

JAN 27 2021

A BILL FOR AN ACT

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



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

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

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



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

3 Accordingly, the purpose of this Act is to establish the
4 recommended criteria for the licensure of school psychologists,
5 including graduate coursework, practica, and internship
6 requirements based in part on the National Association of School
7 Psychologists' Standards.

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

11 "PART . SCHOOL PSYCHOLOGISTS

12 §465- Findings and declaration of necessity. It is the
13 intent of the legislature to establish standards for the
14 licensing of school psychologists to address the present and
15 critical need for ensuring that individuals requiring the
16 services of a licensed school psychologist receive appropriate
17 services by highly qualified and licensed professionals. The
18 special state interest for creating this part is recognized,
19 notwithstanding the requirements of section 26H-6.

20 §465- Definitions. As used in this part:



1 "Accredited educational institution" means a university or
2 college accredited by the Western Association of Schools and
3 Colleges or a comparable regional body.

4 "Approved private school" means any educational institution
5 that is licensed or accredited by the Hawaii Association of
6 Independent Schools.

7 "Developmental center" means any facility that offers
8 developmentally appropriate psychological, educational, social,
9 adaptive, language, or motor skills training or
10 psychoeducational and multidisciplinary diagnostic services to
11 special needs children or developmentally disabled adults.

12 "Practice of school psychology" means the application of
13 principles, methods, and procedures of measurement, prediction,
14 evaluation, testing, counseling, consultation, and instruction
15 related to, and consistent with, the national standards
16 articulated by the most current Model for Comprehensive and
17 Integrated School Psychological Services, as published by the
18 National Association of School Psychologists or its successor,
19 in a school setting. "Practice of school psychology" does not
20 include private practice.



1 "School psychologist" means a person licensed by the board
2 who engages in the practice of school psychology consistent with
3 the national standards articulated by the most current Model for
4 Comprehensive and Integrated School Psychological Services as
5 published by the National Association of School Psychologists or
6 its successor. "School psychologist" includes a school
7 psychologist-doctorate and a school psychologist-specialist.

8 **§465- School psychologists; regulation; qualifications.**

9 (a) Notwithstanding any other law, school psychologists in the
10 State shall be licensed by the board and regulated pursuant to
11 this part.

12 (b) No applicant shall be licensed to engage in the
13 practice of school psychology unless the applicant meets the
14 following qualifications:

15 (1) Has received a specialist-level degree or doctoral
16 degree from an organized program of study in school
17 psychology within an accredited educational
18 institution, consisting of a minimum of sixty semester
19 hours consistent with the National Association of
20 School Psychologists' standards for graduate
21 preparation of school psychologists, and:



1 (A) Has completed one thousand two hundred hours of
2 supervised internship in school psychology with
3 no less than six hundred hours completed within a
4 school setting; and

5 (B) Has passed the School Psychology Praxis
6 examination with a minimum score of one hundred
7 forty-seven or the most current standard of the
8 National Association of School Psychologists; or

9 (2) Holds a current, unencumbered certificate as a
10 nationally certified school psychologist or a valid
11 license or credential in school psychology in another
12 state or United States territory prior to July 1,
13 2022; provided that for those employed as a school
14 psychologist in Hawaii as of July 1, 2022, an out-of-
15 state license or credential that has been expired for
16 no more than ten years from July 1, 2022, shall also
17 be accepted.

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



1 **§465- Fees; disposition.** (a) Upon application for a
2 new license and at each biennial renewal, each applicant shall
3 pay a license fee of \$ and a compliance resolution
4 fund fee of \$. Application fees paid pursuant to this
5 part shall not be refundable. Fees collected pursuant to this
6 section shall be deposited into the compliance resolution fund
7 established pursuant to section 26-9(o).

8 (b) Every school psychologist holding a license under this
9 part shall renew the license with the board no later than
10 June 30 of each even-numbered year. Every school psychologist
11 shall pay a renewal fee and comply with the continuing education
12 requirements provided in rules adopted by the board pursuant to
13 chapter 91.

14 (c) A school psychologist shall meet the continuing
15 education requirements by obtaining twenty-five credit hours
16 accredited by the National Association of School Psychologists
17 annually, as provided in the board's rules. To determine
18 compliance, the board may conduct a random audit. A school
19 psychologist selected for audit shall be notified by the board.
20 Within sixty days of notification, the school psychologist shall



1 provide to the board documentation to verify compliance with the
2 continuing education requirements.

