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## A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that properly licensed  
3 school psychologists provide effective services to help children  
4 and youth succeed academically, socially, behaviorally, and  
5 emotionally by providing direct educational and mental health  
6 services for children and youth. Additionally, they work with  
7 parents, educators, and other professionals to create supportive  
8 learning and social environments for all children. School  
9 psychologists have a particularly critical role in supporting  
10 the most vulnerable children, including those struggling with  
11 issues like gender identity or sexual orientation, integrating  
12 from another place of origin, autism, or fetal alcohol spectrum  
13 disorders.

14 Currently, Hawaii is the only state without certification  
15 or licensure for school psychologists. In fiscal year 2018, the  
16 department of education employed forty-six school psychologists.  
17 Without requiring licensure, the State cannot ensure that its



1 school psychologists are uniformly qualified to deliver the  
2 appropriate standard of services. Significantly, the State's  
3 failure to require licensure of its school psychologists means  
4 that, by law, the State is unable to seek warranted  
5 reimbursements from the federal medicaid program for the  
6 services provided by school psychologists in an educational  
7 setting.

8 The legislature finds that accredited school psychologists  
9 should be licensed by and registered with the board of  
10 psychology to ensure delivery of quality service to students and  
11 the community. The legislature additionally finds that school  
12 psychologists and the practice of school psychology should be  
13 subject to regulation and control to protect the public from the  
14 unqualified practice of school psychology and from  
15 unprofessional conduct by persons licensed to practice school  
16 psychology.

17 Accordingly, the purpose of this Act is to establish the  
18 recommended criteria for the licensure of school psychologists,  
19 including graduate coursework, practica, and internship  
20 requirements based in part on the National Association of School



1 Psychologists' Standards for the Credentialing of School  
2 Psychologists.

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

6 **"PART . SCHOOL PSYCHOLOGISTS**

7 **§465-A Findings and declaration of necessity.** It is the  
8 intent of the legislature to establish standards for the  
9 licensing of school psychologists to address the present and  
10 critical need to ensure that individuals requiring the services  
11 of a licensed school psychologist receive appropriate services  
12 by highly qualified and licensed professionals. The special  
13 state interest in creating this part is recognized,  
14 notwithstanding the requirements of section 26H-6.

15 **§465-B Definitions.** As used in this part:

16 "Practice of school psychology" means the application of  
17 principles, methods, and procedures of measurement, prediction,  
18 evaluation, testing, counseling, consultation, and instruction  
19 related to and consistent with the national standards  
20 articulated by the most current Model for Comprehensive and  
21 Integrated School Psychological Services as published by the



1 National Association of School Psychologists or its successor  
2 organization in a school setting. "Practice of school  
3 psychology" does not include private practice.

4 "School psychologist" means a person licensed by the board  
5 who engages in the practice of school psychology consistent with  
6 the national standards articulated by the most current Model for  
7 Comprehensive and Integrated School Psychological Services as  
8 published by the National Association of School Psychologists or  
9 its successor organization. "School psychologist" includes a  
10 school psychologist-specialist and a school psychologist-  
11 doctoral.

12 **§465-C School psychologists; regulation; qualifications.**

13 (a) Notwithstanding any other law to the contrary, school  
14 psychologists in the State shall be licensed by the board and  
15 regulated pursuant to this part. School psychologists shall be  
16 licensed as a school psychologist-specialist or a school  
17 psychologist-doctoral.

18 (b) Every applicant for a license as a school  
19 psychologist-specialist shall submit evidence satisfactory to  
20 the board that the applicant for licensure has:



- 1           (1) Earned a graduate-level degree from an organized  
2           program of study in school psychology within an  
3           institution of higher education comprising a minimum  
4           of sixty graduate semester hours or the equivalent  
5           number of graduate quarter hours, with at least fifty-  
6           four hours exclusive of credit for the supervised  
7           specialist-level internship experience;
- 8           (2) Completed one thousand two hundred hours of a  
9           supervised internship in school psychology with no  
10          less than six hundred hours of the internship  
11          completed within a school setting; and
- 12          (3) Either:
- 13                (A) Passed the Praxis School Psychologist examination  
14                with a minimum score of one hundred forty-seven  
15                or the most current standard of the National  
16                Association of School Psychologists; or
- 17                (B) Possesses a current, unencumbered certification  
18                as a nationally certified school psychologist or  
19                a valid license or credential in school  
20                psychology in another state or United States  
21                territory prior to July 1, 2019; provided that



1           for a person employed as a school psychologist in  
2           Hawaii as of July 1, 2019, an out of state  
3           license or credential that has been expired for  
4           no more than ten years from July 1, 2019, shall  
5           be accepted.

