



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

LATE

Date: 01/29/2019
Time: 02:00 PM
Location: 309
Committee: House Lower & Higher
Education

Department: Education

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

Title of Bill: HB 0249 RELATING TO SCHOOL PSYCHOLOGISTS.

Purpose of Bill: Establishes licensure requirements for school psychologists to be administered by the Hawaii teacher standards board. Specifies that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465.

Department's Position:

The Department of Education (Department) respectfully provides comments on HB 249.

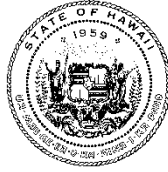
HB 249 establishes licensure requirements for school psychologists, to be administered by the Hawaii Teacher Standards Board (HTSB). Prior to the passage of this measure, the Department requests a determination as to whether a Legislative Auditor sunrise analysis is needed to determine the probable effects of regulation on the profession. Additionally, while the Department has met with the HTSB and the Department of Commerce and Consumer Affairs (DCCA) during the interim to discuss the feasibility of a HTSB licensure for school psychologists, it remains unclear whether a HTSB license, rather than licensure through the DCCA, would allow for the services provided by a HTSB licensed school psychologist to be billed under the Medicaid licensure requirements for school-based Medicaid billing purposes. The Department continues to work collaboratively with Med-Quest and DCCA on this issue towards a resolution.

Furthermore, notwithstanding a sunrise analysis, if the bill passes, the Department is also concerned that there is no provision for a sufficient transition period for our current school psychologist employees to obtain licensure by the bill's effective date and therefore respectfully requests a delayed implementation.

Thank you for the opportunity to submit testimony on HB 249.

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.



STATE OF HAWAII
HAWAII TEACHER STANDARDS BOARD
650 IWILEI ROAD, SUITE 268
HONOLULU, HAWAII 96817

January 28, 2019

TESTIMONY BEFORE THE HOUSE COMMITTEE ON LOWER & HIGHER EDUCATION

PERSON TESTIFYING: Lynn Hammonds, for the Hawaii Teacher Standards Board

DATE: Tuesday, January 29, 2019

TIME: 2:00 pm

LOCATION: State Capitol Conference Room 309

TITLE OF BILL: HB 249 RELATING TO SCHOOL PSYCHOLOGISTS

PURPOSE OF BILL:

Establishes licensure requirements for school psychologists to be administered by the Hawaii teacher standards board. Specifies that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465.

Chair Woodson, Vice Chairs Perruso and Hashem, and Members of the Committee on Lower & Higher Education:

The Hawaii Teacher Standards Board (HTSB) supports HB 249, and thanks the Committee for its confidence in the HTSB to license public school professional educators.

The HTSB would like the opportunity to review Sections 302A-B and 302A-C with representatives of the Hawaii Association of School Psychologists (HASP) to discuss routes to licensure and license renewal to ensure input from the field.

I have already reached out to HASP to coordinate a meeting and will forward any suggestions for revision to you.

Thank you for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

H.B. NO. 249, RELATING TO SCHOOL PSYCHOLOGISTS.

BEFORE THE:

HOUSE COMMITTEE ON LOWER AND HIGHER EDUCATION

DATE: Tuesday, January 29, 2019 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Clare E. Connors, Attorney General, or
Melissa J. Kolonie, Deputy Attorney General

Chair Woodson and Members of the Committee:

The Department of the Attorney General provides the following comments:

The purposes of this bill are to establish licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board and to specify that school psychologists who are employed by an educational institution and practice only within a school setting shall be exempt from licensure under chapter 465, Hawaii Revised Statutes (HRS).

Psychologists are regulated under chapter 465, HRS. However, school psychologists are exempted from chapter 465, HRS. The profession of school psychology is currently unregulated and does not have statutory licensure requirements. Rather, the employer identifies expected requirements and qualifications of the school psychologist position. Pursuant to section 26H-6, HRS, new regulatory measures being considered for enactment that, if enacted, would subject unregulated professions and vocations to licensing or other regulatory controls shall be referred to the auditor by a concurrent resolution in order to analyze the probable effects of the proposed regulatory measure and to assess whether its enactment is consistent with the policies set forth in section 26H-2, HRS.

Our understanding is that there has been no concurrent resolution adopted regarding school psychologists as required by section 26H-2, HRS. Accordingly, we recommend either that the bill be held until such time as the concurrent resolution has

been adopted and the Auditor's report has been completed and submitted to the Legislature, or that the Legislature include wording within the bill that exempts this new mandate from the audit requirement set forth in section 26H-6, HRS.

Thank you for the opportunity to provide testimony.

LATE

1/28/2019

Dani Schroeder, Ed.S., NCSP
danipsyc@gmail.com

HB249

I am writing this testimony in support of establishing credentialing requirements for school psychologists in the State of Hawaii. As of today, Hawaii remains the only state in the nation without a credentialing or licensure requirement for school psychologists. School psychologists are exempt from licensure requirements when practicing in an educational setting in Hawaii. Because of this, school psychologists are the only mental health providers in the state without certification or licensure requirements despite existing law that requires anyone practicing psychology must meet specific education and training requirements and be licensed. Therefore, those who are not specifically trained in the area of school psychology or fully qualified to practice in an educational setting may, in fact, meet the minimum qualifications established by the DOE to become a school psychologist. Without an appropriate credentialing system, the State is not able to make certain that those hired as school psychologists are properly qualified to deliver appropriate services.

A credentialing process is an essential component to ensure that specifically trained and highly qualified professionals are available to serve our youth, and doing so seems to align itself with federal requirements under the No Child Left Behind Act which requires all teachers of core academic subjects be highly qualified. Further, credentialing standards are necessary not only to use the title of school psychologist in one's work setting, but also to the practice of school psychology (NASP, 2010). To assist with financial burdens, school psychologists who are credentialed or licensed are considered qualified health professionals and mental health professionals under the Affordable Care Act which would then allow the DOE to bill Medicaid for their services (NASP, 2015).

School psychologists are uniquely trained in both psychology and education in order to "promote educationally and psychologically healthy environments for all children and students" (NASP, 2010a). Those that are trained specifically in the area of school psychology receive a specialized advanced graduate coursework and practical experiences relevant to both psychology and education. The graduate programs consisting of at least 90 graduate semester hours, 1200-hour internship, and lasts a minimum of three years of full-time graduate study qualifies at a specialist level. School psychologists receive training, at minimum, in human learning and child development; assessment; counseling; crisis prevention and response; academic, learning, behavioral, and mental health interventions; behavioral analysis; program evaluation; and how to make data driven decisions. They are able to provide school-based mental health services; provide consultation, assessment, and intervention along a multi-tiered continuum including preventative measures as well as intensive supports; and, assist in school improvement acts such as school climate and school safety; etc. Our extensive training in assessment ensures that

students appropriate assessment tools are selected and results are interpreted accurately so that factors related to eligibility and placement and be validly determined.

Finally, by establishing a credentialing/licensing system, school psychologists would then meet the criteria for allowing the state to bill Medicaid for service reimbursement for activities such as assessments, counseling, etc. This should help the state to be able to generate additional income for implementing best educational practice.

As a professional currently possessing a National School Psychology certification (NCSP) credential, I humbly request your support in passing this bill to establish a school psychologist credentialing system in order to ensure those that practice school psychology are qualified to provide services in the schools so that the best interests of our youth can be met. Our code of ethics requires that we are forthright about our qualifications and competencies, and establishing a credentialing/licensure system helps to ensure that only those licensed in psychology can practice psychology.

References:

National Association of School Psychologists (2015). *School psychologists: Qualified health professionals providing child and adolescent mental and behavioral health services* [White paper]. Bethesda, MD: Author.

National Association of School Psychologists (2010). *Standards for the Credentialing of School Psychologists*. Bethesda, MD: Author

Sincerely,
Dani Schroeder, Ed.S., NCSP
School Psychologist
Hawaii Association of School Psychologist's Past-President

NASP Practice Model 10 Domains

In This Section

The following domains, while described below as distinct, regularly interact and intersect within the context of service delivery. Understanding the domains helps inform the range of knowledge and skills school psychologists can provide. The NASP Practice Model outlines how services are integrated to best meet the needs of students, families, and the school community.

Practices That Permeate All Aspects of Service Delivery

Domain 1: Data-Based Decision Making and Accountability-School psychologists have knowledge of varied models and methods of assessment and data collection for identifying strengths and needs, developing effective services and programs, and measuring progress and outcomes. As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to use psychological and educational assessment, data collection strategies, and technology resources and apply results to design, implement, and evaluate direct interventions, psychological services, and programs. Examples of professional practices include:

- Using the problem solving framework as the basis for all practices.
- Systematically collecting data from multiple sources and using ecological factors as the context for all assessment and intervention decisions.
- Using assessment data to understand students' problems and to implement evidence-based instructional, mental, and behavioral health services.
- Using data to analyze progress toward meeting academic and behavioral goals.
- Evaluating treatment fidelity of student interventions.
- Evaluating the effectiveness and/or need for modifications to school-based interventions or programs. □
Conducting valid and reliable assessments for the purpose of identifying student's eligibility for special education services.

Domain 2: Consultation and Collaboration-School psychologists have knowledge of varied models and strategies of consultation, collaboration, and communication applicable to individuals, families, schools and systems, and methods to promote effective implementation of services. As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to consult, collaborate, and communicate effectively with others. Examples of professional practices include:

1. Using a consultative problem-solving process for planning, implementing, and evaluating all instructional, and mental and behavioral health services.
2. Facilitating effective communication and collaboration among families, teachers, community providers, and others.
3. Using consultation and collaboration when working at the individual, classroom, school, or systems levels.

4. Advocating for needed change at the individual student, classroom, building, district, state, or national levels.

Direct and Indirect Services for Children, Families, and Schools: Student Level Services

Domain 3: Interventions and Instructional Support to Develop Academic Skills-School psychologists have knowledge of biological, cultural, and social influences on academic skills; human learning, cognitive, and developmental processes; and evidence-based curricula and instructional strategies. School psychologists, in collaboration with others, demonstrate skills to use assessment and data collection methods and to implement and evaluate services that support cognitive and academic skills. Examples of professional practices include:

1. Implementing evidence-based interventions to improve student engagement and learning.
2. Using assessment data to develop and implement evidence-based instructional strategies that will improve student performance.
3. Working with other school personnel to ensure attainment of state and local benchmarks for all students.
4. Sharing information about research in curriculum and instructional strategies.
5. Promoting the use of instructional strategies for diverse learners and to meet individual learning needs.

Domain 4: Interventions and Mental Health Services to Develop Social and Life Skills-School psychologists have knowledge of biological, cultural, developmental, and social influences on behavior and mental health, behavioral and emotional impacts on learning and life skills, and evidence-based strategies to promote social-emotional functioning, and mental and behavioral health. School psychologists, in collaboration with others, demonstrate skills to use assessment and data collection methods and to implement and evaluate services that support socialization, learning, and mental and behavioral health. Examples of professional practices include:

1. Providing a continuum of mental and behavioral health services, including individual and group counseling, behavioral coaching, positive behavioral supports, and parent education.
2. Integrating behavioral supports and mental health services with academic and learning goals for students.
3. Facilitating the design and delivery of curricula to help students develop effective skills, such as selfregulation, planning, organization, empathy, social skills, and decision making.
4. Using systematic decision-making to consider the antecedents, consequences, functions, and causes of behavioral difficulties.
5. Developing and implementing behavior change programs at individual, group, classroom, and schoolwide levels.
6. Evaluating evidence-based interventions to improve individual student social, emotional, and behavioral wellness.

Systems-Level Services

Domain 5: School-Wide Practices to Promote Learning-School psychologists have knowledge of school and systems structure, organization, and theory; general and special education; technology resources; and evidence-based school practices that promote learning and mental and behavioral health. School psychologists, in collaboration with others, demonstrate skills to develop and implement practices and strategies to create and maintain effective and supportive learning environments for children and others. Examples of professional practices include:

1. Using knowledge of universal screening programs to identify students in need of instructional and behavioral support services.

2. Promoting policies and practices that support effective discipline, instructional support, grading, home–school partnerships, student transitions, and more.
3. Collaborating with other school personnel to create and maintain a multitiered continuum of services to support academic, social, emotional, and behavioral goals for students.
4. Advocating for policies and practices that promote positive school environments.

Domain 6: Preventive and Responsive Services—School psychologists have knowledge of principles and research related to resilience and risk factors in learning and mental health, services in schools and communities to support multitiered prevention, and evidence-based strategies for effective crisis response. School psychologists, in collaboration with others, demonstrate skills to promote services that enhance learning, mental and behavioral health, safety, and physical well-being through protective and adaptive factors and to implement effective crisis preparation, response, and recovery. Examples of professional practices include:

1. Using knowledge of risk and protective factors to address problems such as school completion, truancy, bullying, youth suicide, and school violence.
2. Developing, implementing, and evaluating prevention and intervention programs that address precursors to severe learning and behavioral problems.
3. Participating in school crisis prevention and response teams.
4. Participating and evaluating programs that promote safe and violence-free schools and communities.

Domain 7: Family–School Collaboration Services—School psychologists have knowledge of principles and research related to family systems, strengths, needs, and culture; evidence-based strategies to support family influences on children’s learning and mental and behavioral health; and strategies to develop collaboration between families and schools. School psychologists, in collaboration with others, demonstrate skills to design, implement, and evaluate services that respond to culture and context and facilitate family and school partnerships and interactions with community agencies for enhancement of academic and social–behavioral outcomes for children. Examples of professional practices include:

1. Collaborating with and engaging parents in decision making about their children.
2. Promoting respect and appropriate services for cultural and linguistic differences.
3. Promoting strategies for safe, nurturing, and dependable parenting and home interventions.
4. Creating links among schools, families, and community providers.

Foundations of School Psychological Service Delivery

Domain 8: Diversity in Development and Learning—School psychologists have knowledge of individual differences, abilities, disabilities, and other diverse student characteristics; principles and research related to diversity factors for children, families, and schools, including factors related to culture, context, and individual and role difference; and evidence-based strategies to enhance services and address potential influences related to diversity. School psychologists provide professional services that promote effective functioning for individuals, families, and schools with diverse characteristics, cultures, and backgrounds and across multiple contexts. Understanding and respect for diversity in development and learning, and advocacy for social justice, are foundations for all aspects of service delivery. Examples of professional practices include:

1. Addressing individual differences, strengths, backgrounds, and needs in the design, implementation, and evaluation of all services.
2. Using a problem-solving framework for addressing the needs of English language learners.
3. Promoting fairness and social justice in school policies and programs.

Domain 9: Research and Program Evaluation—School psychologists have knowledge of research design, statistics, measurement, varied data collection and analysis techniques, and program evaluation sufficient for understanding research and interpreting data in applied settings. School psychologists demonstrate skills to

evaluate and apply research as a foundation for service delivery and, in collaboration with others, use various techniques and technology resources for data collection, measurement, and analysis to support effective practices at the individual, group, and/or systems levels. Examples of professional practices include:

1. Using research findings as the foundation for effective service delivery.
2. Using techniques of data collection to evaluate services at the individual, group, and systems levels.
3. Assisting teachers in collecting meaningful student data.
4. Applying knowledge of evidence-based interventions to evaluate the fidelity and effectiveness of schoolbased intervention plans.

Domain 10: Legal, Ethical, and Professional Practice-School psychologists have knowledge of the history and foundations of school psychology; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists. School psychologists demonstrate skills to provide services consistent with ethical, legal, and professional standards; engage in responsive ethical and professional decision-making; collaborate with other professionals; and apply professional work characteristics needed for effective practice as school psychologists, including respect for human diversity and social justice, communication skills, effective interpersonal skills, responsibility, adaptability, initiative, dependability, and technology skills. Examples of professional practices include:

1. Remaining knowledgeable about ethical and professional standards, and legal regulations.
2. Assisting administrators, other school personnel, and parents in understanding regulations relevant to general and special education.
3. Engaging in professional development and life-long learning.
4. Using supervision and mentoring for effective practices.

National Association of School Psychologists

4340 East West Highway, Suite 402, Bethesda, MD 20814

<https://www.nasponline.org>

January 29, 2019
COMMITTEE ON LOWER & HIGHER EDUCATION
Hawai'i State Capitol
415 South Beretania Street

HB249

Aloha Chair Woodson and Representatives,

The Hawai'i Association of School Psychologists believes that licensure is important for all professionals that are entrusted to care for students, especially those with special needs. School psychologists have knowledge of the history and foundations of psychological services in schools; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists. School psychologists demonstrate skills to provide services consistent with ethical, legal, and professional standards; engage in responsive ethical and professional decision-making; collaborate with other professionals; and apply professional work characteristics needed for effective practice as school psychologists, including respect for human diversity and social justice, communication skills, effective interpersonal skills, responsibility, adaptability, initiative, dependability, and technology skills. Examples of professional practices include:

1. Remaining knowledgeable about ethical and professional standards, and legal regulations.
2. Assisting administrators, other school personnel, and parents in understanding regulations relevant to general and special education.
3. Engaging in professional development and life-long learning.
4. Using supervision and mentoring for effective practices.

Hawai'i is currently the only state in our nation that has no credentialing process for school psychologists. Hawai'i's keiki deserve school psychologists that are knowledgeable about and held accountable for professional ethics and responsible decision-making. The Hawai'i Association of School Psychologists asks that you support licensing of school psychologists in Hawai'i 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.

Sincerely,
Faith Zabek, M.Ed.
Hawai'i Association of School Psychologists, President-Elect

Principles for Professional Ethics

2010

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Principles for Professional Ethics

2010

INTRODUCTION

The mission of the National Association of School Psychologists (NASP) is to represent school psychology and support school psychologists to enhance the learning and mental health of all children and youth. NASP's mission is accomplished through identification of appropriate evidence-based education and mental health services for all children; implementation of professional practices that are empirically supported, data driven, and culturally competent; promotion of professional competence of school psychologists; recognition of the essential components of high-quality graduate education and professional development in school psychology; preparation of school psychologists to deliver a continuum of services for children, youth, families, and schools; and advocacy for the value of school psychological services, among other important initiatives.

School psychologists provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally. School psychologists provide direct educational and mental health services for children and youth, as well as work with parents, educators, and other professionals to create supportive learning and social environments for all children. School psychologists apply their knowledge of both psychology and education during consultation and collaboration with others. They conduct effective decision making using a foundation of assessment and data collection. School psychologists engage in specific services for students, such as direct and indirect interventions that focus on academic skills, learning, socialization, and mental health. School psychologists provide services to schools and families that enhance the competence and well-being of children, including promotion of effective and safe learning environments, prevention of academic and behavior problems, response to crises, and

improvement of family–school collaboration. The key foundations for all services by school psychologists are understanding of diversity in development and learning; research and program evaluation; and legal, ethical, and professional practice. All of these components and their relationships are depicted in Appendix A, a graphic representation of a national model for comprehensive and integrated services by school psychologists. School psychologists are credentialed by state education agencies or other similar state entities that have the statutory authority to regulate and establish credentialing requirements for professional practice within a state. School psychologists typically work in public or private schools or other educational contexts.

The NASP *Principles for Professional Ethics* is designed to be used in conjunction with the NASP *Standards for Graduate Preparation of School Psychologists*, *Standards for the Credentialing of School Psychologists*, and *Model for Comprehensive and Integrated School Psychological Services* to provide a unified set of national principles that guide graduate education, credentialing, professional practices, and ethical behavior of effective school psychologists. These NASP policy documents are intended to define contemporary school psychology; promote school psychologists' services for children, families, and schools; and provide a foundation for the future of school psychology. These NASP policy documents are used to communicate NASP's positions and advocate for qualifications and practices of school psychologists with stakeholders, policy makers, and other professional groups at the national, state, and local levels.

The formal principles that elucidate the proper conduct of a professional school psychologist are known as *ethics*. In 1974, NASP adopted its first code of ethics, the *Principles for Professional Ethics (Principles)*, and revisions were made in 1984, 1992, 1997, and 2000. The purpose of the *Principles* is to protect the public and those who receive school psychological services by sensitizing

school psychologists to the ethical aspects of their work, educating them about appropriate conduct, helping them monitor their own behavior, and providing standards to be used in the resolution of complaints of unethical conduct.¹ NASP members and school psychologists who are certified by the National School Psychologist Certification System are bound to abide by NASP's code of ethics.²

The NASP *Principles for Professional Ethics* were developed to address the unique circumstances associated with providing school psychological services. The duty to educate children and the legal authority to do so rests with state governments. When school psychologists employed by a school board make decisions in their official roles, such acts are seen as actions by state government. As state actors, school-based practitioners have special obligations to all students. They must know and respect the rights of students under the U.S. Constitution and federal and state statutory law. They must balance the authority of parents to make decisions about their children with the needs and rights of those children, and the purposes and authority of schools. Furthermore, as school employees, school psychologists have a legal as well as an ethical obligation to take steps to protect all students from reasonably foreseeable risk of harm. Finally, school-based practitioners work in a context that emphasizes multidisciplinary problem solving and intervention.³ For these reasons, psychologists employed by the schools may have less control over aspects of service delivery than practitioners in private practice. However, within this framework, it is expected that school psychologists will make careful, reasoned, and principled ethical choices⁴ based on knowledge of this code, recognizing that responsibility for ethical conduct rests with the individual practitioner.

School psychologists are committed to the application of their professional expertise for the purpose of promoting improvement in the quality of life for students, families, and school communities. This objective is pursued in ways that protect the dignity and rights of those involved. School psychologists consider the interests and rights of children and youth to be their highest priority in decision making, and act as advocates for all students. These assumptions necessitate that school psychologists "speak up" for the needs and rights of students even when it may be difficult to do so.

The *Principles for Professional Ethics*, like all codes of ethics, provide only limited guidance in making ethical choices. Individual judgment is necessary to apply the code to situations that arise in professional practice. Ethical dilemmas may be created by situations involving

competing ethical principles, conflicts between ethics and law, the conflicting interests of multiple parties, the dual roles of employee and pupil advocate, or because it is difficult to decide how statements in the ethics code apply to a particular situation.⁵ Such situations are often complicated and may require a nuanced application of these *Principles* to effect a resolution that results in the greatest benefit for the student and concerned others. When difficult situations arise, school psychologists are advised to use a systematic problem-solving process to identify the best course of action. This process should include identifying the ethical issues involved, consulting these *Principles*, consulting colleagues with greater expertise, evaluating the rights and welfare of all affected parties, considering alternative solutions and their consequences, and accepting responsibility for the decisions made.^{6,7}

The NASP *Principles for Professional Ethics* may require a more stringent standard of conduct than law, and in those situations in which both apply, school psychologists are expected to adhere to the *Principles*. When conflicts between ethics and law occur, school psychologists are expected to take steps to resolve conflicts by problem solving with others and through positive, respected, and legal channels. If not able to resolve the conflict in this manner, they may abide by the law, as long as the resulting actions do not violate basic human rights.⁸

In addition to providing services to public and private schools, school psychologists may be employed in a variety of other settings, including juvenile justice institutions, colleges and universities, mental health clinics, hospitals, and private practice. The principles in this code should be considered by school psychologists in their ethical decision making regardless of employment setting. However, this revision of the code, like its precursors, focuses on the special challenges associated with providing school psychological services in schools and to students. School psychologists who provide services directly to children, parents, and other clients as private practitioners, and those who work in health and mental health settings, are encouraged to be knowledgeable of federal and state law regulating mental health providers, and to consult the American Psychological Association's (2002) *Ethical Principles of Psychologists and Code of Conduct* for guidance on issues not directly addressed in this code.