3 (d) Failure to renew, pay the renewal fee, and, in the
4 case of audited school psychologists, provide documentation of
5 compliance shall constitute a forfeiture of license, which may
6 be restored only upon the submission of written application
7 therefor, payment to the board of a restoration fee, and, in the
8 case of audited school psychologists, documentation of
9 compliance.

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

19 (b) Services delivered pursuant to this section are
20 articulated under the domains of the National Association of
21 School Psychologists' Model for Comprehensive and Integrated



1 School Psychological Services, as may be amended, which
2 represents the National Association of School Psychologists'
3 official policy regarding the delivery of school psychological
4 services and the ethical standards developed and published by
5 the National Association of School Psychologists.

6 **§465- Practice of school psychology; license required.**

7 (a) Beginning on July 1, 2024, no person shall engage in the
8 practice of school psychology or represent, announce, or
9 advertise oneself, publicly or privately, as a "licensed school
10 psychologist" or "school psychologist" or affix any other words,
11 letters, abbreviations, or insignia to the person's name
12 indicating or implying that the person is engaged in the
13 practice of school psychology, without having first obtained a
14 license as provided in this part.

15 (b) A person who is a student in an accredited school
16 psychology program may use a title of "school psychology intern"
17 or "school psychology practicum student" that indicates the
18 person's training status; provided that the person shall not
19 identify the person's self as a "licensed school psychologist"
20 or "school psychologist" or imply that the person is licensed to
21 practice school psychology.



1 (c) Any person who violates this section shall be subject
2 to a fine of no more than \$1,000 for each separate offense.
3 Each day of each violation shall constitute a separate offense.

4 §465- Advising the board of psychology. The board shall
5 receive advice and review proposals from the Hawaii Association
6 of School Psychologists regarding issues relating to school
7 psychologists and the practice of school psychology.

8 §465- Grounds for refusal to renew, reinstate, or
9 restore a license and for denial, revocation, suspension, or
10 condition of licenses. (a) In addition to other acts or
11 conditions provided by law, the board may refuse to renew,
12 reinstate, or restore and may deny, revoke, suspend, or
13 condition in any manner any license for any one or more of the
14 following acts or conditions on the part of a licensee or an
15 applicant for a license:

16 (1) Failing to meet or maintain the conditions and
17 requirements necessary to qualify for the granting of
18 a license;

19 (2) Engaging in false, fraudulent, or deceptive
20 advertising, or making untruthful or improbable
21 statements;



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



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



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

3 (b) Any licensee or applicant who violates this section
4 may also be fined no less than \$100 and no more than \$1,000.

5 §465- Exemption. This part is not intended to restrict
6 the practice of other licensed or credentialed practitioners
7 practicing within their own recognized scopes of practice in
8 educational settings. This part shall not apply to any person
9 working within the scope of practice or duties of another
10 licensed profession that overlaps with the practice of school
11 psychology; provided that the person does not use the title
12 "school psychologist" or "licensed school psychologist".

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

16 "PART I. GENERAL PROVISIONS"

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

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

20 (1) Any person teaching, lecturing, consulting, or
21 engaging in research in psychology insofar as the



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, 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 part _____, and two lay members from the
11 community at large[-]; provided that of the initial licensed
12 school psychologist appointees, one shall be appointed for a
13 three-year term. A lay member shall not be a psychologist, an
14 applicant, or former applicant for licensure as a psychologist."

15 PART II

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

18 "§26H-4 Repeal dates for newly enacted professional and
19 vocational regulatory programs. (a) Any professional or
20 vocational regulatory program enacted after January 1, 1994, and
21 listed in this section shall be repealed as specified in this



1 section. The auditor shall perform an evaluation of the
2 program, pursuant to section 26H-5, prior to its repeal date.

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

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

7 (d) Chapter 457J (midwives) shall be repealed on June 30,
8 2025.

9 (e) Part of chapter 465 (school psychologists) shall
10 be repealed on June 30, 2029."

11 PART III

12 SECTION 7. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 8. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



S.B. NO. 1274

1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on July 1, 2021;
4 provided that all school psychologists employed by the
5 department of education shall be licensed by July 1, 2024.

6

INTRODUCED BY: *Rosemary H. Beh*



S.B. NO. 1274

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 July 1, 2024. Increases the composition of the board of psychology to include two school psychologists.

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