

SB224 SD1

Measure Title: RELATING TO PSYCHOLOGY.

Report Title: School Psychologists; Licensure; Registration; Board of Psychology

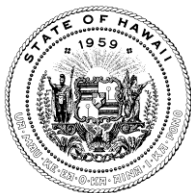
Description: Establishes licensure and registration requirements for school psychologists to be administered by the board of psychology. Amends the composition of the board to include two school psychologists. (SD1)

Companion: HB241

Package: None

Current Referral: EDU, CPH

Introducer(s): BAKER, IHARA, INOUYE, KIDANI, TOKUDA, S. Chang, Gabbard



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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE SENATE COMMITTEE
ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH STATE LEGISLATURE
REGULAR SESSION, 2017

TUESDAY, FEBRUARY 28, 2017
10:30 A.M.

WRITTEN TESTIMONY ONLY
ON
SENATE BILL NO. 224 S.D.1
RELATING TO PSYCHOLOGY

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE CLARENCE K. NISHIHARA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to submit written testimony on Senate Bill No. 224 S.D.1, Relating to Psychology. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers enforcement-related written comments on this bill.

Senate Bill No. 224 S.D.1 adds a new Part to Chapter 465, Hawaii Revised Statutes ("HRS"), for the licensure and registration of school psychologists with oversight by the Board of Psychology ("Board").

RICO concurs with the Department's Professional and Vocational Licensing Division testimony that notes the need for a sunrise review and the lack of enforcement provisions in the bill that are commonly found in professional and vocational licensing chapters.

RICO believes that identifying the specific enforcement provisions absent in the bill would assist the Auditor when the sunrise analysis is conducted. As such, RICO respectfully offers the following enforcement-related amendments to the bill:

1) Amend the definition of "school psychologist" on page 3, line 19, to page 4, line 5, to be consistent with the definition of "practice of school psychology" as follows:

"School psychologist" means a ~~[professional]~~ person licensed by the board ~~[as a school psychologist]~~ who ~~[provides school psychological services]~~ engages in the practice of school psychology consistent with the national standards articulated by the most current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists or its successor. "School psychologist" includes a school psychologist-doctoral and a school psychologist-specialist.

2) Amend §465-D on page 6, line 14, to page 7, line 9, to address unlicensed activity, related fines, and inappropriate registration requirement as follows:

§465-D Practice of school psychology; license required; registration required. (a) No person shall represent, announce, or advertise oneself, publicly or privately, as a "licensed school psychologist" or "school psychologist" or affix any other words, letters, abbreviations, or insignia to the person's name indicating or

implying that the person is engaged in the practice of school psychology, without having first obtained a license as provided in this part.

~~(b) [A person may use the title of school psychologist provided that the person:~~

~~— (1) Registers the person's name and business address biennially with the board in a manner prescribed by the board; and~~

~~— (2) Meets the qualifications of section 465-B.~~

~~— (c) The board shall maintain and biennially update a list of the names and business addresses of the school psychologists who are registered pursuant to subsection (b).] Any person who violates this section shall be subject to a fine of not more than \$1,000 for each separate offense. Each day of each violation shall constitute a separate offense.~~

3) Add a new section to provide the grounds for discipline of a school

psychologist as follows:

§465- Grounds for refusal to renew, reinstate, or restore a license and for revocation, suspension, denial, or condition of a license. (a) In addition to any other acts or conditions provided by law, the board may refuse to renew, reinstate, or restore and may deny, revoke, suspend, or condition in any manner any license for any one or more of the following acts or conditions on the part of a licensee or license applicant:

(1) Failure to meet or to maintain the conditions and requirements necessary to qualify for the granting of a license;

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

(3) Engaging in the practice of school psychology while impaired by alcohol, drugs, physical disability, or mental instability;

(4) Procuring a license to practice school psychology through fraud, misrepresentation, or deceit;

(5) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license to practice school psychology;

(6) Engaging in professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of school psychology;

(7) Engaging in conduct or a practice contrary to recognized standards of ethics for the practice of school psychology;

(8) Violating any condition or limitation imposed on a license to practice school psychology by the board;

(9) Engaging in the practice of school psychology in a manner that causes injury to one or more members of the public;

(10) Failing to comply with, observe, or adhere to any law in a manner that causes the board to determine that the applicant or holder is unfit to hold a license;

(11) Having a license revoked or suspended or other disciplinary action by any state or federal agency for any reason that is provided by the applicable licensing laws or by this section;

(12) Having been convicted or pleaded nolo contendere to a crime directly related to the qualifications, functions, or duties of the practice of school psychology;

(13) Failing to report in writing to the board any disciplinary decision issued against the licensee or applicant in another jurisdiction within thirty days of the disciplinary decision;

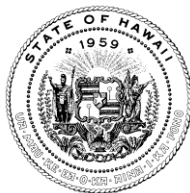
(14) Employing, whether gratuitously or for pay, any person not licensed pursuant to this chapter to perform the functions or duties of the practice of school psychology; or

(15) Violating this chapter, chapter 436B, or any rule or order of the board.

