

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 15, 2013

Time: 1:30 p.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Carol L. Nowak, Ph.D., Chairperson
Scott Hashimoto, J.D., Psy.D., Vice Chairperson
Rosemary Adam-Terem, Ph.D., Member
Lisa Chun Fat, Member
Brian B. Combs, Ph.D., Member
Frances P. Hackbarth, Member
Margo I. Peter, Psy.D., Member
Ahlani K. Quiogue, Executive Officer
Shari J. Wong, Deputy Attorney General ("DAG")
Faith Nishimura, Secretary

Guests: Alex Santiago, Hawaii Psychological Association
Gail Tice, Hawaii Psychological Association

Call to Order: There being a quorum present, the meeting was called to order by Chairperson Nowak at 1:32 p.m.

DAG Wong entered the meeting room at 1:35 p.m.

Approval of the Meeting Minutes: It was moved by Dr. Adam-Terem, seconded by Dr. Hashimoto, and unanimously carried to approve both the meeting minutes and executive session minutes of the January 25, 2013 meeting as circulated.

Additions/Revisions to Agenda: It was moved by Mrs. Hackbarth, seconded by Dr. Adam-Terem, and unanimously carried to add the following to the agenda:

10. Legislation
 - h. House Bill No. 1381 Relating to Professional and Vocational Licensing
 - i. Senate Bill No. 548 Relating to Telemedicine

It was moved by Mrs. Hackbarth, seconded by Dr. Adam-Terem, and unanimously carried to amend the agenda to read as follows:

2. Approval of January 25, 2013 Minutes

Chairperson's Report:

None.

Executive Officer's Report:

a. Record of Candidates Examined: For the Examination for Professional Practice in Psychology (EPPP)

Executive Officer Quiogue reported that there was a total of one (1) candidate who took and passed the EPPP exam as of January 31, 2013.

The following agenda item was taken out of order.

Legislation:

a. Senate Bill No. 1219 Relating to Psychologists

Alex Santiago and Gail Tice of the Hawaii Psychological Association ("HPA"), appeared before the Board to discuss Senate Bill No. 1219 ("SB 1219"), Relating to Psychologists.

Mr. Santiago indicated that SB 1219 will not be scheduled for a hearing because the bill included language which should not have been included. Specifically, Mr. Santiago indicated that the Waianae Coast Comprehensive Health Center (which was included in the language) does not want its name associated with the bill.

Chairperson Nowak informed members that there are currently two (2) jurisdictions that allow licensed psychologists to prescribe. She indicated that in the last ten (10) years there have been no complaints filed against psychologists who prescribe in either jurisdiction or the military.

Mr. Santiago stated that HPA has concerns that there is limited access to mental health professionals in rural communities. He also expressed his concern with the current political climate.

Mr. Santiago indicated that because of the lobbying efforts of certain groups, it has placed the psychologists at a disadvantage when trying to lobby for prescriptive authority rights.

DAG Wong responded to Mr. Santiago's earlier comments by stating that it is not accurate to state that because of the political climate the measure has not been enacted. Furthermore, it is the responsibility of the proponents of the bill to come forward with their support.

Mr. Santiago indicated that the proponents have come forward with their support, but are often afraid of the possible ramifications of continuing to support such an effort.

Mrs. Hackbarth asked what other communities are affected by the lack of mental health medical care. Mr. Santiago answered that the island of Hawaii is also affected.

Dr. Combs asked Mr. Santiago and Dr. Tice to come to the Board prior to the legislative session to discuss any future legislation.

d. Senate Bill No. 513 Relating to Mental Health

This measure was distributed amongst members for informational purposes only.

The measure specifies that each day of in-patient hospital services may be exchanged for one day of outpatient mental health services, for a total covered benefit of thirty days per year for mental health services. Requires the total covered benefits for mental health services to include up to twenty-four authorized outpatient visits per year. Specifies that if needed an additional six covered visits may be used for outpatient mental health services; provided that coverage of the additional six visits shall require a medical necessity determination.

e. Senate Bill No. 1225 Relating to Insurance

This measure was distributed amongst members for informational purposes only.