Four broad ethical themes⁹ provide the organizational framework for the 2010 *Principles for Professional Ethics*. The four broad ethical themes subsume 17 ethical principles. Each principle is then further articulated by

multiple specific standards of conduct. The broad themes, corollary principles, and ethical standards are to be considered in decision making. NASP will seek to enforce the 17 ethical principles and corollary standards that appear in the *Principles for Professional Ethics* with its members and school psychologists who hold the Nationally Certified School Psychologist (NCSP) credential in accordance with NASP's *Ethical and Professional Practices Committee Procedures* (2008). Regardless of role, clientele, or setting, school psychologists should reflect on the theme and intent of each ethical principle and standard to determine its application to his or her individual situation.

The decisions made by school psychologists affect the welfare of children and families and can enhance their schools and communities. For this reason, school psychologists are encouraged to strive for excellence rather than simply meeting the minimum obligations outlined in the *NASP Principles for Professional Ethics*,¹⁰ and to engage in the lifelong learning that is necessary to achieve and maintain expertise in applied professional ethics.

DEFINITION OF TERMS AS USED IN THE PRINCIPLES FOR PROFESSIONAL ETHICS

Client: The *client* is the person or persons with whom the school psychologist establishes a professional relationship for the purpose of providing school psychological services. A school psychologist–client professional relationship is established by an informed agreement with client(s) about the school psychologist's ethical and other duties to each party.¹¹ While not clients per se, classrooms, schools, and school systems also may be recipients of school psychological services and often are parties with an interest in the actions of school psychologists.

Child: A *child*, as defined in law, generally refers to a minor, a person younger than the age of majority. Although this term may be regarded as demeaning when applied to teenagers, it is used in this document when necessary to denote minor status. The term *student* is used when a less precise term is adequate.

Informed Consent: *Informed consent* means that the person giving consent has the legal authority to make a consent decision, a clear understanding of what it is he or she is consenting to, and that his or her consent is freely given and may be withdrawn without prejudice.¹²

Assent: The term *assent* refers to a minor's affirmative agreement to participate in psychological services or research.

Parent: The term *parent* may be defined in law or district policy, and can include the birth or adoptive parent, an individual acting in the place of a natural or adoptive parent (a grandparent or other relative, stepparent, or domestic partner), and/or an individual who is legally responsible for the child's welfare.

Advocacy: School psychologists have a special obligation to speak up for the rights and welfare of students and families, and to provide a voice to clients who cannot or do not wish to speak for themselves. *Advocacy* also occurs when school psychologists use their expertise in psychology and education to promote changes in schools, systems, and laws that will benefit schoolchildren, other students, and families.¹³ Nothing in this code of ethics, however, should be construed as requiring school psychologists to engage in insubordination (willful disregard of an employer's lawful instructions) or to file a complaint about school district practices with a federal or state regulatory agency as part of their advocacy efforts.

School-Based Versus Private Practice: *School-based practice* refers to the provision of school psychological services under the authority of a state, regional, or local educational agency. School-based practice occurs if the school psychologist is an employee of the schools or contracted by the schools on a per case or consultative basis. *Private practice* occurs when a school psychologist enters into an agreement with a client(s) rather than an educational agency to provide school psychological services and the school psychologist's fee for services is the responsibility of the client or his or her representative.

I. RESPECTING THE DIGNITY AND RIGHTS OF ALL PERSONS

School psychologists engage only in professional practices that maintain the dignity of all with whom they work. In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self-determination, respect for privacy, and a commitment to just and fair treatment of all persons.

Principle I.1. Autonomy and Self-Determination (Consent and Assent)

School psychologists respect the right of persons to participate in decisions affecting their own welfare.

Standard I.1.1

School psychologists encourage and promote parental participation in school decisions affecting their children (see Standard II.3.10). However, where school psychologists are members of the school's educational support staff, not all of their services require informed parent consent. It is ethically permissible to provide school-based consultation services regarding a child or adolescent to a student assistance team or teacher without informed parent consent as long as the resulting interventions are under the authority of the teacher and within the scope of typical classroom interventions.¹⁴ Parent consent is not ethically required for a school-based school psychologist to review a student's educational records, conduct classroom observations, assist in within-classroom interventions and progress monitoring, or to participate in educational screenings conducted as part of a regular program of instruction. Parent consent is required if the consultation about a particular child or adolescent is likely to be extensive and ongoing and/or if school actions may result in a significant intrusion on student or family privacy beyond what might be expected in the course of ordinary school activities.¹⁵ Parents must be notified prior to the administration of school- or classroom-wide screenings for mental health problems and given the opportunity to remove their child or adolescent from participation in such screenings.

Standard I.1.2

Except for urgent situations or self-referrals by a minor student, school psychologists seek parent consent (or the consent of an adult student) prior to establishing a school psychologist–client relationship for the purpose of psychological diagnosis, assessment of eligibility for special education or disability accommodations, or to provide ongoing individual or group counseling or other nonclassroom therapeutic intervention.*

- It is ethically permissible to provide psychological assistance without parent notice or consent in emergency situations or if there is reason to believe a student may pose a danger to others; is at risk for self-harm; or is in danger of injury, exploitation, or maltreatment.
- When a student who is a minor self-refers for assistance, it is ethically permissible to provide

psychological assistance without parent notice or consent for one or several meetings to establish the nature and degree of the need for services and assure the child is safe and not in danger. It is ethically permissible to provide services to mature minors without parent consent where allowed by state law and school district policy. However, if the student is *not* old enough to receive school psychological assistance independent of parent consent, the school psychologist obtains parent consent to provide continuing assistance to the student beyond the preliminary meetings or refers the student to alternative sources of assistance that do not require parent notice or consent.

Standard I.1.3

School psychologists ensure that an individual providing consent for school psychological services is fully informed about the nature and scope of services offered, assessment/intervention goals and procedures, any foreseeable risks, the cost of services to the parent or student (if any), and the benefits that reasonably can be expected. The explanation includes discussion of the limits of confidentiality, who will receive information about assessment or intervention outcomes, and the possible consequences of the assessment/intervention services being offered. Available alternative services are identified, if appropriate. This explanation takes into account language and cultural differences, cognitive capabilities, developmental level, age, and other relevant factors so that it may be understood by the individual providing consent. School psychologists appropriately document written or oral consent. Any service provision by interns, practicum students, or other trainees is explained and agreed to in advance, and the identity and responsibilities of the supervising school psychologist are explained prior to the provision of services.¹⁶

Standard I.1.4

School psychologists encourage a minor student's voluntary participation in decision making about school psychological services as much as feasible. Ordinarily, school psychologists seek the student's assent to services; however, it is ethically permissible to bypass student assent to services if the service is considered to be of direct benefit to the student and/or is required by law.¹⁷

*It is recommended that school district parent handbooks and websites advise parents that a minor student may be seen by school health or mental health professionals (e.g., school nurse, counselor, social worker, school psychologist) without parent notice or consent to ensure that the student is safe or is not a danger to others. Parents should also be advised that district school psychologists routinely assist teachers in planning classroom instruction and monitoring its effectiveness and do not need to notify parents of, or seek consent for, such involvement in student support.

- If a student’s assent for services is not solicited, school psychologists nevertheless honor the student’s right to be informed about the services provided.
- When a student is given a choice regarding whether to accept or refuse services, the school psychologist ensures the student understands what is being offered, honors the student’s stated choice, and guards against overwhelming the student with choices he or she does not wish or is not able to make.¹⁸

Standard I.1.5

School psychologists respect the wishes of parents who object to school psychological services and attempt to guide parents to alternative resources.

Principle I.2. Privacy and Confidentiality

School psychologists respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors.

Standard I.2.1

School psychologists respect the right of persons to self-determine whether to disclose private information.

Standard I.2.2

School psychologists minimize intrusions on privacy. They do not seek or store private information about clients that is not needed in the provision of services. School psychologists recognize that client–school psychologist communications are privileged in most jurisdictions and do not disclose information that would put the student or family at legal, social, or other risk if shared with third parties, except as permitted by the mental health provider–client privilege laws in their state.¹⁹

Standard I.2.3

School psychologists inform students and other clients of the boundaries of confidentiality at the outset of establishing a professional relationship. They seek a shared understanding with clients regarding the types of information that will and will not be shared with third parties. However, if a child or adolescent is in immediate need of assistance, it is permissible to delay the discussion of confidentiality until the immediate crisis is resolved. School psychologists recognize that it may be necessary to discuss confidentiality at multiple points in a professional relationship to ensure client understanding and agreement regarding how sensitive disclosures will be handled.

Standard I.2.4

School psychologists respect the confidentiality of information obtained during their professional work. Information is not revealed to third parties without the agreement of a minor child’s parent or legal guardian (or an adult student), except in those situations in which failure to release information would result in danger to the student or others, or where otherwise required by law. Whenever feasible, student assent is obtained prior to disclosure of his or her confidences to third parties, including disclosures to the student’s parents.

Standard I.2.5

School psychologists discuss and/or release confidential information only for professional purposes and only with persons who have a legitimate need to know. They do so within the strict boundaries of relevant privacy statutes.

Standard I.2.6

School psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual’s permission.²⁰

Standard I.2.7

School psychologists respect the right of privacy of students, their parents and other family members, and colleagues with regard to sensitive health information (e.g., presence of a communicable disease). They do not share sensitive health information about a student, parent, or school employee with others without that individual’s permission (or the permission of a parent or guardian in the case of a minor). School psychologists consult their state laws and department of public health for guidance if they believe a client poses a health risk to others.²¹

Principle I.3. Fairness and Justice

In their words and actions, school psychologists promote fairness and justice. They use their expertise to cultivate school climates that are safe and welcoming to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression,

disability, or any other distinguishing characteristics.

Standard I.3.1

School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics including race; ethnicity; color; religion; ancestry; national origin; immigration status; socioeconomic status; primary language; gender; sexual orientation, gender identity, or gender expression; mental, physical, or sensory disability; or any other distinguishing characteristics.

Standard I.3.2

School psychologists pursue awareness and knowledge of how diversity factors may influence child development, behavior, and school learning. In conducting psychological, educational, or behavioral evaluations or in providing interventions, therapy, counseling, or consultation services, the school psychologist takes into account individual characteristics as enumerated in Standard I.3.1 so as to provide effective services.²²

Standard I.3.3

School psychologists work to correct school practices that are unjustly discriminatory or that deny students, parents, or others their legal rights. They take steps to foster a school climate that is safe, accepting, and respectful of all persons.

Standard I.3.4

School psychologists strive to ensure that all children have equal opportunity to participate in and benefit from school programs and that all students and families have access to and can benefit from school psychological services.²³

II. PROFESSIONAL COMPETENCE AND RESPONSIBILITY

Beneficence, or responsible caring, means that the school psychologist acts to benefit others. To do this, school psychologists must practice within the boundaries of their competence, use scientific knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work.²⁴

Principle II.1. Competence

To benefit clients, school psychologists engage only in practices for which they are qualified and competent.

Standard II.1.1

School psychologists recognize the strengths and limitations of their training and experience, engaging only in practices for which they are qualified. They enlist the assistance of other specialists in supervisory, consultative, or referral roles as appropriate in providing effective services.

Standard II.1.2

Practitioners are obligated to pursue knowledge and understanding of the diverse cultural, linguistic, and experiential backgrounds of students, families, and other clients. When knowledge and understanding of diversity characteristics are essential to ensure competent assessment, intervention, or consultation, school psychologists have or obtain the training or supervision necessary to provide effective services, or they make appropriate referrals.

Standard II.1.3

School psychologists refrain from any activity in which their personal problems may interfere with professional effectiveness. They seek assistance when personal problems threaten to compromise their professional effectiveness (also see III.4.2).

Standard II.1.4

School psychologists engage in continuing professional development. They remain current regarding developments in research, training, and professional practices that benefit children, families, and schools. They also understand that professional skill development beyond that of the novice practitioner requires well-planned continuing professional development and professional supervision.

Principle II.2. Accepting Responsibility for Actions

School psychologists accept responsibility for their professional work, monitor the effectiveness of their services, and work to correct ineffective recommendations.

Standard II.2.1

School psychologists review all of their written documents for accuracy, signing them only when correct. They may add an addendum, dated and signed, to a previously submitted report if information is found to be inaccurate or incomplete.

Standard II.2.2

School psychologists actively monitor the impact of their recommendations and intervention plans. They revise a recommendation, or modify or terminate an intervention plan, when data indicate the desired outcomes are not being attained. School psychologists seek the assistance of others in supervisory, consultative, or referral roles when progress monitoring indicates that their recommendations and interventions are not effective in assisting a client.

Standard II.2.3

School psychologists accept responsibility for the appropriateness of their professional practices, decisions, and recommendations. They correct misunderstandings resulting from their recommendations, advice, or information and take affirmative steps to offset any harmful consequences of ineffective or inappropriate recommendations.

Standard II.2.4

When supervising graduate students' field experiences or internships, school psychologists are responsible for the work of their supervisees.

Principle II.3. Responsible Assessment and Intervention Practices

School psychologists maintain the highest standard for responsible professional practices in educational and psychological assessment and direct and indirect interventions.

Standard II.3.1

Prior to the consideration of a disability label or category, the effects of current behavior management and/or instructional practices on the student's school performance are considered.

Standard II.3.2

School psychologists use assessment techniques and practices that the profession considers to be responsible, research-based practice.

- School psychologists select assessment instruments and strategies that are reliable and valid for the child and the purpose of the assessment. When using standardized measures, school psychologists adhere to the procedures for administration of the instrument that are provided by the author or publisher or the instrument. If modifications are made in the administration procedures for standardized tests or other instruments, such modifications are identified and discussed in the interpretation of the results.
- If using norm-referenced measures, school psychologists choose instruments with up-to-date normative data.
- When using computer-administered assessments, computer-assisted scoring, and/or interpretation programs, school psychologists choose programs that meet professional standards for accuracy and validity. School psychologists use professional judgment in evaluating the accuracy of computer-assisted assessment findings for the examinee.

Standard II.3.3

A psychological or psychoeducational assessment is based on a variety of different types of information from different sources.

Standard II.3.4

Consistent with education law and sound professional practice, children with suspected disabilities are assessed in all areas related to the suspected disability

Standard II.3.5

School psychologists conduct valid and fair assessments. They actively pursue knowledge of the student's disabilities and developmental, cultural, linguistic, and experiential background and then select, administer, and interpret assessment instruments and procedures in light of those characteristics (see Standard I.3.1. and I.3.2).

Standard II.3.6

When interpreters are used to facilitate the provision of assessment and intervention services, school psychologists take steps to ensure that the interpreters are appropriately trained and are acceptable to clients.²⁵

Standard II.3.7

It is permissible for school psychologists to make recommendations based solely on a review of existing records. However, they should utilize a representative

sample of records and explain the basis for, and the limitations of, their recommendations.²⁶

Standard II.3.8

School psychologists adequately interpret findings and present results in clear, understandable terms so that the recipient can make informed choices.

Standard II.3.9

School psychologists use intervention, counseling and therapy procedures, consultation techniques, and other direct and indirect service methods that the profession considers to be responsible, research-based practice:

- School psychologists use a problem-solving process to develop interventions appropriate to the presenting problems and that are consistent with data collected.
- Preference is given to interventions described in the peer-reviewed professional research literature and found to be efficacious.

Standard II.3.10

School psychologists encourage and promote parental participation in designing interventions for their children. When appropriate, this includes linking interventions between the school and the home, tailoring parental involvement to the skills of the family, and helping parents gain the skills needed to help their children.

- School psychologists discuss with parents the recommendations and plans for assisting their children. This discussion takes into account the ethnic/cultural values of the family and includes alternatives that may be available. Subsequent recommendations for program changes or additional services are discussed with parents, including any alternatives that may be available.
- Parents are informed of sources of support available at school and in the community.

Standard II.3.11

School psychologists discuss with students the recommendations and plans for assisting them. To the maximum extent appropriate, students are invited to participate in selecting and planning interventions.²⁷

Principle II.4 Responsible School-Based Record Keeping

School psychologists safeguard the privacy of school psychological records and ensure parent access to the records of their own children.

Standard II.4.1

School psychologists discuss with parents and adult students their rights regarding creation, modification, storage, and disposal of psychological and educational records that result from the provision of services. Parents and adult students are notified of the electronic storage and transmission of personally identifiable school psychological records and the associated risks to privacy.²⁸

Standard II.4.2

School psychologists maintain school-based psychological and educational records with sufficient detail to be useful in decision making by another professional and with sufficient detail to withstand scrutiny if challenged in a due process or other legal procedure.²⁹

Standard II.4.3

School psychologists include only documented and relevant information from reliable sources in school psychological records.

Standard II.4.4

School psychologists ensure that parents have appropriate access to the psychological and educational records of their child.

- Parents have a right to access any and all information that is used to make educational decisions about their child.
- School psychologists respect the right of parents to inspect, but not necessarily to copy, their child's answers to school psychological test questions, even if those answers are recorded on a test protocol (also see II.5.1).³⁰

Standard II.4.5

School psychologists take steps to ensure that information in school psychological records is not released to persons or agencies outside of the school without the consent of the parent except as required and permitted by law.

Standard II.4.6

To the extent that school psychological records are under their control, school psychologists ensure that only those school personnel who have a legitimate educational interest in a student are given access to the student's school psychological records without prior parent permission or the permission of an adult student.

Standard II.4.7

To the extent that school psychological records are under their control, school psychologists protect elec-

tronic files from unauthorized release or modification (e.g., by using passwords and encryption), and they take reasonable steps to ensure that school psychological records are not lost due to equipment failure.

Standard II.4.8

It is ethically permissible for school psychologists to keep private notes to use as a memory aid that are not made accessible to others. However, as noted in Standard II.4.4, any and all information that is used to make educational decisions about a student must be accessible to parents and adult students.

Standard II.4.9

School psychologists, in collaboration with administrators and other school staff, work to establish district policies regarding the storage and disposal of school psychological records that are consistent with law and sound professional practice. They advocate for school district policies and practices that:

- safeguard the security of school psychological records while facilitating appropriate parent access to those records
- identify time lines for the periodic review and disposal of outdated school psychological records that are consistent with law and sound professional practice
- seek parent or other appropriate permission prior to the destruction of obsolete school psychological records of current students
- ensure that obsolete school psychology records are destroyed in a way that the information cannot be recovered

Principle II.5 Responsible Use of Materials

School psychologists respect the intellectual property rights of those who produce tests, intervention materials, scholarly works, and other materials.

Standard II.5.1

School psychologists maintain test security, preventing the release of underlying principles and specific content that would undermine or invalidate the use of the instrument. Unless otherwise required by law or district policy, school psychologists provide parents with the opportunity to inspect and review their child's test answers rather than providing them with copies of their child's test protocols. However, on parent request, it is permissible to provide copies of a child's test protocols to a professional who is qualified to interpret them.

Standard II.5.2

School psychologists do not promote or condone the use of restricted psychological and educational tests or other assessment tools or procedures by individuals who are not qualified to use them.

Standard II.5.3

School psychologists recognize the effort and expense involved in the development and publication of psychological and educational tests, intervention materials, and scholarly works. They respect the intellectual property rights and copyright interests of the producers of such materials, whether the materials are published in print or digital formats. They do not duplicate copyright-protected test manuals, testing materials, or unused test protocols without the permission of the producer. However, school psychologists understand that, at times, parents' rights to examine their child's test answers may supersede the interests of test publishers.^{31 32}

III. HONESTY AND INTEGRITY IN PROFESSIONAL RELATIONSHIPS

To foster and maintain trust, school psychologists must be faithful to the truth and adhere to their professional promises. They are forthright about their qualifications, competencies, and roles; 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.

Principle III.1. Accurate Presentation of Professional Qualifications

School psychologists accurately identify their professional qualifications to others.

Standard III.1.1

Competency levels, education, training, experience, and certification and licensing credentials are accurately represented to clients, recipients of services, and others. School psychologists correct any misperceptions of their qualifications. School psychologists do not represent themselves as specialists in a particular domain without verifiable training and supervised experience in the specialty.

Standard III.1.2

School psychologists do not use affiliations with persons, associations, or institutions to imply a level of profes-

sional competence that exceeds that which has actually been achieved.

Principle III.2. Forthright Explanation of Professional Services, Roles, and Priorities

School psychologists are candid about the nature and scope of their services.

Standard III.2.1

School psychologists explain their professional competencies, roles, assignments, and working relationships to recipients of services and others in their work setting in a forthright and understandable manner. School psychologists explain all professional services to clients in a clear, understandable manner (see I.1.2).

Standard III.2.2

School psychologists make reasonable efforts to become integral members of the client service systems to which they are assigned. They establish clear roles for themselves within those systems while respecting the various roles of colleagues in other professions.

Standard III.2.3

The school psychologist's commitment to protecting the rights and welfare of children is communicated to the school administration, staff, and others as the highest priority in determining services.

Standard III.2.4

School psychologists who provide services to several different groups (e.g., families, teachers, classrooms) may encounter situations in which loyalties are conflicted. As much as possible, school psychologists make known their priorities and commitments in advance to all parties to prevent misunderstandings.

Standard III.2.5

School psychologists ensure that announcements and advertisements of the availability of their publications, products, and services for sale are factual and professional. They do not misrepresent their degree of responsibility for the development and distribution of publications, products, and services.

Principle III.3. Respecting Other Professionals

To best meet the needs of children, school psychologists cooperate with other profes-

sionals in relationships based on mutual respect.

Standard III.3.1

To meet the needs of children and other clients most effectively, school psychologists cooperate with other psychologists and professionals from other disciplines in relationships based on mutual respect. They encourage and support the use of all resources to serve the interests of students. If a child or other client is receiving similar services from another professional, school psychologists promote coordination of services.

Standard III.3.2

If a child or other client is referred to another professional for services, school psychologists ensure that all relevant and appropriate individuals, including the client, are notified of the change and reasons for the change. When referring clients to other professionals, school psychologists provide clients with lists of suitable practitioners from whom the client may seek services.

Standard III.3.3

Except when supervising graduate students, school psychologists do not alter reports completed by another professional without his or her permission to do so.

Principle III.4. Multiple Relationships and Conflicts of Interest

School psychologists avoid multiple relationships and conflicts of interest that diminish their professional effectiveness.

Standard III.4.1

The *Principles for Professional Ethics* provide standards for professional conduct. School psychologists, in their private lives, are free to pursue their personal interests, except to the degree that those interests compromise professional effectiveness.

