

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 8, 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
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: Don “Keith” Pedro, Psy.D., Member

Guests: None.

Call to Order: Chair Sherry Sutherland-Choy provided the meeting attendees with instructions on how to participate remotely. She then confirmed that she and board members: Vice Chair Oliveira Cabbab; Dr. Stern; and Dr. Ching were present in the meeting room, by roll call. With at least (4) members present quorum was established and Chair Sherry Sutherland-Choy then brought the meeting to order at **12:50 p.m.**

Legislative Session: The Board to review 2024 legislative bills related to the practice of psychology in order to form, maintain, or amend its position on the measures.

With no attendees present the Chair Sutherland-Choy moved on to review the following bills, asking for an update from EO Fernandez noting that it appeared that many bills the Board reviewed were now dead, i.e., did not meet deadlines in session and so could not continue.

EO Fernandez provided the updates to the bills as such:

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.

EO Fernandez informed the Board that SB343 was referred to Senate Commerce and Consumer Protection (“CPN”) after Health and Human Services (“HHS”) but was never heard so died.

B. 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.

EO Fernandez informed the Board that CPN heard the bill however chose to defer the bill, killing it.

C. 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.

EO Fernandez noted that SB2243 was never heard and died early in session.

D. 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.

SB958 was recommended passage by the HHS committee and referred to joint committee CPN/WAM but was not heard and so died.

E. 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.

EO Fernandez informed the Board that HB1648 had been recommended for passage by the House Education committee, the Consumer Protection and Commerce (“CPC”) committee deferred the bill.

F. HB1649-Relating to Education

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

EO Fernandez reminded members that the Board it was tracking this bill, but that it too died.

G. 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.

EO Fernandez informed the Board that SB2010 was never heard in committee and so died early in the session.

H. 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.

EO Fernandez informed the Board that SB2489 was never heard in committee and so died early in the session.

I. 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.

EO Fernandez informed the Board that SB760 was recommended passage by the Senate HHS committee and referred to CPN/WAM joint committee, which did not schedule the bill for hearing and so it died.

J. 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.

EO Fernandez reminded the Board that SB2049 was deferred by the Senate HHS committee and so it died.

K. HB2068-Relating to Psychologists

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

EO Fernandez informed the Board that HB2068 was deferred by the House committee on Labor & Government Relations (“LGO”).

L. 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. Effective 7/1/3000. (HD1)

EO Fernandez informed the Board that HB1830 was alive and that it had passed through its 3 committees: Health and Homelessness (“HLT”); CPC; and House Finance (“FIN”) committee. This meant the bill would crossover to the Senate. He added that the bill has been given a second draft and is now HB1830, HD 2. He additionally noted that the practice and licensing language basically remained the same, as the House did not accept the Board’s amendments, but the financial language was amended and EO Fernandez speculated that this may lead to the bill returning to conference this year too.

HB1830, HD 2 was referred to CPN; Judiciary (“JDC”), and WAM.

EO Fernandez recommended that if the Board wishes to get its amendments in, the best opportunity will be in the CPN hearing. He added the suggestion that the testimony is able to remain the same since no substantive changes have yet been made.

He suggested that since the Legislative Liaisons provided input on the current testimony for the Board, and since it happened between Board meetings, he suggested the Board vote to support the testimony if it wishes.

Referring to the section of the bill that would affect when the EPPP exam could be taken in Hawaii, EO Fernandez informed the Board that using the language from SB1444, he was able to draft the Board’s amendment as such, starting on page 39, line 19 of the bill:

[.]; provided that those issued a provisional license pursuant to 465- shall be authorized to take the examination upon the license being issued. Authorization

for associate psychologists to take the examination shall terminate on the date the provisional license expires, or if disciplinary action is taken on the license.”

Vice Chair Oliveira Cabbab asked if the bill is administrable in way that would not cause delays for sitting for examination, for example.

EO Fernandez suggested that the Board ensure the effective date is pushed back enough to allow the development of rules to address new amendments needing clarification. This would allow the Board to develop standards.

Vice Chair Oliveira Cabbab asked if this process is similar to the process the Board uses to review non-APA programs. She added that the Board would want to see that the internship was an organized sequence of training, and the criteria is laid out nicely in the APPIC standards.

EO Fernandez outlined current administrative rules regarding meeting and submitting proof of internship and postdoctoral training. He added that the Board can only ask about the dates, the hours, and the supervisor's credentials.

Dr. Ching stated that there was no breakdown of the structure of the training.

EO Fernandez suggested the Board use section 16-98-9 regarding training to develop its rules regarding the provisional license.

Dr. Ching asked if continuing education would be included for the Associate Psychologist.

EO Fernandez offered that he did not think so, because the license is only one year in duration.

After briefly discussing certain aspects of preparation for implementation if the bill passes, including explanation of the administrative tasks required to be completed prior to the effective date for the new licenses to be implemented.

EO Fernandez discussed that his experience with developing the provisional license with the Board of Speech Pathology and Audiology.

