
A BILL FOR AN ACT

RELATING TO SCHOOL PSYCHOLOGISTS.

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

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

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



1 to allow schools utilizing school psychologists to properly seek
2 available federal medicaid funds.

3 Additionally, the present licensing statute for
4 psychologists, pursuant to section 465-3(a)(3), Hawaii Revised
5 Statutes, does not apply to school psychologists in the public
6 sector, while school psychologists in the private sector are
7 subject to licensure. This inconsistency may cause confusion
8 and unfairness within the profession. Because the State does
9 not have certification of licensure for school psychologists, it
10 is important to specify the conditions in which a school
11 psychologist is exempt from licensure under chapter 465, Hawaii
12 Revised Statutes, to prevent potentially causing harm to
13 students and others and to be fair and consistent for persons
14 within the profession.

15 Accordingly, the purpose of this Act is to:

- 16 (1) Establish the licensure of school psychologists to
17 ensure the continued delivery of quality service to
18 students and the community; and
19 (2) Specify that school psychologists who are employed by
20 an educational institution and practice only within a



1 school setting shall be exempt from licensure under
2 chapter 465, Hawaii Revised Statutes.

3 SECTION 2. Chapter 302A, part III, subpart D Hawaii
4 Revised Statutes, is amended by adding a new section to be
5 appropriately designated and to read as follows:

6 "§302A- School psychologists; license required. (a) No
7 person shall represent, announce, or advertise oneself, publicly
8 or privately, as a school psychologist or affix any other words,
9 letters, abbreviations, or insignia to the person's name
10 indicating or implying that the person is engaged in the
11 practice of school psychology, without having first obtained a
12 license in the manner prescribed by the Hawaii teacher standards
13 board.

14 (b) Before any applicant shall be eligible for a license,
15 the applicant shall file an application in a form as shall be
16 prescribed by the board and pay to the board an application fee
17 and all other applicable fees."

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

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



- 1 (1) Any person teaching, lecturing, consulting, or
2 engaging in research in psychology insofar as the
3 activities are performed as part of or are dependent
4 upon employment in a college or university; provided
5 that the person shall not engage in the practice of
6 psychology outside the responsibilities of the
7 person's employment;
- 8 (2) Any person who performs any, or any combination of the
9 professional services defined as the practice of
10 psychology under the direction of a licensed
11 psychologist in accordance with rules adopted by the
12 board; provided that the person may use the term
13 "psychological assistant", but shall not identify the
14 person's self as a psychologist or imply that the
15 person is licensed to practice psychology;
- 16 (3) Any person employed by [a]:
 - 17 (A) A local, state, or federal government agency in a
18 school psychologist or psychological examiner
19 position, or a position that does not involve
20 diagnostic or treatment services, but only at
21 those times when that person is carrying out the



- 1 functions of such government employment; provided
2 that for a person employed as a school
3 psychologist under this subparagraph, the person
4 is an employee of an educational institution and
5 practices only within a school setting; or
6 (B) An educational institution, including a private
7 or sectarian educational institution, in a school
8 psychologist position and practices only within a
9 school setting;
- 10 (4) Any person who is a student of psychology, a
11 psychological intern, or a resident in psychology
12 preparing for the profession of psychology under
13 supervision in a training institution or facility and
14 who is designated by a title as "psychology trainee",
15 "psychology student", "psychology intern", or
16 "psychology resident", that indicates the person's
17 training status; provided that the person shall not
18 identify the person's self as a psychologist or imply
19 that the person is licensed to practice psychology;
- 20 (5) Any person who is a member of another profession
21 licensed under the laws of this jurisdiction to render



1 or advertise services, including psychotherapy, within
2 the scope of practice as defined in the statutes or
3 rules regulating the person's professional practice;
4 provided that, notwithstanding section 465-1, the
5 person does not represent the person's self to be a
6 psychologist or does not represent that the person is
7 licensed to practice psychology;

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

14 (7) Any person who is a duly recognized member of the
15 clergy; provided that the person functions only within
16 the person's capacities as a member of the clergy; and
17 provided further that the person does not represent
18 the person to be a psychologist, or the person's
19 services as psychological;

20 (8) Any psychologist employed by the United States
21 Department of Defense, while engaged in the discharge



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

9 (9) Any supervisee of a licensed psychologist as defined
10 in section 465D-7."

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.
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Report Title:

School Psychologist; Licensure; School Setting; Hawaii Teacher Standards Board

Description:

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. (SD1)

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