Standard III.4.2

School psychologists refrain from any activity in which conflicts of interest or multiple relationships with a client or a client's family may interfere with professional effectiveness. School psychologists attempt to resolve such situations in a manner that provides greatest benefit to the client. School psychologists whose personal or religious beliefs or commitments may influence the nature of their professional services or their willingness to provide certain services inform

clients and responsible parties of this fact. When personal beliefs, conflicts of interests, or multiple relationships threaten to diminish professional effectiveness or would be viewed by the public as inappropriate, school psychologists ask their supervisor for reassignment of responsibilities, or they direct the client to alternative services.³³

Standard III.4.3

School psychologists do not exploit clients, supervisees, or graduate students through professional relationships or condone these actions by their colleagues. They do not participate in or condone sexual harassment of children, parents, other clients, colleagues, employees, trainees, supervisees, or research participants. School psychologists do not engage in sexual relationships with individuals over whom they have evaluation authority, including college students in their classes or program, or any other trainees, or supervisees. School psychologists do not engage in sexual relationships with their current or former pupil-clients; the parents, siblings, or other close family members of current pupil-clients; or current consultees.

Standard III.4.4

School psychologists are cautious about business and other relationships with clients that could interfere with professional judgment and effectiveness or potentially result in exploitation of a client.

Standard III.4.5

NASP requires that any action taken by its officers, members of the Executive Council or Delegate Assembly, or other committee members be free from the appearance of impropriety and free from any conflict of interest. NASP leaders recuse themselves from decisions regarding proposed NASP initiatives if they may gain an economic benefit from the proposed venture.

Standard III.4.6

A school psychologist's financial interests in a product (e.g., tests, computer software, professional materials) or service can influence his or her objectivity or the perception of his or her objectivity regarding that product or service. For this reason, school psychologists are obligated to disclose any significant financial interest in the products or services they discuss in their presentations or writings if that interest is not obvious in the authorship/ownership citations provided.

Standard III.4.7

School psychologists neither give nor receive any remuneration for referring children and other clients for professional services.

Standard III.4.8

School psychologists do not accept any remuneration in exchange for data from their client database without the permission of their employer and a determination of whether the data release ethically requires informed client consent.

Standard III.4.9

School psychologists who provide school-based services and also engage in the provision of private practice services (dual setting practitioners) recognize the potential for conflicts of interests between their two roles and take steps to avoid such conflicts. Dual setting practitioners:

- are obligated to inform parents or other potential clients of any psychological and educational services available at no cost from the schools prior to offering such services for remuneration
- may not offer or provide private practice services to a student of a school or special school program where the practitioner is currently assigned
- may not offer or provide private practice services to the parents or family members of a student eligible to attend a school or special school program where the practitioner is currently assigned
- may not offer or provide an independent evaluation as defined in special education law for a student who attends a local or cooperative school district where the practitioner is employed
- do not use tests, materials, equipment, facilities, secretarial assistance, or other services belonging to the public sector employer unless approved in advance by the employer
- conduct all private practice outside of the hours of contracted public employment
- hold appropriate credentials for practice in both the public and private sectors

IV. RESPONSIBILITY TO SCHOOLS, FAMILIES, COMMUNITIES, THE PROFESSION, AND SOCIETY

School psychologists promote healthy school, family, and community environments. They assume a proactive role in identifying social injustices that affect children and schools and

strive to reform systems-level patterns of injustice. They maintain the public trust in school psychologists by respecting law and encouraging ethical conduct. School psychologists advance professional excellence by mentoring less experienced practitioners and contributing to the school psychology knowledge base.

Principle IV.1. Promoting Healthy School, Family, and Community Environments

School psychologists use their expertise in psychology and education to promote school, family, and community environments that are safe and healthy for children.

Standard IV.1.1

To provide effective services and systems consultation, school psychologists are knowledgeable about the organization, philosophy, goals, objectives, culture, and methodologies of the settings in which they provide services. In addition, school psychologists develop partnerships and networks with community service providers and agencies to provide seamless services to children and families.

Standard IV.1.2

School psychologists use their professional expertise to promote changes in schools and community service systems that will benefit children and other clients. They advocate for school policies and practices that are in the best interests of children and that respect and protect the legal rights of students and parents.³⁴

Principle IV.2. Respect for Law and the Relationship of Law and Ethics

School psychologists are knowledgeable of and respect laws pertinent to the practice of school psychology. In choosing an appropriate course of action, they consider the relationship between law and the *Principles for Professional Ethics*.

Standard IV.2.1

School psychologists recognize that an understanding of the goals, procedures, and legal requirements of their particular workplace is essential for effective functioning within that setting.

Standard IV.2.2

School psychologists respect the law and the civil and legal rights of students and other clients. The *Principles for Professional Ethics* may require a more stringent standard of conduct than law, and in those situations school psychologists are expected to adhere to the *Principles*.

Standard IV.2.3

When conflicts between ethics and law occur, school psychologists take steps to resolve the conflict through positive, respected, and legal channels. If not able to resolve the conflict in this manner, they may abide by the law, as long as the resulting actions do not violate basic human rights.³⁵

Standard IV.2.4

School psychologists may act as individual citizens to bring about change in a lawful manner. They identify when they are speaking as private citizens rather than as employees. They also identify when they speak as individual professionals rather than as representatives of a professional association.

Principle IV.3. Maintaining Public Trust by Self-Monitoring and Peer Monitoring

School psychologists accept responsibility to monitor their own conduct and the conduct of other school psychologists to ensure it conforms to ethical standards.

Standard IV.3.1

School psychologists know the *Principles for Professional Ethics* and thoughtfully apply them to situations within their employment context. In difficult situations, school psychologists consult experienced school psychologists or state associations or NASP.

Standard IV.3.2

When a school psychologist suspects that another school psychologist or another professional has engaged in unethical practices, he or she attempts to resolve the suspected problem through a collegial problem-solving process, if feasible.

Standard IV.3.3

If a collegial problem-solving process is not possible or productive, school psychologists take further action appropriate to the situation, including discussing the situation with a supervisor in the employment setting, consulting state association ethics committees, and, if

necessary, filing a formal ethical violation complaint with state associations, state credentialing bodies, or the NASP Ethical and Professional Practices Committee in accordance with their procedures.

Standard IV.3.4

When school psychologists are concerned about unethical practices by professionals who are not NASP members or do not hold the NCSP, informal contact is made to discuss the concern if feasible. If the situation cannot be resolved in this manner, discussing the situation with the professional's supervisor should be considered. If necessary, an appropriate professional organization or state credentialing agency could be contacted to determine the procedures established by that professional association or agency for examining the practices in question.

Principle IV.4. Contributing to the Profession by Mentoring, Teaching, and Supervision

As part of their obligation to students, schools, society, and their profession, school psychologists mentor less experienced practitioners and graduate students to assure high quality services, and they serve as role models for sound ethical and professional practices and decision making.

Standard IV.4.1

School psychologists who serve as directors of graduate education programs provide current and prospective graduate students with accurate information regarding program accreditation, goals and objectives, graduate program policies and requirements, and likely outcomes and benefits.

Standard IV.4.2

School psychologists who supervise practicum students and interns are responsible for all professional practices of the supervisees. They ensure that practicum students and interns are adequately supervised as outlined in the *NASP Graduate Preparation Standards for School Psychologists*. Interns and graduate students are identified as such, and their work is cosigned by the supervising school psychologist.

Standard IV.4.3

School psychologists who employ, supervise, or train professionals provide appropriate working conditions,

fair and timely evaluation, constructive supervision, and continuing professional development opportunities.

Standard IV.4.4

School psychologists who are faculty members at universities or who supervise graduate education field experiences apply these ethical principles in all work with school psychology graduate students. In addition, they promote the ethical practice of graduate students by providing specific and comprehensive instruction, feedback, and mentoring.

Principle IV.5. Contributing to the School Psychology Knowledge Base

To improve services to children, families, and schools, and to promote the welfare of children, school psychologists are encouraged to contribute to the school psychology knowledge base by participating in, assisting in, or conducting and disseminating research.

Standard IV.5.1

When designing and conducting research in schools, school psychologists choose topics and employ research methodology, research participant selection procedures, data-gathering methods, and analysis and reporting techniques that are grounded in sound research practice. School psychologists identify their level of training and graduate degree to potential research participants.

Standard IV.5.2

School psychologists respect the rights, and protect the well-being, of research participants. School psychologists obtain appropriate review and approval of proposed research prior to beginning their data collection.

- Prior to initiating research, school psychologists and graduate students affiliated with a university, hospital, or other agency subject to the U.S. Department of Health and Human Services (DHHS) regulation of research first obtain approval for their research from their Institutional Review Board for Research Involving Human Subjects (IRB) as well as the school or other agency in which the research will be conducted. Research proposals that have not been subject to IRB approval should be reviewed by individuals knowledgeable about research methodology and ethics and approved by the school administration or other appropriate authority.

- In planning research, school psychologists are ethically obligated to consider carefully whether the informed consent of research participants is needed for their study, recognizing that research involving more than minimum risk requires informed consent, and that research with students involving activities that are not part of ordinary, typical schooling requires informed consent. Consent and assent protocols provide the information necessary for potential research participants to make an informed and voluntary choice about participation. School psychologists evaluate the potential risks (including risks of physical or psychological harm, intrusions on privacy, breach of confidentiality) and benefits of their research and only conduct studies in which the risks to participants are minimized and acceptable.

Standard IV.5.3

School psychologists who use their assessment, intervention, or consultation cases in lectures, presentations, or publications obtain written prior client consent or they remove and disguise identifying client information.

Standard IV.5.4

School psychologists do not publish or present fabricated or falsified data or results in their publications and presentations.

Standard IV.5.5

School psychologists make available their data or other information that provided the basis for findings and conclusions reported in publications and presentations, if such data are needed to address a legitimate concern or need and under the condition that the confidentiality and other rights of research participants are protected.

Standard IV.5.6

If errors are discovered after the publication or presentation of research or other information, school psychologists make efforts to correct errors by publishing errata, retractions, or corrections.

Standard IV.5.7

School psychologists only publish data or other information that make original contributions to the professional literature. They do not report the same study in a second publication without acknowledging previous publication of the same data. They do not duplicate significant portions of their own or others' previous publications without permission of copyright holders.

Standard IV.5.8

When publishing or presenting research or other work, school psychologists do not plagiarize the works or ideas of others. They appropriately cite and reference all sources, print or digital, and assign credit to those whose ideas are reflected. In inservice or conference presentations, school psychologists give credit to others whose ideas have been used or adapted.

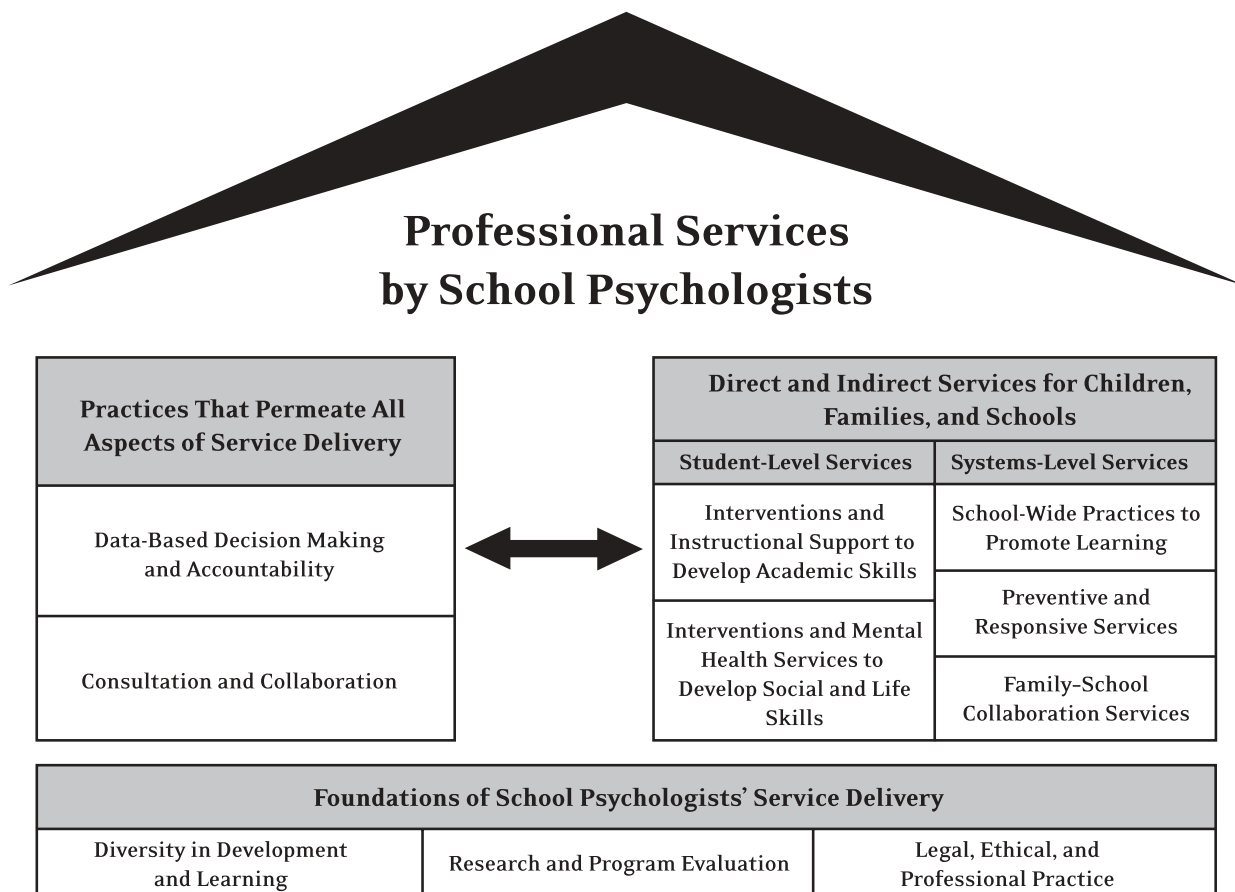
Standard IV.5.9

School psychologists accurately reflect the contributions of authors and other individuals who contributed to presentations and publications. Authorship credit is given only to individuals who have made a substantial professional contribution to the research, publication, or presentation. Authors discuss and resolve issues related to publication credit as early as feasible in the research and publication process.

Standard IV.5.10

School psychologists who participate in reviews of manuscripts, proposals, and other materials respect the confidentiality and proprietary rights of the authors. They limit their use of the materials to the activities relevant to the purposes of the professional review. School psychologists who review professional materials do not communicate the identity of the author, quote from the materials, or duplicate or circulate copies of the materials without the author's permission.

APPENDIX A.



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HB249

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 students 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 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 those who do not meet the nationally accepted certification standard to practice “psychology” within the educational setting. We are asking for legislative 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 preserve the public’s 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 professional effectiveness. We maintain the public trust by respecting the law and encouraging ethical conduct. When an untrained and unqualified person is employed as a ‘school psychologist’ under this current exemption in HR 465, and does 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, along with training to ensure these measures are fair, reliable, and valid. When these assessments are not utilized and administered by properly trained professionals, the students are not being fairly assessed, which can result in inaccurate results and evaluations. 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, and becoming involved in criminal activity. Raising the standards of practice for all School Psychologists working in the state of Hawai`i will increase appropriate service delivery to those students most in need. The Sunset Evaluation of 1987 (and referencing the Sunset Evaluation of 1981) indicated that 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
NASP Delegate-Hawaii
HASP Legislative Representative

Jared Kono, Ed.S., PPS
PO Box 1572
Wailuku, HI 96793
(808) 281-8206

1/29/2019

Re: HB249

Aloha

I am writing to support HB249. As a School Psychologist who works in the Maui District I believe it is imperative to have licensed and credentialed School Psychologists. Families expect school personnel to have the proper training in order to provide legal, ethical and professional practice, including assessments, data-based decision making, and provision of services for Hawaii's youth. Many other school personnel within the State of Hawaii Department of Education including Teachers, Speech and Language Specialists, Occupational Therapists and Physical Therapists hold state licensures. School Psychologists should be no different. The above mentioned professionals are all a part of school teams who make educational decisions that directly impact children and their families. It is important that we not only have staff members who care about the well-being of children but also those who have the proper credentials as well.

Respectfully Submitted,

Jared Kono, Ed.S., PPS
School Psychologist

Testimony of the Board of Psychology

**Before the
House Committee on Lower and Higher Education
Tuesday, January 29, 2019
2:00 p.m.
State Capitol, Conference Room 309**

**On the following measure:
H.B. 249, RELATING TO SCHOOL PSYCHOLOGISTS**

Chair Woodson and Members of the Committee:

My name is Christopher Fernandez, and I am the Executive Officer of the Board of Psychology (Board). The Board has not had an opportunity to review and discuss this bill but will do so at its publicly noticed meeting on February 22, 2019.

The purpose of this bill is to establish licensure requirements for school psychologists to be administered by the Hawaii Teacher Standards Board. The bill also specifies that school psychologists employed by an educational institution and practicing only within a school setting shall be exempt from licensure under chapter 465.

Thank you for the opportunity to testify on this bill.

HB-249

Submitted on: 1/28/2019 1:50:08 PM

Testimony for LHE on 1/29/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

LATE

HB-249

Submitted on: 1/28/2019 3:58:09 PM

Testimony for LHE on 1/29/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Kenney	Individual	Support	No

Comments:

Testimony Regarding HB249
Licensure for School Psychologists in Hawaii
Tuesday January 29, 2019

LATE

Aloha,

I am a School Psychologist from the island of Maui and am writing in support of Hawaii State Legislature Bill HB249, which would establish licensure requirements for School Psychologists in the state of Hawaii.

I have previously worked in states requiring licensing for School Psychologists (currently all states have this requirement with the exception of Hawaii) and recognize the importance of hiring credentialed, certified, and licensed School Psychologists to meet the critical demands of this position. Requiring School Psychologists to meet the high-level expectations that licensure would necessitate will ensure that our keiki are receiving assessment services, psycho-educational evaluations, evidence-based interventions, and program development by individuals qualified and trained to make data-based decisions to improve student engagement, learning, and outcomes.

Practicing under the professional title of “School psychologist” when one is not credentialed and trained to the degree designated to hold that title is not only misleading, but potentially dangerous and damaging. Those who would meet the purposed requirements of School Psychology licensing in the State of Hawaii will have demonstrated the rigorous training specific to School Psychology graduate work, practicum, and internship mastery. School Psychologists who meet this standard will represent practitioners who have received extensive training in the roles and duties that the title represents. Licensing must be established for School Psychologists practicing in Hawaii and I urge you to support this bill.

Mahalo for the opportunity to submit testimony.

Holly Hoke, Ed.S.
Nationally Certified School Psychologist
President of the Hawaii Association of School Psychologists

LATE

**SUNSET EVALUATION UPDATE
PSYCHOLOGISTS
Chapter 465, Hawaii Revised Statutes**

A Report to the Governor and the Legislature of the State of Hawaii

**Submitted by the
Legislative Auditor of the State of Hawaii
Honolulu, Hawaii**

**Report No. 87-22
December 1987**

SUNSET EVALUATION UPDATE
PSYCHOLOGISTS
Chapter 465, Hawaii Revised Statutes

A Report to the Governor and the Legislature of the State of Hawaii

Submitted by the
Legislative Auditor of the State of Hawaii
Honolulu, Hawaii

Report No. 87-22
December 1987

FOREWORD

Under the "Sunset Law," licensing boards and commissions and regulated programs are terminated at specific times unless they are reestablished by the Legislature. Hawaii's Sunset Law, or the Hawaii Regulatory Licensing Reform Act of 1977, scheduled for termination 38 licensing programs over a six-year period. These programs are repealed unless they are specifically reestablished by the Legislature. In 1979, the Legislature assigned the Office of the Legislative Auditor responsibility for evaluating each program prior to its repeal.

This report updates our sunset evaluation of the practice of psychology under Chapter 465, Hawaii Revised Statutes, which was conducted in 1981. It presents our findings as to whether the program complies with the Sunset Law and whether there is a reasonable need to regulate psychologists to protect public health, safety, or welfare. It includes our recommendation on whether the program should be continued, modified, or repealed. In accordance with Act 136, SLH 1986, draft legislation intended to improve the regulatory program is incorporated in this report as Appendix B.

We acknowledge the cooperation and assistance extended to our staff by the Board of Psychology, the Department of Commerce and Consumer Affairs, and other officials contacted during the course of our examination. We also appreciate the assistance of the Legislative Reference Bureau which drafted the recommended legislation.

Clinton T. Tanimura
Legislative Auditor
State of Hawaii

December 1987

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Sunset Evaluation Update

PSYCHOLOGISTS

This report evaluates the regulation of the practice of psychology under Chapter 465, Hawaii Revised Statutes, to determine whether the health, safety, and welfare of the public is best served by reenactment, modification, or repeal of the statute. An evaluation of the practice of psychology was conducted previously by this office and our findings and recommendations were reported in February 1981 in the *Sunset Evaluation Report, Psychologists, Chapter 465, Hawaii Revised Statutes*. This update summarizes the information presented in the 1981 evaluation, reports on developments since then, and presents our current findings and recommendations.

Background on the Practice of Psychology

The field of psychology covers a wide spectrum of activities. Psychologists study the physical, emotional, and social aspects of behavior through a number of different specialties. For example, experimental psychologists conduct research with humans or lower animals to study motivation, learning, sensory and cognitive processes, and other factors underlying behavior. Social psychologists examine human interactions with others and interpersonal relationships. Clinical psychologists treat individuals who are mentally or emotionally disturbed. They interview patients; give diagnostic tests; provide individual, family, and group psychotherapy; and design and carry out treatment programs. They may work together with physicians and other specialists in treating a patient. Industrial and organizational psychologists apply principles of psychology to personnel

administration, management, and marketing. They are involved in policy development, training, testing, counseling, and organizational analysis and development.¹

Psychologists work as clinicians or as researchers, educators, administrators, industrial psychologists, marketing specialists, health service providers, and as forensic psychologists in the criminal and civil justice system. They may be in independent private practice, or they may be employed by government or private industry.

The American Psychological Association (APA) is the national professional association for psychologists. Its purpose is to advance psychology as a science, a profession, and a means of promoting human welfare. It is the officially recognized accrediting agency for doctoral education and training for professional psychology, specifically in the professional specialties of clinical psychology, counseling psychology, school psychology, and combined professional-scientific psychology programs.

The American Board of Professional Psychology was founded in 1947 to recognize specialties in psychology. The certification board conducts oral examinations and awards diplomas to advanced specialists in six professional areas: clinical psychology, industrial/organizational psychology, forensic psychology, counseling psychology, clinical neuropsychology, and school psychology. Candidates must have five years of qualifying experience in psychological practice.²

Generally, the services provided by clinical psychologists are covered by insurance. Medicare, Medicaid, the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the Hawaii Medical Service Association (HMSA),

and Kaiser Foundation Health Plan provide reimbursements for psychological services. Usually, psychologists must be licensed by the appropriate state to be eligible for insurance reimbursements.

