

JAN 19 2018

A BILL FOR AN ACT

RELATING TO PSYCHOLOGY.

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

PART I

SECTION 1. The legislature finds that properly licensed school psychologists provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally by providing direct educational and mental health services for children and youth, as well as working with parents, educators, and other professionals to create supportive learning and social environments for all children.

Currently, Hawaii is the only state without certification or licensure for school psychologists. Without orderly licensing, the State cannot ensure that functioning school psychologists are properly qualified and delivering appropriate services. In addition, the State's failure to properly license school psychologists means that by law the State is unable to seek warranted reimbursements from the federal medicaid program for the use of school psychologists in an educational setting. Consequently, it is necessary to establish a licensure program



1 to ensure the employment of qualified school psychologists and
2 to allow schools utilizing school psychologists to properly seek
3 available federal medicaid funds.

4 The legislature further finds that a proper licensing
5 program requires establishing meaningful criteria and guidelines
6 for the licensure of school psychologists. The National
7 Association of School Psychologists' Standards for the
8 Credentialing of School Psychologists provides a model upon
9 which these guidelines may in part be based. The National
10 Association of School Psychologists' Standards create a set of
11 national standards that can serve to regulate the credentialing
12 of school psychologists. School psychologists who hold a
13 National Association of School Psychologists credential have met
14 these national standards.

15 The legislature finds that accredited school psychologists
16 should be licensed by and register with the board of psychology
17 to ensure the delivery of quality service to students and the
18 community. The legislature additionally finds that school
19 psychologists and the practice of school psychology should be
20 subject to regulation and control to protect the public from the
21 unqualified practice of school psychology and from



1 unprofessional conduct by persons licensed to practice school
2 psychology.

3 Accordingly, the purpose of this Act is to establish the
4 recommended criteria for the licensure of school psychologists,
5 including graduate coursework, practica, and internship
6 requirements based in part on the National Association of School
7 Psychologists' Standards.

8 SECTION 2. Chapter 465, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 "PART . SCHOOL PSYCHOLOGISTS

12 §465- Findings and declaration of necessity. It is the
13 intent of the legislature to establish standards for the
14 licensing of school psychologists to address the present and
15 critical need for ensuring that those individuals requiring the
16 services of a licensed school psychologist receive appropriate
17 services by highly qualified and licensed professionals. The
18 special state interest for creating this part is recognized,
19 notwithstanding the requirements of section 26H-6.

20 §465- Definitions. As used in this part:



1 "Accredited educational institution" means a university or
2 college accredited by the Western Association of Schools and
3 Colleges or a comparable regional body.

4 "Board" means the board of psychology.

5 "Practice of school psychology" means the application of
6 principles, methods, and procedures of measurement, prediction,
7 evaluation, testing, counseling, consultation, and instruction
8 related to and consistent with the national standards
9 articulated by the most current Model for Comprehensive and
10 Integrated School Psychological Services as published by the
11 National Association of School Psychologists or its successor in
12 a school setting. "Practice of school psychology" does not
13 include private practice.

14 "School psychologist" means a person licensed by the board
15 who engages in the practice of school psychology consistent with
16 the national standards articulated by the most current Model for
17 Comprehensive and Integrated School Psychological Services as
18 published by the National Association of School Psychologists or
19 its successor. "School psychologist" includes a school
20 psychologist-doctoral and a school psychologist-specialist.



§465- School psychologists; regulation; qualifications.

(a) Notwithstanding any other law, school psychologists in the State shall be licensed by the board and regulated pursuant to this part.

(b) No applicant shall be licensed to engage in the practice of school psychology unless the applicant meets the following requirements:

(1) A specialist-level degree or doctoral degree from an organized program of study in school psychology within an accredited educational institution comprising a minimum of sixty semester hours consistent with the National Association of School Psychologists' standards for graduate preparation of school psychologists; and

(A) Has completed one thousand two hundred hours of supervised internship in school psychology with no less than six hundred hours completed within a school setting; and

(B) Has passed the School Psychology Praxis examination with a minimum score of one hundred



1 forty-seven or the most current standard of the
2 National Association of School Psychologists; or

3 (2) A current, unencumbered certification as a nationally
4 certified school psychologist or a valid license or
5 credential in school psychology in another state or
6 United States territory prior to July 1, 2019;
7 provided that for those employed as a school
8 psychologist in Hawaii as of July 1, 2019, an out of
9 state license or credential that has been expired for
10 no more than ten years from July 1, 2019, will also be
11 accepted.

12 (c) Before any applicant shall be eligible for licensure
13 under this part, the applicant shall file an application in a
14 form prescribed by the board and pay an application fee and all
15 other applicable fees.

16 **\$465- Fees; disposition.** (a) Upon application for a
17 new license and at each biennial renewal, each applicant shall
18 pay a license fee of \$ and a compliance resolution fund
19 fee of \$. Application fees paid pursuant to this part
20 shall not be refundable. Fees collected pursuant to this



1 section shall be deposited into the compliance resolution fund
2 established pursuant to section 26-9(o).

3 (b) Every school psychologist holding a license under this
4 part shall renew the license with the board no later than June
5 30 of each even-numbered year. Every school psychologist shall
6 pay a renewal fee and comply with the continuing education
7 requirements provided in rules adopted by the board.

8 (c) A school psychologist shall meet the continuing
9 education requirements by obtaining credit hours
10 accredited by the Association as provided in the board's
11 rules. To determine compliance, the board may conduct a random
12 audit. A school psychologist selected for audit shall be
13 notified by the board. Within sixty days of notification, the
14 school psychologist shall provide to the board documentation to
15 verify compliance with the continuing education requirements.

16 (d) Failure to renew, pay the renewal fee, and, in the
17 case of audited school psychologists, provide documentation of
18 compliance shall constitute a forfeiture of license, which may
19 be restored only upon the submission of written application
20 therefor, payment to the board of a restoration fee, and, in the



1 case of audited school psychologists, documentation of
2 compliance.

3 **§465- Description of services.** (a) A person practices
4 as a school psychologist if the person delivers services to
5 children and students from birth through college who are
6 eligible to be enrolled in educational and intermediate
7 educational units, special education programs, universities and
8 colleges, early intervention programs, developmental centers,
9 and approved private schools. School psychologists are limited
10 to practicing within these settings and licensure does not allow
11 for private practice.

12 (b) Services delivered pursuant to this section are
13 articulated under the domains of the National Association for
14 School Psychologists' Model for Comprehensive and Integrated
15 School Psychological Services, as may be amended, which
16 represents the National Association of School Psychologists'
17 official policy regarding the delivery of school psychological
18 services and the ethical standards developed and published by
19 the National Association of School Psychologists.

20 **§465- Practice of school psychology; license required.**

21 (a) Beginning on July 1, 2020, no person shall engage in the



1 practice of school psychology or represent, announce, or
2 advertise oneself, publicly or privately, as a "licensed school
3 psychologist" or "school psychologist" or affix any other words,
4 letters, abbreviations, or insignia to the person's name
5 indicating or implying that the person is engaged in the
6 practice of school psychology, without having first obtained a
7 license as provided in this part.

8 (b) A person who is a student in an accredited school
9 psychology program may use a title of "school psychology intern"
10 or "school psychology practicum student" that indicates the
11 person's training status; provided that the person shall not
12 identify the person's self as a "licensed school psychologist"
13 or "school psychologist" or imply that the person is licensed to
14 practice school psychology.

15 (c) Any person who violates this section shall be subject
16 to a fine of no more than \$1,000 for each separate offense.
17 Each day of each violation shall constitute a separate offense.

18 **§465- Advising the board of psychology.** The board shall
19 receive advice and review proposals from the Hawaii Association
20 of School Psychologists regarding issues relating to school
21 psychologists and the practice of school psychology.



