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## A BILL FOR AN ACT

RELATING TO SCHOOL PSYCHOLOGISTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 SCHOOL PSYCHOLOGISTS

6 § -1 Purpose. It is the policy and the purpose of this  
7 chapter to ensure that only qualified persons are allowed to  
8 practice in the field of school psychology.

9 § -2 Definitions. As used in this chapter:

10 "Accredited educational institution" means a university or  
11 college accredited by the Western Association of Schools and  
12 Colleges or a comparable regional body.

13 "Department" means the department of commerce and consumer  
14 affairs.

15 "Director" means the director of commerce and consumer  
16 affairs.



1 "NASP" means the National Association of School  
2 Psychologists.

3 "Person" means any individual, organization, or corporate  
4 body, except that only an individual may be licensed under this  
5 chapter.

6 "Practice of school psychology" means the application of  
7 principles, methods, and procedures of measurement, prediction,  
8 evaluation, testing, counseling, consultation, and instruction  
9 related to and consistent with the national standards  
10 articulated by the most current Model for Comprehensive and  
11 Integrated School Psychological Services as published by the  
12 National Association of School Psychologists or its successor.

13 "School psychologist" means a professional licensed by the  
14 department as a school psychologist who provides school  
15 psychological services consistent with the national standards  
16 articulated by the most current Model for Comprehensive and  
17 Integrated School Psychological Services as published by the  
18 National Association of School Psychologists or its successor.

19 "School psychologist" includes a school psychologist-doctoral  
20 and a school psychologist-specialist.



1           §   -3 School psychologist licensing program. There is  
2 established a school psychologist licensing program within the  
3 department to be administered by the director.

4           §   -4 Powers and duties of the director. In addition to  
5 any other powers and duties authorized by law, the director  
6 shall have the powers and duties to:

7           (1) Grant permission to a person to use the title of  
8 "licensed school psychologist" in this State pursuant  
9 to this chapter and the rules adopted pursuant  
10 thereto;

11          (2) Adopt, amend, or repeal rules pursuant to chapter 91  
12 as the director finds necessary to carry out this  
13 chapter;

14          (3) Administer, coordinate, and enforce this chapter;

15          (4) Discipline a licensed school psychologist for any due  
16 cause described by this chapter or violation of the  
17 rules;

18          (5) Refuse to license a person for failure to meet  
19 licensing requirements or on grounds sufficient to  
20 discipline a licensed school psychologist; and



1           (6) Appoint an advisory committee consisting of licensed  
2           school psychologists and members of the public to  
3           assist with the implementation of this chapter and the  
4           adopted rules; provided that the initial members of  
5           the committee who are school psychologists shall not  
6           be required to be licensed pursuant to this chapter,  
7           but rather shall hold the credential of "Nationally  
8           Certified School Psychologist" or "NCSP". The  
9           advisory committee positions shall be for a term of  
10          two consecutive years with an option to reapply.

11          §   -5 Fees; disposition. (a) Application, examination,  
12 reexamination, license, renewal, restoration, penalty, and any  
13 other fees relating to the administration of this chapter shall  
14 not be refundable and shall be provided in rules adopted by the  
15 director pursuant to chapter 91.

16          (b) Fees assessed shall defray costs incurred by the  
17 department to support the operation of the school psychologist  
18 licensing program. Fees collected shall be managed in  
19 accordance with section 26-9(1).

20          §   -6 Prohibited acts. Except as otherwise specifically  
21 provided in this chapter, no person shall engage in the practice



1 of school psychology or use the title of "licensed school  
2 psychologist" or "school psychologist" without a valid license  
3 issued under this chapter. Any person who violates this section  
4 shall be subject to a fine of not more than \$1,000 for each  
5 separate offense. Each day of each violation shall constitute a  
6 separate offense. Any action taken to impose or collect the  
7 fine imposed under this section shall be a civil action.