CHAMPUS requires psychologists to have a doctoral degree in clinical psychology and a minimum of two years of supervised experience in clinical psychology in a licensed hospital, a mental health center, or other appropriate clinical setting; or to be listed on the National Register of Health Service Providers in Psychology maintained by the Council for the National Register of Health Service Providers in Psychology, an independent organization. The criteria for listing on the register are (1) license or certification by a state board; (2) doctoral degree in psychology from a regionally accredited institution of higher education; and (3) two years of supervised experience, one of which is an internship or in an organized health training program and one of which is postdoctoral training.

Regulation of Psychology

After the end of World War II, the use of counseling and psychotherapy increased. By the late 1940s, some states had established regulatory programs for psychological services. State licensing programs were enacted by Connecticut in 1945, Virginia in 1946, and Kentucky in 1948.

In 1967, the APA adopted a model licensing law to establish guidelines for the practice of psychology and to promote the legitimacy of the profession. The model law required those using the title of psychologist or those practicing psychology to be licensed and to comply with the APA's ethical standards. Qualifications for licensure included a doctoral degree and at least one year of supervised experience.

With the support of its affiliated state associations, the APA was successful in expanding state licensure programs.

Today, all 50 states and 3 other U.S. jurisdictions have licensing laws for psychologists.³ However, the scope of regulation and the qualifications for licensure vary among the states. A majority of the states require a doctoral degree with an emphasis in psychology and at least one year of supervised experience. Some states will license those with a master's degree in psychology who have several years of experience.⁴

Several sunset reviews of state psychology regulatory programs were conducted in the late 1970s. South Dakota and Florida sunsetted their regulation of psychologists as a result of their reviews. However, both reestablished their licensure programs. Since 1980, eight states (besides Hawaii) have conducted sunset reviews of their psychology licensing programs. They are Indiana, Montana, Texas, North Carolina, Wisconsin, Oklahoma, Washington, and New Hampshire. All the programs were continued.⁵

Regulation in Hawaii

The practice of psychology has been regulated in Hawaii since 1967. Impetus for regulation came from the Hawaii Psychological Association, an affiliate of the APA. A major difficulty in establishing regulation was defining the practice of psychology since it covers such a broad range of activities. Social scientists who were not psychologists objected to the use of certain terms which would bring them under regulation. A compromise was reached in 1967 by licensing the use of the title but not the practice.

Only those who were licensed could use the title "certified psychologist." Certified psychologists provided psychodiagnostic or psychotherapeutic services gratuitously or for pay, either publicly or privately. Others were allowed to carry out psychological services without a license provided they did not represent themselves as certified psychologists.

In 1971, the law was amended extensively by broadening the definition. However, exemptions were granted to those working as college and university professors, government workers, physicians and surgeons, or any person offering psychological services as activities "incidental" to that person's "lawful occupational purpose."

Current regulation covers two main specialty areas, clinical psychology and industrial/organizational psychology. The practice of psychology is defined as ". . . the performance of any professional service which consists of and requires the application of psychological principles, theories, techniques, and instruments for the purpose of assessment, diagnosis, and treatment of behavioral, emotional, mental, or behavioral health problems or disorders as defined by a diagnostic manual acceptable to the board and defined in its rules; and for the purpose of the assessment, diagnosis, and rehabilitation of organic brain syndromes."

The law continues to exempt certain persons, including college and university professors; employees of local, state, and federal governments; physicians and surgeons; students of psychology; interns and residents in psychology; and persons who perform any of the enumerated activities incidental to their lawful occupational purpose.

The use of the title of industrial/organizational psychologist is restricted to those who have registered with the board and who have doctoral degrees and training in industrial/organizational psychology.

The law establishes a seven-member Board of Psychology with five members representing specialties from the profession and two lay members from the community at large.

The board is authorized to: (1) examine the qualifications of applicants for licensing; (2) prepare, administer, and grade examinations given to applicants; (3) keep a record of all actions taken on applicants for licensure; (4) promulgate, amend, and repeal rules; and (5) deny, suspend, and revoke a license or place licensees on conditional probation for cause.

To qualify for licensure, an applicant must meet the following statutory requirements:

- . Is professionally competent and has demonstrated knowledge in the practice of psychology.
- . Hold a doctoral degree from a training program approved by the American Psychological Association or hold a doctoral degree from a regionally accredited institution of higher education and also meet the experiential requirements for inclusion in the National Register of Health Service Providers in Psychology;* or hold a diplomate certificate in good standing granted by the American Board of Professional Psychology.+
- . Has passed an examination as may be prescribed by the board.

* Act 285, SLH 1987, allows certain applicants who received doctoral degrees and filed applications in 1985 to meet the regional accreditation requirement by providing evidence to the satisfaction of the board that their education is equivalent to a doctoral degree in psychology granted from a regionally accredited institution. In making the determination, the board is required to consider the certification of the graduate division of the University of Hawaii that the applicant's degree is equivalent to a doctoral degree granted from a regionally accredited institution.

+ Section 465-7 refers to this organization as the American Board of Examiners in Professional Psychology.

The examinations applicants must pass for licensure is the Examination for Professional Practice in Psychology (EPPP) and a state jurisprudence examination. The EPPP is a standardized examination developed by the American Association of State Psychology Boards in conjunction with the Professional Examination Service. Applicants must also appear before the board for the board to judge the applicant's qualifications for the practice of psychology, integrity and standards, resourcefulness and initiative, and general attitude and approach to the practice of psychology.

Applicants currently licensed in another state are eligible for licensure by reciprocity provided they meet requirements comparable to those imposed in Hawaii.

In 1981, there were 184 persons licensed to practice psychology in Hawaii. Today, there are 278 licensees, an increase of more than 50 percent in six years.⁶

Findings and Recommendations in the 1981 Sunset Evaluation Report

Our 1981 evaluation resulted in the following findings:

- "1. There is no clear evidence that the practice of psychology poses potential harm to public health, safety, or welfare, although there is an intuitive perception that it does.
- "2. The present regulatory scheme is overbroad. At the same time, the statute is vague as to who is exempt from regulation.
- "3. The educational and examination requirements for licensing under Chapter 465 appear to bear little relationship to the protection of the public from the potential harm perceived as arising from the practice of psychology.
- "4. The Board of Certification for Practicing Psychologists does not aggressively investigate and pursue complaints against psychologists lodged with the board.

"5. The validity of the restrictions imposed by the Board of Certification for Practicing Psychologists on advertising by psychologists is constitutionally questionable."

Need for regulation. We found no clear evidence that the practice of psychology poses potential harm to public health, safety, or welfare, although there is a perception that it could harm the mental or emotional state of an individual or result in physical abuse. It was not possible to determine the validity of the perceived harm because of the difficulty of linking behavioral outcomes with therapy and uncertainties about the nature of the therapeutic process itself. However, the nature of the therapeutic process does place power in the hands of the therapist and provides opportunities for abuse or unethical conduct. We concluded that it was for the Legislature to decide whether the perception of harm was sufficient justification for continued regulation.

Scope of regulation. We found the definition of the practice of psychology to be vague and ambiguous. Terms such as "personal growth," "optimal work," and "family, school and interpersonal relationships," were used in describing the practice of psychology.

It was not clear who was exempt from regulation. The definition could encompass nearly every helping occupation including social workers, school guidance and counseling personnel, special education teachers, marriage counselors, adult day care workers, foster parents, other behavioral scientists, encounter groups, lawyers, clergy, and other religious persons. We recommended that the practice of psychology be redefined to exclude occupational practices that pose little danger to public health, safety, and welfare.

Questionable licensing requirements. The education and examination requirements appeared to bear little relationship to protecting the public from

harm. There was no evidence that a doctoral degree was essential to ensure competence in applying psychological principles. The written examination was flawed in not assessing the interpersonal skills and qualities needed to handle conflict and to create genuine therapeutic relationships, and the oral examination was found to be without standardization with heavy reliance on subjective judgment. We recommended that these requirements be reviewed by the board for the purpose of making the requirements relevant to protecting the public.

Lack of enforcement. We found that the board did not aggressively investigate and pursue complaints against psychologists. Cases of nonaction, lack of effort, and absence of records on the disposition of cases were cited. We recommended that this be corrected.

Advertising restrictions. The restrictions on advertising imposed by the board were constitutionally questionable. Board rules limited phone book advertising, public announcements of practice, and the advertising of comparable rates. These were part of ethical standards issued by the APA which had been incorporated into the board's rules. These restrictions had been challenged by the U.S. Federal Trade Commission which contended that the restrictions fostered monopolistic conditions and a lack of competition instead of protecting the public. We recommended that the board review these restrictions.

Subsequent Developments

A 1981 amendment defined psychology more precisely and removed much of the overly broad and vague language, such as "personal growth," "optimal work," and "family, school, and interpersonal relationships."

In 1983, Act 95 added the regulation of the use of the title "industrial/organizational psychologist" to Chapter 465. Applicants must register with the board and hold a doctoral degree from an accredited institution of higher education with training and education in industrial/organizational psychology.

Educational requirements were made more stringent in 1985 by Act 115 which replaced the requirement that applicants have a doctoral degree from an accredited institution of higher education with the requirement that the doctoral degree be from a training program approved by the APA or from a regionally accredited institution of higher education. Those graduating from a regionally accredited institution of higher education must also meet the experiential requirements for listing on the National Register of Health Service Providers in Psychology.

In the same 1985 legislation, exemptions from regulation were clarified for university personnel, others providing psychological services under the direction of a qualified person, and psychology trainees provided that they do not present themselves as psychologists or imply that they are licensed to practice psychology.

In 1986, the definition of the practice of psychology was further refined. In the more recent 1987 amendments, the grounds for denial, suspension, and revocation of licenses or for placing licensees on probation were broadened to include such practices as breaches of confidentiality, sexual relations with a client, conviction of fraud in filing Medicaid or insurance claims, and exploitation of patients for financial or other personal advantage.

Current Findings and Recommendations

We find the following:

1. Although complaints have increased, these relate to business practices rather than problems with professional competency. However, the potential for harm remains a concern and justifies the Legislature's previous determination that the practice of psychology should continue to be regulated.

2. Licensing requirements have been strengthened. However, some aspects of the board's rules require attention, particularly those pertaining to advertising and practice which continue to be restrictive and anticompetitive.

The need for regulation. As noted in our 1981 sunset report, the exact nature of the potential harm or danger to public health, safety, or welfare from the practice of psychology is unclear. Dangers usually identified with the practice are based on perceptions about the nature of the practice, the improper application of psychological procedures and techniques such as hypnotic suggestions, inappropriate physical contact, and drug use.

Psychology is viewed as dealing with the minds and emotions of people who are in particularly vulnerable circumstances. Uncertainties about appropriate psychotherapeutic practices and the lack of clear linkages between techniques and behavioral outcomes contribute to the perception of potential harm. The Legislature considered these to be sufficient reason to continue regulation of the practice in 1981. This view of potential harm has not been altered by developments since then.

Our current review finds a significant increase in the number of complaints filed with RICO. Between 1976 and 1980, when we conducted the first sunset

evaluation of psychology, there were 17 complaints. Between 1981 and the first half of 1987, there have been 46 complaints.

Complaints have been evenly distributed between those relating to unlicensed activity and those relating to unprofessional conduct. The cases relating to unlicensed activity involved advertising by such persons as marriage and family counselors under the listing for psychologists in the telephone yellow pages. In all cases but one, no violations were found and advisory letters were sent by RICO. The one case resulted in court fines after a consent judgment was issued enjoining and restraining an unlicensed person from advertising in the yellow pages as a psychologist.

In the cases relating to unprofessional conduct, allegations ranged from billing problems, patient disagreement with a practitioner's assessment of the problem, breach of confidence, to lack of courtesy. In all but one case, no violation was found.

The one instance involved a patient's claim that an evaluation report was not provided as part of the scope of services. The case resulted in a settlement agreement, a fine, and restitution for failure on the part of the practitioner to provide a written report to the patient as part of the agreed scope of services.

The increase in consumer complaints in recent years reflects, among other aspects, the increasing number of psychology practitioners and clients. As the number of practitioners and clients increase, so does the potential for harm. The Legislature determined that regulation should be continued in 1981, and there is no new evidence that would change that determination.

Current procedures and practices. As related earlier, there have been numerous amendments to the statute which have served to clarify the regulation of

the practice of psychology. However, some aspects of the board's rules require attention. These include the requirement for oral interviews with applicants, the absence of rules to cover those holding diplomate certificates in good standing from the American Board of Professional Psychology, and overly restrictive provisions relating to advertising and practice.

Oral interview The board no longer requires an oral examination, but it still requires applicants to appear for a personal interview. According to the board's rules, applicants must appear before the board to be judged for such characteristics as the applicant's qualifications for the practice of psychology, integrity and ethical standards, resourcefulness and initiative, and general attitude and approach to the practice of psychology. The operational manual for the Board of Psychology states: "Until such time the board is able to decide on the issue of an oral examination, the board shall require an applicant to appear before the board for a personal interview, such interview of which should not be used as a basis for denial of licensure."⁷

The objectives of the interview, such as establishing an applicant's resourcefulness and initiative, are unrelated to the purposes of state regulation which are to protect consumers. There is even less reason to require such an interview if it is not to be used as a basis for denial of licensure. Since the interview is subjective and serves no legitimate purpose, the requirement should be removed.

Diplomate holders. The statute states that those who have a diplomate certificate in good standing from the American Board of Professional Psychology and who pass the prescribed examinations qualify for licensure. However, the board has no rules on this matter.

So far, the absence of rules governing diplomate holders has not created any problems for the board since most diplomate holders have licenses from another jurisdiction and can be licensed by reciprocity. However, this category should be recognized in the rules, and procedures should be established for the information of those who hold diplomate certificates.

Restrictions on advertising and practice. We had questioned the board's rules restricting advertising and practice in our previous report. We recommended that the board, in consultation with the Department of the Attorney General, review these restrictions. Unfortunately, the board's rules continue to include a number of overly restrictive provisions.

Subchapter 6 of the board's rules on Standards of Practice, taken largely from the APA's statement on "Ethical Principles of Psychologists," contains an extensive list of prohibitions and limitations, including some that have little to do with protecting consumers, that are unenforceable, and that are restrictive and anticompetitive.⁸

Recently, the Bureau of Competition of the Federal Trade Commission (FTC) analyzed the regulations of South Carolina's Board of Psychological Examiners.⁹ We review the FTC's analysis here because several of Hawaii's restrictive provisions are similar to those of South Carolina.

On the issue of whether a state or state board should adopt a profession's code of ethics, the FTC made this general observation: "There are significant risks of anticompetitive effects when a code of ethics of a private organization is adopted by a state or state board. Provisions contained in the ethical codes developed by a private group of professionals composed of competitors may restrict competition

among members of the group and be inconsistent with the best interests of consumers."

As to specifics, the FTC takes issue with such restrictions as (1) prohibitions on the use of testimonials in advertising, (2) prohibitions on the direct solicitation of clients, and (3) restrictions on fee-splitting. These restrictions, and others, currently apply in Hawaii through their inclusion in the board's rules:

Testimonials. The board's rules state that "the use in a brochure of 'testimonials from satisfied users' is prohibited." On the use of testimonials, the FTC states:

"Testimonials can be a means to disseminate useful and truthful information that consumers may use in selecting a provider. Testimonials pertaining to quality or efficiency can inform consumers about such attributes as a professional's training or method of practice. Such testimonials can be a highly effective means of attracting and informing clients and fostering competition. Although testimonials, like all advertising, have the potential to be deceptive, there is no inherent deception in use of testimonials as to the quality of a professional's services. Testimonials as to short waiting time before appointments or expressing general consumer satisfaction, for example, are not inherently deceptive and can provide useful information. Prohibiting all such advertising is overbroad."

Direct solicitation of clients. The board's rules specify that "a psychologist shall not directly solicit clients for individual diagnosis or therapy." The FTC's position is the following:

"Restrictions on direct solicitation of clients can also be anticompetitive. . . . Such restrictions prohibit what can be a valuable technique for informing consumers about the availability of a professional's services. Solicitation, in and of itself, is not inherently deceptive"

Fee-splitting. The board's rules include an admonishment that "no commission or rebate or any other form of remuneration shall be given or received for referral of clients for professional services." Of this type of restriction, the FTC states:

"Finally, restrictions on fee-splitting arrangements may, depending on how they are interpreted, interfere with the operation of alternative health care delivery systems that may have incentive arrangements with health care professionals in which fees are divided between the medical plan and the professional. Such restrictions can impede legitimate cost containment measures implemented by such organizations as HMOs.

"Restrictions on fee-splitting may also prevent professionals from paying an independent referral service that matches clients with an appropriate practitioner. As a result, it may be more difficult for consumers to identify practitioners with whom they would like to deal. It is not clear that any regulation of referral fees is necessary. If, however, such regulation is considered to be necessary in order to prevent deception, the less restrictive alternative of requiring disclosure to the consumer of the referral fee arrangement might be imposed."

The FTC then concluded:

"For the reasons expressed above, we urge the [South Carolina Legislative Audit] Council to recommend the repeal of the statutory requirement that the Board adopt the APA's Code of Ethics and recommend that the Board delete the APA's Code of Ethics from its regulations."

We would recommend a similar approach for Hawaii. Noting that Hawaii's current rules continue to have some of the same questionable restrictions identified in our 1981 evaluation and that there is now further confirmation by the FTC on the undesirableness of the restrictions, we believe that the Legislature should repeal the provision which authorizes the board to revoke or suspend licenses on the basis of "any unethical practice of psychology as defined by the board in accordance with its own rules." If (in addition to those grounds already specified in the statute) there are any other grounds which should affect the granting or holding of licenses or practices or prohibitions and limitations which should be specified because they are necessary to protect consumers, they should be effected through amendments to Chapter 465 rather than through the board's rules.

Recommendations

We recommend that:

1. *Chapter 465 be reenacted. In reenacting the statute, we recommend that the Legislature repeal item (3) of Section 465-13(a) which refers to "unethical practice of psychology as defined by the board in accordance with its own rules." In lieu of unethical practices being defined and proscribed by rule, we recommend that such provisions as the Legislature may determine to be essential for the protection of consumers be enacted by statute.*

2. *The Board of Psychologists amend its rules to accomplish the following:*

- . remove the requirement for applicants to appear for a personal interview;*
- . adopt rules governing licensure for those with diplomates from the American Board of Professional Psychology;*
- . repeal Subchapter 6 on Standards of Conduct.*

NOTES

1. U.S. Bureau of Labor Statistics, *Occupational Outlook Handbook, 1984-85 Edition*, Government Printing Office, Washington, D.C., 1984, p. 82.
2. *Encyclopedia of Associations, 1988, 22nd Edition*, Vol. 1, Pt. 1, Gale Research, Detroit, Mich., p. 617.
3. Letter from Randolph P. Reaves, Executive Officer and General Counsel, American Association of State Psychology Boards, to Millicent Y. H. Kim, April 24, 1987.
4. American Association of State Psychology Boards, *Handbook of Licensing and Certification, Requirements for Psychologists in North America*, Montgomery, Ala., August 1985.
5. Letter from Randolph P. Reaves.
6. Hawaii, Department of Commerce and Consumer Affairs, "Summary/Geographic Report," Honolulu, June 16, 1987.
7. Hawaii, Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, *Operational Manual for the Board of Psychology*, June 1986, p. I-D-2.
8. "Ethical Principles of Psychologist," *American Psychologist*, Vol. 36, No. 6, June 1981, pp. 633-638.
9. Letter from Jeffrey I. Zuckerman, Director, Bureau of Competition, U.S. Federal Trade Commission, to George L. Schroeder, Director, Legislative Audit Council, State of South Carolina, April 23, 1987.

APPENDICES

APPENDIX A

COMMENTS ON AGENCY RESPONSES

A preliminary draft of this Sunset Evaluation Report was transmitted on November 2, 1987, to the Board of Psychology and the Department of Commerce and Consumer Affairs for their review and comments. A copy of the transmittal letter to the board is included as Attachment 1 of this Appendix. A similar letter was sent to the department. The response from the board is included as Attachment 2. Since the report had no recommendations for the department, it did not respond to the report.

The board responded that it agreed with our recommendation that Chapter 465, Hawaii Revised Statutes, be reenacted. However, the board did not agree with our recommendations to repeal the statutory provision allowing the board to define the "unethical practice of psychology," and to repeal Subchapter 6 of its rules containing standards of conduct. It acknowledges that our report raises legitimate concerns about some of the provisions on unethical practices, but it says that other provisions are necessary to protect the consumer. The board intends to seek the advice of the attorney general's office and repeal only those rules that are overly restrictive. We emphasize that the report from the Federal Trade Commission found serious risks of anticompetitive effects when a state board adopts the code of ethics of a private organization and that this is inconsistent with the best interests of consumers.

The board also does not agree with our recommendation to remove the requirement for applicants to appear for a personal interview. The board says that this offers an opportunity for applicants to ask board members questions about

practice in this community. Another reason the board wants to retain the interview is that the interview is related to its goal of eventually having an oral examination. A subcommittee of the board is currently working on such an examination. We have generally found oral examinations to be invalid, unreliable, and subject to bias. Until such time as the board can demonstrate that it has developed an oral examination that would meet accepted standards of validity, we recommend that the oral interview be eliminated.

The board will be studying how best to handle our third recommendation to adopt rules governing licensure for those with diplomates from the American Board of Professional Psychology.

ATTACHMENT 1

THE OFFICE OF THE AUDITOR
STATE OF HAWAII
465 S. KING STREET, RM. 500
HONOLULU, HAWAII 96813

CLINTON T. TANIMURA
AUDITOR

November 2, 1987

COPY

Dr. Craig Robinson, Chairperson
Board of Psychology
Department of Commerce and Consumer Affairs
1010 Richards Street
State of Hawaii
Honolulu, Hawaii 96813

Dear Dr. Robinson:

Enclosed are eight preliminary copies, numbered 4 through 11, of our *Sunset Evaluation Update, Psychologists*. These copies are for review by you, other members of the board, and your executive secretary. This preliminary report has also been transmitted to Robert Alm, Director of the Department of Commerce and Consumer Affairs.

The report contains our recommendations relating to the regulation of psychologists. If you have any comments on our recommendations, we would appreciate receiving them by December 3, 1987. Any comments we receive will be included as part of the final report which will be submitted to the Legislature.

Since the report is not in final form and changes may possibly be made to it, we request that you limit access to the report to those officials whom you wish to call upon for assistance in your response. Please do not reproduce the report. Should you require additional copies, please contact our office. Public release of the report will be made solely by our office and only after the report is published in its final form.

We appreciate the assistance and cooperation extended to us.

