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**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Health
and
Senate Committee on Commerce and Consumer Protection
Thursday, March 31, 2022
10:00 a.m.
Conference Room 329 and Videoconference**

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

Chair Keohokalole, Chair Baker, and Members of the Committees:

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. The Department supports this resolution.

The purpose of this resolution is to request the State Auditor conduct a sunrise review of the licensure of school psychologists.

The Department supports this resolution as this is 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

the parties 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: 03/31/2022

Time: 10:00 AM

Location: CR 229 & Videoconference

Committee: Senate Health

Senate Commerce and Consumer
Protection

Department: Education

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

Title of Resolution: SCR 0122 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, 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 their capacity to carry out such a review.

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

Testimony of the Board of Psychology

**Before the
Senate Committee on Commerce and Consumer Protection
and
Senate Committee on Health
Tuesday, March 31, 2022
10:00 a.m.
Via Videoconference**

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

Chair Baker, Chair Keohokalole, and Members of the Committees:

My name is Christopher Fernandez, and I am the Executive Officer of the Hawaii Board of Psychology (Board). The Board offers comments on 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 will review S.C.R. 122 at its April 1, 2022 publicly noticed board meeting. In the meantime, the Board offers comments based on its testimony to measures related to the licensure of school psychologists.

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. Previous Sunset Evaluations conducted by the Auditor in 1981 and 1987, are not relevant as these reports included only psychologists who could meet the requirements of Hawaii Revised Statutes (HRS) chapter 465, and school psychologists and school psychologist-specialists were not identified in the recommendations of either report. 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 has never been performed specifically for the regulation of school psychologists in Hawaii. HRS chapter 26H was not enacted until long after HRS chapter 465 was established. Therefore, there is no historical reference for the assessment of the practice of psychology and psychologists other than the 1981 and 1987 Sunset Evaluations, which again do not include an analysis of school

psychologists, their practice, or profession. A sunrise analysis would help answer many existing issues, which may include:

- (1) Medicaid Reimbursement: If one 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; and
- (2) A sunrise analysis would also be helpful in evaluating 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.

Although the Board has consistently opposed legislation since 2016, that would see it regulating school psychologists, the Board has either supported or offered comments regarding the regulation of school psychologists by another body, such as the Hawaii Teachers Standard Board as proposed by previous legislation. The Board believes that a sunrise analysis will address these issues.

Thank you for the opportunity to testify on this measure.

SCR-122

Submitted on: 3/27/2022 4:38:12 PM

Testimony for HTH on 3/31/2022 10:00:00 AM

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

Comments:

This is just a waste of Taxe payer Moneys on something we do not need !!