Ching asked Ms. Gardner what the mechanism is for compelling insurance companies to compensate at higher rates.

Vice Chair Oliveira Cabbab responded that there are blended rates that some rural sites qualify for.

Dr. Ching reiterated her concern, which Ms. Gardner replied to by quoting language on page 32, lines 7 to 12 regarding insurance:

(d) Services provided by a supervised associate psychologist shall be eligible for insurance reimbursement; provided that the supervising psychologist's services are eligible for reimbursement as a contracted provider; provided further that the billed rate for the associate psychologist is commensurate with the requisite level of training.

Ms. Gardner stated that language was added to get ahead of the insurance companies which the Board can contribute to by suggesting rates in its testimony.

Vice Chair Oliveira Cabbab stated that there is a concern for anti-trust in setting rates this way and members agreed.

Chair Sutherland-Choy called for a motion to support the intent of HB1830.

Dr. Ching motioned to support the intent of SB343; HB1830; SB1444; and SB2243 separately, but offering comments for each as listed:

1. To request that the applicants be able to sit for the examination upon approval of provisional licensure;
2. That the proposed amendment to the exemption section regarding "students of psychology" is too vague;
3. To limit the waiver for state-hired psychologists.

Vice Chair Oliveira Cabbab seconded the motions, and the motion was carried unanimously.

School Psychology

E. 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.

F. HB1648-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 7/1/2026. Increases the composition of the board of psychology to include two school psychologists.

Board Discussion:

Because SB958 and HB1648 are similar in language and effect, the Board reviewed them together.

EO Fernandez informed the Board that the bills HB1648 and SB958 were amended and changed to establish working groups which are similar in make up but with specific differences.

After a conversation reaffirming the Board positions in previous sessions, the Board will continue to oppose the inclusion of School Psychologists on the Board and in licensure, stating that the Board is not designed to license Master's level psychology specialists in School Psychology. However, the Board was open to supporting the intent of creating the working groups.

On a motion by Dr. Pedro, seconded by Vice Chair Oliveira Cabbab, the Board unanimously voted to support the creation of a working group in SB958 to address the licensure of school psychologists.

On a motion by Vice Chair Oliveira Cabbab, seconded by Dr. Pedro, the Board unanimously voted to support the creation of a working group in HB1648 to address the licensure of school psychologists.

G. HB1649-Relating to Education

Establishes a nationally certified school psychologist incentive program. Appropriates funds for the incentive program.

Board Discussion:

The Board will track SB1649 since it does not affect chapter HRS 465.

H. SB2010-Relating to Education

Beginning with the 2026-2027 school year, requires each public school and public charter school in the State to employ, or retain under contract, at least one mental health professional for every two hundred fifty students enrolled, subject to certain conditions. Requires the Department of Education to submit a progress report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025. Appropriates funds for the Department of Education to contract for mental health professionals and to establish an unspecified number of full-time equivalent mental health professional positions within the Department of Education.

Board Discussion:

Dr. Stern noted that the bill intends to get more access to mental health providers in the DOE. He noted that there have been issues with what

services can be provided by a school psychologist because it is his understanding that their training is more in testing and evaluations, not therapy. In response to this, this bill would create new positions that can be filled by other providers such as LMHCs.

He expressed an additional concern of whether in these school settings, a provider can establish confidentiality, e.g., a space for a private session, or not. He stated though that he is fine with tracking at this time.

The Board decided to track SB2010 at this time since it does not have concerns with Psychologists in these positions if they are licensed.

Prescriptive Authority for Certain Psychologist

I. SB2489-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 7/1/2025. Requires the Board of Psychology to report to the Legislature. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation to the Board of Psychology to implement prescriptive authority privilege for certain clinical psychologists.

J. 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.

K. SB2049-Relating to Psychologists

Establishes a five-year pilot program to allow qualified psychologists limited authority to prescribe psychotropic medications to patients under the care of the psychologist at a federally qualified health center. Requires a report to the Legislature. Repeals June 30, 2030.