Sincerely,



Clinton T. Tanimura
Legislative Auditor

Enclosures

ATTACHMENT 2



JOHN WAIHEE
GOVERNOR

ROBERT A. ALM
DIRECTOR

NOE NOE TOM
LICENSING ADMINISTRATOR

BOARD OF PSYCHOLOGY

STATE OF HAWAII
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

P. O. BOX 3469

HONOLULU, HAWAII 96801

December 2, 1987

Mr. Clinton T. Tanimura
Legislative Auditor
Office of the Auditor
465 S. King Street, Room 500
Honolulu, HI 96813

RECEIVED
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OFFICE OF THE AUDITOR
STATE OF HAWAII

Dear Mr. Tanimura:

On behalf of the Board of Psychology, thank you for the opportunity to review and comment on the Sunset Evaluation Update, Psychologist Report. The board would like to commend the Auditor for what appears to be a very thorough and comprehensive review of both the history and present status of the State Board of Psychology.

The board would like to address the recommendations contained at the end of your report as follows:

We agree with recommendation number 1 that Chapter 465, Hawaii Revised Statutes (HRS), be reenacted. However, we disagree that Section 465-13, (a), (4) should be repealed. (It should be noted that the Auditor erroneously refers to item 4, but the correct cite should be Section 465-13, (a), (3), HRS.) The board believes that the Auditor raises legitimate concerns about some of the provisions of unethical practices in its rules; however, there are many other provisions relating to unethical practices that the board believes to be valid and necessary to retain for the protection of the consumer (emphasis added).

Therefore, the board proposes that Section 465-13, (a), (3), HRS, not be repealed. Instead, the board proposes to seek advice from the Attorney General's Office regarding the provisions of concern to the Auditor, and, per their advise, repeal only those overly restrictive provisions of the rules (emphasis added).

In recommendation number 2, the Board would like to specifically address the Auditor's concern about the requirement for an applicant to appear for a personal interview. The Auditor is certainly correct in saying that the interview in its present

form is such that it is not, nor could not, be used as a basis for disqualifying an applicant. The interview does, however, provide a first hand opportunity for applicants to meet directly with each member of the board and to ask the board members any questions they might have about the practice of psychology in this community. Also, for years the Board has very much wanted to implement a reliable and valid oral examination. There are numerous models for oral examination throughout the country at present, which tend to be a much better indicator of an applicant's competence than the written general examination. The written examination largely measures a fund of knowledge assumed to be important for all licensed psychologists. The Board currently has a subcommittee actively working on an oral examination and maintaining the present oral interview procedure would simply seem to be related to this goal.

Moreover, the Auditor's recommendation to adopt rules governing licensure for those with diplomates from the American Board of Professional Psychology is well taken and will be studied further as the Board is unsure whether to best handle this matter through statutory or rules amendment.

Furthermore, the recommendation to repeal Subchapter 6 on Standards of Conduct was addressed earlier in that the Board proposes, after consultation with the Attorney General's Office, deleting only those provisions that are considered as overly restrictive.

We wish to express our appreciation for the comments and recommendations contained in your report. We did note a few inaccuracies, but they appear to be nonsubstantive to the recommendations and does not appear to warrant additional comments. It was encouraging to read a report which offered reasonable recommendations for further improvement.

Very truly yours,

BOARD OF PSYCHOLOGY



Craig H. Robinson, Ph. D.
Chairman

CHR/JK:dc

APPENDIX B

DIGEST

A BILL FOR AN ACT RELATING TO PSYCHOLOGY

Extends the repeal date of the board of psychology from December 31, 1988 to December 31, 1994. Repeals unethical practices of psychology as defined by the rules of the board of psychology as a ground for the denial, suspension, revocation of a license to practice psychology, or for placing a license holder on conditional probation.

A BILL FOR AN ACT

RELATING TO PSYCHOLOGY.

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

1 SECTION 1. Section 26H-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§26H-4 Repeal dates. (a) The following chapters are
4 hereby repealed effective December 31, 1988:

5 [(1) Chapter 465 (Board of Psychology)

6 (2)] (1) Chapter 468E (Board of Speech Pathology and
7 Audiology)

8 [(3)] (2) Chapter 468K (Travel Agencies)

9 [(4)] (3) Chapter 373 (Commercial Employment Agencies)

10 [(5)] (4) Chapter 442 (Board of Chiropractic Examiners)

11 [(6)] (5) Chapter 448 (Board of Dental Examiners)

12 [(7)] (6) Chapter 436E (Board of Acupuncture)

13 (b) The following chapters are hereby repealed effective
14 December 31, 1989:

15 (1) Chapter 444 (Contractors License Board)

- (2) Chapter 448E (Board of Electricians and Plumbers)
- (3) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (4) Chapter 466 (Board of Public Accountancy)
- (5) Chapter 467 (Real Estate Commission)
- (6) Chapter 439 (Board of Cosmetology)
- (7) Chapter 454 (Mortgage Brokers and Solicitors)
- (8) Chapter 454D (Mortgage and Collection Servicing Agents)

(c) The following chapters are hereby repealed effective

December 31, 1990:

- (1) Chapter 447 (Dental Hygienists)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 457 (Board of Nursing)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 460J (Pest Control Board)
- (6) Chapter 462A (Pilotage)
- (7) Chapter 438 (Board of Barbers)

(d) The following chapters are hereby repealed effective

December 31, 1991:

- (1) Chapter 448H (Elevator Mechanics Licensing Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)

1 (3) Chapter 457B (Board of Examiners of Nursing Home
2 Administrators)

3 (4) Chapter 460 (Board of Osteopathic Examiners)

4 (5) Chapter 461 (Board of Pharmacy)

5 (6) Chapter 461J (Board of Physical Therapy)

6 (7) Chapter 463E (Podiatry)

7 (e) The following chapters are hereby repealed effective
8 December 31, 1992:

9 (1) Chapter 437 (Motor Vehicle Industry Licensing Board)

10 (2) Chapter 437B (Motor Vehicle Repair Industry Board)

11 (3) Chapter 440 (Boxing Commission)

12 (f) The following chapters are hereby repealed effective
13 December 31, 1993:

14 (1) Chapter 441 (Cemetery and Funeral Trusts)

15 (2) Chapter 443B (Collection Agencies)

16 (3) Chapter 452 (Board of Massage)

17 (4) Chapter 455 (Board of Examiners in Naturopathy)

18 (5) Chapter 459 (Board of Examiners in Optometry)

19 (g) The following chapter is hereby repealed effective
20 December 31, 1994:

21 (1) Chapter 465 (Board of Psychology)

22 [(g)] (h) The following chapters are hereby repealed
23
24

1 effective December 31, 1997:

2 (1) Chapter 463 (Board of Private Detectives and Guards)

3 (2) Chapter 471 (Board of Veterinary Examiners)."

4 SECTION 2. Section 465-13, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The board shall refuse to grant a license to any
7 applicant and may revoke or suspend any license, or may place a
8 license, or may put a license holder on conditional probation,
9 upon any of the following grounds:

10 (1) Professional misconduct, gross carelessness, manifest
11 incapacity, or incompetency in the practice of
12 psychology;

13 (2) Violation of this chapter by the applicant within one
14 year of the application, or violation of this chapter
15 by a license holder any time the license is valid;

16 [(3) Any unethical practice of psychology as defined by the
17 board in accordance with its own rules;

18 (4)] (3) Fraud or deception in applying for or procuring a
19 license to practice psychology as defined in section
20 465-1;

21 [(5)] (4) Conviction of a crime substantially related to
22
23
24

1 the qualifications, functions, or duties of
2 psychologists;

3 [(6)] (5) Wilful unauthorized communication of information
4 received in professional confidence;

5 [(7)] (6) The suspension, revocation, or imposition of
6 probationary conditions by another state of a license
7 or certificate to practice psychology issued by that
8 state if the act for which the disciplinary action was
9 taken constitutes a violation of this chapter;

10 [(8)] (7) The commission of any dishonest, corrupt, or
11 fraudulent act or any act of sexual abuse, or sexual
12 relations with a client, or sexual misconduct which is
13 substantially related to the qualifications,
14 functions, or duties of a psychologist;

15 [(9)] (8) Harassment, intimidation, or abuse, sexual or
16 otherwise, of a client or patient;

17 [(10)] (9) Exercising undue influence in the manner as to
18 exploit the client or patient for financial or other
19 personal advantage to the practitioner or a third
20 party;

21 [(11)] (10) Conviction of fraud in filing medicaid claims or
22 conviction of fraud in filing claims to any third
23

1 party payor, for which a copy of the record of
2 conviction, certified by the clerk of the court
3 entering the conviction, shall be conclusive evidence;

4 [(12)] (11) Aiding or abetting any unlicensed person to
5 engage in the practice of psychology;

6 [(13)] (12) Repeated acts of excessive treatment or use of
7 diagnostic procedures as determined by the standard of
8 the local community of licensees; or

9 [(14)] (13) Inability to practice psychology with reasonable
10 skill and safety to patients or clients by reason of
11 illness, inebriation, or excessive use of any
12 substance, or as a result of any mental or physical
13 condition."

14 SECTION 3. Statutory material to be repealed is
15 bracketed. New statutory material is underscored.

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

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18 INTRODUCED BY: _____
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FOREWORD

Under the "Sunset Law," licensing boards and commissions and regulated programs are terminated at specific times unless they are reestablished by the Legislature. Hawaii's Sunset Law, or the Hawaii Regulatory Licensing Reform Act of 1977, scheduled for termination 38 licensing programs over a six-year period. These programs are repealed unless they are specifically reestablished by the Legislature. In 1979, the Legislature assigned the Office of the Legislative Auditor responsibility for evaluating each program prior to its repeal.

This report updates our sunset evaluation of the practice of psychology under Chapter 465, Hawaii Revised Statutes, which was conducted in 1981. It presents our findings as to whether the program complies with the Sunset Law and whether there is a reasonable need to regulate psychologists to protect public health, safety, or welfare. It includes our recommendation on whether the program should be continued, modified, or repealed. In accordance with Act 136, SLH 1986, draft legislation intended to improve the regulatory program is incorporated in this report as Appendix B.

We acknowledge the cooperation and assistance extended to our staff by the Board of Psychology, the Department of Commerce and Consumer Affairs, and other officials contacted during the course of our examination. We also appreciate the assistance of the Legislative Reference Bureau which drafted the recommended legislation.

Clinton T. Tanimura
Legislative Auditor
State of Hawaii

December 1987

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Sunset Evaluation Update

PSYCHOLOGISTS

This report evaluates the regulation of the practice of psychology under Chapter 465, Hawaii Revised Statutes, to determine whether the health, safety, and welfare of the public is best served by reenactment, modification, or repeal of the statute. An evaluation of the practice of psychology was conducted previously by this office and our findings and recommendations were reported in February 1981 in the *Sunset Evaluation Report, Psychologists, Chapter 465, Hawaii Revised Statutes*. This update summarizes the information presented in the 1981 evaluation, reports on developments since then, and presents our current findings and recommendations.

Background on the Practice of Psychology

The field of psychology covers a wide spectrum of activities. Psychologists study the physical, emotional, and social aspects of behavior through a number of different specialties. For example, experimental psychologists conduct research with humans or lower animals to study motivation, learning, sensory and cognitive processes, and other factors underlying behavior. Social psychologists examine human interactions with others and interpersonal relationships. Clinical psychologists treat individuals who are mentally or emotionally disturbed. They interview patients; give diagnostic tests; provide individual, family, and group psychotherapy; and design and carry out treatment programs. They may work together with physicians and other specialists in treating a patient. Industrial and organizational psychologists apply principles of psychology to personnel

administration, management, and marketing. They are involved in policy development, training, testing, counseling, and organizational analysis and development.¹

Psychologists work as clinicians or as researchers, educators, administrators, industrial psychologists, marketing specialists, health service providers, and as forensic psychologists in the criminal and civil justice system. They may be in independent private practice, or they may be employed by government or private industry.

The American Psychological Association (APA) is the national professional association for psychologists. Its purpose is to advance psychology as a science, a profession, and a means of promoting human welfare. It is the officially recognized accrediting agency for doctoral education and training for professional psychology, specifically in the professional specialties of clinical psychology, counseling psychology, school psychology, and combined professional-scientific psychology programs.

The American Board of Professional Psychology was founded in 1947 to recognize specialties in psychology. The certification board conducts oral examinations and awards diplomas to advanced specialists in six professional areas: clinical psychology, industrial/organizational psychology, forensic psychology, counseling psychology, clinical neuropsychology, and school psychology. Candidates must have five years of qualifying experience in psychological practice.²

Generally, the services provided by clinical psychologists are covered by insurance. Medicare, Medicaid, the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the Hawaii Medical Service Association (HMSA),

and Kaiser Foundation Health Plan provide reimbursements for psychological services. Usually, psychologists must be licensed by the appropriate state to be eligible for insurance reimbursements.

CHAMPUS requires psychologists to have a doctoral degree in clinical psychology and a minimum of two years of supervised experience in clinical psychology in a licensed hospital, a mental health center, or other appropriate clinical setting; or to be listed on the National Register of Health Service Providers in Psychology maintained by the Council for the National Register of Health Service Providers in Psychology, an independent organization. The criteria for listing on the register are (1) license or certification by a state board; (2) doctoral degree in psychology from a regionally accredited institution of higher education; and (3) two years of supervised experience, one of which is an internship or in an organized health training program and one of which is postdoctoral training.

Regulation of Psychology

After the end of World War II, the use of counseling and psychotherapy increased. By the late 1940s, some states had established regulatory programs for psychological services. State licensing programs were enacted by Connecticut in 1945, Virginia in 1946, and Kentucky in 1948.

In 1967, the APA adopted a model licensing law to establish guidelines for the practice of psychology and to promote the legitimacy of the profession. The model law required those using the title of psychologist or those practicing psychology to be licensed and to comply with the APA's ethical standards. Qualifications for licensure included a doctoral degree and at least one year of supervised experience.

With the support of its affiliated state associations, the APA was successful in expanding state licensure programs.

Today, all 50 states and 3 other U.S. jurisdictions have licensing laws for psychologists.³ However, the scope of regulation and the qualifications for licensure vary among the states. A majority of the states require a doctoral degree with an emphasis in psychology and at least one year of supervised experience. Some states will license those with a master's degree in psychology who have several years of experience.⁴

Several sunset reviews of state psychology regulatory programs were conducted in the late 1970s. South Dakota and Florida sunsetted their regulation of psychologists as a result of their reviews. However, both reestablished their licensure programs. Since 1980, eight states (besides Hawaii) have conducted sunset reviews of their psychology licensing programs. They are Indiana, Montana, Texas, North Carolina, Wisconsin, Oklahoma, Washington, and New Hampshire. All the programs were continued.⁵

Regulation in Hawaii

The practice of psychology has been regulated in Hawaii since 1967. Impetus for regulation came from the Hawaii Psychological Association, an affiliate of the APA. A major difficulty in establishing regulation was defining the practice of psychology since it covers such a broad range of activities. Social scientists who were not psychologists objected to the use of certain terms which would bring them under regulation. A compromise was reached in 1967 by licensing the use of the title but not the practice.

Only those who were licensed could use the title "certified psychologist." Certified psychologists provided psychodiagnostic or psychotherapeutic services gratuitously or for pay, either publicly or privately. Others were allowed to carry out psychological services without a license provided they did not represent themselves as certified psychologists.

In 1971, the law was amended extensively by broadening the definition. However, exemptions were granted to those working as college and university professors, government workers, physicians and surgeons, or any person offering psychological services as activities "incidental" to that person's "lawful occupational purpose."

Current regulation covers two main specialty areas, clinical psychology and industrial/organizational psychology. The practice of psychology is defined as ". . . the performance of any professional service which consists of and requires the application of psychological principles, theories, techniques, and instruments for the purpose of assessment, diagnosis, and treatment of behavioral, emotional, mental, or behavioral health problems or disorders as defined by a diagnostic manual acceptable to the board and defined in its rules; and for the purpose of the assessment, diagnosis, and rehabilitation of organic brain syndromes."

The law continues to exempt certain persons, including college and university professors; employees of local, state, and federal governments; physicians and surgeons; students of psychology; interns and residents in psychology; and persons who perform any of the enumerated activities incidental to their lawful occupational purpose.

The use of the title of industrial/organizational psychologist is restricted to those who have registered with the board and who have doctoral degrees and training in industrial/organizational psychology.

The law establishes a seven-member Board of Psychology with five members representing specialties from the profession and two lay members from the community at large.

The board is authorized to: (1) examine the qualifications of applicants for licensing; (2) prepare, administer, and grade examinations given to applicants; (3) keep a record of all actions taken on applicants for licensure; (4) promulgate, amend, and repeal rules; and (5) deny, suspend, and revoke a license or place licensees on conditional probation for cause.

To qualify for licensure, an applicant must meet the following statutory requirements:

- . Is professionally competent and has demonstrated knowledge in the practice of psychology.
- . Hold a doctoral degree from a training program approved by the American Psychological Association or hold a doctoral degree from a regionally accredited institution of higher education and also meet the experiential requirements for inclusion in the National Register of Health Service Providers in Psychology;* or hold a diplomate certificate in good standing granted by the American Board of Professional Psychology.+
- . Has passed an examination as may be prescribed by the board.

* Act 285, SLH 1987, allows certain applicants who received doctoral degrees and filed applications in 1985 to meet the regional accreditation requirement by providing evidence to the satisfaction of the board that their education is equivalent to a doctoral degree in psychology granted from a regionally accredited institution. In making the determination, the board is required to consider the certification of the graduate division of the University of Hawaii that the applicant's degree is equivalent to a doctoral degree granted from a regionally accredited institution.

+ Section 465-7 refers to this organization as the American Board of Examiners in Professional Psychology.

The examinations applicants must pass for licensure is the Examination for Professional Practice in Psychology (EPPP) and a state jurisprudence examination. The EPPP is a standardized examination developed by the American Association of State Psychology Boards in conjunction with the Professional Examination Service. Applicants must also appear before the board for the board to judge the applicant's qualifications for the practice of psychology, integrity and standards, resourcefulness and initiative, and general attitude and approach to the practice of psychology.

Applicants currently licensed in another state are eligible for licensure by reciprocity provided they meet requirements comparable to those imposed in Hawaii.

In 1981, there were 184 persons licensed to practice psychology in Hawaii. Today, there are 278 licensees, an increase of more than 50 percent in six years.⁶

Findings and Recommendations in the 1981 Sunset Evaluation Report

Our 1981 evaluation resulted in the following findings:

- "1. There is no clear evidence that the practice of psychology poses potential harm to public health, safety, or welfare, although there is an intuitive perception that it does.
- "2. The present regulatory scheme is overbroad. At the same time, the statute is vague as to who is exempt from regulation.
- "3. The educational and examination requirements for licensing under Chapter 465 appear to bear little relationship to the protection of the public from the potential harm perceived as arising from the practice of psychology.
- "4. The Board of Certification for Practicing Psychologists does not aggressively investigate and pursue complaints against psychologists lodged with the board.

"5. The validity of the restrictions imposed by the Board of Certification for Practicing Psychologists on advertising by psychologists is constitutionally questionable."

Need for regulation. We found no clear evidence that the practice of psychology poses potential harm to public health, safety, or welfare, although there is a perception that it could harm the mental or emotional state of an individual or result in physical abuse. It was not possible to determine the validity of the perceived harm because of the difficulty of linking behavioral outcomes with therapy and uncertainties about the nature of the therapeutic process itself. However, the nature of the therapeutic process does place power in the hands of the therapist and provides opportunities for abuse or unethical conduct. We concluded that it was for the Legislature to decide whether the perception of harm was sufficient justification for continued regulation.

Scope of regulation. We found the definition of the practice of psychology to be vague and ambiguous. Terms such as "personal growth," "optimal work," and "family, school and interpersonal relationships," were used in describing the practice of psychology.

It was not clear who was exempt from regulation. The definition could encompass nearly every helping occupation including social workers, school guidance and counseling personnel, special education teachers, marriage counselors, adult day care workers, foster parents, other behavioral scientists, encounter groups, lawyers, clergy, and other religious persons. We recommended that the practice of psychology be redefined to exclude occupational practices that pose little danger to public health, safety, and welfare.

Questionable licensing requirements. The education and examination requirements appeared to bear little relationship to protecting the public from

harm. There was no evidence that a doctoral degree was essential to ensure competence in applying psychological principles. The written examination was flawed in not assessing the interpersonal skills and qualities needed to handle conflict and to create genuine therapeutic relationships, and the oral examination was found to be without standardization with heavy reliance on subjective judgment. We recommended that these requirements be reviewed by the board for the purpose of making the requirements relevant to protecting the public.

Lack of enforcement. We found that the board did not aggressively investigate and pursue complaints against psychologists. Cases of nonaction, lack of effort, and absence of records on the disposition of cases were cited. We recommended that this be corrected.

Advertising restrictions. The restrictions on advertising imposed by the board were constitutionally questionable. Board rules limited phone book advertising, public announcements of practice, and the advertising of comparable rates. These were part of ethical standards issued by the APA which had been incorporated into the board's rules. These restrictions had been challenged by the U.S. Federal Trade Commission which contended that the restrictions fostered monopolistic conditions and a lack of competition instead of protecting the public. We recommended that the board review these restrictions.

Subsequent Developments

A 1981 amendment defined psychology more precisely and removed much of the overly broad and vague language, such as "personal growth," "optimal work," and "family, school, and interpersonal relationships."

In 1983, Act 95 added the regulation of the use of the title "industrial/organizational psychologist" to Chapter 465. Applicants must register with the board and hold a doctoral degree from an accredited institution of higher education with training and education in industrial/organizational psychology.

Educational requirements were made more stringent in 1985 by Act 115 which replaced the requirement that applicants have a doctoral degree from an accredited institution of higher education with the requirement that the doctoral degree be from a training program approved by the APA or from a regionally accredited institution of higher education. Those graduating from a regionally accredited institution of higher education must also meet the experiential requirements for listing on the National Register of Health Service Providers in Psychology.

In the same 1985 legislation, exemptions from regulation were clarified for university personnel, others providing psychological services under the direction of a qualified person, and psychology trainees provided that they do not present themselves as psychologists or imply that they are licensed to practice psychology.

In 1986, the definition of the practice of psychology was further refined. In the more recent 1987 amendments, the grounds for denial, suspension, and revocation of licenses or for placing licensees on probation were broadened to include such practices as breaches of confidentiality, sexual relations with a client, conviction of fraud in filing Medicaid or insurance claims, and exploitation of patients for financial or other personal advantage.

Current Findings and Recommendations

We find the following:

1. Although complaints have increased, these relate to business practices rather than problems with professional competency. However, the potential for harm remains a concern and justifies the Legislature's previous determination that the practice of psychology should continue to be regulated.

2. Licensing requirements have been strengthened. However, some aspects of the board's rules require attention, particularly those pertaining to advertising and practice which continue to be restrictive and anticompetitive.

The need for regulation. As noted in our 1981 sunset report, the exact nature of the potential harm or danger to public health, safety, or welfare from the practice of psychology is unclear. Dangers usually identified with the practice are based on perceptions about the nature of the practice, the improper application of psychological procedures and techniques such as hypnotic suggestions, inappropriate physical contact, and drug use.

Psychology is viewed as dealing with the minds and emotions of people who are in particularly vulnerable circumstances. Uncertainties about appropriate psychotherapeutic practices and the lack of clear linkages between techniques and behavioral outcomes contribute to the perception of potential harm. The Legislature considered these to be sufficient reason to continue regulation of the practice in 1981. This view of potential harm has not been altered by developments since then.

