

JAN 20 2023

A BILL FOR AN ACT

RELATING TO SCHOOL PSYCHOLOGY.

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, as well as working with
7 parents, educators, and other professionals to create supportive
8 learning and social environments for all children.

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



1 qualified school psychologists and to allow schools using school
2 psychologists to properly seek available federal medicaid funds.

3 The legislature further finds that a proper licensing
4 program requires establishing meaningful criteria and guidelines
5 for the licensure of school psychologists. The National
6 Association of School Psychologists' Standards for the
7 Credentialing of School Psychologists provides a model upon
8 which these guidelines may in part be based. The National
9 Association of School Psychologists' Standards provide a set of
10 national standards that can serve to regulate the credentialing
11 of school psychologists. School psychologists who hold a
12 National Association of School Psychologists credential have met
13 these national standards.

14 The legislature also finds that accredited school
15 psychologists should be licensed by, and registered with, the
16 board of psychology to ensure the delivery of quality services
17 to students and the community. The legislature additionally
18 finds that school psychologists and the practice of school
19 psychology should be subject to regulation and control to
20 protect the public from the unqualified practice of school



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1 psychology and unprofessional conduct by persons licensed to
2 practice school psychology.

3 Accordingly, the purpose of this Act is to:

4 (1) Establish the recommended criteria for the licensure
5 of school psychologists, including graduate
6 coursework, practica, and internship requirements
7 based in part on the National Association of School
8 Psychologists' Standards;

9 (2) Amend the composition of the board of psychology to
10 include two school psychologists; and

11 (3) Require all persons practicing under the title of
12 "school psychologist" in the State to obtain a school
13 psychologist license with the board of psychology by
14 July 1, 2025.

15 PART II

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

19 **"PART . SCHOOL PSYCHOLOGISTS**

20 **§465- Findings and declaration of necessity.** It is the
21 intent of the legislature to establish standards for the



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1 licensing of school psychologists to address the present and
2 critical need for ensuring that individuals requiring the
3 services of a licensed school psychologist receive appropriate
4 services by highly qualified and licensed professionals. The
5 special state interest for creating this part is recognized,
6 notwithstanding the requirements of section 26H-6.

7 **§465- Definitions.** As used in this part:

8 "Accredited educational institution" means a university or
9 college accredited by the Western Association of Schools and
10 Colleges or a comparable regional body.

11 "Approved private school" means any educational institution
12 that is licensed or accredited by the Hawaii Association of
13 Independent Schools.

14 "Developmental center" means any facility that offers
15 developmentally appropriate psychological, educational, social,
16 adaptive, language, or motor skills training or
17 psychoeducational and multidisciplinary diagnostic services to
18 special needs children or developmentally disabled adults.

19 "Practice of school psychology" means the application of
20 principles, methods, and procedures of measurement, prediction,
21 evaluation, testing, counseling, consultation, and instruction



1 related to, and consistent with, the national standards
2 articulated by the most current Model for Comprehensive and
3 Integrated School Psychological Services, as published by the
4 National Association of School Psychologists or its successor,
5 in a school setting. "Practice of school psychology" does not
6 include private practice.

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

14 "School setting" means any school or educational
15 institution where children and students from birth to college
16 are eligible to be enrolled, including but not limited to an
17 educational or intermediate educational unit, special education
18 program, university or college, early intervention program,
19 developmental center, and approved private school.

20 **§465- School psychologists; regulation; qualifications.**

21 (a) Notwithstanding any other law, school psychologists in the



1 State shall be licensed by the board and regulated pursuant to
2 this part.

3 (b) No applicant shall be licensed to engage in the
4 practice of school psychology unless the applicant meets the
5 following qualifications:

6 (1) Has received a specialist-level degree or doctoral
7 degree from an organized program of study in school
8 psychology within an accredited educational
9 institution, consisting of a minimum of sixty semester
10 hours consistent with the National Association of
11 School Psychologists' standards for graduate
12 preparation of school psychologists, and:

13 (A) Has completed one thousand two hundred hours of
14 supervised internship in school psychology with
15 not less than six hundred hours completed within
16 a school setting; and

17 (B) Has passed the School Psychology Praxis
18 examination with a minimum score of one hundred
19 forty-seven or the most current standard of the
20 National Association of School Psychologists; or



1 (2) Holds a current, unencumbered certificate as a
2 nationally certified school psychologist or a valid
3 license or credential in school psychology in another
4 state or United States territory prior to July 1,
5 2023; provided that for those employed as a school
6 psychologist in Hawaii as of July 1, 2023, an out-of-
7 state license or credential that has been expired for
8 no more than ten years from July 1, 2023, shall also
9 be accepted.

