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**STATE OF HAWAII
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Thursday, April 14, 2022
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
S.C.R. 122, S.D. 1, REQUESTING THE AUDITOR TO CONDUCT A SUNRISE
REVIEW OF THE REGULATION AND LICENSURE OF SCHOOL PSYCHOLOGISTS**

WRITTEN TESTIMONY ONLY

Chair Johanson and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. I apologize for not being able to attend this hearing as I am in a Hawaii Medical Board meeting. The Department supports this resolution.

The purpose of this resolution is to request the State Auditor: (1) conduct a sunrise review of the licensure of school psychologists proposed by S.B. 1274, Regular Session of 221; and (2) submit findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023.

The Department supports this resolution as this measure remains compliant with Hawaii Revised Statutes (HRS) section 26H-6, which requires that new regulatory measures being considered for enactment be referred to the State Auditor for a sunrise

analysis. HRS section 26H-6 also requires that the Auditor's analysis shall set forth the probable effects of regulation, assess whether its enactment is consistent with the legislative policies of the Hawaii Regulatory Licensing Reform Act, and assess alternative forms of regulation. The Department would also like to be able to work with all relevant stakeholders to ensure that the Board of Psychology is the appropriate body to regulate school psychologists.

Thank you for the opportunity to testify on this resolution.



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

Date: 04/14/2022

Time: 02:00 PM

Location: 329 Via Videoconference

Committee: House Consumer Protection
& Commerce

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Resolution: SCR 0122, SD1 REQUESTING THE AUDITOR TO CONDUCT A
SUNRISE REVIEW OF THE REGULATION AND LICENSURE
OF SCHOOL PSYCHOLOGISTS.

Department's Position:

The Hawaii State Department of Education (Department) supports SCR 122, SD1, which requests that the Auditor conduct a sunrise review of the regulation and licensure of school psychologists.

A sunrise analysis would be helpful in determining:

1. The appropriate regulating body for licensure of school psychologists;
2. The impacts of requiring a school psychologist license on the Department's current school psychologist employees;
3. Whether and/or how regulation and licensure of school psychologists will ensure the Department's ability to receive Medicaid reimbursements for provided services; and
4. A feasible effective date to require licensure of school psychologists, if deemed appropriate.

The Department would defer to the Auditor as to the capacity to carry out such a review.

Thank you for the opportunity to submit testimony on SCR 122, SD1.

Testimony of the Hawaii Board of Psychology

**Before the
House Committee on Consumer Protection & Commerce
Thursday, April 14, 2022
2:00 p.m.
Conference Room 329 and Via Videoconference**

**On the following measure:
S.C.R. 122, S.D. 1, REQUESTING THE AUDITOR TO CONDUCT A SUNRISE
REVIEW OF THE REGULATION AND LICENSURE OF SCHOOL PSYCHOLOGISTS.**

Chair Johanson and Members of the Committee:

My name is Christopher Fernandez, and I am the Executive Officer of the Hawaii Board of Psychology (Board). The Board supports this measure.

The purpose of this resolution is to request the State Auditor conduct a sunrise review of the licensure of school psychologists. The Board reviewed S.C.R. 122 at its April 1, 2022 publicly noticed board meeting and offers the following comments.

The Board has consistently requested that a sunrise analysis be done since the Legislature began considering the enactment of licensure for specialist-level school psychologists, which have not previously been licensed in the State. The Board has consistently opposed legislation since 2016 that would see it regulating school psychologists, but has either supported or offered comments regarding the regulation of school psychologists, including by another body, such as the Hawaii Teachers Standard Board as proposed by previous legislation (S.B. 818, S.D. 2., H.D. 1 introduced during the 2019 legislative session).

Hawaii Revised Statutes (HRS) chapter 26H, which requires that new regulatory measures being considered for enactment be referred to the State Auditor for a sunrise analysis, was not enacted until long after HRS chapter 465 was established (1967). Therefore, there is no historical reference for the assessment of the practice of psychology and psychologists in general other than the 1981 and 1987 Sunset Evaluations, which do not explicitly include an analysis of school psychologists, their practice, or profession. School psychologists and school psychologist-specialists were not identified in the recommendations of either report. The Board would like it to be clear that the Sunset Evaluations conducted by the Auditor in 1981 and 1987 are

irrelevant in regards to whether school psychologists should be licensed, since these reports included only psychologists who could meet the requirements of HRS chapter 465; further a doctoral degree in school psychology was not explicitly added to the requirements for licensing until the passage of Act 9, Session Laws of Hawaii 2015.

A sunrise analysis would help answer many existing issues, which may include:

- (1) Medicaid Reimbursement: If a purpose of licensing school psychologist-specialists is to capture Medicaid funding through billing of direct services, a sunrise analysis would be helpful in providing a comprehensive review of the current federal requirements for Medicaid reimbursement and how many states are receiving reimbursements in this manner;
- (2) Potential conflicts between the titles and scope of practice between psychologists and school psychologists. For example, would a psychologist with training in school psychology be required to obtain an additional license in order to perform the practice of psychology; and
- (3) The impact the law would have on the Department of Education, on school psychologists currently practicing in the State, and on the availability of training that would be needed to meet the requirements for licensure.

Lastly, the Board would like to suggest that in order for the Auditor to complete a full and comprehensive analysis, the Committee consider amending the submission date of the Auditor's findings and recommendations to the Legislature on page 1, lines 27 to 30, from "no later than 20 days prior to the convening of the Regular Session of 2023," to "no later than 20 days prior to the convening of the Regular Session of 2024."

Thank you for the opportunity to testify on this measure.

SCR-122-SD-1

Submitted on: 4/12/2022 4:44:25 PM

Testimony for CPC on 4/14/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

We do not Need Psychologists in Schools what we do need is Better Teachers and not the Communist teachers that are there now!!!