Our current review finds a significant increase in the number of complaints filed with RICO. Between 1976 and 1980, when we conducted the first sunset

evaluation of psychology, there were 17 complaints. Between 1981 and the first half of 1987, there have been 46 complaints.

Complaints have been evenly distributed between those relating to unlicensed activity and those relating to unprofessional conduct. The cases relating to unlicensed activity involved advertising by such persons as marriage and family counselors under the listing for psychologists in the telephone yellow pages. In all cases but one, no violations were found and advisory letters were sent by RICO. The one case resulted in court fines after a consent judgment was issued enjoining and restraining an unlicensed person from advertising in the yellow pages as a psychologist.

In the cases relating to unprofessional conduct, allegations ranged from billing problems, patient disagreement with a practitioner's assessment of the problem, breach of confidence, to lack of courtesy. In all but one case, no violation was found.

The one instance involved a patient's claim that an evaluation report was not provided as part of the scope of services. The case resulted in a settlement agreement, a fine, and restitution for failure on the part of the practitioner to provide a written report to the patient as part of the agreed scope of services.

The increase in consumer complaints in recent years reflects, among other aspects, the increasing number of psychology practitioners and clients. As the number of practitioners and clients increase, so does the potential for harm. The Legislature determined that regulation should be continued in 1981, and there is no new evidence that would change that determination.

Current procedures and practices. As related earlier, there have been numerous amendments to the statute which have served to clarify the regulation of

the practice of psychology. However, some aspects of the board's rules require attention. These include the requirement for oral interviews with applicants, the absence of rules to cover those holding diplomate certificates in good standing from the American Board of Professional Psychology, and overly restrictive provisions relating to advertising and practice.

Oral interview The board no longer requires an oral examination, but it still requires applicants to appear for a personal interview. According to the board's rules, applicants must appear before the board to be judged for such characteristics as the applicant's qualifications for the practice of psychology, integrity and ethical standards, resourcefulness and initiative, and general attitude and approach to the practice of psychology. The operational manual for the Board of Psychology states: "Until such time the board is able to decide on the issue of an oral examination, the board shall require an applicant to appear before the board for a personal interview, such interview of which should not be used as a basis for denial of licensure."⁷

The objectives of the interview, such as establishing an applicant's resourcefulness and initiative, are unrelated to the purposes of state regulation which are to protect consumers. There is even less reason to require such an interview if it is not to be used as a basis for denial of licensure. Since the interview is subjective and serves no legitimate purpose, the requirement should be removed.

Diplomate holders. The statute states that those who have a diplomate certificate in good standing from the American Board of Professional Psychology and who pass the prescribed examinations qualify for licensure. However, the board has no rules on this matter.

So far, the absence of rules governing diplomate holders has not created any problems for the board since most diplomate holders have licenses from another jurisdiction and can be licensed by reciprocity. However, this category should be recognized in the rules, and procedures should be established for the information of those who hold diplomate certificates.

Restrictions on advertising and practice. We had questioned the board's rules restricting advertising and practice in our previous report. We recommended that the board, in consultation with the Department of the Attorney General, review these restrictions. Unfortunately, the board's rules continue to include a number of overly restrictive provisions.

Subchapter 6 of the board's rules on Standards of Practice, taken largely from the APA's statement on "Ethical Principles of Psychologists," contains an extensive list of prohibitions and limitations, including some that have little to do with protecting consumers, that are unenforceable, and that are restrictive and anticompetitive.⁸

Recently, the Bureau of Competition of the Federal Trade Commission (FTC) analyzed the regulations of South Carolina's Board of Psychological Examiners.⁹ We review the FTC's analysis here because several of Hawaii's restrictive provisions are similar to those of South Carolina.

On the issue of whether a state or state board should adopt a profession's code of ethics, the FTC made this general observation: "There are significant risks of anticompetitive effects when a code of ethics of a private organization is adopted by a state or state board. Provisions contained in the ethical codes developed by a private group of professionals composed of competitors may restrict competition

among members of the group and be inconsistent with the best interests of consumers."

As to specifics, the FTC takes issue with such restrictions as (1) prohibitions on the use of testimonials in advertising, (2) prohibitions on the direct solicitation of clients, and (3) restrictions on fee-splitting. These restrictions, and others, currently apply in Hawaii through their inclusion in the board's rules:

Testimonials. The board's rules state that "the use in a brochure of 'testimonials from satisfied users' is prohibited." On the use of testimonials, the FTC states:

"Testimonials can be a means to disseminate useful and truthful information that consumers may use in selecting a provider. Testimonials pertaining to quality or efficiency can inform consumers about such attributes as a professional's training or method of practice. Such testimonials can be a highly effective means of attracting and informing clients and fostering competition. Although testimonials, like all advertising, have the potential to be deceptive, there is no inherent deception in use of testimonials as to the quality of a professional's services. Testimonials as to short waiting time before appointments or expressing general consumer satisfaction, for example, are not inherently deceptive and can provide useful information. Prohibiting all such advertising is overbroad."

Direct solicitation of clients. The board's rules specify that "a psychologist shall not directly solicit clients for individual diagnosis or therapy." The FTC's position is the following:

"Restrictions on direct solicitation of clients can also be anticompetitive. . . . Such restrictions prohibit what can be a valuable technique for informing consumers about the availability of a professional's services. Solicitation, in and of itself, is not inherently deceptive"

Fee-splitting. The board's rules include an admonishment that "no commission or rebate or any other form of remuneration shall be given or received for referral of clients for professional services." Of this type of restriction, the FTC states:

"Finally, restrictions on fee-splitting arrangements may, depending on how they are interpreted, interfere with the operation of alternative health care delivery systems that may have incentive arrangements with health care professionals in which fees are divided between the medical plan and the professional. Such restrictions can impede legitimate cost containment measures implemented by such organizations as HMOs.

"Restrictions on fee-splitting may also prevent professionals from paying an independent referral service that matches clients with an appropriate practitioner. As a result, it may be more difficult for consumers to identify practitioners with whom they would like to deal. It is not clear that any regulation of referral fees is necessary. If, however, such regulation is considered to be necessary in order to prevent deception, the less restrictive alternative of requiring disclosure to the consumer of the referral fee arrangement might be imposed."

The FTC then concluded:

"For the reasons expressed above, we urge the [South Carolina Legislative Audit] Council to recommend the repeal of the statutory requirement that the Board adopt the APA's Code of Ethics and recommend that the Board delete the APA's Code of Ethics from its regulations."

We would recommend a similar approach for Hawaii. Noting that Hawaii's current rules continue to have some of the same questionable restrictions identified in our 1981 evaluation and that there is now further confirmation by the FTC on the undesirableness of the restrictions, we believe that the Legislature should repeal the provision which authorizes the board to revoke or suspend licenses on the basis of "any unethical practice of psychology as defined by the board in accordance with its own rules." If (in addition to those grounds already specified in the statute) there are any other grounds which should affect the granting or holding of licenses or practices or prohibitions and limitations which should be specified because they are necessary to protect consumers, they should be effected through amendments to Chapter 465 rather than through the board's rules.

Recommendations

We recommend that:

1. *Chapter 465 be reenacted. In reenacting the statute, we recommend that the Legislature repeal item (3) of Section 465-13(a) which refers to "unethical practice of psychology as defined by the board in accordance with its own rules." In lieu of unethical practices being defined and proscribed by rule, we recommend that such provisions as the Legislature may determine to be essential for the protection of consumers be enacted by statute.*

2. *The Board of Psychologists amend its rules to accomplish the following:*

- . remove the requirement for applicants to appear for a personal interview;*
- . adopt rules governing licensure for those with diplomates from the American Board of Professional Psychology;*
- . repeal Subchapter 6 on Standards of Conduct.*

NOTES

1. U.S. Bureau of Labor Statistics, *Occupational Outlook Handbook, 1984-85 Edition*, Government Printing Office, Washington, D.C., 1984, p. 82.
2. *Encyclopedia of Associations, 1988, 22nd Edition*, Vol. 1, Pt. 1, Gale Research, Detroit, Mich., p. 617.
3. Letter from Randolph P. Reaves, Executive Officer and General Counsel, American Association of State Psychology Boards, to Millicent Y. H. Kim, April 24, 1987.
4. American Association of State Psychology Boards, *Handbook of Licensing and Certification, Requirements for Psychologists in North America*, Montgomery, Ala., August 1985.
5. Letter from Randolph P. Reaves.
6. Hawaii, Department of Commerce and Consumer Affairs, "Summary/Geographic Report," Honolulu, June 16, 1987.
7. Hawaii, Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, *Operational Manual for the Board of Psychology*, June 1986, p. I-D-2.
8. "Ethical Principles of Psychologist," *American Psychologist*, Vol. 36, No. 6, June 1981, pp. 633-638.
9. Letter from Jeffrey I. Zuckerman, Director, Bureau of Competition, U.S. Federal Trade Commission, to George L. Schroeder, Director, Legislative Audit Council, State of South Carolina, April 23, 1987.

APPENDICES

APPENDIX A

COMMENTS ON AGENCY RESPONSES

A preliminary draft of this Sunset Evaluation Report was transmitted on November 2, 1987, to the Board of Psychology and the Department of Commerce and Consumer Affairs for their review and comments. A copy of the transmittal letter to the board is included as Attachment 1 of this Appendix. A similar letter was sent to the department. The response from the board is included as Attachment 2. Since the report had no recommendations for the department, it did not respond to the report.

The board responded that it agreed with our recommendation that Chapter 465, Hawaii Revised Statutes, be reenacted. However, the board did not agree with our recommendations to repeal the statutory provision allowing the board to define the "unethical practice of psychology," and to repeal Subchapter 6 of its rules containing standards of conduct. It acknowledges that our report raises legitimate concerns about some of the provisions on unethical practices, but it says that other provisions are necessary to protect the consumer. The board intends to seek the advice of the attorney general's office and repeal only those rules that are overly restrictive. We emphasize that the report from the Federal Trade Commission found serious risks of anticompetitive effects when a state board adopts the code of ethics of a private organization and that this is inconsistent with the best interests of consumers.

The board also does not agree with our recommendation to remove the requirement for applicants to appear for a personal interview. The board says that this offers an opportunity for applicants to ask board members questions about

practice in this community. Another reason the board wants to retain the interview is that the interview is related to its goal of eventually having an oral examination. A subcommittee of the board is currently working on such an examination. We have generally found oral examinations to be invalid, unreliable, and subject to bias. Until such time as the board can demonstrate that it has developed an oral examination that would meet accepted standards of validity, we recommend that the oral interview be eliminated.

The board will be studying how best to handle our third recommendation to adopt rules governing licensure for those with diplomates from the American Board of Professional Psychology.

ATTACHMENT 1

THE OFFICE OF THE AUDITOR
STATE OF HAWAII
465 S. KING STREET, RM. 500
HONOLULU, HAWAII 96813

CLINTON T. TANIMURA
AUDITOR

November 2, 1987

COPY

Dr. Craig Robinson, Chairperson
Board of Psychology
Department of Commerce and Consumer Affairs
1010 Richards Street
State of Hawaii
Honolulu, Hawaii 96813

Dear Dr. Robinson:

Enclosed are eight preliminary copies, numbered 4 through 11, of our *Sunset Evaluation Update, Psychologists*. These copies are for review by you, other members of the board, and your executive secretary. This preliminary report has also been transmitted to Robert Alm, Director of the Department of Commerce and Consumer Affairs.

The report contains our recommendations relating to the regulation of psychologists. If you have any comments on our recommendations, we would appreciate receiving them by December 3, 1987. Any comments we receive will be included as part of the final report which will be submitted to the Legislature.

Since the report is not in final form and changes may possibly be made to it, we request that you limit access to the report to those officials whom you wish to call upon for assistance in your response. Please do not reproduce the report. Should you require additional copies, please contact our office. Public release of the report will be made solely by our office and only after the report is published in its final form.

We appreciate the assistance and cooperation extended to us.

Sincerely,



Clinton T. Tanimura
Legislative Auditor

Enclosures

ATTACHMENT 2



JOHN WAIHEE
GOVERNOR

ROBERT A. ALM
DIRECTOR

NOE NOE TOM
LICENSING ADMINISTRATOR

BOARD OF PSYCHOLOGY

STATE OF HAWAII
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

P. O. BOX 3469

HONOLULU, HAWAII 96801

December 2, 1987

Mr. Clinton T. Tanimura
Legislative Auditor
Office of the Auditor
465 S. King Street, Room 500
Honolulu, HI 96813

RECEIVED
DEC 3 8 10 AM '87
OFFICE OF THE AUDITOR
STATE OF HAWAII

Dear Mr. Tanimura:

On behalf of the Board of Psychology, thank you for the opportunity to review and comment on the Sunset Evaluation Update, Psychologist Report. The board would like to commend the Auditor for what appears to be a very thorough and comprehensive review of both the history and present status of the State Board of Psychology.

The board would like to address the recommendations contained at the end of your report as follows:

We agree with recommendation number 1 that Chapter 465, Hawaii Revised Statutes (HRS), be reenacted. However, we disagree that Section 465-13, (a), (4) should be repealed. (It should be noted that the Auditor erroneously refers to item 4, but the correct cite should be Section 465-13, (a), (3), HRS.) The board believes that the Auditor raises legitimate concerns about some of the provisions of unethical practices in its rules; however, there are many other provisions relating to unethical practices that the board believes to be valid and necessary to retain for the protection of the consumer (emphasis added).

Therefore, the board proposes that Section 465-13, (a), (3), HRS, not be repealed. Instead, the board proposes to seek advice from the Attorney General's Office regarding the provisions of concern to the Auditor, and, per their advise, repeal only those overly restrictive provisions of the rules (emphasis added).

In recommendation number 2, the Board would like to specifically address the Auditor's concern about the requirement for an applicant to appear for a personal interview. The Auditor is certainly correct in saying that the interview in its present

form is such that it is not, nor could not, be used as a basis for disqualifying an applicant. The interview does, however, provide a first hand opportunity for applicants to meet directly with each member of the board and to ask the board members any questions they might have about the practice of psychology in this community. Also, for years the Board has very much wanted to implement a reliable and valid oral examination. There are numerous models for oral examination throughout the country at present, which tend to be a much better indicator of an applicant's competence than the written general examination. The written examination largely measures a fund of knowledge assumed to be important for all licensed psychologists. The Board currently has a subcommittee actively working on an oral examination and maintaining the present oral interview procedure would simply seem to be related to this goal.

Moreover, the Auditor's recommendation to adopt rules governing licensure for those with diplomates from the American Board of Professional Psychology is well taken and will be studied further as the Board is unsure whether to best handle this matter through statutory or rules amendment.

Furthermore, the recommendation to repeal Subchapter 6 on Standards of Conduct was addressed earlier in that the Board proposes, after consultation with the Attorney General's Office, deleting only those provisions that are considered as overly restrictive.

We wish to express our appreciation for the comments and recommendations contained in your report. We did note a few inaccuracies, but they appear to be nonsubstantive to the recommendations and does not appear to warrant additional comments. It was encouraging to read a report which offered reasonable recommendations for further improvement.

Very truly yours,

BOARD OF PSYCHOLOGY



Craig H. Robinson, Ph. D.
Chairman

CHR/JK:dc

APPENDIX B

DIGEST

A BILL FOR AN ACT RELATING TO PSYCHOLOGY

Extends the repeal date of the board of psychology from December 31, 1988 to December 31, 1994. Repeals unethical practices of psychology as defined by the rules of the board of psychology as a ground for the denial, suspension, revocation of a license to practice psychology, or for placing a license holder on conditional probation.

A BILL FOR AN ACT

RELATING TO PSYCHOLOGY.

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

1 SECTION 1. Section 26H-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§26H-4 Repeal dates. (a) The following chapters are
4 hereby repealed effective December 31, 1988:

5 [(1) Chapter 465 (Board of Psychology)

6 (2)] (1) Chapter 468E (Board of Speech Pathology and
7 Audiology)

8 [(3)] (2) Chapter 468K (Travel Agencies)

9 [(4)] (3) Chapter 373 (Commercial Employment Agencies)

10 [(5)] (4) Chapter 442 (Board of Chiropractic Examiners)

11 [(6)] (5) Chapter 448 (Board of Dental Examiners)

12 [(7)] (6) Chapter 436E (Board of Acupuncture)

13 (b) The following chapters are hereby repealed effective
14 December 31, 1989:

15 (1) Chapter 444 (Contractors License Board)

- (2) Chapter 448E (Board of Electricians and Plumbers)
- (3) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (4) Chapter 466 (Board of Public Accountancy)
- (5) Chapter 467 (Real Estate Commission)
- (6) Chapter 439 (Board of Cosmetology)
- (7) Chapter 454 (Mortgage Brokers and Solicitors)
- (8) Chapter 454D (Mortgage and Collection Servicing Agents)

(c) The following chapters are hereby repealed effective

December 31, 1990:

- (1) Chapter 447 (Dental Hygienists)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 457 (Board of Nursing)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 460J (Pest Control Board)
- (6) Chapter 462A (Pilotage)
- (7) Chapter 438 (Board of Barbers)

(d) The following chapters are hereby repealed effective

December 31, 1991:

- (1) Chapter 448H (Elevator Mechanics Licensing Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)

1 (3) Chapter 457B (Board of Examiners of Nursing Home
2 Administrators)

3 (4) Chapter 460 (Board of Osteopathic Examiners)

4 (5) Chapter 461 (Board of Pharmacy)

5 (6) Chapter 461J (Board of Physical Therapy)

6 (7) Chapter 463E (Podiatry)

7 (e) The following chapters are hereby repealed effective
8 December 31, 1992:

9 (1) Chapter 437 (Motor Vehicle Industry Licensing Board)

10 (2) Chapter 437B (Motor Vehicle Repair Industry Board)

11 (3) Chapter 440 (Boxing Commission)

12 (f) The following chapters are hereby repealed effective
13 December 31, 1993:

14 (1) Chapter 441 (Cemetery and Funeral Trusts)

15 (2) Chapter 443B (Collection Agencies)

16 (3) Chapter 452 (Board of Massage)

17 (4) Chapter 455 (Board of Examiners in Naturopathy)

18 (5) Chapter 459 (Board of Examiners in Optometry)

19 (g) The following chapter is hereby repealed effective
20 December 31, 1994:

21 (1) Chapter 465 (Board of Psychology)

22 [(g)] (h) The following chapters are hereby repealed
23
24

1 effective December 31, 1997:

2 (1) Chapter 463 (Board of Private Detectives and Guards)

3 (2) Chapter 471 (Board of Veterinary Examiners)."

4 SECTION 2. Section 465-13, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The board shall refuse to grant a license to any
7 applicant and may revoke or suspend any license, or may place a
8 license, or may put a license holder on conditional probation,
9 upon any of the following grounds:

10 (1) Professional misconduct, gross carelessness, manifest
11 incapacity, or incompetency in the practice of
12 psychology;

13 (2) Violation of this chapter by the applicant within one
14 year of the application, or violation of this chapter
15 by a license holder any time the license is valid;

16 [(3) Any unethical practice of psychology as defined by the
17 board in accordance with its own rules;

18 (4)] (3) Fraud or deception in applying for or procuring a
19 license to practice psychology as defined in section
20 465-1;

21 [(5)] (4) Conviction of a crime substantially related to
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1 the qualifications, functions, or duties of
2 psychologists;

3 [(6)] (5) Wilful unauthorized communication of information
4 received in professional confidence;

5 [(7)] (6) The suspension, revocation, or imposition of
6 probationary conditions by another state of a license
7 or certificate to practice psychology issued by that
8 state if the act for which the disciplinary action was
9 taken constitutes a violation of this chapter;

10 [(8)] (7) The commission of any dishonest, corrupt, or
11 fraudulent act or any act of sexual abuse, or sexual
12 relations with a client, or sexual misconduct which is
13 substantially related to the qualifications,
14 functions, or duties of a psychologist;

15 [(9)] (8) Harassment, intimidation, or abuse, sexual or
16 otherwise, of a client or patient;

17 [(10)] (9) Exercising undue influence in the manner as to
18 exploit the client or patient for financial or other
19 personal advantage to the practitioner or a third
20 party;

21 [(11)] (10) Conviction of fraud in filing medicaid claims or
22 conviction of fraud in filing claims to any third
23

1 party payor, for which a copy of the record of
2 conviction, certified by the clerk of the court
3 entering the conviction, shall be conclusive evidence;

4 [(12)] (11) Aiding or abetting any unlicensed person to
5 engage in the practice of psychology;

6 [(13)] (12) Repeated acts of excessive treatment or use of
7 diagnostic procedures as determined by the standard of
8 the local community of licensees; or

9 [(14)] (13) Inability to practice psychology with reasonable
10 skill and safety to patients or clients by reason of
11 illness, inebriation, or excessive use of any
12 substance, or as a result of any mental or physical
13 condition."

14 SECTION 3. Statutory material to be repealed is
15 bracketed. New statutory material is underscored.

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

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18 INTRODUCED BY: _____
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National Association of School Psychologists

Standards for the Credentialing of School Psychologists

2010

INTRODUCTION

The mission of the National Association of School Psychologists (NASP) is to represent school psychology and support school psychologists to enhance the learning and mental health of all children and youth. NASP's mission is accomplished through identification of appropriate evidence-based education and mental health services for all children; implementation of professional practices that are empirically supported, data driven, and culturally competent; promotion of professional competence of school psychologists; recognition of the essential components of high-quality graduate education and professional development in school psychology; preparation of school psychologists to deliver a continuum of services for children, youth, families, and schools; and advocacy for the value of school psychological services, among other important initiatives.

School psychologists provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally. School psychologists provide direct educational and mental health services for children and youth, as well as work with parents, educators, and other professionals to create supportive learning and social environments for all children. School psychologists apply their knowledge of both psychology and education during consultation and collaboration with others. They conduct effective decision making using a foundation of assessment and data collection. School psychologists engage in specific services for students, such as direct and indirect interventions that focus on academic skills, learning, socialization, and mental health. School psychologists provide services to schools and families that enhance the competence and well-being of children, including promotion of effective and safe learning environments, prevention of academic

and behavior problems, response to crises, and improvement of family-school collaboration. The key foundations for all services by school psychologists are understanding of diversity in development and learning; research and program evaluation; and legal, ethical, and professional practice. All of these components and their relationships are depicted in Appendix A, a graphic representation of a national model for comprehensive and integrated services by school psychologists. School psychologists are credentialed by state education agencies or other similar state entities that have the statutory authority to regulate and establish credentialing requirements for professional practice within a state. School psychologists typically work in public or private schools or other educational contexts.