8 § -7 Exemptions. (a) This chapter shall not apply to:

9 (1) A person doing work within the duties of the person's  
10 profession that overlaps with the practice of school  
11 psychology; provided that no such person shall use a  
12 title stating or implying that the person is a  
13 "licensed school psychologist" or "school  
14 psychologist", or describe or refer to the person's  
15 services as school psychology;

16 (2) Any student enrolled in an accredited educational  
17 institution in a recognized program of study leading  
18 toward attainment of a graduate degree in school  
19 psychology or other professional field; provided that  
20 the student's activities and services are part of a  
21 prescribed course of study supervised by the



1 accredited educational institution and the student is  
2 identified by an appropriate title, including "school  
3 psychology student", "school psychology intern",  
4 "school psychology practicum student", or any title  
5 that clearly indicates training status;

6 (3) Any person who is obtaining supervised school  
7 psychology experience for licensure as a school  
8 psychologist; provided that the person's title  
9 indicates a trainee or intern status; provided further  
10 that the person does not purport to be a "licensed  
11 school psychologist"; or

12 (4) Any person who practices psychology, other than as a  
13 school psychologist, and is licensed under chapter  
14 465.

15 (b) Nothing in this chapter shall be construed to prevent  
16 a qualified member of another licensed profession as defined by  
17 any law or rule of the department, including a social worker,  
18 registered nurse, psychologist, marriage and family therapist,  
19 or physician, from providing psychological services or  
20 advertising that the person provides services to individuals,  
21 couples, or families consistent with the accepted standards of



1 the person's respective licensed profession; provided that no  
2 person shall use a title stating or implying that the person is  
3 a "school psychologist" unless the person is licensed pursuant  
4 to this chapter.

5 § -8 Application for licensure as a school psychologist.

6 (a) An applicant shall be issued a license by the department if  
7 the applicant provides satisfactory evidence to the department  
8 that the applicant is qualified for licensure pursuant to the  
9 requirements of this chapter and meets the following  
10 qualifications:

11 (1) A master's-level degree, specialist-level degree, or  
12 doctoral degree from an organized program of study in  
13 school psychology within an accredited educational  
14 institution comprising a minimum of sixty semester  
15 hours in the following course areas, with a minimum of  
16 three semester hours in each course area as indicated  
17 below:

18 (A) Human growth and development, including the study  
19 of lifespan development, strategies to facilitate  
20 that development and transitions, theories of  
21 learning and personality development, and human



1 behavior to include crisis, disabilities,  
2 addictive behavior, and environmental factors;

3 (B) Social and cultural foundations, including the  
4 study of issues and trends in a multicultural and  
5 diverse society, including characteristics of  
6 diverse groups that may include age, race,  
7 religious or sexual preference, physical  
8 disability, ethnicity and culture, gender,  
9 socioeconomics, intellectual ability, and ,  
10 individual, family, and group strategies with  
11 diverse populations;

12 (C) Counseling theories and applications, including  
13 counseling and consultation, including both  
14 individual and systems perspectives,  
15 interviewing, assessment, and counseling skills,  
16 as well as applying principles, methods, and  
17 theories of counseling, treatment and counseling  
18 of mental and emotional disorders, and  
19 educational techniques aimed at preventing those  
20 disorders in individuals and families;





- 1 (D) School organization, curriculum, policy and law,  
2 research and program evaluation, and the  
3 professional and ethical practice of psychology  
4 in schools;
- 5 (E) Effective instruction and development of  
6 cognitive and academic skills;
- 7 (F) Psychopathology and exceptionality of human  
8 behavior, including assessment and diagnosis of  
9 disorders with an emphasis on the most current  
10 version of DSM-V categories, and an understanding  
11 of these disorders relative to the school  
12 psychology context;
- 13 (G) Tests and measurements, including theoretical and  
14 historical bases for assessment techniques, and  
15 assessment methods, including analysis of various  
16 types of tests to select, administer, interpret,  
17 and use assessment and evaluation instruments and  
18 techniques in psychoeducation;
- 19 (H) Research and program evaluation, including  
20 research design and methods, statistical