10 (c) Before any applicant shall be eligible for licensure
11 under this part, the applicant shall file an application in a
12 form prescribed by the board and pay an application fee and all
13 other applicable fees.

14 **§465- Fees; disposition.** (a) Upon application for a
15 new license and at each biennial renewal, each applicant shall
16 pay a license fee of \$ and a compliance resolution
17 fund fee of \$. Application fees paid pursuant to this
18 part shall not be refundable. Fees collected pursuant to this
19 section shall be deposited into the compliance resolution fund
20 established pursuant to section 26-9(o).



1 (b) Every school psychologist holding a license under this
2 part shall renew the license with the board no later than
3 June 30 of each even-numbered year. Every school psychologist
4 shall pay a renewal fee and comply with the continuing education
5 requirements provided in rules adopted by the board pursuant to
6 chapter 91.

7 (c) A school psychologist shall meet the continuing
8 education requirements by obtaining twenty-five credit hours
9 accredited by the National Association of School Psychologists
10 annually, as provided in the board's rules. To determine
11 compliance, the board may conduct a random audit. A school
12 psychologist selected for audit shall be notified by the board.
13 Within sixty days of notification, the school psychologist shall
14 provide to the board documentation to verify compliance with the
15 continuing education requirements.

16 (d) Failure to renew, pay the renewal fee, or provide
17 documentation of compliance in the case of an audit shall
18 constitute a forfeiture of license, which may be restored only
19 upon the submission of written application therefor, payment to
20 the board of a restoration fee, and, in the case of audited
21 school psychologists, documentation of compliance.



1 **§465- Description of services.** (a) A person practices
2 as a school psychologist if the person delivers services to
3 children and students from birth through college who are
4 eligible to be enrolled in educational and intermediate
5 educational units, special education programs, universities and
6 colleges, early intervention programs, developmental centers,
7 and approved private schools. School psychologists are limited
8 to practicing within these settings, and licensure does not
9 allow for private practice.

10 (b) Services delivered pursuant to this section are
11 articulated under the domains of the National Association of
12 School Psychologists' Model for Comprehensive and Integrated
13 School Psychological Services, as may be amended, which
14 represents the National Association of School Psychologists'
15 official policy regarding the delivery of school psychological
16 services and the ethical standards developed and published by
17 the National Association of School Psychologists.

18 **§465- Practice of school psychology; license required.**

19 (a) Beginning on July 1, 2025, no person shall engage in the
20 practice of school psychology or represent, announce, or
21 advertise oneself, publicly or privately, as a "licensed school



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1 psychologist" or "school psychologist" or affix any other words,
2 letters, abbreviations, or insignia to the person's name
3 indicating or implying that the person is engaged in the
4 practice of school psychology, without having first obtained a
5 license as provided in this part; provided that all school
6 psychologists employed by the department of education shall be
7 licensed under this part by July 1, 2025.

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

15 (c) Any person who violates this section shall be subject
16 to a fine of not more than \$1,000 for each separate offense.
17 Each day of each violation shall constitute a separate offense.

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



1 **§465- Grounds for refusal to renew, reinstate, or**
2 **restore a license and for denial, revocation, suspension, or**
3 **condition of licenses.** (a) In addition to other acts or
4 conditions provided by law, the board may refuse to renew,
5 reinstate, or restore, and may deny, revoke, suspend, or
6 condition in any manner any license for any one or more of the
7 following acts or conditions on the part of a licensee or an
8 applicant for a license:

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

12 (2) Engaging in false, fraudulent, or deceptive
13 advertising, or making untruthful or improbable
14 statements;

15 (3) Engaging in the practice of school psychology while
16 the ability to do so is impaired by alcohol, drugs,
17 physical disability, or mental instability;

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



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

8 (13) Failing 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, using, or attempting to employ or use at
13 any time any person not licensed under this chapter
14 where licensure is required; or

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

17 (b) Any licensee or applicant who violates this section
18 may also be fined not less than \$100 and not more than \$1,000.

19 **§465- Exemption.** This part is not intended to restrict
20 the practice of other licensed or credentialed practitioners
21 practicing within their own recognized scopes of practice in



1 educational settings. This part shall not apply to any person
2 working within the scope of practice or duties of another
3 licensed profession that overlaps with the practice of school
4 psychology; provided that the person does not use the title
5 "school psychologist" or "licensed school psychologist".

