

JAN 22 2016

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 the most current Model for Comprehensive and
11 Integrated School Psychological Services as published by the
12 National Association of School Psychologists.

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. "School
19 psychologist" includes a school psychologist-doctoral and a
20 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 towards 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; and provided
10 further that the person does not purport to be a
11 "licensed 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 provide 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 degree or doctoral degree from an
12 accredited educational institution in school
13 psychology or in an allied field related to the
14 practice of school psychology that includes, or is
15 supplemented by, graduate level coursework in school
16 psychology comprising a minimum of sixty semester
17 hours in the following course areas, with a minimum of
18 three semester hours in each course area as indicated
19 below:

20 (A) Human growth and development, including the study
21 of lifespan development, strategies to facilitate



1 that development and transitions, theories of
2 learning and personality development, and human
3 behavior to include crisis, disabilities,
4 addictive behavior, and environmental factors;
5 (B) Social and cultural foundations, including the
6 study of issues and trends in a multicultural and
7 diverse society, including characteristics of
8 diverse groups that may include age, race,
9 religious or sexual preference, physical
10 disability, ethnicity and culture, gender,
11 socioeconomics, intellectual ability, and
12 individual, family, and group strategies with
13 diverse populations;
14 (C) Counseling theories and applications, including
15 counseling and consultation, including both
16 individual and systems perspectives,
17 interviewing, assessment, and counseling skills,
18 as well as applying principles, methods, and
19 theories of counseling, treatment and counseling
20 of mental and emotional disorders, and



- 1 educational techniques aimed at preventing those
2 disorders with individuals and families;
- 3 (D) School organization, curriculum, policy and law,
4 research and program evaluation, and profession
5 and ethical practice of psychology in schools;
- 6 (E) Effective instruction and development of
7 cognitive and academic skills;
- 8 (F) Psychopathology and exceptionality of human
9 behavior, including assessment and diagnosis of
10 disorders with an emphasis on the most current
11 version of DSM-V categories, and an understanding
12 of these disorders relative to the school
13 psychology context;
- 14 (G) Tests and measurements, including theoretical and
15 historical bases for assessment techniques,
16 assessment methods, including analysis of various
17 types of tests in order to select, administer,
18 interpret, and use assessment and evaluation
19 instruments and techniques in psychoeducation;
- 20 (H) Research and program evaluation, including
21 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) Passed the School Psychology Praxis examination with a
15 minimum score of one hundred forty-seven or the most
16 current standard of the National Association School
17 Psychologists.
- 18 (b) An individual who:
- 19 (1) Holds current, unencumbered certification as a
20 national certified school psychologist or holds a
21 valid license in school psychology in another state or



1 United States territory prior to the effective date of
2 this Act; or

3 (2) Has passed the School Psychology Praxis examination
4 per the specifications of NASP examination after
5 January 1, 2000, and before July 1, 2014; and

6 (3) Within one year of the effective date of this Act,
7 applies for licensure and pays the applicable license
8 fee,

9 shall be deemed to have met the requirements of this section.

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

14 (1) For practicum intern experience, written certification
15 from an official of the institution of higher
16 education attesting that the applicant has completed
17 the academic terms, graduate credit hours, and
18 supervised client contact hours in subsection (a)(2)
19 and that the applicant's practicum intern experience
20 is equivalent to a mental health graduate level
21 practicum program in school psychology; and



1 (2) For post-graduate experience, written certification
2 from an officer and the school psychology supervisor
3 of the agency at which the applicant has earned
4 experience attesting that the applicant has completed
5 the hours of experience and supervision in subsection
6 (a) (2) and that the applicant's post-graduate
7 experience is equivalent to the practice of school
8 psychology.

9 For school psychology supervisors, the license requirements
10 under subsection (a) (2) and (a) (3) shall not apply.

11 (d) After December 31, 2017, no person shall engage in the
12 practice of school psychology unless the person is licensed in
13 accordance with this chapter or as otherwise provided in this
14 chapter.