6           (c) Every applicant for a license as a school  
7   psychologist-doctoral shall submit evidence satisfactory to the  
8   board that the applicant for licensure has:

9           (1) Earned a doctoral-level degree from an organized  
10          program of study in school psychology within an  
11          institution of higher education comprising a minimum  
12          of ninety graduate semester hours or the equivalent  
13          number of graduate quarter hours, with at least  
14          seventy-eight hours exclusive of credit for the  
15          supervised doctoral-level internship experience and  
16          any terminal doctoral project like a dissertation;

17          (2) Completed one thousand five hundred hours of a  
18          supervised internship in school psychology with no  
19          less than six hundred hours of the internship  
20          completed within a school setting; and

21          (3) Either:



1 (A) Passed the Praxis School Psychologist examination  
2 with a minimum score of one hundred forty-seven  
3 or the most current standard of the National  
4 Association of School Psychologists; or  
5 (B) Possesses a current, unencumbered certification  
6 as a nationally certified school psychologist or  
7 a valid license or credential in school  
8 psychology in another state or United States  
9 territory prior to July 1, 2019; provided that  
10 for a person employed as a school psychologist in  
11 Hawaii as of July 1, 2019, an out of state  
12 license or credential that has been expired for  
13 no more than ten years from July 1, 2019, shall  
14 be accepted.

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

19 **§465-D Fees; disposition.** Upon application for a new  
20 license and at each renewal, each applicant shall pay a license  
21 fee of \$ and a compliance resolution fund fee of



1 § . Application fees paid pursuant to this part shall  
2 not be refundable. Fees collected pursuant to this section  
3 shall be deposited into the compliance resolution fund  
4 established pursuant to section 26-9(o).

5 **§465-E Renewals; continuing education.** (a) Every license  
6 issued pursuant to this part shall be renewed biennially on or  
7 before June 30 of each even-numbered year. Every licensee shall  
8 pay a nonrefundable renewal fee and comply with the continuing  
9 education requirements provided in rules that shall be adopted  
10 by the board pursuant to chapter 91.

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

19 (c) Failure to renew, pay the renewal fee, and in the  
20 cause of audited school psychologists, provide documentation of  
21 compliance, shall constitute a forfeiture of license. A school





1 psychologist whose license has been suspended pursuant to this  
2 section may reinstate the license by submitting to the board a  
3 written application, a nonrefundable restoration fee payment,  
4 and in the case of audited school psychologists, documentation  
5 of compliance.

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

15       (b) Services provided by a school psychologist licensed  
16 pursuant to this part shall conform to standards articulated in  
17 the National Association for School Psychologists' Model for  
18 Comprehensive and Integrated School Psychological Services, as  
19 may be amended.

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

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



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

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

15 (c) Any person who violates this section shall be subject  
16 to a fine of up to \$1,000 for each separate offense. Each day  
17 of each violation shall constitute a separate offense.

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



1           **§465-I Grounds for refusal to renew, reinstate, or restore**  
2 **a license and for denial, revocation, suspension, or condition**  
3 **of licenses.** (a) In addition to other acts or conditions  
4 authorized by law, the board shall refuse to renew, reinstate,  
5 or restore and shall deny, revoke, suspend, or condition in any  
6 manner any school psychologist license for any cause authorized  
7 by law including but not limited to the following:

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

11           (2) Engaging in false, fraudulent, or deceptive  
12                 advertising, or making untruthful or improbable  
13                 statements that are substantially related to the  
14                 qualifications, functions, or duties of a school  
15                 psychologist;

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

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



- 1           (5) Aiding and abetting an unlicensed person to directly  
2                   or indirectly perform activities requiring a license  
3                   for the practice of school psychology;
- 4           (6) Engaging in professional misconduct, incompetence,  
5                   gross negligence, or manifest incapacity in the  
6                   practice of school psychology;
- 7           (7) Engaging in conduct or practice contrary to recognized  
8                   standards of ethics for the practice of school  
9                   psychology;
- 10          (8) Violating any condition or limitation imposed on a  
11                   license for the practice of school psychology by the  
12                   board;
- 13          (9) Engaging in the practice of school psychology in a  
14                   manner that causes injury to one or more members of  
15                   the public;
- 16          (10) Failure to comply, observe, or adhere to any law in a  
17                   manner such that the board deems the applicant or  
18                   holder to be an unfit or improper person to hold a  
19                   license;
- 20          (11) Revocation, suspension, or other disciplinary action  
21                   by another state or federal agency against a licensee



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

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

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

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

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

17 (b) The board at its discretion shall order any licensee  
18 who is placed on probation or whose license is suspended  
19 pursuant to this section to obtain additional training and to  
20 take an examination as prescribed by the board.



1           **§465-J Exemption.** This chapter shall not restrict the  
2 practice of other licensed or credentialed practitioners  
3 practicing within their own recognized scopes of practice in  
4 educational settings. This chapter shall not apply to any  
5 person working within the scope of practice or duties of another  
6 licensed profession that overlaps with the practice of school  
7 psychology, provided that the person does not use the title  
8 "school psychologist" or "licensed school psychologist".