- 1 analysis, principles, practices, and application  
2 of needs assessment, and program evaluation; and
- 3 (I) Professional orientation and ethics, including  
4 the history of the helping profession,  
5 professional roles and functions, ethical  
6 standards, confidentiality, professional  
7 organizations, and the public policy process,  
8 including advocacy on behalf of the profession  
9 and its clientele;
- 10 (2) Completion of one thousand two hundred hours of  
11 supervised internship in school psychology with no  
12 less than six hundred hours completed within a school  
13 setting; and
- 14 (3) Has passed the School Psychology Praxis examination  
15 with a minimum score of one hundred forty-seven or the  
16 most current standard of the National Association of  
17 School Psychologists.
- 18 (b) An individual who:
- 19 (1) Holds current, unencumbered certification as a  
20 nationally certified school psychologist or holds a  
21 valid license or credential in school psychology in



1 another state or United States territory prior to the  
2 effective date of Act , Session Laws of Hawaii  
3 2016; provided that for those employed as a school  
4 psychologist in Hawaii as of the effective date of  
5 Act , Session Laws of Hawaii 2016, an out of state  
6 license or credential that has been expired for no  
7 more than ten years from the effective date of Act ,  
8 Session Laws of Hawaii 2016, will also be accepted;

9 (2) Has met the above degree and internship requirements  
10 and has passed the School Psychology Praxis  
11 examination per the specifications of NASP examination  
12 after January 1, 2000, and before July 1, 2014; and

13 (3) Within one year of the effective date of Act ,  
14 Session Laws of Hawaii 2016, applies for licensure and  
15 pays the applicable license fee,  
16 shall be deemed to have met the requirements of this section.

17 (c) For an applicant who graduated from an accredited  
18 educational institution as specified in subsection (a)(1) before  
19 July 1, 2007, the department shall also deem the following to be  
20 acceptable:



- 1           (1) For practicum and intern experience, written  
2           certification from an official of the institution of  
3           higher education attesting that the applicant has  
4           completed the academic terms, graduate credit hours,  
5           and supervised client contact hours in subsection  
6           (a) (2) and that the applicant's practicum intern  
7           experience is equivalent to a mental health graduate  
8           level practicum program in school psychology; and  
9           (2) For post-graduate experience, written certification  
10          from the school psychology supervisor of the agency or  
11          an individual from the agency that has the authority  
12          to attest to practicum and intern experience at which  
13          the applicant has earned experience attesting that the  
14          applicant has completed the hours of experience and  
15          supervision in subsection (a) (2) and that the  
16          applicant's post-graduate experience is equivalent to  
17          the practice of school psychology.
- 18          (d) After December 31, 2017, no person shall engage in the  
19          practice of school psychology unless the person is licensed in  
20          accordance with this chapter or as otherwise provided in this  
21          chapter.



1           (e) All school psychologists employed by a private  
2 institution, or county or state government shall comply with the  
3 license requirements of this chapter by December 31, 2017;  
4 provided that:

5           (1) Any person engaged in the practice of school  
6 psychology on or before December 31, 1990, as an  
7 employee of or under contract to a county or state  
8 government agency shall be deemed to be in compliance  
9 with the licensure requirements without the necessity  
10 of holding the credential of Nationally Certified  
11 School Psychologist or a license and may continue to  
12 practice school psychology, as the case may be, for as  
13 long as the person remains continuously employed in  
14 any county or state government agency for that  
15 purpose; and

16           (2) The records of the director shall distinguish between  
17 those employees practicing school psychology who are  
18 licensed in accordance with this chapter, and those  
19 who are deemed to be in compliance with the licensure  
20 requirements in accordance with this subsection.



1 (f) A person certified by the National School Psychology  
2 Certification System (NSPCS) or credentialed or licensed under  
3 the laws of another state or the District of Columbia as a  
4 school psychologist who has applied for a license in this State  
5 may perform school psychologist services in this State for a  
6 period not to exceed six months from the time of submitting the  
7 person's application.