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

19 (1) Any person engaged in the practice of school
20 psychology on or before December 31, 1990, as an
21 employee of or under contract to a county or state



1 government agency shall be deemed to be in compliance
2 with the licensure requirements without the necessity
3 of holding the credential of Nationally Certified
4 School Psychologist or a license and may continue to
5 practice school psychology, as the case may be, for as
6 long as the person remains continuously employed in
7 any county or state government agency for that
8 purpose; and

9 (2) The records of the director shall distinguish between
10 those employees practicing school psychology who are
11 licensed in accordance with this chapter, and those
12 who are deemed to be in compliance with the licensure
13 requirements in accordance with this subsection.

14 (f) A person certified by the National School Psychology
15 Certification System (NSPCS) or credentialed or licensed under
16 the laws of another state or the District of Columbia as a
17 school psychologist who has applied for a license in this State
18 may perform school psychologist services in this State for a
19 period not to exceed six months from the time of submitting the
20 person's application.



1 § -9 **Term of issuance.** The director shall issue a
2 school psychologist license for a term of five years consistent
3 with rules adopted by the director. The length of the term may
4 vary among license holders so as to be coterminous with any
5 other professional license or certificate held by the school
6 psychologist. The school psychologist license may be renewed in
7 accordance with academic and professional requirements
8 established by the director. A license holder shall be
9 supervised for the first year following initial certification at
10 no additional cost to the school administrative unit or the
11 department. The director shall require evidence of supervision
12 prior to renewing a first-year license.

13 § -10 **Practice as a school psychologist; title or**
14 **description of services.** (a) A person represents oneself to be
15 a school psychologist when the person:

16 (1) Holds oneself out to the public by any title or
17 description of services incorporating the words
18 "school psychologist", "school psychology", or any
19 similar titles;

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



- 1 (3) Is employed as a faculty member in school psychology;
- 2 or
- 3 (4) Is employed as a school psychologist by the State or
- 4 any government agency.

5 (b) A person practices as a school psychologist if the
6 person delivers services to children and students from birth
7 through college who are eligible to be enrolled in educational
8 and intermediate educational units, special education programs,
9 universities and colleges, early intervention programs,
10 developmental centers, and approved private schools. The
11 services delivered are the services articulated under the
12 domains of practice in the Model for Comprehensive and
13 Integrated School Psychological Services, as may be amended, and
14 ethical standards developed and published by the National
15 Association of School Psychologists.

16 § -11 Grounds for refusal to renew, reinstate, or
17 restore, and for revocation, suspension, denial, or condition
18 of, licenses. (a) In addition to any other acts or conditions
19 provided by law, the director may refuse to renew, reinstate, or
20 restore, and may deny, revoke, suspend, or condition in any



1 manner, any license for any one or more of the following acts or
2 conditions on the part of a licensee or license applicant:

3 (1) Failing to meet or maintain the conditions and
4 requirements necessary to qualify for the granting of
5 a license;

6 (2) Engaging in false, fraudulent, or deceptive
7 advertising, or making untruthful or improbable
8 statements;

9 (3) Being addicted to, dependent upon, or a habitual user
10 of, a narcotic, barbiturate, amphetamine,
11 hallucinogen, opium, cocaine, or other drugs or
12 derivatives of a similar nature;

13 (4) Practicing the licensed profession while impaired by
14 alcohol, drugs, physical disability, or mental
15 instability;

16 (5) Procuring a license through fraud, misrepresentation,
17 or deceit;

18 (6) Aiding and abetting an unlicensed person to directly
19 or indirectly perform activities requiring a license;



- 1 (7) Professional misconduct, incompetence, gross
2 negligence, or manifest incapacity, in the practice of
3 the licensed profession;
- 4 (8) Engaging in conduct or practice contrary to recognized
5 standards of ethics for the licensed profession;
- 6 (9) Violating any condition or limitation upon which a
7 condition or temporary license was issued;
- 8 (10) Engaging in business under a past or present license
9 issued pursuant to the licensing laws in a manner
10 causing injury to one or more members of the public;
- 11 (11) Failing to comply with, observe, or adhere to any law
12 in a manner such that the director deems the applicant
13 or holder to be an unfit or improper person to hold a
14 license;
- 15 (12) Having had a license revoked or suspended, or having
16 been the subject of other disciplinary action, by
17 another state or a federal agency for any reason
18 provided by the licensing laws or this section;
- 19 (13) Having been convicted of a crime, whether by nolo
20 contendere or otherwise, directly related to the



1 qualifications, functions, or duties of the licensed
2 profession;

3 (14) Failing to report in writing to the director any
4 disciplinary decision issued against the licensee or
5 applicant in another jurisdiction within thirty days
6 of the disciplinary decision;

7 (15) Employing, utilizing, or attempting to employ or
8 utilize, at any time, any person not licensed under
9 the licensing laws where licensure is required; or

10 (16) Violating this chapter, chapter 436B, or any rule or
11 order of the director.