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

12                           **"PART I. GENERAL PROVISIONS"**

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

15           "(a) This chapter shall not apply to:  
16           (1) Any person teaching, lecturing, consulting, or  
17           engaging in research in psychology insofar as the  
18           activities are performed as part of or are dependent  
19           upon employment in a college or university; provided  
20           that the person shall not engage in the practice of



- 1           psychology outside the responsibilities of the  
2           person's employment;
- 3           (2) Any person who performs any, or any combination of the  
4           professional services defined as the practice of  
5           psychology under the direction of a licensed  
6           psychologist in accordance with rules adopted by the  
7           board; provided that the person may use the term  
8           "psychological assistant", but shall not identify the  
9           person's self as a psychologist or imply that the  
10          person is licensed to practice psychology;
- 11          (3) Any person employed by a local, state, or federal  
12          government agency in a [~~school psychologist or~~  
13          psychological examiner position[7] or a position that  
14          does not involve diagnostic or treatment services, but  
15          only at those times when that person is carrying out  
16          the functions of such government employment;
- 17          (4) Any person who is a student of psychology, a  
18          psychological intern, or a resident in psychology  
19          preparing for the profession of psychology under  
20          supervision in a training institution or facility and  
21          who is designated by a title as "psychology trainee",



1 "psychology student", "psychology intern", or  
2 "psychology resident", that indicates the person's  
3 training status; provided that the person shall not  
4 identify the person's self as a psychologist or imply  
5 that the person is licensed to practice psychology;

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

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





- 1           (7) Any person who is a duly recognized member of the  
2           clergy; provided that the person functions only within  
3           the person's capacities as a member of the clergy; and  
4           provided further that the person does not represent  
5           the person to be a psychologist, or the person's  
6           services as psychological;
- 7           (8) Any psychologist employed by the United States  
8           Department of Defense, while engaged in the discharge  
9           of the psychologist's official duty and providing  
10          direct telehealth support or services, as defined in  
11          section 431:10A-116.3, to neighbor island  
12          beneficiaries within a Hawaii National Guard armory on  
13          the island of Kauai, Hawaii, Molokai, or Maui;  
14          provided that the psychologist employed by the United  
15          States Department of Defense is credentialed by  
16          Tripler Army Medical Center; or
- 17          (9) Any supervisee of a licensed psychologist as defined  
18          in section 465D-7."

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



1           "**§465-4 Board of psychology; appointment, qualifications,**  
2 **term, expenses.** There is created a board of psychology  
3 consisting of [~~seven~~] nine members. There shall be five members  
4 representing varied specialties of the profession, each of whom  
5 shall be licensed to practice psychology under this chapter and  
6 have a minimum of five years of post-doctoral professional  
7 experience, two members who are licensed to practice school  
8 psychology under this chapter, and two lay members from the  
9 community at large. A lay member shall not be a psychologist,  
10 an applicant, or former applicant for licensure as a  
11 psychologist."

12           SECTION 6. Section 465-11, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14           "(a) Every license issued [~~under~~] pursuant to this  
15 [~~chapter~~] part shall be renewed biennially on or before June 30  
16 of each even-numbered year. Failure to renew a license shall  
17 result in forfeiture of the license; provided that a  
18 psychologist whose license has been forfeited for one year or  
19 less for failure to renew may restore the license by payment of  
20 the renewal fee and, in the case of a psychologist who is  
21 audited, pursuant to subsection (g), submission of documentation



1 of continuing education compliance, for the biennium in which  
2 the failure occurred. If licensing has lapsed for more than one  
3 year, the person may reapply for a license in the manner  
4 prescribed in this chapter."

5 PART II

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

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

14 (b) Chapter 465D (behavior analysts) shall be repealed on  
15 June 30, 2021.

16 (c) Chapter 466L (appraisal management companies) shall be  
17 repealed on June 30, 2023.

18 (d) Part of chapter 465 (school psychologists)  
19 shall be repealed on June 30, 2025."



1 PART III

2 SECTION 8. This Act does not affect rights and duties that  
3 matured, penalties that were incurred, and proceedings that were  
4 begun before its effective date.

5 SECTION 9. In codifying the new sections added by section  
6 2 of this Act, the revisor of statutes shall substitute  
7 appropriate section numbers for the letters used in designating  
8 the new sections in this Act.

9 SECTION 10. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 11. This Act shall take effect on July 1, 2019;  
12 provided that:

- 13 (1) The amendments made to sections 465-3, 465-4, and  
14 465-11, Hawaii Revised Statutes, by this Act shall be  
15 repealed on June 30, 2025, and those sections shall be  
16 reenacted in the form in which they read on the day  
17 prior to the effective date of this Act; and



1 (2) The amendments to titles within chapter 465, Hawaii  
 2 Revised Statutes, made by section 3 of this Act shall  
 3 be repealed on June 30, 2025.  
 4

INTRODUCED BY:

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	<u>Ed</u>

JAN 18 2019



# H.B. NO. 384

**Report Title:**

School Psychologists; Licensure; Board of Psychology

**Description:**

Establishes licensure requirements for school psychologists to be administered by the board of psychology. Amends the composition of the board to include 2 school psychologists.

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

