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PRESENTATION OF THE PROFESSIONAL AND VOCATIONAL LICENSING DIVISION

TO THE HOUSE COMMITTEE ON EDUCATION

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Monday, March 12, 2018
2:05 p.m.

TESTIMONY ON SENATE BILL NO. 2655, S.D. , RELATING TO PSYCHOLOGY.

TO THE HONORABLE JUSTIN H. WOODSON, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to provide written testimony on S.B. 2655, S.D. 2. My name is Celia Suzuki, and I am the Licensing Administrator of the Department’s Professional and Vocational Licensing Division (“PVL”). PVL offers comments on this measure.

The purpose of S.B. 2655, S.D. 2 is to, among other things, establish recommended criteria for licensure of school psychologists to be regulated by the Board of Psychology.

With all due respect, the Department does not agree that because Hawaii is the last state in the country without certification or licensure requirements for school psychologists, a sunrise study by the Auditor should be disregarded.

S.B. 2655, S.D. 2 creates a new part in the Hawaii Revised Statutes (“HRS”) to regulate school psychologists. HRS section 26H-6 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 the proposed regulatory measure, assess whether its enactment is consistent with the purposes of HRS section 26H-2, **and assess alternate forms of regulation**. Section 26H-2 states:

- (1) The regulation and licensing of professions and vocations shall be undertaken only where reasonably necessary to protect the health, safety, or welfare of consumers of the services; the purpose of regulation shall be the protection of the public welfare and not that of the regulated profession or vocation;
- (2) Regulation in the form of full licensure or other restrictions on certain professions or vocations shall be retained or adopted when the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider;
- (3) Evidence of abuses by providers of the service shall be accorded great weight in determining whether regulation is desirable;
- (4) Professional and vocational regulations which artificially increase the costs of goods and services to the consumer shall be avoided except in those cases where the legislature determines that this cost is exceeded by the potential danger to the consumer;
- (5) Professional and vocational regulation shall be eliminated when the legislature determines that they have no further benefits to consumers;
- (6) Regulation shall not unreasonably restrict entry into professions and vocations by all qualified persons; and
- (7) Fees for regulation and licensure shall be imposed for all vocations and professions subject to regulation; provided that the aggregate of the fees for any given regulatory program shall not be less than the full costs of administering that program.

The Department believes that a sunrise study should be completed by the Auditor so that the Legislature has the benefit of important profession-specific information before school psychologists are regulated. For example, a sunrise analysis would likely show that 48 states provide for state certification at the state educational agency level, with some states providing for complementary licensure through their

licensing boards. Based on the information available to the Department at this time, only one state, Texas, provides for licensure solely through its Board of Examiners of Psychology. A sunrise analysis would be helpful in evaluating the pros and cons of certification at the state educational agency level, given that unlike other states, Hawaii does not have a state educational agency with regulatory oversight over all educational institutions. A sunrise analysis also would be helpful in evaluating the Texas model in greater detail.

S.B. 2655, S.D. 2 appears to capture all types of school psychology, from birth through college, if the student is eligible to be enrolled in: (1) educational and intermediate educational units; (2) special education programs, (3) universities and colleges; (4) early intervention programs; (5) developmental centers; and (6) approved private schools, which is defined as any educational institution that is licensed or accredited by the Hawaii Association of Independent Schools ("HAIS"). A sunrise analysis would be helpful in evaluating the scope of licensure, i.e., whether the new licensing requirement should apply to all HAIS private schools and all colleges and universities, or whether it should be limited to K-12 public schools, early childhood schools, pre-K schools, and charter schools. The scope of regulatory oversight varies significantly from state to state, with several states limiting its school psychologist certification to public K-12 schools. An evaluation of the pros and cons of broad oversight would be helpful for the Department to evaluate the size of the licensee population and the cost to administer the program.

In addition, a sunrise analysis would be helpful in evaluating the various pathways to certification that are available in other jurisdictions and in making recommendations as to which pathways should be adopted in the State, such as national certification, international certification, and temporary eligibility. S.B. 2655, S.D. 2 provides for two pathways to licensure (see page 5, line 15 to page 6, line 17). By comparison, Hawaii's Department of Education minimal qualifications for school psychologists allow for four pathways, including national certification.

A sunrise analysis would also be helpful in evaluating the type of regulation that would be necessary to facilitate Medicaid coverage, since it appears that qualifying for Medicaid is a complicated matter that will require more than just licensure.

Senate Bill No. 2655, S.D. 2

March 12, 2018

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The Department respectfully 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 testimony on S.B. 2655, S.D. 2.



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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON
EDUCATION

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Monday, March 12, 2018
2:05 p.m.