The measure requires an entity to send written notice to a health care provider at least thirty calendar days prior to initiating any recoupment or offset demand efforts. Prohibits an entity from initiating any recoupment or offset efforts more than eighteen months after an initial claim payment was received by a health care provider, with specific exceptions.

f. Senate Bill No. 668 Relating to Health

g. House Bill No. 721 Relating to Health

These measures were distributed amongst members for informational purposes only.

These measures require health insurers, mutual benefit societies, and health maintenance organizations to provide health care coverage and benefits for autism spectrum disorders beginning after 12/31/2013.

Chairperson Nowak thanked Mr. Santiago and Dr. Tice for attending the

Board's meeting to discuss these issues.

Mr. Santiago and Dr. Tice left the meeting room at 1:55 p.m.

Adjudicatory
Matters:

Chairperson Nowak called for a recess from the meeting at 1:55 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

a. In the Matter of the License to Practice Psychology of David O. Ross;
PSY 2010-5-L

Chairperson Nowak and Dr. Combs indicated that they would be recusing themselves from the discussion and deliberation of this matter.

Chairperson Nowak and Dr. Combs left the meeting room at 1:55 p.m.

Drs. Hashimoto and Peter disclosed that they both attended a class with and/or knew Dr. Ross, but would be able remain fair and unbiased in the Board's discussion and voting of this matter.

After discussion, it was moved by Dr. Hashimoto, seconded by Mrs. Hackbarth (with the exception of Chairperson Nowak and Dr. Combs who recused themselves) to adopt the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order as its Final Order.

b. In the Matter of the License to Practice Psychology of Lei L. Lavarias;
PSY 2010-7-L

Chairperson Nowak and Dr. Combs indicated that they would be recusing themselves from the discussion and deliberation of this matter.

Chairperson Nowak and Dr. Combs left the meeting room at 1:55 p.m.

Drs. Hashimoto and Peter disclosed that they both attended a class with and/or knew Dr. Lavarias, but would be able remain fair and unbiased in the Board's discussion and voting of this matter.

After discussion, it was moved by Dr. Hashimoto, seconded by Ms. Chun Fat (with the exception of Chairperson and Dr. Combs who recused themselves) to adopt the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order as its Final Order.

Chairperson Nowak and Dr. Combs returned to the meeting room at 2:15 p.m.

Following the Board's review, deliberation and decision in these matters pursuant to Chapter 91, HRS, Chairperson Nowak announced that the Board reconvene to

its regular Chapter 92, HRS, meeting at 2:15 p.m.

Executive
Session:

It was moved by Dr. Hashimoto, seconded by Ms. Chun Fat, and unanimously carried to enter into executive session at 2:15 p.m. pursuant to Section 92-5(a)(1), HRS, to consider and evaluate personal information relating to individuals applying for professional license cited in Section 26-9, HRS, and pursuant to Section 92-5(a)(4), HRS, 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 2:25 p.m., it was moved by Mrs. Hackbarth, seconded by Dr. Hashimoto, and unanimously carried to return to open session. The room was reopened to the public.

Applications:

- a. Examination
 - i. Allison M.B.C. Gunderson
 - ii. Ronelle M. Sato
 - iii. Erin T. Tahauri

It was moved by Dr. Adam-Terem, seconded by Mrs. Hackbarth, and unanimously carried to approve the applications of Drs. Gunderson, Sato, and Tahauri pursuant to HRS § 465-7 and HAR §§ 16-98-8 and 16-98-9.

- b. Examination Waiver
 - i. Tracie M. Umaki

It was moved by Dr. Combs, seconded by Dr. Hashimoto, and unanimously carried to approve the application of Dr. Umaki pursuant to HRS §§ 465-7 and 465-10 and HAR §§ 16-98-9, 16-98-16, 16-98-23, 16-98-25 and 16-98-30.

- c. ABPP Diplomate

None.

- d. CPQ/NR

None.

