

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 have the board
18 of psychology license school psychologists and to establish the
19 recommended criteria for the licensure of school psychologists,
20 including graduate coursework, practica, and internship
21 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



1 (3) Either:

2 (A) Passed the Praxis School Psychologist examination
3 with a minimum score of one hundred forty-seven
4 or the most current standard of the National
5 Association of School Psychologists; or

6 (B) Possesses a current, unencumbered certification
7 as a nationally certified school psychologist or
8 a valid license or credential in school
9 psychology in another state or United States
10 territory prior to July 1, 2019; provided that
11 for a person employed as a school psychologist in
12 Hawaii as of July 1, 2019, an out of state
13 license or credential that has been expired for
14 no more than ten years from July 1, 2019, shall
15 be accepted.

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

20 **§465-D Fees; disposition.** Upon application for a new
21 license and at each renewal, each applicant shall pay a license



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

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

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

20 (c) Failure to renew, pay the renewal fee, and in the
21 cause of audited school psychologists, provide documentation of



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

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

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



1 **§465-G Practice of school psychology; license required.**

2 (a) Beginning on July 1, 2021, no person in the State shall
3 engage in the practice of school psychology or represent,
4 announce, or advertise oneself, publicly or privately, as a
5 "licensed school psychologist" or "school psychologist" or affix
6 any other words, letters, abbreviations, or insignia to the
7 person's name indicating or implying that the person is engaged
8 in the practice of school psychology, without having first
9 obtained a license as provided in this part.

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

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

20 **§465-H Advising the board of psychology.** The board shall
21 receive advice and review proposals from the Hawaii Association



1 of School Psychologists regarding issues relating to school
2 psychologists and the practice of school psychology.

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

- 10 (1) Failure to meet or maintain the conditions and
11 requirements necessary to qualify for the granting of
12 a license;
- 13 (2) Engaging in false, fraudulent, or deceptive
14 advertising, or making untruthful or improbable
15 statements that are substantially related to the
16 qualifications, functions, or duties of a school
17 psychologist;
- 18 (3) Engaging in the practice of school psychology while
19 impaired by alcohol, drugs, physical disability, or
20 mental instability;



- 1 (4) Procuring a license for the practice of school
2 psychology through fraud, misrepresentation, or
3 deceit;
- 4 (5) Aiding and abetting an unlicensed person to directly
5 or indirectly perform activities requiring a license
6 for the practice of school psychology;
- 7 (6) Engaging in professional misconduct, incompetence,
8 gross negligence, or manifest incapacity in the
9 practice of school psychology;
- 10 (7) Engaging in conduct or practice contrary to recognized
11 standards of ethics for the practice of school
12 psychology;
- 13 (8) Violating any condition or limitation imposed on a
14 license for the practice of school psychology by the
15 board;
- 16 (9) Engaging in the practice of school psychology in a
17 manner that causes injury to one or more members of
18 the public;
- 19 (10) Failure to comply, observe, or adhere to any law in a
20 manner such that the board deems the applicant or



- 1 holder to be an unfit or improper person to hold a
2 license;
- 3 (11) Revocation, suspension, or other disciplinary action
4 by another state or federal agency against a licensee
5 or applicant for any reason provided by the licensing
6 laws or this section;
- 7 (12) Criminal conviction, whether by nolo contendere or
8 otherwise, of a penal crime directly related to the
9 qualifications, functions, or duties of a school
10 psychologist, notwithstanding any statutory provision
11 to the contrary;
- 12 (13) Failure to report to the board, in writing, any
13 disciplinary decision issued against the licensee or
14 the applicant in another jurisdiction within thirty
15 days after the disciplinary decision is issued;
- 16 (14) Employing, utilizing, or attempting to employ or
17 utilize at any time any person not licensed under this
18 part where licensure is required; or
- 19 (15) Violating this part, chapter 436B, or any rule or
20 order of the board.



1 activities are performed as part of or are dependent
2 upon employment in a college or university; provided
3 that the person shall not engage in the practice of
4 psychology outside the responsibilities of the
5 person's employment;

6 (2) Any person who performs any, or any combination of the
7 professional services defined as the practice of
8 psychology under the direction of a licensed
9 psychologist in accordance with rules adopted by the
10 board; provided that the person may use the term
11 "psychological assistant", but shall not identify the
12 person's self as a psychologist or imply that the
13 person is licensed to practice psychology;

14 (3) Any person employed by a local, state, or federal
15 government agency in a [~~school psychologist or~~
16 psychological examiner position[7] or a position that
17 does not involve diagnostic or treatment services, but
18 only at those times when that person is carrying out
19 the functions of such government employment;

20 (4) Any person who is a student of psychology, a
21 psychological intern, or a resident in psychology



1 preparing for the profession of psychology under
2 supervision in a training institution or facility and
3 who is designated by a title as "psychology trainee",
4 "psychology student", "psychology intern", or
5 "psychology resident", that indicates the person's
6 training status; provided that the person shall not
7 identify the person's self as a psychologist or imply
8 that the person is licensed to practice psychology;

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

18 (6) Any person who is a member of a mental health
19 profession not requiring licensure; provided that the
20 person functions only within the person's professional
21 capacities; and provided further that the person does



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



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

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

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

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



1 the renewal fee and, in the case of a psychologist who is
2 audited, pursuant to subsection (g), submission of documentation
3 of continuing education compliance, for the biennium in which
4 the failure occurred. If licensing has lapsed for more than one
5 year, the person may reapply for a license in the manner
6 prescribed in this chapter."

7 PART II

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

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

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

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

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



S.B. NO. 3145

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:

Rosaly H. Baker

Hal Akaka

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S.B. NO. 3145

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.