8 § -9 Term of issuance. The director shall issue a  
9 school psychologist license for a term of five years consistent  
10 with rules adopted by the director. The length of the term may  
11 vary among license holders so as to be coterminous with any  
12 other professional license or certificate held by the school  
13 psychologist. The school psychologist license may be renewed in  
14 accordance with academic and professional requirements  
15 established by the director. A license holder shall be  
16 supervised for the first year following initial certification at  
17 no additional cost to the school administrative unit or the  
18 department. The director shall require evidence of supervision  
19 prior to renewing a first-year license.



1 § -10 Practice as a school psychologist; title or  
2 description of services. (a) A person represents oneself to be  
3 a school psychologist when the person:

4 (1) Holds oneself out to the public by any title or  
5 description of services incorporating the words  
6 "school psychologist", "school psychology", or any  
7 similar titles;

8 (2) Is employed as a school psychologist by any private  
9 entities that serve children or families;

10 (3) Is employed as a faculty member in school psychology;  
11 or

12 (4) Is employed as a school psychologist by the State or  
13 any government agency.

14 (b) A person practices as a school psychologist if the  
15 person delivers services to children and students from birth  
16 through college who are eligible to be enrolled in educational  
17 and intermediate educational units, special education programs,  
18 universities and colleges, early intervention programs,  
19 developmental centers, and approved private schools. The  
20 services delivered are the services articulated under the  
21 domains of practice in the Model for Comprehensive and



1 Integrated School Psychological Services, as may be amended, and  
2 ethical standards developed and published by the National  
3 Association of School Psychologists.

4 § -11 Grounds for refusal to renew, reinstate, or  
5 restore, and for revocation, suspension, denial, or condition  
6 of, licenses. (a) In addition to any other acts or conditions  
7 provided by law, the director may refuse to renew, reinstate, or  
8 restore, and may deny, revoke, suspend, or condition in any  
9 manner, any license for any one or more of the following acts or  
10 conditions on the part of a licensee or license applicant:

- 11 (1) Failing to meet or maintain the conditions and  
12 requirements necessary to qualify for the granting of  
13 a license;
- 14 (2) Engaging in false, fraudulent, or deceptive  
15 advertising, or making untruthful or improbable  
16 statements;
- 17 (3) Being addicted to, dependent upon, or a habitual user  
18 of, a narcotic, barbiturate, amphetamine,  
19 hallucinogen, opium, cocaine, or other drugs or  
20 derivatives of a similar nature;





- 1 (4) Practicing the licensed profession while impaired by  
2 alcohol, drugs, physical disability, or mental  
3 instability;
- 4 (5) Procuring a license through fraud, misrepresentation,  
5 or deceit;
- 6 (6) Aiding and abetting an unlicensed person to directly  
7 or indirectly perform activities requiring a license;
- 8 (7) Professional misconduct, incompetence, gross  
9 negligence, or manifest incapacity, in the practice of  
10 the licensed profession;
- 11 (8) Engaging in conduct or practice contrary to recognized  
12 standards of ethics for the licensed profession;
- 13 (9) Violating any condition or limitation upon which a  
14 condition or temporary license was issued;
- 15 (10) Engaging in business under a past or present license  
16 issued pursuant to the licensing laws in a manner  
17 causing injury to one or more members of the public;
- 18 (11) Failing to comply with, observe, or adhere to any law  
19 in a manner such that the director deems the applicant  
20 or holder to be an unfit or improper person to hold a  
21 license;



- 1           (12) Having had a license revoked or suspended, or having  
2           been the subject of other disciplinary action, by  
3           another state or a federal agency for any reason  
4           provided by the licensing laws or this section;
- 5           (13) Having been convicted of a crime, whether by nolo  
6           contendere or otherwise, directly related to the  
7           qualifications, functions, or duties of the licensed  
8           profession;
- 9           (14) Failing to report in writing to the director any  
10          disciplinary decision issued against the licensee or  
11          applicant in another jurisdiction within thirty days  
12          of the disciplinary decision;
- 13          (15) Employing, utilizing, or attempting to employ or  
14          utilize, at any time, any person not licensed under  
15          the licensing laws where licensure is required; or
- 16          (16) Violating this chapter, chapter 436B, or any rule or  
17          order of the director.
- 18          (b) Any licensee or applicant who violates this section  
19          may also be fined not more than \$1,000 per violation and not  
20          less than \$500.