- e. Ratifications

- i. National Register

- a. Nancy Cha
- b. Edward J. Hyman

It was moved by Dr. Peter, seconded by Dr. Combs, and unanimously carried to ratify the approval of the applications of Drs. Cha and Hyman pursuant to HRS § 465-7.

Unfinished Business: None.

New Business: None.

- Legislation:
- b. Senate Bill No. 965 Relating to Professional and Vocational Licensing
 - c. House Bill No. 718 Relating to Professional and Vocational Licensing

These measures established qualifications for “nonresident military spouses” eligible for expedited procedures for professional and vocational licensing by endorsement or reciprocity, and temporary licensing. Establishes requirements for nonresident military spouses to maintain licenses and requires reporting of changes in status or circumstances that may affect licensure.

Executive Officer Quiogue informed members that these are measures that the Licensing Administrator Celia Suzuki is asking all boards to review and comment on legislation relating to professional and vocational licensing for military service members and military spouses.

DAG Wong expressed her concerns that these measures do not appear to have any language addressing how the Professional and Vocational Licensing Division or the Board will handle an applicant that may have an encumbered license.

DAG Wong went on to say that an applicant must still meet the same education experience and examination requirements as a non military service member or military spouse.

- h. House Bill No. 1381 Relating to Professional and Vocational Licensing

This measure requires a licensing authority to consider in the process for licensure by endorsement or reciprocity nonresident military spouses or service members who have served in a combat zone after September 11, 2001, and service members who provide retirement, separation, or discharge documentation.

Executive Officer Quiogue indicated that the Professional and Vocational Licensing Division has submitted testimony in opposition to the measure.

After discussion, the Board determined that the measure is not appropriate because nonresident military spouses would generally not have military education, training, or service.

i. Senate Bill No. 548 Relating to Telemedicine

This measure exempts from licensing requirement to practice medicine in the State any commissioned medical officer or commissioned or civilian behavioral health professional employed by the U.S. Department of Defense, who is credentialed by Tripler Army Medical Center, while providing direct telemedicine support or services to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui.

Dr. Combs asked which professions would be covered in the definition of a "commissioned or civilian behavioral health professional".

After discussion, the Board determined that clarification and/or a definition is required for the term "behavioral health professional." Members indicated that a behavioral health professional can include psychologists, social workers, marriage and family therapists, etc. If this is the case, it would not be appropriate for this exemption to be placed in HRS Chapter 453.

Executive Officer Quiogue will submit written testimony from the Board indicating its concerns.

Correspondence: a. Email dated January 28, 2013 from Brad Nakamura, Assistant Assistant Professor, Department of Psychology, University of Hawaii, regarding In-State Psychological Services via videoconferencing

Members reviewed an email dated January 28, 2013 from Brad Nakamura, regarding the Board's position on the delivery of psychological services with the State of Hawaii via video conferencing ("VTC").

After discussion, the Board informally opined that the delivery of psychological services via VTC is an acceptable means of providing services. However, the Board would like to make it very clear that the following guidelines must be adhered to at all times:

The **patient** must have a licensed mental health professional available to them on-site at all times; and

The **licensed-supervising psychologist** must be accessible to the supervisee (the practicum student) at all times by any means possible, which would include, but is not limited to in-person supervision, VTC, telephone, etc.

Lastly, the Board advised that this response is an unofficial, nonbinding opinion in accordance with Hawaii Administrative Rules § 16-201-90. It is not an official opinion or decision, and therefore, is not to be viewed as binding upon the Board or the Department of Commerce and Consumer Affairs.

Next Meeting: Friday, March 15, 2013
1:30 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, it was moved by Dr. Adam-
Terem, seconded by Dr. Hashimoto, and unanimously carried to adjourn
the meeting at 3:20 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Ahlani K. Quiogue
Ahlani K. Quiogue
Executive Officer

/s/ Faith Nishimura
Faith Nishimura
Secretary

AKQ:fn

3/4/13

- [] Minutes approved as is.
- [X] Minutes approved with changes; see minutes of March 15, 2013.