On a motion by Dr. Stern, seconded by Vice Chair Oliveira, the Board unanimously voted to support the intent of HB1830 HD2 and to provide comments.

M. HB2079-Relating to Health

Relaxes the requirements for prescribing certain controlled substances as part of gender-affirming health care services. Expands the protections established under Act 2, SLH 2023, to include gender-affirming health care services. Clarifies jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act for cases involving children who obtain gender-affirming health care services. Effective 7/1/3000. (HD2)

EO Fernandez informed the Board that HB2079 had made it through its House committees and was now referred to HHS/CPN, and JDC/WAM joint committees. The bill will now need to be scheduled to be heard prior to the 2nd lateral deadline on March 22.

Chair Sutherland-Choy noted that the Legislative Liaisons for the Board discussed this and were in agreement that it did not want to prevent a psychologist from being licensed in Hawaii, due to having a conviction in another state for providing gender affirming care.

On a motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, the Board unanimously voted to support the intent of the bill offering comments that the Board has no objections to the amendment to its chapter.

Dr. Ching asked if convictions in providing supportive psychotherapy to women going through abortion procedures in other states would also be included.

EO Araki reminded members that the legislature passed an Act last session that did that very thing and that this bill HB2079 would be an addition to the Act.

EO Fernandez stated that he could send out a copy of the Act for the Board to look over after the meeting.

N. HB2630-Relating to Mental Health Treatment

Authorizes, and establishes a regulatory framework for, the administration of psilocybin for therapeutic use. Effective 7/1/3000. (HD2)

EO Fernandez informed the Board that HB2630 was referred to FIN from CPC but was not heard and so died. He noted that non-prescribing mental health practitioners were written out of this bill before it died.

Applications:

Chair Sherry Sutherland-Choy asked if there was any public testimony regarding this agenda item. Hearing none, on a motion by Vice Chair Oliveira Cabbab, seconded by Dr. Stern, members present unanimously voted to enter into Executive Session at **1:28 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 **2:00** p.m., it was moved by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, and unanimously carried by members present to return to open session.

A. Applications for Board Review

Examination

1) Jonathan Savini

On amotion by Vice Chair Cabbab seconded by Dr. stern, the application of Dr. Savini is approved.

Examination Waiver

2) Lauren Hoffman

The application of Dr. Hoffman is approved.

3) Ellen Prairie

The application of Dr. Prairie is approved.

4) Jedidiah Gunter

The application of Dr. Gunter is approved.

On a motion by Dr. Ching, seconded by Vice Chair Cabbab, the Board unanimously approved the Examination Waiver applicants listed above.

Review and
Approval
Of Board Meeting
Minutes:

After a brief review, Chair Sutherland-Choy asked if there was any public testimony regarding the meeting minutes as listed on the agenda. She then asked members if they had comments, edits, or concerns with the meeting minutes.

A. Meeting minutes of November 3, 2023

Dr. Ching noted on page 6, the line,

“Dr. Ching noted that “health service psychology” was established during a time when some in the health fields were moving towards integrated medicine”,

should read,

“Dr. Ching noted that “health service psychology” was established during a time when some in the health fields were moving towards integrated healthcare.”

Vice Chair Oliveira Cabbab asked if there was a video recording of the November meeting.

EO Fernandez explained that during that period of time last year (2023), the Boards at PVL could merely post written minutes of they were posted within a week of the meeting. At the current moment, he added the Board must retain both the written and zoom video.

EO Araki confirmed that the meeting was only in-person, so video recording is available.

Vice Chair Oliveira Cabbab stated that she was concerned how her statements were written as follows on page 6:

“Vice Chair Oliveira Cabbab noted that the Board would be basing determinations on APPIC standards, or national standards”.

She requested that her statement instead reflects her intended meaning as follows,

“Vice Chair Oliveira Cabbab noted that the Board could be using current national standards to evaluate training”.

With no other corrections noted, Chair Sutherland-Choy called for a vote. On a motion by Dr. Ching, seconded by Vice Chair Oliveira Cabbab, the Board unanimously approved the November 3, 2023, meeting minutes with changes noted above.

B. Meeting minutes of January 12, 2024

Dr. Stern noted 2 typos, the first on page 3 where it says,

“...internship from 1/2021 to 8/2021 (2 years),”

Should read,

“...internship from 1/2021 to 8/2021 (7 months)”.

And on page 6 where it says,

“Iula Lahui Inc., under the supervision of licensed psychologist .”

Should read,

“I Ola Lahui, inc. under the supervision of Tiffany Wilson-Landrum”.

Motion to approve by Dr. Stern, seconded by Vice Chair Oliveira, and unanimously carried by members present.

C. Meeting minutes of February 2, 2024

Chair Sutherland-Choy deferred review and vote on the February 2, 2024 meeting minutes.

Next Meeting: To be reschedule

Reviewed and approved by:

Taken and recorded by:

/s/ Christopher Fernandez
Christopher Fernandez
Executive Officer

/s/ Juliet Kalilikane
Juliet Kalilikane
Secretary

CF:jk
06/06/24

[] Minutes approved as is.

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