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

RICO appreciates the Committee's consideration of these amendments that would bring the proposed regulatory provisions for the practice of school psychologists in this measure more in line with standard regulatory statutes for other regulated professions.

Thank you for the opportunity to submit written comments on Senate Bill No. 224 S.D.1.



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PRESENTATION OF THE PROFESSIONAL AND VOCATIONAL LICENSING DIVISION

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, February 28, 2017
10:30 a.m.

WRITTEN TESTIMONY

TESTIMONY ON SENATE BILL NO. 224, S.D. 1, RELATING TO PSYCHOLOGY.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator of the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to submit written testimony on Senate Bill No. 224, S.D 1., Relating to Psychology.

The purpose of Senate Bill No. 224, S.D 1 is to, among other things, establish recommended criteria for licensure of school psychologists.

Senate Bill No. 224, S.D. 1 creates a new part in the Hawaii Revised Statutes to regulate school psychologists. Section 26H-6, HRS, requires that new regulatory

measures being considered for enactment be referred to the Auditor for a sunrise analysis. The statute requires the referral to be made by a concurrent resolution that identifies a specific legislative bill to be analyzed. The statute further requires that the analysis set forth the probable effects of regulation and assess whether its enactment is consistent with the legislative policies of the Hawaii Regulatory Licensing Reform Act, and assess alternative forms of regulation.

The Department also notes the bill, as drafted, does not include standard disciplinary language found in other licensing chapters.

The Department suggests that this bill be deferred until a sunrise analysis on this measure is conducted by the Auditor.

Thank you for the opportunity to provide written comments on Senate Bill No. 224, S.D. 1.

**PRESENTATION OF THE
BOARD OF PSYCHOLOGY**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, February 28, 2017
10:30 a.m.

WRITTEN TESTIMONY

TESTIMONY ON SENATE BILL NO. 224, S.D. 1, RELATING TO PSYCHOLOGY.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is May Ferrer, Executive Officer of the Hawaii Board of Psychology (“Board”). Thank you for the opportunity to provide written testimony on Senate Bill No. 224, S.D. 1, Relating to Psychology.

The purpose of this measure is to establish the recommended criteria for the licensure of school psychologists, including graduate coursework, practica, and internship requirements based in part on the National Association of School Psychologists’ Standards, to be administered by the Board. The bill also amends the composition of the Board to include two school psychologists.

While the Board supports the intent behind the regulation of school psychologists, the Board’s position is that school psychologists should not be regulated under Chapter 465, Hawaii Revised Statutes (“HRS”), but by an independent and separate regulatory body.

Based on information received through the Association of State and Provincial Psychology Boards (“ASPPB”), school psychologists are regulated by the Department of Education, Board of Education, or other credentialing agencies in twenty-one (21) out

of twenty-three (23) jurisdictions. Similar to Hawaii, school psychologists who practice within a school setting are exempt from licensure by many other psychology boards.

In its review of the bill, the Board noted the following:

Continuing Education

The Board commented that continuing education should be included as part of any licensing framework for school psychologists approved by the Legislature. Senate Bill No. 224, S.D. 1 does not address continuing education.

Exemptions

Senate Bill No. 224, S.D. 1 does not include exemptions that would allow a doctoral-level, clinical psychologist, licensed under Chapter 465, to practice within the school setting.

Furthermore, it was noted that currently, HRS section 465-3(a)(3) exempts school psychologists from licensure. As this conflicts with the intent of this measure, the Board recommends the term “school psychologist” be deleted from this current subsection.

Code of Ethics / Enforcement Provisions

Any measure proposing new regulation of a profession by any regulatory body should incorporate language regarding professional ethics and enforcement provisions. Senate Bill No. 224, S.D. 1 fails to address the ethical code of conduct of school psychologists, thereby failing to ensure the necessary safeguards for public protection through disciplinary action.

Thank you for the opportunity to provide written testimony in support of the intent of Senate Bill No. 224, S.D. 1 to regulate school psychologists, however, the Board

Testimony on Senate Bill No. 224, S.D. 1
Tuesday, February 28, 2017
Page 3

believes that regulation of school psychologists by an independent and separate regulatory body would be more appropriate.



Hawai'i Psychological Association

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Testimony PROVIDING COMMENTS ON SB224
RELATING TO PSYCHOLOGY

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Tuesday, February 28, 2017
10:30 a.m.
Conference Room 229
State Capitol
415 South Beretania Street

The Hawaii Psychological Association (HPA) supports the main purpose of SB224 which seeks to ensure high quality school psychology services for Hawaii's keiki by requiring that Hawaii School Psychologists are licensed and overseen by the Board of Psychology. This adds a layer of consumer protection for children and families which we support.

The HPA is concerned, however, to ensure that this measure is not misinterpreted in a way that would potentially limit the ability of currently-licensed Psychologists to provide needed services within Hawaii's schools. The role of licensed Psychologists (doctoral level clinical psychologists) overlaps with that of School Psychologists, and it would be helpful if this measure were clearer about these roles. We would ask that the current measure include language regarding exemptions to the School Psychology licensing law to allow other licensed professionals, whose role in the schools overlaps with that of the school psychologists, to practice within their recognized scopes of practice, as long as they do not use the title "School Psychologist."