1           §   -12 Confidentiality and privileged communications. No  
 2 person licensed as a school psychologist, nor any of the  
 3 person's employees or associates, shall be required to disclose  
 4 any information that the person may have acquired in rendering  
 5 school psychological services, except in the following  
 6 circumstances:

- 7           (1) As required by law;
- 8           (2) To prevent a clear and imminent danger to a person or  
 9           persons;
- 10          (3) In accordance with the terms of a previously written  
 11           waiver of the privilege where the waiver is executed  
 12           by the client or by the client's legally recognized  
 13           representative; or
- 14          (4) In the course of a disciplinary action or pursuant to  
 15           a duly authorized subpoena issued by the department."

16           SECTION 2. Section 465-3, Hawaii Revised Statutes, is  
 17 amended by amending subsection (a) to read as follows:

- 18           "(a) This chapter shall not apply to:
- 19           (1) Any person teaching, lecturing, consulting, or  
 20           engaging in research in psychology insofar as the  
 21           activities are performed as part of or are dependent



1           upon employment in a college or university; provided  
2           that the person shall not engage in the practice of  
3           psychology outside the responsibilities of the  
4           person's employment;

5           (2) Any person who performs any, or any combination of the  
6           professional services defined as the practice of  
7           psychology under the direction of a licensed  
8           psychologist in accordance with rules adopted by the  
9           board; provided that the person may use the term  
10          "psychological assistant", but shall not identify the  
11          person's self as a psychologist or imply that the  
12          person is licensed to practice psychology;

13          (3) Any person employed by a local, state, or federal  
14          government agency in a school psychologist or  
15          psychological examiner position, or a position that  
16          does not involve diagnostic or treatment services, but  
17          only at those times when that person is carrying out  
18          the functions of such government employment;

19          (4) Any person who is a student of psychology, a  
20          psychological intern, or a resident in psychology  
21          preparing for the profession of psychology under



1 supervision in a training institution or facility and  
2 who is designated by a title as "psychology trainee",  
3 "psychology student", "psychology intern", or  
4 "psychology resident", that indicates the person's  
5 training status; provided that the person shall not  
6 identify the person's self as a psychologist or imply  
7 that the person is licensed to practice psychology;

8 (5) Any person who is a member of another profession  
9 licensed under the laws of this jurisdiction to render  
10 or advertise services, including psychotherapy, within  
11 the scope of practice as defined in the statutes or  
12 rules regulating the person's professional practice;  
13 provided that, notwithstanding section 465-1, the  
14 person does not represent the person's self to be a  
15 psychologist or does not represent that the person is  
16 licensed to practice psychology;

17 (6) Any person who is a member of a mental health  
18 profession not requiring licensure; provided that the  
19 person functions only within the person's professional  
20 capacities; and provided further that the person does



- 1 not represent the person to be a psychologist, or the  
2 person's services as psychological;
- 3 (7) Any person who is a duly recognized member of the  
4 clergy; provided that the person functions only within  
5 the person's capacities as a member of the clergy; and  
6 provided further that the person does not represent  
7 the person to be a psychologist, or the person's  
8 services as psychological; [~~or~~]
- 9 (8) Any psychologist employed by the United States  
10 Department of Defense, while engaged in the discharge  
11 of the psychologist's official duty and providing  
12 direct telehealth support or services, as defined in  
13 section 431:10A-116.3, to neighbor island  
14 beneficiaries within a Hawaii National Guard armory on  
15 the island of Kauai, Hawaii, Molokai, or Maui;  
16 provided that the psychologist employed by the United  
17 States Department of Defense is credentialed by  
18 Tripler Army Medical Center[-]; or
- 19 (9) Any person employed or practicing in the private  
20 sector as a school psychologist."



1           SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 5. This Act shall take effect on July 1, 2070.



**Report Title:**

School Psychologists; Licensure

**Description:**

Establishes framework and requirements for the licensure of school psychologists in both the public and private sectors of employment. (HB1937 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