The NASP *Standards for Credentialing of School Psychologists* are designed to be used in conjunction with the NASP *Standards for Graduate Preparation of School Psychologists*, NASP *Model for Comprehensive and Integrated School Psychological Services*, and NASP *Principles for Professional Ethics* to provide a unified set of national principles that guide graduate education, credentialing, professional practice and services, and ethical behavior of effective school psychologists. These NASP policy documents are intended to define contemporary school psychology; promote school psychologists' services for children, families, and schools; and provide a foundation for the future of school psychology. These NASP policy documents are used to communicate NASP's positions and advocate for qualifications and practices of school psychologists with stakeholders, policy makers, and other professional groups at the national, state, and local levels.

The purpose of this document is to provide guidance to state education agencies and other state and national agencies for credentialing school psychologists and regulating the practice of school psychology. These

credentialing standards were developed and approved by NASP pursuant to its mission to support school psychologists, to enhance the learning and mental health of children and youth, and to advance the standards of the school psychology profession.

Credentialing is a process by which a state agency authorizes—and reauthorizes—the use of the title “school psychologist” (or related titles) and practice of school psychology by individuals who initially meet established standards of graduate education and then later comply with standards for continuing professional development, ethical behavior, and experience. These credentialing standards relate to both the use of the title “school psychologist” and to the practice of school psychology, which is defined by the National Association of School Psychologists’s (NASP) *Model for Comprehensive and Integrated School Psychological Services* (2010).

The *Standards for the Credentialing of School Psychologists* are intended as a model for state education agencies or other state or local entities that employ school psychologists and have the statutory authority to establish and regulate credentialing for school psychologists’ title and practice. Included are recommended criteria for initial credentialing (consisting of graduate coursework, practica, and internship requirements) as well as recommendations for credential renewal (i.e., supervision, mentoring, and professional development). These criteria are most applicable to the credentialing of persons employed as school psychologists in public or private schools. Such employment settings typically have a primary responsibility for the safety and welfare of clients served by their employees. For example, state education agencies and local school boards that employ school psychologists and other professionals have a legal responsibility for ensuring that their employees are qualified and act in accordance with various legal and regulatory mandates in their professional relationships with students and parents served by those schools. Similar responsibilities are fulfilled by the administration of other organizations with education programs in which school psychologists might work, such as hospitals or juvenile justice institutions.

NASP recognizes that states vary in the operation of their credentialing systems. Most states conduct their own initial credentialing of school psychologists but may delegate some of their regulatory responsibilities to local education agencies and/or other entities. In addition, multiple state education agency departments are typically involved in the regulation of school psychology with regard to employment, job descriptions, funding, performance evaluation, professional development, ser-

vice provision, etc. Some aspects of credentialing may be embodied in state laws; most are incorporated in regulations. However, the *Standards* are intended to provide guidance regarding credentialing and regulation of school psychology regardless of a state’s organizational and legal structure.

The *Standards* also include a description of the *Nationally Certified School Psychologist* (NCSP) credential, a model implementation of these standards as administered by the National School Psychology Certification Board. The NCSP is a national certification system for school psychologists based upon recognized standards for advanced preparation, performance-based assessment of competency and demonstration of positive outcomes for consumers of school psychological services. The National School Psychology Certification System (NSPCS) was created by NASP to establish a nationally recognized standard for credentialing school psychologists. The *Standards for the Credentialing of School Psychologists* are used by the NSPCS, and the NCSP is bestowed upon individuals in recognition of meeting national standards. The *Standards for the Credentialing of School Psychologists* are also considered to be appropriate for states to use in executing their authority in credentialing school psychologists. As a result, the NCSP credential is widely recognized by state education agencies as a valid approach for credentialing school psychologists. These *Standards* are not intended to supplant a state’s authority to implement equivalent credentialing processes for school psychologists. The purposes of this national credentialing system are to promote uniform credentialing standards across states, agencies, and training institutions, and to facilitate the credentialing of school psychologists across states through the use of equivalency. The National Association of School Psychologists’s designation for persons who meet these standards is *Nationally Certified School Psychologist*, or NCSP. Persons who hold the NCSP are considered to have met rigorous standards of training and competency based upon the assessment and demonstration of effective services and positive impact on students, families, and learning environments.

THE STRUCTURE OF THE SCHOOL PSYCHOLOGIST CREDENTIAL

1.0 State Credentialing Authority

1.1 Credentialing for school psychologists (i.e., licensure or certification) is the process whereby a state authorizes individuals to use the title “school

psychologist” and provide school psychological services. Credentialing in school psychology is granted to individuals meeting established standards of graduate education and experience. A state’s credentialing authority, found in statute and/or regulations, should require all providers of school psychological services and all users of the title “school psychologist” to hold a current credential, and provide for legal sanctions and sanctioning procedures for violators.

- 1.2 When a state empowers one or more organizational entities to administer the credentialing (certification and/or licensure) process for school psychologists, administrative codes and regulations adopted by such bodies should be consistent with the *Standards for the Credentialing of School Psychologists* and carry the weight of law.

2.0 Elements of the School Psychologist Credential

- 2.1 The credential should be issued in writing and expressly authorize both the practice of school psychology as defined by NASP *Model for Comprehensive and Integrated School Psychological Services* and the use of the title “school psychologist.”
- 2.2 The professional school psychologist credential should be issued for a minimum period of three years.
- 2.3 The minimum requirement for a professional credential as a school psychologist is the specialist-level credential in school psychology per the criteria in section 3.0.
- 2.4 The credentialing process should require at least one academic year of postdegree supervision and/

or mentoring following initial issuance of the credential. (See Section 5.5).

- 2.5 Following the completion of one year of supervision, the credential should allow school psychologists to have professional autonomy in determining the nature, scope, and extent of their specific services consistent with their training, supervised experience, and demonstrated expertise and in accordance with NASP’s *Principles for Professional Ethics* (2010).
- 2.6 It is recommended that state and local education agencies incorporate NASP’s *Model for Comprehensive and Integrated School Psychological Services* (2010) in any performance evaluation system used to evaluate school psychologists.

STATE CREDENTIALING REQUIREMENTS

3.0 Criteria for Specialist-Level Credentialing in School Psychology

- 3.1 The minimum requirement for credentialing as a school psychologist shall be a specialist-level program of study in school psychology consisting of the following: (a) a minimum of three years of full-time study at the graduate level, or the equivalent if part-time; (b) at least 60 graduate semester hours or the equivalent¹, with at least 54 hours exclusive of credit for the supervised specialist level internship experience; and (c) institutional documentation of specialist-level school psychology program completion^{2,3} provided to graduates.
Criteria for each of the following areas will be consistent with NASP *Standards for Graduate Preparation of School Psychologists*⁴.

¹ Graduate semester hours are units of graduate credit based on a semester course schedule. In cases in which a quarter schedule is used, three quarter hours equals two semester hours. Thus, 90 quarter hours of credit are essentially equivalent to 60 semester hours. Programs that utilize other credit systems (e.g. trimester credits, unit credits) provide candidates with institution policy regarding their equivalency to a semester hour system.

² Institutional documentation of program completion is “official” documentation provided by the higher education institution (or by a unit of the institution) that an individual has completed the entire required program of study in the school psychology program, including the internship. Institutional documentation is typically in the form of a degree or diploma, certificate of advanced graduate studies, transcript notation indicating program completion, or similar documentation of completion of the entire school psychology program.

³ Various types of institutional documentation may be used to recognize “specialist-level” program completion in school psychology, defined as a program consisting of a minimum of 60 graduate semester hours or the equivalent and including the internship. The following are *examples* of institutional documentation of specialist level program completion: master’s degree requiring 60+ semester hours, master’s degree plus certificate of advanced study (e.g., CAS, CAGS) totaling 60+ semester hours, Educational Specialist (EdS) or Psychology Specialist (PsyS) degree requiring 60+ semester hours, etc.

⁴ The NASP *Standards for Graduate Preparation of School Psychologists* are approved by the National Council for Accreditation of Teacher Education (NCATE) and are utilized by NASP when it conducts graduate program reviews as a part of the NCATE unit accreditation process.

3.2 Domains of Professional Practice. The credential should be based upon the completion of an integrated and sequential program of study that is explicitly designed to develop knowledge and practice competencies in each of the following Domains of Professional Practice. School psychologists provide comprehensive and integrated services across 10 general domains of school psychology, as illustrated in Appendix A. The 10 domains of school psychology reflect the following principles:

- ◆ School psychologists have a foundation in the knowledge bases for both psychology and education, including theories, models, research, empirical findings, and techniques in the domains, and the ability to explain important principles and concepts.
- ◆ School psychologists use effective strategies and skills in the domains to help students succeed academically, socially, behaviorally, and emotionally.
- ◆ School psychologists apply their knowledge and skills by creating and maintaining safe, supportive, fair, and effective learning environments and enhancing family–school collaboration for *all* students.
- ◆ School psychologists demonstrate knowledge and skills relevant for professional practices and work characteristics in their field.
- ◆ School psychologists ensure that their knowledge, skills, and professional practices reflect understanding and respect for human diversity and promote effective services, advocacy, and social justice for all children, families, and schools.
- ◆ School psychologists integrate knowledge and professional skills across the 10 domains of school psychology in delivering a comprehensive range of services in professional practice that result in direct, measurable outcomes for children, families, schools, and/or other consumers.

Professional preparation should reflect the ability to integrate knowledge and skills across each of the following domains. Competency requires demonstration of both knowledge and skills. The descriptions below are representative of competencies in each domain but are not intended to be exhaustive or prescriptive. Appendix A represents the 10 domains within a model of

comprehensive and integrated services by school psychologists. In addition, the NASP (2010) *Model for Comprehensive and Integrated School Psychological Services* presents specific school psychology practices and provides more detail about the integrated and comprehensive nature of the 10 domains below.

1. Data-Based Decision Making and Accountability

- School psychologists have knowledge of varied methods of assessment and data-collection methods for identifying strengths and needs, developing effective services and programs, and measuring progress and outcomes.
- As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to use psychological and educational assessment and data collection strategies, and technology resources, and apply results to design, implement, and evaluate response to services and programs.

2. Consultation and Collaboration

- School psychologists have knowledge of varied methods of consultation, collaboration, and communication applicable to individuals, families, groups, and systems and used to promote effective implementation of services.
- As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to consult, collaborate, and communicate with others during design, implementation, and evaluation of services and programs.

3. Interventions and Instructional Support to Develop Academic Skills

- School psychologists have knowledge of biological, cultural, and social influences on academic skills; human learning, cognitive, and developmental processes; and evidence-based curriculum and instructional strategies.
- School psychologists, in collaboration with others, demonstrate skills to use assessment and data-collection methods and to implement and evaluate services that support cognitive and academic skills.

4. Interventions and Mental Health Services to Develop Social and Life Skills

- School psychologists have knowledge of biological, cultural, developmental, and social influences on behavior and mental health; behavioral and emotional impacts on learning and life skills; and evidenced-based supported strategies to promote social-emotional functioning and mental health.
- School psychologists, in collaboration with others, demonstrate skills to use assessment and data collection methods and implement and evaluate services to support socialization, learning, and mental health.

5. School-Wide Practices to Promote Learning

- School psychologists have knowledge of school and systems structure, organization, and theory; general and special education; and empirically supported school practices that promote academic outcomes, learning, social development, and mental health.
- School psychologists, in collaboration with others, demonstrate skills to develop and implement practices and strategies to create and maintain effective and supportive learning environments for children and others.

6. Preventive and Responsive Services

- School psychologists have knowledge of principles and research related to resilience and risk factors in learning and mental health, services in schools and communities to support multitiered prevention, and empirically supported strategies for effective crisis response.
- School psychologists, in collaboration with others, demonstrate skills to promote services that enhance learning, mental health, safety, and physical well-being through protective and adaptive factors and to implement effective crisis preparation, response, and recovery.

7. Family-School Collaboration Services

- School psychologists have knowledge of principles and research related to family systems, strengths, needs, and culture; empirically supported strategies to support family influences on children's learning, socialization, and mental health; and methods to develop collaboration between families and schools.

- School psychologists, in collaboration with others, demonstrate skills to design, implement, and evaluate services that facilitate family and school partnerships and interactions with community agencies for enhancement of academic and social-behavioral outcomes for children.

8. Development and Learning

- School psychologists have knowledge of individual differences, abilities, disabilities, and other diverse characteristics; principles and research related to diversity factors for children, families, and schools, including factors related to culture, context, individual, and role differences; and empirically supported strategies to enhance services and address potential influences related to diversity.
- School psychologists demonstrate skills to provide professional services that promote effective functioning for individuals, families, and schools with diverse characteristics, cultures, and backgrounds, and across multiple contexts with recognition that an understanding and respect for diversity in development and advocacy for social justice are foundations for all aspects of service delivery.

9. Research and Program Evaluation

- School psychologists have knowledge of research design, statistics, measurement, varied data-collection and analysis techniques, and program evaluation methods sufficient for understanding research and interpreting data in applied settings.
- School psychologists demonstrate skills to evaluate and apply research as a foundation for service delivery and, in collaboration with others, use various techniques and technology resources for data collection, measurement, analysis, and program evaluation to support effective practices at the individual, group, and/or systems levels.

10. Legal, Ethical, and Professional Practice

- School psychologists have knowledge of the history and foundations of school psychology; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists.
- School psychologists demonstrate skills to provide services consistent with ethical, legal, and professional standards; engage in responsive ethical and profes-

sional decision-making; collaborate with other professionals; and apply professional work characteristics needed for effective practice as school psychologists, including respect for human diversity and social justice, communication skills, effective interpersonal skills, responsibility, adaptability, initiative, dependability, and technology skills.

3.3 Applicants for a school psychology specialist credential will have completed supervised practica experiences⁵ that include the following:

- a. Completion of practica, for academic credit or otherwise documented by the institution, that are distinct from, precede, and prepare candidates for the school psychology internship.
- b. Specific, required activities and systematic development and evaluation of skills, consistent with goals of the program, emphasize human diversity, and are completed in settings relevant to program objectives for development of candidate skills (See Standards 3.2 Domains of Professional Practice)
- c. Direct oversight by the program to ensure appropriateness of the placement, activities, supervision, and collaboration with the placement sites and practicum supervisors
- d. Close supervision by program faculty and qualified practicum supervisors, including appropriate performance-based evaluation by program faculty and supervisors to ensure that candidates are developing professional work characteristics and designated competencies

3.4 Applicants for a school psychology credential will have completed a comprehensive, supervised, and

carefully evaluated internship⁶ consisting of the following⁷:

- a. A minimum of 1200 clock hours for specialist-level interns, including a minimum of 600 hours of the internship completed in a *school setting*⁸
- b. A minimum of one academic year, completed on a full-time basis or on a half-time basis over two consecutive years
- c. Completion in settings relevant to program objectives for candidate competencies and direct oversight by the program to ensure appropriateness of the placement, activities, and field supervision
- d. A culminating experience in the program's course of study that is completed for academic credit or otherwise documented by the institution
- e. A primary emphasis on providing breadth and quality of experiences, attainment of comprehensive school psychology competencies, and integration and application of the full range of domains of school psychology graduate education and practice (See Standards 2.1 to 2.10)
- f. Completion of activities and attainment of school psychology competencies consistent with the goals and objectives of the program, and which emphasize human diversity, and delivery of professional school psychology services that result in direct, measurable, and positive impact on children, families, schools, and/or other consumers
- g. Inclusion of both formative and summative performance-based evaluations of interns that are completed by both program faculty and

⁵ School psychology practica are closely supervised on-campus and/or field-based activities designed to develop and evaluate school psychology candidates' mastery of specific professional skills consistent with program goals. Practica activities may be completed as part of separate courses focusing on distinct skills or as part of a more extensive field experience that covers a range of skills. Candidate skill and competency *development*, rather than delivery of professional services, is a primary purpose of practica.

⁶ The school psychology internship is a supervised, culminating, comprehensive field experience that is completed prior to the awarding of the degree or other institutional documentation of completion of the specialist- or doctoral-level program. The internship ensures that school psychology candidates have the opportunity to integrate and apply professional knowledge and skills acquired in program coursework and practica, as well as to acquire enhanced competencies consistent with the school psychology program's goals and objectives.

⁷ See *Best Practice Guidelines for School Psychology Internships* for an additional resource for graduate programs and internship sites, available on the NASP website.

⁸ A "school setting" is one in which the primary goal is the education of students of diverse backgrounds, characteristics, abilities, disabilities, and needs. Generally, a school setting includes students who are enrolled in Grades pre-K–12 and has both general education and special education services. The school setting has available an internal or external pupil services unit that includes at least one state-credentialed school psychologist and provides a full range of school psychology services. Other internship settings, if allowed by the program beyond the 600 hours in a school setting, are consistent with program objectives and may include relevant school psychology activities in other educational contexts within, for example, hospitals, juvenile justice institutions, and community agencies that provide collaborative services for schools.

field-based supervisors, are systematic and comprehensive, and ensure that interns demonstrate professional work characteristics and attain competencies needed for effective practice as school psychologists

- h. Provision of field supervision from a school psychologist holding the appropriate state school psychology credential for practice in the internship setting (or, if a portion of the internship is conducted in a another setting, as noted in Standard 3.4a, provision of field supervision from a psychologist holding the appropriate state psychology credential for practice in the internship setting)
 - i. An average of at least two hours of field-based supervision per full-time week or the equivalent for half-time placements
 - j. Preponderance of field-based supervision provided on at least a weekly, individual, face-to-face basis, with structured mentoring and evaluation that focus on development of the intern's competencies
- 3.5 Documentation is provided that the applicant has demonstrated the ability to integrate domains of knowledge and apply professional skills in delivering a comprehensive range of services evidenced by measurable positive impact on children, youth, families, and other consumers.
- 3.6 Applicants should achieve a passing score on a state or national test appropriate for school psychology. The National School Psychology Certification Board has established a passing score on the Educational Testing Service's (ETS) School Psychology Examination that is suitable for state credentialing purposes.

4.0 Criteria for Doctoral Credential in School Psychology

- 4.1 A doctoral-level credential in school psychology should be based upon (a) a minimum of 4 years of full-time study at the graduate level or the equivalent, if part time (b) at least 90 graduate semester hours or the equivalent, with at least

78 hours exclusive of credit for the supervised doctoral internship experience and any terminal doctoral project (e.g., dissertation), and (c) institutional documentation of school psychology doctoral-level program completion provided to graduates. Criteria for each of the following areas will be consistent with NASP *Standards for Graduate Preparation of School Psychologists*.

- 4.2 The credential should be based upon the completion of an integrated and sequential program of study in school psychology⁹ that is explicitly designed to develop knowledge and practice competencies in each of the following Domains of Professional Practice.
- a. Data-Based Decision Making and Accountability
 - b. Consultation and Collaboration
 - c. Interventions and Instructional Support to Develop Academic Skills
 - d. Interventions and Mental Health Services to Develop Social and Life Skills
 - e. School-Wide Practices to Promote Learning
 - f. Preventive and Responsive Services
 - g. Family-School Collaboration Services
 - h. Diversity in Development and Learning
 - i. Research and Program Evaluation
 - j. Legal, Ethical, and Professional Practice
- 4.3 Applicants for a school psychology doctoral credential will have completed supervised practica experiences that include the following:
- a. Completion of practica, for academic credit or otherwise documented by the institution, that are distinct from, precede, and prepare candidates for the school psychology internship.
 - b. Specific, required activities and systematic development and evaluation of skills, consistent with goals of the program and in settings relevant to program objectives for development of candidate skills (See Standards 2.1 to 2.10)
 - c. Direct oversight by the program to ensure appropriateness of the placement, activities,

⁹ Greater depth in one or more school psychology competencies identified by the program in its philosophy/mission of doctoral-level preparation and reflected in program goals, objectives, and sequential program of study and supervised practice. (Doctoral programs typically are characterized by advanced competencies in research, and the program may identify additional competencies that address the specific philosophy/mission, goals, and objectives of its doctoral program of study, e.g., greater depth in one or more domains described in Standards 2.1 to 2.10, a practice specialization, supervision or leadership competency, preparation for specialized roles or settings such as research or graduate instruction).

- supervision, and collaboration with the placement sites and practicum supervisors
- d. Close supervision by program faculty and qualified practicum supervisors and inclusion of appropriate performance-based evaluation by program faculty and supervisors to ensure that candidates are developing professional work characteristics and designated competencies
- 4.4 Applicants for a school psychology doctoral credential will have completed a comprehensive, supervised, and carefully evaluated internship consisting of the following:
- a. A minimum of 1500 clock hours for doctoral-level interns¹⁰, including a minimum of 600 hours of the internship completed in a *school setting*.
 - b. A minimum of one academic year for internship, completed on a full-time basis over one year or at least a half-time basis over two consecutive years
 - c. Completion in settings relevant to program objectives for candidate competencies and direct oversight by the program to ensure appropriateness of the placement, activities, and field supervision
 - d. A culminating experience in the program's course of study that is completed for academic credit or otherwise documented by the institution
 - e. A primary emphasis on providing breadth and quality of experiences, attainment of comprehensive school psychology competencies, and integration and application of the full range of domains of school psychology graduate education and practice (See Standards 2.1 to 2.10)
 - f. Completion of activities and attainment of school psychology competencies consistent with the goals and objectives of the program and delivery of professional school psychology services that result in direct, measurable, and positive impact on children, families, schools, and/or other consumers
- g. Both formative and summative performance-based evaluations of interns that are completed by both program faculty and field-based supervisors, are systematic and comprehensive, and ensure that interns demonstrate professional work characteristics and attain designated competencies needed for effective school psychology practice
 - h. Provision of field supervision from a school psychologist holding the appropriate state school psychology credential for practice in the internship setting (or, if a portion of the internship is conducted in a another setting, as noted in Standard 4.4a, provision of field supervision from a psychologist holding the appropriate state psychology credential for practice in the internship setting)
 - i. An average of at least 2 hours of field-based supervision per full-time week or the equivalent for part-time placements.
 - j. Preponderance of field-based supervision provided on at least a weekly, individual, face-to-face basis, with structured mentoring and evaluation that focus on development of the intern's competencies
- 4.5 Documentation is provided that the candidate has demonstrated the ability to integrate domains of knowledge and apply professional skills in delivering a comprehensive range of services evidenced by measurable positive impact on children, youth, families, and other consumers.
- 4.6 Applicants should achieve a passing score on a state or national test appropriate for school psychology. The National School Psychology Certification Board has established a passing score on the Educational Testing Service's (ETS) School Psychology Examination that is suitable for state credentialing purposes.

¹⁰ Programs may allow up to half of the required 1500 *doctoral* internship hours to be used from a prior, appropriately supervised specialist-level internship or equivalent experience in school psychology if (a) the program determines that the specialist-level internship or equivalent experience meets program objectives and NASP standards for the school psychology internship (see Standards 3.2 to 3.6), (b) candidates have met program objectives and criteria for school psychology specialist-level internship competencies, and (c) any field experiences considered equivalent to a formal specialist-level internship in school psychology are clearly articulated and systematically evaluated by the program.