12 (b) Any licensee or applicant who violates this section
13 may also be fined not more than \$1,000 per violation and not
14 less than \$500.

15 § -12 Confidentiality and privileged communications. No
16 person licensed as a school psychologist, nor any of the
17 person's employees or associates, shall be required to disclose
18 any information that the person may have acquired in rendering
19 school psychological services, except in the following
20 circumstances:

21 (1) As required by law;



1 (2) To prevent a clear and imminent danger to a person or
2 persons;

3 (3) In accordance with the terms of a previously written
4 waiver of the privilege where the waiver is executed
5 by the client or by the client's legally recognized
6 representative; or

7 (4) In the course of a disciplinary action or pursuant to
8 a duly authorized subpoena issued by the department."

9 SECTION 2. Section 465-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§465-3 Exemptions. (a) This chapter shall not apply to:

12 (1) Any person teaching, lecturing, consulting, or
13 engaging in research in psychology insofar as the
14 activities are performed as part of or are dependent
15 upon employment in a college or university; provided
16 that the person shall not engage in the practice of
17 psychology outside the responsibilities of the
18 person's employment;

19 (2) Any person who performs any, or any combination of the
20 professional services defined as the practice of
21 psychology under the direction of a licensed



1 psychologist in accordance with rules adopted by the
2 board; provided that the person may use the term
3 "psychological assistant", but shall not identify the
4 person's self as a psychologist or imply that the
5 person is licensed to practice psychology;

6 (3) Any person employed by a local, state, or federal
7 government agency in a school psychologist or
8 psychological examiner position, or a position that
9 does not involve diagnostic or treatment services, but
10 only at those times when that person is carrying out
11 the functions of such government employment;

12 (4) Any person who is a student of psychology, a
13 psychological intern, or a resident in psychology
14 preparing for the profession of psychology under
15 supervision in a training institution or facility and
16 who is designated by a title as "psychology trainee",
17 "psychology student", "psychology intern", or
18 "psychology resident", that indicates the person's
19 training status; provided that the person shall not
20 identify the person's self as a psychologist or imply
21 that the person is licensed to practice psychology;



- 1 (5) Any person who is a member of another profession
2 licensed under the laws of this jurisdiction to render
3 or advertise services, including psychotherapy, within
4 the scope of practice as defined in the statutes or
5 rules regulating the person's professional practice;
6 provided that, notwithstanding section 465-1, the
7 person does not represent the person's self to be a
8 psychologist or does not represent that the person is
9 licensed to practice psychology;
- 10 (6) Any person who is a member of a mental health
11 profession not requiring licensure; provided that the
12 person functions only within the person's professional
13 capacities; and provided further that the person does
14 not represent the person to be a psychologist, or the
15 person's services as psychological;
- 16 (7) Any person who is a duly recognized member of the
17 clergy; provided that the person functions only within
18 the person's capacities as a member of the clergy; and
19 provided further that the person does not represent
20 the person to be a psychologist, or the person's
21 services as psychological; [~~or~~]



- 1 (8) Any psychologist employed by the United States
- 2 Department of Defense, while engaged in the discharge
- 3 of the psychologist's official duty and providing
- 4 direct telehealth support or services, as defined in
- 5 section 431:10A-116.3, to neighbor island
- 6 beneficiaries within a Hawaii National Guard armory on
- 7 the island of Kauai, Hawaii, Molokai, or Maui;
- 8 provided that the psychologist employed by the United
- 9 States Department of Defense is credentialed by
- 10 Tripler Army Medical Center[-]; or
- 11 (9) Any person employed or practicing in the private
- 12 sector as a school psychologist."

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

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY:

Michelle Tedani
Assembly of Baha
Clerence K. Sistiha
Rose E. Puder
Will Zyew



S.B. NO. 2612

Report Title:

School Psychologists; Licensure

Description:

Requires the licensure of school psychologists in both the public and private sectors of employment.

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