TESTIMONY ON SENATE BILL NO. 2655, S.D. 2, RELATING TO PSYCHOLOGY.

TO THE HONORABLE JUSTIN WOODSON, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on S.B. 2655 S.D.2, 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 takes no position on this bill but offers enforcement-related comments.

S.B. 2655 S.D.2 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”).

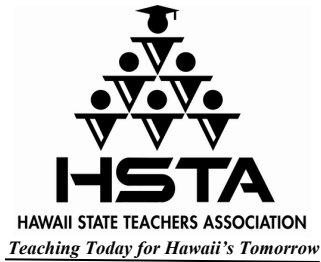
RICO concurs with the testimony of the Department’s Professional and Vocational Licensing Division on the issue of a sunrise review and requests guidance as to whether private schools, trade schools, colleges, and universities are intended to be included in “description of services” in §465- (a) on page 8, lines 10-18. Also, RICO suggests that the “description of services” language be reconciled with the definition of

“practice of school psychology” on page 4, lines 12-20 to avoid the confusion that may result from having two different definitions in the bill.

RICO believes statistics on state licensure offered in testimony to the Committee on Consumer Protection and Health fail to note that of the 49 states that currently “license” school psychologists, 48 of those states have chosen to credential school psychologists through their state education agencies rather than through their state boards of psychology. RICO believes a sunrise analysis is important to determine whether full licensure is required and the overall effect licensure would have on public and private institutions alike.

As this is an area that may overlap with other professions, clarification will assist RICO with enforcement.

Thank you for the opportunity to testify on S.B. 2655 S.D.2. I am available to answer any questions the Committee may have.



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON
EDUCATION

RE: SB 2655, SD 2 - RELATING TO PSYCHOLOGY

MONDAY, MARCH 12, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2655, SD 2**, relating to psychology.

Appropriate licensure is imperative for all professionals who care for our keiki, including school psychologists. Currently, however, school psychologists are exempt from the licensure requirements of Hawai'i Revised Statutes Chapter §465 and, accordingly, are not subject to a state-sanctioned credentialing process.

Hawai'i is the only state in the nation that does not require licensure for school psychologists and allows untrained individuals to provide mental health treatment to students. This must end. Only licensed professionals are qualified to diagnose and treatment mental and emotional impairments affecting our children. Moreover, Medicaid reimbursements are only available for services provided by licensed professionals, making this change necessary to allow the Hawai'i State Department of Education to bill for services funded by Medicaid programs.

Untrained individuals may do more harm than good. Rather than provide quality care and psychological evaluations, unlicensed school psychologists may misdiagnose students and/or prescribe a course of action that is not developmentally, behaviorally, or psychosocially appropriate, in turn undermining a student's mental well-being, behavioral maturity, relationships with teachers and peers, and learning growth.

To provide our students with a quality continuum of care in school settings, the Hawaii State Teachers Association asks your committee to **support** this bill.

SB2655

Aloha Chair Woodson and Representatives:

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.

Graduate training in school psychology and a supervised internship aligns with the Practice Model set forth by the National Association of School Psychologists (NASP). The Practice Model outlines the professional expectations of respecting the dignity and rights of all persons and maintaining professional competency and integrity in professional relationships to foster and maintain the public trust. Our practice model outlines the training of school psychologists that requires them to be forthright about their qualifications, competencies, and roles. We work in full cooperation with other professional disciplines to meet the needs of students and families and avoid multiple relationships that diminish their professional effectiveness. We maintain the public trust by respecting law and encouraging ethical conduct. When untrained and unqualified persons are employed as a ‘school psychologist’ under this current exemption in HR 465, but do not meet the graduate level training requirements, the integrity of the profession is compromised and the public is not protected. The training of school psychologists is unique in that we have extensive training in cognitive, academic, social/emotional, behavioral, and adaptive assessment practices and training to ensure these measures are fair, reliable and valid. When these assessments are not utilized and administered as they were designed by properly trained professionals, the students are not being fairly assessed, which can result in inaccurate results. The research is clear that students who are identified with special learning needs are at a higher risk for a number of negative outcomes, such as dropping out of school, qualifying for lower-level jobs, or becoming involved in criminal activity. Raising the standards of practice for all school psychologists working in the state of Hawai`i will in turn increase appropriate service delivery to those students most in need. The Sunset Evaluation of 1987 (and referencing the Sunset Evaluation of 1981) indicated Psychologists needed licensing; there was never an exception for any type of psychologist to practice without a license. For this reason, School Psychologists should be included in HR 465 without a new sunrise.