Respectfully submitted,

Lesley A Slavin, Ph. D.
2016 President, Hawaii Psychological Association
On behalf of the HPA Legislative Committee



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/28/2017

Time: 10:30 AM

Location: 229

Committee: Senate Commerce, Consumer Protection, and Health

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0224, SD1 RELATING TO PSYCHOLOGY.

Purpose of Bill: Establishes licensure and registration requirements for school psychologists to be administered by the board of psychology. Amends the composition of the board to include two school psychologists. (SD1)

Department's Position:

The Department of Education (Department) offers the following comments on SB 224 SD 1.

The Department has concerns about the effect of this bill, if passed, on its students and employees. As stated in previous testimony, a licensing requirement will impede efforts to recruit applicants, and decrease the amount of school psychologist applicants. With the nationwide shortage of school psychologists and Hawaii's high cost of living, the Department already struggles to fill all of its school psychologist vacancies even without these additional proposed requirements.

SB 224 SD 1 does not provide for any transition period for our current school psychologist employees to obtain licensure by the bill's effective date of July 1, 2017. Without a sufficient transition period we anticipate employee layoffs, a disruption of school psychologist services provided to our students, and an overextension of those remaining school psychologists (who may be licensed) to have to fill in the services gap. Given the lack of adequate options for in-state licensing programs, the Department's employees cannot readily obtain the proposed license.

Notwithstanding the intent of SB 224 SD 1 to refine the school psychologist qualifications, the Department continues to believe that our students receive quality services from our current, highly skilled school psychologist employees, who through their extensive educational training and experience strive to ensure that the delivery of school psychology services remains at the highest professional level. These employees have graduate degrees in related fields such as educational psychology or counseling psychology.

Finally, it is important to clarify that contrary to previous third party testimony the Department is unable to collect Medicaid reimbursements for services provided by school psychologists as they do not provide medical services. Therefore, requiring licensure of our school psychologists for the sole purpose of collecting Medicaid reimbursements is baseless.

Thank you for the opportunity to submit testimony on SB 224 SD 1.

SB224

Aloha Chair Baker and Senators:

The Hawai`i Association of School Psychologists (HASP) believes that licensure is important for all professionals that are entrusted to care for students, especially those with special needs. HRS 465 protects the professional integrity of the term “psychology” by ensuring that non-licensed individuals cannot practice psychology. This public protection ensures that specialized training and expertise is required to practice psychology. Currently, School Psychologists are ‘exempt’ from having to have licensure to practice in the educational setting (HRS465) and have had no credentialing in the state of Hawai`i. Hawai`i is the **only** state in the nation that allows this. This exemption has allowed individuals who do not have graduate training in school psychology and who do not meet the nationally accepted certification standard to practice “psychology” within the educational setting. We are asking for the legislators support to establish licensing in Hawai`i, in that it nullifies that exemption and ensures that students receive services from highly qualified and licensed professionals. Only certificated or licensed professionals are billable under Medicaid, so the current exemption does not allow for the Department of Education to bill for any services or evaluations conducted by school psychologists at this time. Licensing of school psychologists would be another avenue for the DOE to generate funds under Medicaid.

We would like to propose the following amendments:

1. Page 1, Line 9, “of” should be changed to “or.”
2. Page 4, Line 9, “master’s degree” should be stricken. After consulting with the National Association of School Psychologists (NASP), only specialist and doctoral levels have been allowed in credentialing for over 20 years.
3. Pages 4/5, starting at line 13, the specific coursework should be withdrawn and instead read: “a minimum of sixty semester hours consistent with the NASP standards for graduate preparation of school psychologists.”
4. Page 6, line 12, should be changed to read, “School Psychologists should be limited to practicing in *these* settings,” rather than just “school” settings, as the specific settings are outlined on the previous line.
5. Page 7, add (d) exception: “Students in an accredited school psychology program may use the titles of ‘school psychologist intern’ or ‘school psychology practicum student,’ as long as it reflects their current status as a student.
6. Change the effective date from July 1, 2017 to 2018.
7. The school psychologist exemption should be removed from the other section where mentioned in 465.
8. After 465-D and before 465-E, an ethics statement should be added such as, “A person practices as a school psychologist if the person delivers services to children and students from birth through college who are eligible to be enrolled in programs as stated in section 465-C. These services are delivered as articulated under the domains of the NASP Model for Comprehensive and Integrated School Psychological Services, also known as the NASP Practice Model, which represents NASP’s official policy regarding the delivery of school psychological services, as may be amended, and the ethical standards developed and published by the National Association of School Psychologists.”

Hawai`i Association of School Psychologists

Hawai`i Association of School Psychologists asks that you support licensing of school psychologists to ensure that all children in Hawai`i are afforded the same protection of a licensed and credentialed professional working within their scope of practice.

Respectfully Submitted:

Leslie A. Baunach, MA/CAS, NCSP
HASP Past President