STATE CREDENTIALING PROCEDURES

5.0 Implementation of School Psychology Credentialing Requirements by States

- 5.1 The state credential is granted to individuals who meet the requirements described in Standard 3.0, including completion of a specialist-level school psychology program consistent with NASP *Standards for Graduate Preparation of School Psychologists*, demonstration of professional work characteristics, completion of applied professional practice, and demonstrated competency in the domains of professional practice.
- 5.2 Implementation of these requirements may be facilitated in four ways:
- Applicants who are graduates of school psychology programs approved by the National Association of School Psychologists at the specialist or doctoral level will have met preparation requirements 3.0 or 4.0 respectively and are eligible for credentialing as school psychologists.
 - Applicants who are graduates of school psychology programs that, at the time of the applicant's graduation, were accredited by an agency (e.g., American Psychological Association), approved by the U.S. Department of Education, and who have met the internship requirement specified in Standard 4.4, are eligible for credentialing as school psychologists.
 - Applicants who are graduates of other graduate education programs should demonstrate equivalency with the NASP *Standards for Graduate Preparation of School Psychologists*. For applicants who hold graduate degrees in related fields and are seeking graduate preparation and credentialing as a school psychologist, the state should ensure that its requirements for alternative credentialing are consistent with these NASP credentialing standards. NASP approved graduate education programs may be consulted to ensure that an applicant's prior courses, field experiences, and professional competencies are equivalent to NASP *Standards for Graduate Preparation of School Psychologists*¹¹.
 - Applicants who hold a valid credential as Nationally Certified School Psychologists (NCSP) have been judged by the National Association of School Psychologists to have met its graduate preparation and credentialing standards and should be considered eligible for state credentialing as school psychologists.
- 5.3 The NCSP credential is suitable for adoption by state education agencies for credentialing of school psychologists. However, comparable credentialing approaches should be available to applicants as described in Standard 5.2. Recognition of the NCSP facilitates interstate reciprocity agreements. The NCSP system can also satisfy state credential renewal requirements for continuing professional development.
- 5.4 Adequate professional support should be provided to all credentialed school psychologists. School systems should ensure that all personnel have levels and types of supervision and/or mentoring adequate to ensure the provision of effective and accountable services. Supervision and mentoring are provided through an ongoing, positive, systematic, collaborative process between the school psychologist and a school psychology supervisor or other school psychology colleagues.
- 5.5 Credentialed school psychologists in their first postgraduate year of employment should participate in district-provided supervision or mentoring. Such induction experiences should be for the purpose of establishing a foundation for lifelong learning and professional growth. For initially credentialed school psychologists, participation in district-provided supervision and/or mentoring conducted either directly or indirectly is recommended for a minimum average of 1 hour per week.
- 5.6 Supervisors have a valid school psychologist credential for the setting in which they are

¹¹ If the school psychology program provides opportunities for respecialization, retraining, or other alternative approaches to prepare candidates for credentialing as school psychologists (e.g., for candidates who hold graduate degrees in related fields and are seeking graduate preparation and credentialing as school psychologists), the program ensures that its requirements for respecialization, retraining, or alternative credentialing approaches are consistent with these NASP graduate preparation standards. The program applies systematic evaluation procedures and criteria to grant recognition of candidates' prior courses/field experiences and to identify additional graduate courses and experiences necessary for candidates to meet school psychology program requirements.

employed, and have a minimum of 3 years of experience as a practicing school psychologist. Education and/or experience in the supervision of school personnel are desirable.

- 5.7 Supervision methods should match the developmental level of the school psychologist. Novice school psychologists require more intensive supervisory modalities, including regularly scheduled sessions. Alternative methods, such as supervision groups, mentoring, and/or peer support can be utilized with more experienced school psychologists to ensure continued professional growth and support for complex or difficult cases. School systems should allow time for school psychologists to participate in supervision and mentoring.
- 5.8 The school system should develop and implement a coordinated plan for the accountability and evaluation of all school psychological services. This plan should address evaluation of both implementation and outcomes of services.
- 5.9 Renewal of the initial state credential should be granted to applicants meeting the following criteria:
 - a. Evidence of public, private, or university-based practice for a minimum of 1 academic year of full-time equivalent (FTE) experience during the previous 3 years.
 - b. Evidence of continuing professional development for a minimum of 75 clock hours during the previous 3-year period while the credential was in effect.
 - c. Evidence of having successfully completed a minimum of 1 academic year of professional experience with a mentor or supervisor. For professional practice within a school setting, supervision or mentoring should be provided

by a credentialed school psychologist with a minimum of 3 years of experience.

6.0 Nationally Certified School Psychologist

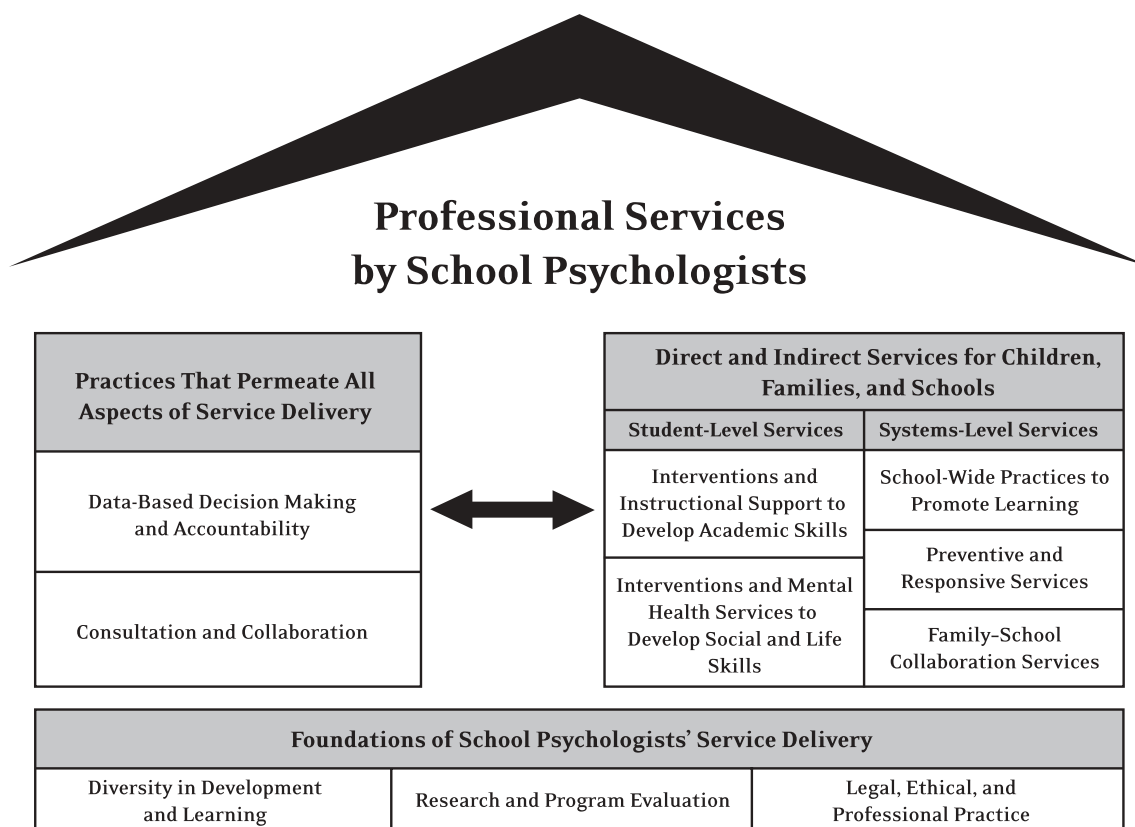
- 6.1 The Nationally Certified School Psychologist (NCSP) credential is granted to persons who have successfully met standards 3.0–3.7 above¹².
- 6.2 For initial renewal of the NCSP credential, there should be evidence of having successfully completed a minimum of 1 academic year of professional support from a mentor or supervisor. For professional practice within a school setting, supervision or mentoring shall be provided by a credentialed school psychologist with a minimum of three years of experience. For any portion of the experience that is accumulated in a nonschool setting, supervision or mentoring shall be provided by a psychologist appropriately credentialed for practice in that setting. Supervision and/or mentoring conducted either individually or within a group for a minimum average of 1 hour per week is recommended.
- 6.3 Renewal of the NCSP will only be granted to applicants who complete at least 75 contact hours of continuing professional development activities within a 3-year period.

7.0 Principles for Professional Ethics

State and local education agencies are encouraged to adopt the NASP *Principles for Professional Ethics* and develop appropriate problem-solving, due process, and discipline procedures for addressing potential ethical misconduct by school psychologists in addition to the already established procedures for handling employee misconduct.

¹² *Approved Programs in School Psychology*: The National Association of School Psychologists (NASP) publishes annually a list of graduate education programs in school psychology that have been determined to meet the NASP *Standards for Graduate Preparation of School Psychologists*. A copy of the approved program list can be obtained by contacting the National Association of School Psychologists, 4340 East West Highway, Suite 402, Bethesda, MD 20814 or at <http://www.nasponline.org>

APPENDIX A. MODEL OF COMPREHENSIVE AND INTEGRATED SERVICES BY SCHOOL PSYCHOLOGISTS



APPENDIX B. EXPANDED DESCRIPTION OF DOMAINS OF SCHOOL PSYCHOLOGY GRADUATE EDUCATION AND PRACTICE WITHIN A MODEL OF COMPREHENSIVE AND INTEGRATED SERVICES BY SCHOOL PSYCHOLOGISTS

Within the model of comprehensive and integrated services, illustrated in Appendix A, school psychologists' activities include knowledge and skills across 10 domains of school psychology. As noted in NASP Graduate Preparation Standards 2.1 to 2.10, the school psychology program ensures that all candidates demonstrate basic competencies in the 10 domains of school psychology. The domains are highly interrelated and not mutually exclusive, and should be reflected across the school psychology program of study. The NASP (2010) *Model for Comprehensive and Integrated School Psychological Services* presents specific school psychology practices and provide more detail about the integrated and comprehensive nature of the 10 domains.

Below, an expanded list of *sample areas of knowledge and skills in the domains* is provided that programs may find useful

in defining expected candidate competencies. The examples in the descriptions below are not intended to reflect the possible full range of competencies for school psychologists, but instead identify examples of knowledge and skills that school psychology graduate programs may consider when identifying their own goals and objectives for their candidates. The examples of knowledge and skill below are intended to serve only as *general guides* for the school psychology program. The program may elect to emphasize specific knowledge and skill areas from the descriptions below or may elect to identify additional knowledge and skills areas, depending on program goals and objectives, areas of specialization, specialist- or doctoral-level preparation, roles and functions for which candidates are being prepared, etc.

The following elements are apparent in the school psychology program:

2.1 Data-Based Decision Making and Accountability

School psychologists have knowledge of the following:

- Assessment and data collection methods relevant to a comprehensive, systematic process of effective decision making and problem solving for particular situations, contexts, and diverse characteristics
- Varied methods of assessment and data collection in psychology and education (e.g., norm-referenced, curriculum-based, direct behavior analysis, ecological) and their psychometric properties.
- Assessment and data collection methods useful in identifying strengths and needs and documenting problems of children, families, and schools
- Strategies for translating assessment and data collection to development of effective instruction, interventions, and educational and mental health services
- Assessment and data-collection methods to measure response to, progress in, and effective outcomes of services

School psychologists demonstrate *skills* to:

- Use psychological and educational assessment and data collection strategies as part of a comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery
 - Systematically collect data and other information about individuals, groups, and environments as key components of professional school psychology practice
 - Translate assessment and data collection results into design, implementation, and accountability for empirically supported instruction, interventions, and educational and mental health services effective for particular situations, contexts, and diverse characteristics
 - Use assessment and data collection methods to evaluate response to, progress in, and outcomes for services in order to promote improvement and effectiveness
 - Access information and technology resources to enhance data collection and decision making
 - Measure and document effectiveness of their own services for children, families, and schools
- Methods for effective consultation and collaboration that link home, school, and community settings
 - School psychologists demonstrate *skills* to:
 - Apply consultation methods, collaborate, and communicate effectively with others as part of a comprehensive process that permeates all aspects of service delivery
 - Consult and collaborate in planning, problem solving, and decision-making processes and to design, implement, and evaluate instruction, interventions, and educational and mental health services across particular situations, contexts, and diverse characteristics
 - Consult and collaborate at the individual, family, group, and systems levels
 - Facilitate communication and collaboration among diverse school personnel, families, community professionals, and others
 - Effectively communicate information for diverse audiences, for example, parents, teachers, other school personnel, policy makers, community leaders, and/or others
 - Promote application of psychological and educational principles to enhance collaboration and achieve effectiveness in provision of services

2.2 Consultation and Collaboration

School psychologists have *knowledge* of the following:

- Varied methods of consultation in psychology and education (e.g., behavioral, problem solving, mental health, organizational, instructional) applicable to individuals, families, groups, and systems
- Strategies to promote collaborative, effective decision making and implementation of services among professionals, families, and others
- Consultation and collaboration strategies effective across situations, contexts, and diverse characteristics

2.3 Interventions and Instructional Support to Develop Academic Skills

School psychologists have *knowledge* of the following:

- Biological, cultural, and social influences on cognitive and academic skills
- Human learning, cognitive, and developmental processes, including processes of typical development, as well as those related to learning and cognitive difficulties, across diverse situations, contexts, and characteristics
- Empirically supported methods in psychology and education to promote cognitive and academic skills, including those related to needs of children with diverse backgrounds and characteristics
- Curriculum and instructional strategies that facilitate children's academic achievement, including, for example, teacher-directed instruction, literacy instruction, peer tutoring, interventions for self-regulation and planning/organization; etc.
- Techniques to assess learning and instruction and methods for using data in decision making, planning, and progress monitoring
- Information and assistive technology resources to enhance children's cognitive and academic skills

School psychologists, in collaboration with others, demonstrate *skills* to:

- Use assessment and data-collection methods to develop appropriate academic goals for children with diverse abilities, disabilities, backgrounds, strengths, and needs
- Implement services to achieve academic outcomes, including classroom instructional support, literacy strategies, home–school collaboration, instructional consultation, and other evidenced-based practices
- Use empirically supported strategies to develop and implement services at the individual, group, and systems levels and to enhance classroom, school, home, and community factors related to children’s cognitive and academic skills
- Implement methods to promote intervention acceptability and fidelity and appropriate data-based decision making procedures, monitor responses of children to instruction and intervention, and evaluate the effectiveness of services

2.4 Interventions and Mental Health Services to Develop Social and Life Skills

School psychologists have *knowledge* of the following:

- Biological, cultural, social, and situational influences on behavior and mental health and behavioral and emotional impacts on learning, achievement, and life skills
- Human developmental processes related to social–emotional skills and mental health, including processes of typical development, as well as those related to psychopathology and behavioral issues, across diverse situations, contexts, and characteristics
- Empirically supported strategies to promote social–emotional functioning and mental health
- Strategies in social–emotional, behavioral, and mental health services that promote children’s learning, academic, and life skills, including, for example, counseling, behavioral intervention, social skills interventions, instruction for self-monitoring, etc.
- Techniques to assess socialization, mental health, and life skills and methods for using data in decision making, planning, and progress monitoring

School psychologists, in collaboration with others, demonstrate *skills* to:

- Use assessment and data collection methods to develop appropriate social–emotional, behavioral, and mental health goals for children with diverse abilities, disabilities, backgrounds, strengths, and needs

- Implement services to achieve outcomes related to socialization, learning, and mental health, including, for example, counseling, consultation, behavioral intervention, home–school collaboration, and other evidence-based practices
- Integrate behavioral supports and mental health services with academic and learning goals for children
- Use empirically supported strategies to develop and implement services at the individual, group, and/or systems levels and to enhance classroom, school, home, and community factors related to children’s mental health, socialization, and learning
- Implement methods to promote intervention acceptability and fidelity and appropriate data-based decision making procedures, monitor responses of children to behavioral and mental health services, and evaluate the effectiveness of services

2.5 Diversity in Development and Learning

School psychologists have *knowledge* of the following:

- Individual differences, abilities, disabilities, and other diverse characteristics of people in settings in which school psychologists work
- Psychological and educational principles and research related to diversity factors for children, families, and schools, including factors related to culture, individual, and role differences (e.g., age, gender or gender identity, cognitive capabilities, social–emotional skills, developmental level, race, ethnicity, national origin, religion, sexual and gender orientation, disability, chronic illness, language, socioeconomic status)
- Empirically supported strategies in psychology and education to enhance services for children and families and in schools and communities and effectively address potential influences related to diversity
- Strategies for addressing diversity factors in design, implementation, and evaluation of all services

School psychologists demonstrate *skills* to:

- Provide effective professional services in data-based decision making, consultation and collaboration, and direct and indirect services for individuals, families, and schools with diverse characteristics, cultures, and backgrounds, with recognition that an understanding of and respect for diversity and in development and learning is a foundation for all aspects of service delivery

- In collaboration with others, address individual differences, strengths, backgrounds, and needs in the design, implementation, and evaluation of services in order to improve academic, learning, social, and mental health outcomes for all children in family, school, and community contexts
- In schools and other agencies, advance social justice and recognition that cultural, experiential, linguistic, and other areas of diversity may result in different strengths and needs; promote respect for individual differences; recognize complex interactions between individuals with diverse characteristics; and implement effective methods for all children, families, and schools to succeed
- Provide culturally competent and effective practices in all areas of school psychology service delivery and in the contexts of diverse individual, family, school, and community characteristics

2.6 School-Wide Practices to Promote Learning

School psychologists have *knowledge* of the following:

- School and systems structure, school organization, general education, special education, and alternative educational services across diverse settings
 - Psychological and educational principles and research related to organizational development and systems theory,
 - Issues and needs in schools, communities, and other settings, including accountability requirements and local, state, and federal policies and regulations
 - Empirically supported school practices that promote academic outcomes, learning, social development, and mental health; prevent problems; and ensure positive and effective school organization and climate across diverse situations, contexts, and characteristics
- School psychologists, in collaboration with others, demonstrate *skills* to:
- Design and implement empirically supported practices and policies in, for example, areas such as discipline, instructional support, staff training, school improvement activities, program evaluation, student transitions at all levels of schooling, grading, home-school partnerships, etc.
 - Utilize data-based decision making and evaluation methods, problem-solving strategies, consultation, and other services for systems-level issues, initiatives, and accountability responsibilities
 - Create and maintain effective and supportive learning environments for children and others within a multitiered continuum of school-based services

- Develop school policies, regulations, services, and accountability systems to ensure effective services for all children

2.7 Preventive and Responsive Services

School psychologists have *knowledge* of the following:

- Psychological and educational principles and research related to resilience and risk factors in learning and mental health
- Methods of population-based service delivery in schools and communities to support prevention and timely intervention related to learning, mental health, school climate and safety, and physical well-being across diverse situations, contexts, and characteristics
- Universal, selected, and indicated (i.e., primary, secondary, and tertiary) prevention strategies at the individual, family, group, and/or systems levels related to learning, mental health, and physical well-being
- Empirically supported strategies for effective crisis prevention, preparation, and response

School psychologists, in collaboration with others, demonstrate *skills* to:

- Promote environments, contexts, and services for children that enhance learning, mental and physical well-being, and resilience through protective and adaptive factors and that prevent academic problems, bullying, violence, and other risks
- Use assessment and data collection methods to develop appropriate goals for and to evaluate outcomes of prevention and response activities and crisis services
- Contribute to, design, implement, and/or evaluate prevention programs that integrate home, school, and community resources and promote learning, mental health, school climate and safety, and physical well-being of all children and families
- Contribute to, design, implement, and/or evaluate services for crisis prevention, preparation, response, and recovery at the individual, family, and systems levels and that take into account diverse needs and characteristics
- Utilize data-based decision making methods, problem-solving strategies, consultation, collaboration, and direct and indirect services for preventive and responsive services to promote learning and mental health and for crisis services

2.8 Family-School Collaboration Services

School psychologists have *knowledge* of the following:

- Characteristics of families, family strengths and needs, family culture, and family–school interactions that impact children’s development
- Psychological and educational principles and research related to family systems and their influences on children’s academic, motivational, social, behavioral, mental health, and social characteristics
- Empirically supported strategies to improve outcomes for children by promoting collaboration and partnerships among parents, schools, and community agencies, and by increasing family involvement in education
- Methods that improve family functioning and promote children’s learning, social development, and mental health, including, for example, parent consultation, conjoint consultation, home–school collaboration, and other evidence-based practices

School psychologists, in collaboration with others, demonstrate *skills* to:

- Design and implement empirically supported practices and policies that facilitate family–school partnerships and interactions with community agencies to enhance academic, learning, social, and mental health outcomes for all children
- Identify diverse cultural issues, situations, contexts, and other factors that have an impact on family–school interactions and address these factors when developing and providing services for families
- Utilize data-based decision making and evaluation methods, problem-solving strategies, consultation, and direct and indirect services to enhance family–school-community effectiveness in addressing the needs of children
- Design, implement, and evaluate educational, support, and other types of programs that assist parents with promoting the academic and social–behavioral success of their children and addressing issues and concerns

2.9 Research and Program Evaluation

School psychologists have *knowledge* of the following:

- Research design, measurement, and varied methods of data collection techniques used in investigations of psychological and educational principles and practices
- Statistical and other data analysis techniques sufficient for understanding research and interpreting data in applied settings
- Program evaluation methods at the individual, group, and/or systems levels
- Technology and information resources applicable to research and program evaluation

- Techniques for judging research quality; synthesizing results across research relevant for services for children, families, and schools; and applying research to evidence-based practice

School psychologists demonstrate *skills* to:

- Evaluate and synthesize a cumulative body of research and its findings as a foundation for effective service delivery
- Provide assistance in schools and other settings for analyzing, interpreting, and using empirical foundations for effective practices at the individual, group, and/or systems levels
- Incorporate various techniques for data collection, measurement, analysis, accountability, and use of technology resources in decision-making and in evaluation of services at the individual, group, and/or systems levels
- In collaboration with others, design, conduct analyses, and/or interpret research and/or program evaluation in applied settings

2.10 Legal, Ethical, and Professional Practice

School psychologists have *knowledge* of the following:

- History and foundations of their profession
- Multiple school psychology service delivery models and methods
- Ethical and professional standards for school psychology
- Legal standards and regulations
- Factors related to professional identity in school psychology
- Relevant information sources and technology
- Methods for planning and engaging in continuing education

School psychologists demonstrate *skills* to:

- Provide services consistent with ethical and professional standards in school psychology
- Provide services consistent with legal standards and regulations
- Engage in effective ethical and professional decision-making that reflects recognition of diverse needs and characteristics of children, families, schools, and other professionals
- Apply professional work characteristics needed for effective practice as a school psychologist, including respect for human diversity and social justice, communication skills, effective interpersonal skills, responsibility, adaptability, initiative, and dependability
- Utilize supervision and mentoring for effective school psychology practice

- Engage in effective, collaborative professional relationships and interdisciplinary partnerships
- In collaboration with other professionals (e.g., teachers, principals, library and media specialists), access, evaluate, and utilize information resources and technology in ways that enhance the quality of services for children
- Advocate for school psychologists' professional roles to provide effective services, ensure access to their services, and enhance the learning and mental health of all children and youth
- Engage in career-long self-evaluation and continuing professional development