Board Discussion:

Because SB2489; SB760; and SB2049 are similar in language and effect, the Board reviewed them together.

EO Fernandez informed the Board that SB2489 had been referred to two joint committees, and had not yet been scheduled for hearing. He noted that SB760 had been heard, and was recommended for passage. He

noted that he was not sure what specific amendments were made as the committee report had not been issued yet.

Vice Chair Oliveira Cabbab noted that SB2049 was deferred by the Health and Human Services ("HHS").

Having been changed to panelist again, Ms. Gardner added that the HHS committee appeared to be restricting the formulary, and that testimony from medical doctors was that psychologists do not have medical training.

After some discussion, including reviewing the proposed formulary language, concerns for a division within the Department of Health between psychologists and medical doctors adding to , the Board will continue to support either a bill creating a pilot program or outright prescriptive authority for licensees as it did in the previous session. For this session the Board will support SB760.

On a motion by Dr. Ching , seconded by Dr. Stern, the Board voted unanimously to support the intent SB760, however also wished to provide comments that oppose a restriction of the formulary and noting that the formulary prior to HHS restricting it, was and is the formulary it supports. It also wishes to add that, restricting the formulary would affect the success of the pilot program.

State Mental Health Program

L. HB2068-Relating to Psychologists

Authorizes the director of health to appoint psychologists to fill staff positions for the state mental health program.

EO Fernandez noted that the term "psychologist" is used without qualification in the bill, adding that he was not sure if it was referring to licensed psychologists or others suggesting the Board at least comment requesting clarification.

Dr. Stern added that licensure could be implied here.

EO Fernandez suggested that with no qualification it could be anybody, e.g., psychologists with discipline.

Dr. Ching agreed that it was concerning that it was not clear.

Dr. Pedro noted that this relates to exempt positions that the Department of Health can develop with higher pay.

EO Fernandez also noted that HRS 465 contains a section that provides for a 2-year exemption and its unclear how this may affect that program.

Members asked what Chapter 76 in HRS is.

DAG Kim explained that the chapter relates to civil service positions. He added that the bill appears to dovetail with HRS 465 in that it would still be in effect since the bill aims at allowing exempt positions to be created and filled without the long process required for non-exempt positions.

On a motion by Vice Chair Oliveira Cabbab, seconded by Dr. Stern, the Board voted unanimously to offer comments to remind that chapter 465, HRS has mechanisms that limit unlicensed practice.

Applications: Chair Sutherland-Choy asked if there was any public testimony regarding this agenda item. Hearing none, on a motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, members present unanimously voted to enter into Executive Session at **2:57 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

After confirming by roll call that all participating members were present and alone in their respective locations, Chair Sutherland Choy asked for a motion at **3:45 p.m.** to move back into the open meeting. It was motioned by Vice Chair Oliveira Cabbab, seconded by Dr. Ching, and unanimously carried by members present to return to open session.

Applications for Board Review

Examination

- (1) Tara Sanderson
- (2) Safieh Fard
- (3) Jamie Higa

On a motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, the Board voted unanimously to:

- (1) Approve the application of Dr. Sanderson;
- (2) Defer the application of Dr. Fard;
- (3) Approve the application of Dr. Higa, with the added recommendation that

if she wishes to provide psychotherapy, that she enroll in further education in the subject.

Review
and
Approval of
Board
Meeting
Minutes

Chair Sutherland-Choy deferred this agenda item until the next meeting and adjourned the meeting.

- A. Meeting Minutes of November 3, 2023
- B. Meeting Minutes of January 12, 2024

Next
Meeting

Friday, March 2, 2024
Virtual Conference—Zoom Webinar, and
Queen Liliuokalani Conference Room
HRH King Kalakaua Building

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

/s/ Juliet Kalilikane
Juliet Kalilikane
Secretary

CF:jk
6/4/24

[] Minutes approved as is.

[x] Minutes approved with changes; see minutes of 6/7/2024.