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 Legislative Representative



Hawaii
Children's Action Network
Building a unified voice for Hawaii's children

March 12, 2018

To: Representative Justin H. Woodson, Chair
Representative Sam Satoru Kong, Vice Chair
House Committee on Education

From: Mandy Finlay, Director of Public Policy
Hawaii Children's Action Network

Re: **SB 2655 SD2 – Relating to Psychology**
Hawaii State Capitol, Room 309, March 12, 2018, 2:05 PM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2655 SD2 – Relating to Psychology.

To provide the best mental health care for Hawaii's students, especially those with special needs, a professional licensure program is needed for school psychologists. Although the general public is protected from non-licensed individuals practicing psychology, requiring anyone practicing "psychology" to have specialized training and expertise. Yet, school psychologists are currently exempt from having to have licensure when practicing in an educational setting. Hawaii is the only state in the nation that does not require licensing of school psychologists.

Not only has this placed Hawaii students in the situation of receiving mental health services from people who have not received graduate training in school psychology or meet the nationally accepted certification standards, but it also prevents the state from receiving reimbursement from Medicaid for school psychology services such as evaluations. This is because only licensed or certificated professionals are billable under Medicaid. Not only is the state putting the health of Hawaii's students in jeopardy, but it is losing out on money as well.

School psychologists receive additional and extensive training in cognitive, academic, social/emotional, behavioral, and adaptive assessment practices. When unqualified and inadequately trained staff provide these services, students are not being fairly assessed, which can result in inaccurate results. It is vital to provide students with the best services in order to avoid the possible negative outcomes, such as dropping out of school, qualifying for lower-level jobs, or becoming involved in criminal activity. By licensing school psychologists, Hawaii's students can receive the best services possible.

For these reasons, HCAN respectfully requests that the committee vote to pass this bill.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.

**PRESENTATION OF THE
BOARD OF PSYCHOLOGY**

TO THE HOUSE COMMITTEE ON EDUCATION

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Monday, March 12, 2018
2:05 p.m.

TESTIMONY ON SENATE BILL NO. 2655, S.D. 2, RELATING TO PSYCHOLOGY.

TO THE HONORABLE JUSTIN H. WOODSON, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is May Ferrer, and I am the Executive Officer of the Hawaii Board of Psychology ("Board"). Thank you for the opportunity to testify on S.B. 2655, S.D. 2, Relating to Psychology.

While the Board has not had an opportunity to discuss this measure, it will do so at its scheduled meeting on Friday, March 23, 2018.

This bill establishes licensure requirements for school psychologists to be administered by the Board of Psychology. It also requires all school psychologists, including school psychologists employed by the Department of Education, to be licensed by July 1, 2021. The bill further amends the composition of the board to include two school psychologists.

The Board respectfully requests the Committee's consideration to refer S.B. 2655, S.D. 2 to the Auditor for a sunrise analysis, pursuant to Hawaii Revised Statutes section 26H-6.

The Board strongly believes that if certification or licensure of the low number of school psychologists is determined to be necessary, then alternate forms of regulation should be given consideration to effectively produce an outcome with minimal expenditure of time and effort.

Thank you for the opportunity to provide comments on S.B. 2655, S.D. 2.

March 12, 2018

Representative Justin H. Woodson, Chair
Representative Sam Satoru Kong, Vice Chair
House Committee on Education

Re: S.B. 2655 S.D.2 Relating to Psychology

Hearing: Monday, March 12, 2018, 2:05 p.m., Room 309.

Dear Chair Woodson, Vice Chair Kong, and Members of the Committee on Education:

My name is Stephanie Batzer. I am the Chair of the Board of Directors for Family Programs Hawaii, a family social worker, and I have been a Court Appointed Special Advocate Volunteer Guardian ad Litem (CASA VGAL) for nearly six years. I am submitting testimony in **STRONG SUPPORT of S.B.2655 S.D.2** Relating to Psychology. This measure establishes licensure requirements for school psychologists which will be governed by the Board of Psychology, requires all school psychologists, including to be licensed by July 1, 2021, and amends the composition of the Board to include two school psychologists by July 1, 2050.

Children are Hawaii's most valuable resource. They are our future. Family Programs Hawaii is a unique non-profit agency that provides quality care to the children of Hawaii. Our goal is that every child in Hawaii has the opportunity to reach his or her full potential. We help foster children and children at risk with three areas of service: prevention, transition, and support.

Earlier science seemed to indicate that human brain development stopped when we reached "adulthood," the age of eighteen. Science has evolved since then, and studies of the brain show that it continues to grow long past the time our bodies do – up until our mid-twenties. The time of puberty is particularly volatile, in that the brain's reward system becomes highly active, and adolescents and young adults become more interested in exploring the unknown and enter into uncertain situations for the sheer sake of experience.