1 §465- Grounds for refusal to renew, reinstate, or
2 restore a license and for denial, revocation, suspension, or
3 condition of licenses. (a) In addition to other acts or
4 conditions provided by law, the board may refuse to renew,
5 reinstate, or restore and may deny, revoke, suspend, or
6 condition in any manner any license for any one or more of the
7 following acts or conditions on the part of a licensee or the
8 applicant thereof:

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

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

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

18 (4) Procuring a license for the practice of school
19 psychology through fraud, misrepresentation, or
20 deceit;



- (5) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license for the practice of school psychology;
- (6) Engaging in professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of school psychology;
- (7) Engaging in conduct or practice contrary to recognized standards of ethics for the practice of school psychology;
- (8) Violating any condition or limitation imposed on a license for the practice of 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) Failure to comply, observe, or adhere to any law in a manner such that the board deems the applicant or holder to be an unfit or improper person to hold a license;
- (11) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee



1 or applicant for any reason provided by the licensing
2 laws or this section;

3 (12) Criminal conviction, whether by nolo contendere or
4 otherwise, of a penal crime directly related to the
5 qualifications, functions, or duties of school
6 psychology, notwithstanding any statutory provision to
7 the contrary;

8 (13) Failure to report to the board, in writing, any
9 disciplinary decision issued against the licensee or
10 the applicant in another jurisdiction within thirty
11 days after the disciplinary decision is issued;

12 (14) Employing, utilizing, or attempting to employ or
13 utilize at any time any person not licensed under this
14 chapter where licensure is required; or

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

17 (b) Any licensee or applicant who violates this section
18 may also be fined no less than \$100 and no more than \$1,000.

19 §465- Exemption. This chapter is not intended to
20 restrict the practice of other licensed or credentialed
21 practitioners practicing within their own recognized scopes of



1 practice in educational settings. This chapter shall not apply
2 to any person working within the scope of practice or duties of
3 another licensed profession that overlaps with the practice of
4 school psychology; provided that the person does not use the
5 title "school psychologist" or "licensed school psychologist".

6 SECTION 3. Chapter 465, Hawaii Revised Statutes, is
7 amended by designating sections 465-1 to 465-15 as part I and
8 inserting a title before section 465-1 to read as follows:

9 "PART I. GENERAL PROVISIONS"

10 SECTION 4. Section 465-3, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) This chapter shall not apply to:

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

20 (2) Any person who performs any, or any combination of the
21 professional services defined as the practice of



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

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

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



1 identify the person's self as a psychologist or imply
2 that the person is licensed to practice psychology;

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

12 (6) Any person who is a member of a mental health
13 profession not requiring licensure; provided that the
14 person functions only within the person's professional
15 capacities; and provided further that the person does
16 not represent the person to be a psychologist, or the
17 person's services as psychological;

18 (7) Any person who is a duly recognized member of the
19 clergy; provided that the person functions only within
20 the person's capacities as a member of the clergy; and
21 provided further that the person does not represent



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

13 SECTION 5. Section 465-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§465-4 Board of psychology; appointment, qualifications,**
16 **term, expenses.** There is created a board of psychology
17 consisting of [~~seven~~] nine members. There shall be five members
18 representing varied specialties of the profession, each of whom
19 shall be licensed to practice psychology under this chapter and
20 have a minimum of five years of post-doctoral professional
21 experience, two members who are licensed to practice school



1 psychology under this chapter, and two lay members from the
2 community at large. A lay member shall not be a psychologist,
3 an applicant, or former applicant for licensure as a
4 psychologist."

5 PART II

6 SECTION 6. Section 26H-4, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§26H-4 Repeal dates for newly enacted professional and
9 vocational regulatory programs. (a) Any professional or
10 vocational regulatory program enacted after January 1, 1994, and
11 listed in this section shall be repealed as specified in this
12 section. The auditor shall perform an evaluation of the
13 program, pursuant to section 26H-5, prior to its repeal date.

14 (b) Chapter 436H (athletic trainers) shall be repealed on
15 June 30, 2018.

16 (c) Chapter 465D (behavior analysts) shall be repealed on
17 June 30, 2021.

18 (d) Chapter 466L (appraisal management companies) shall be
19 repealed on June 30, 2023.

20 (e) Part of chapter 465 (school psychologists) shall
21 be repealed on June 30, 2026."



PART III

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

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S.B. NO. 2655

Report Title:

School Psychologists; Licensure; Board of Psychology

Description:

Establishes licensure requirements for school psychologists to be administered by the board of psychology. Amends the composition of the board to include two school psychologists.

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