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

9 **PART I. GENERAL PROVISIONS**

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

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

13 (1) Any person teaching, lecturing, consulting, or
14 engaging in research in psychology insofar as the
15 activities are performed as part of or are dependent
16 upon employment in a college or university; provided
17 that the person shall not engage in the practice of
18 psychology outside the responsibilities of the
19 person's employment;

20 (2) Any person who performs any, or any combination of the
21 professional services defined as the practice of



1 psychology under the direction of a licensed
2 psychologist in accordance with rules adopted by the
3 board; provided that the person may use the term
4 "psychological assistant", but shall not identify the
5 person's self as a psychologist or imply that the
6 person is licensed to practice psychology;

7 (3) Any person employed by a local, state, or federal
8 government agency in a [~~school psychologist or~~
9 psychological examiner position, or a position that
10 does not involve diagnostic or treatment services, but
11 only at those times when that person is carrying out
12 the functions of such government employment;

13 (4) Any person who is a student of psychology, a
14 psychological intern, or a resident in psychology
15 preparing for the profession of psychology under
16 supervision in a training institution or facility and
17 who is designated by a title as "psychology trainee",
18 "psychology student", "psychology intern", or
19 "psychology resident", that indicates the person's
20 training status; provided that the person shall not



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- 1 identify the person's self as a psychologist or imply
2 that the person is licensed to practice psychology;
- 3 (5) Any person who is a member of another profession
4 licensed under the laws of this jurisdiction to render
5 or advertise services, including psychotherapy, within
6 the scope of practice as defined in the statutes or
7 rules regulating the person's professional practice;
8 provided that, notwithstanding section 465-1, the
9 person does not represent the person's self to be a
10 psychologist or does not represent that the person is
11 licensed to practice psychology;
- 12 (6) Any person who is a member of a mental health
13 profession not requiring licensure; provided that the
14 person functions only within the person's professional
15 capacities; and provided further that the person does
16 not represent the person to be a psychologist, or the
17 person's services as psychological;
- 18 (7) Any person who is a duly recognized member of the
19 clergy; provided that the person functions only within
20 the person's capacities as a member of the clergy; and
21 provided further that the person does not represent



- 1 the person to be a psychologist, or the person's
2 services as psychological;
- 3 (8) Any psychologist employed by the United States
4 Department of Defense, while engaged in the discharge
5 of the psychologist's official duty and providing
6 direct telehealth support or services, as defined in
7 section 431:10A-116.3, to neighbor island
8 beneficiaries within a Hawaii National Guard armory on
9 the island of Kauai, Hawaii, Molokai, or Maui;
10 provided that the psychologist employed by the United
11 States Department of Defense is credentialed by
12 Tripler Army Medical Center; or
- 13 (9) Any supervisee of a licensed psychologist as defined
14 in section 465D-7."

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

17 "**§465-4 Board of psychology; appointment, qualifications,**
18 **term, expenses.** There is created a board of psychology
19 consisting of [~~seven~~] nine members. There shall be five members
20 representing varied specialties of the profession, each of whom
21 shall be licensed to practice psychology under this chapter and



1 have a minimum of five years of post-doctoral professional
2 experience, two members who are licensed to practice school
3 psychology under part _____, and two lay members from the
4 community at large[-]; provided that, of the initial licensed
5 school psychologist appointees, one shall be appointed for a
6 three-year term. A lay member shall not be a psychologist, an
7 applicant, or former applicant for licensure as a psychologist."

8 PART III

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

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

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

19 (c) Chapter 457J (midwives) shall be repealed on June 30,
20 2025.



1 (d) Part of chapter 465 (school psychologists) shall
2 be repealed on June 30, 2030."

3 PART IV

4 SECTION 7. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

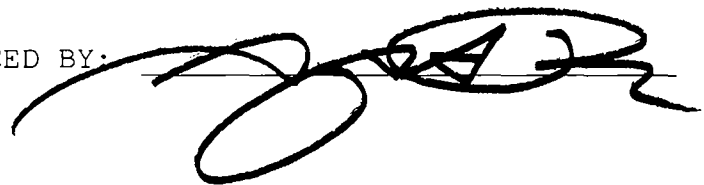
7 SECTION 8. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

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

15 SECTION 10. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line.

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Report Title:

School Psychologists; Licensure; Board of Psychology;
Composition; Requirements

Description:

Establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists to be licensed by 7/1/2025. Increases the composition of the board of psychology to include two 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.