It is conceivable that during this time frame, our youth may also experience an onset or increase of symptoms requiring mental health assessment (diagnosis) and assistance (treatment). As a social worker, I need to be licensed to make a diagnosis, or under the observation of a clinician. School psychologists currently do not have this requirement. Without the proper training, licensure, and supervision, the probability of misdiagnosis and poor treatment plans rises. We should not want this for our keiki.

For this reason, I ask that you vote in support of S.B. 2655 S.D. 2., which will provide our students with a quality continuum of care in school settings.

Thank you for this opportunity to testify.

Stephanie W. Batzer, Esq., MSW



We help kids



SB-2655-SD-2

Submitted on: 3/9/2018 11:57:06 PM

Testimony for EDN on 3/12/2018 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Circe Carr	Individual	Support	No

Comments:

SB-2655-SD-2

Submitted on: 3/10/2018 8:28:48 AM

Testimony for EDN on 3/12/2018 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Russo	Individual	Support	No

Comments:

SB-2655-SD-2

Submitted on: 3/11/2018 1:56:06 PM

Testimony for EDN on 3/12/2018 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

LATE

SB-2655-SD-2

Submitted on: 3/12/2018 8:35:40 AM

Testimony for EDN on 3/12/2018 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jamie	Individual	Support	No

Comments:

To whom it may concern,

I support SB2655 in its expansion to include Nationally Certified School Psychologists. With the continuously growing mental health concerns in the state of Hawaii, it is ever so important to have highly qualified mental health professionals in the school settings.

Nationally Certified School psychologists are trained in a large array of skills. These include, but not limited to, prevention activities, crisis intervention, behavior interventions, consultation and collaboration, counseling, and research/data analysis. However, with the limited about of school psychologists on the islands much of our time is dedicated to special education assessments. Time and time again, we hear principals and teachers complain that there is not enough support to help their students. With this new bill in place, it will attract more highly qualified applicants to support our students effectively. The stipend will also promote higher levels of knowledge and competency; as NCSP school psychologists must engage in.

Thank you for your time,

Jamie Gadreau, NCSP

West Hawaii DOE

LATE

COMMITTEE ON EDUCATION
Rep. Justin H. Woodson, Chair
Rep. Sam Satoru Kong, Vice Chair

Monday, March 12, 2018, 2:05 p.m.

State Capitol
Conference Room 309
415 South Beretania Street

SUPPORT SB2655, SD1

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Amanda N Kelly. I am a PhD level licensed behavior analyst (LBA), and also a formerly licensed elementary teacher, with a strong background working in public school settings. I am submitting testimony in SUPPORT OF SB2655, SD1, which seeks to license School Psychologists in Hawai'i. As mentioned in the preamble of the current draft, Hawai'i the only state without certification or licensure for school psychologists. Without licensing, the State cannot ensure that functioning school psychologists are properly qualified and delivering appropriate services to our keiki.

In addition, the State's failure to properly license school psychologists means that by law the State is unable to seek 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 to ensure the employment of qualified school psychologists and to allow schools using school psychologists to properly seek available federal Medicaid funds.

Mahalo for your time and the opportunity to testify on this measure,



Amanda N. Kelly, PhD, BCBA-D, LBA

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STATE OF HAWAII
DEPARTMENT OF EDUCATION
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Date: 03/12/2018
Time: 02:05 PM
Location: 309
Committee: House Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: SB 2655, SD2 RELATING TO PSYCHOLOGY.

Purpose of Bill: Establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists, including school psychologists employed by the department of education, to be licensed by 7/1/2021. Amends the composition of the board to include two school psychologists. Effective 7/1/2050. (SD2)

Department's Position:

The Department of Education (Department) supports the intent of SB 2655 SD2, which establishes licensure requirements for school psychologists, provided that its passage does not replace, or adversely impact priorities indicated in the Board of Education's approved budget.

The Department supports licensing of school psychologists as it enhances the quality of services we are able to provide to our public school students and brings Hawaii in alignment with the other states. However, with Hawaii's high cost of living and low unemployment rate, our ability to recruit licensed applicants while retaining current qualified employees is extremely difficult. Avoiding any disruption to school psychologist services provided to our students is of key importance.

The Department concurs with the testimonies provided by the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division and Regulated Industries Complaints Office and Board of Psychology on the need and professional benefits of a sunrise review conducted by the Auditor that would ensure that our school psychologist employees are properly licensed and credentialed for the public school students that we are charged to serve.

Thank you for the opportunity to submit testimony on SB 2655 SD2.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

SB-2655-SD-2

Submitted on: 3/12/2018 2:46:37 PM

Testimony for EDN on 3/12/2018 2:05:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Madisen Endo	Individual	Support	No

Comments: