
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:

- 4 (1) Establish the recommended criteria for the interim
5 licensure of school psychologists, including graduate
6 coursework, practica, and internship requirements
7 based in part on the National Association of School
8 Psychologists' Standards and require all school
9 psychologists to obtain an interim license from the
10 board of psychology by January 1, 2023;
- 11 (2) Amend the composition of the board of psychology to
12 include two school psychologists; and
- 13 (3) Require the board of psychology and department of
14 education to collaborate to develop a permanent
15 licensing scheme for school psychologists in the State
16 and submit a report to the legislature of their
17 findings and recommendations.

18 PART II

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



1 **"PART . SCHOOL PSYCHOLOGISTS**

2 **\$465- Findings and declaration of necessity.** It is the
3 intent of the legislature to establish standards for the
4 licensing of school psychologists to address the present and
5 critical need for ensuring that individuals requiring the
6 services of a licensed school psychologist receive appropriate
7 services by highly qualified and licensed professionals. The
8 special state interest for creating this part is recognized,
9 notwithstanding the requirements of section 26H-6.

10 **\$465- Definitions.** As used in this part:

11 "Accredited educational institution" means a university or
12 college accredited by the Western Association of Schools and
13 Colleges or a comparable regional body.

14 "Approved private school" means any educational institution
15 that is licensed or accredited by the Hawaii Association of
16 Independent Schools.

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



1 "Practice of school psychology" means the application of
2 principles, methods, and procedures of measurement, prediction,
3 evaluation, testing, counseling, consultation, and instruction
4 related to, and consistent with, the national standards
5 articulated by the most current Model for Comprehensive and
6 Integrated School Psychological Services, as published by the
7 National Association of School Psychologists or its successor,
8 in a school setting. "Practice of school psychology" does not
9 include private practice.

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

17 "School setting" means any school or educational
18 institution where children and students from birth to college
19 are eligible to be enrolled, including but not limited to an
20 educational or intermediate educational unit, special education



1 program, university or college, early intervention program,
2 developmental center, and approved private school.

3 **§465- School psychologists; regulation; qualifications.**

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

7 (b) No applicant shall be licensed to engage in the
8 practice of school psychology unless the applicant meets the
9 following qualifications:

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

17 (A) Has completed one thousand two hundred hours of
18 supervised internship in school psychology with
19 not less than six hundred hours completed within
20 a school setting; and



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

(2) Holds a current, unencumbered certificate as a nationally certified school psychologist or a valid license or credential in school psychology in another state or United States territory prior to January 1, 2023; provided that for those employed as a school psychologist in Hawaii as of January 1, 2023, an out-of-state license or credential that has been expired for not more than ten years from January 1, 2023, shall also be accepted.

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

§465- Fees; disposition. (a) Upon application for a new license and at each biennial renewal, each applicant shall pay a license fee of \$ and a compliance resolution fund fee of \$. Application fees paid pursuant to this



1 part shall not be refundable. Fees collected pursuant to this
2 section shall be deposited into the compliance resolution fund
3 established pursuant to section 26-9(o).

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

10 (c) A school psychologist shall meet the continuing
11 education requirements by obtaining twenty-five credit hours,
12 with not less than ten of those hours accredited by the National
13 Association of School Psychologists annually, as provided in the
14 board's rules. To determine compliance, the board may conduct a
15 random audit. A school psychologist selected for audit shall be
16 notified by the board. Within sixty days of notification, the
17 school psychologist shall provide to the board documentation to
18 verify compliance with the continuing education requirements.

19 (d) Failure to renew, pay the renewal fee, or provide
20 documentation of compliance in the case of an audit shall
21 constitute a forfeiture of license, which may be restored only



1 upon the submission of written application therefor, payment to
2 the board of a restoration fee, and, in the case of audited
3 school psychologists, documentation of compliance.

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

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



1 **§465- Practice of school psychology; interim license**
2 **required.** (a) Beginning on January 1, 2023, no person 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 an interim license as provided in this part; provided
10 that all school psychologists employed by the department of
11 education shall be licensed under this part by January 1, 2025.
12 (b) A person who is a student in an accredited school
13 psychology program may use a title of "school psychology intern"
14 or "school psychology practicum student" that indicates the
15 person's training status; provided that the person shall not
16 identify the person's self as a "licensed school psychologist"
17 or "school psychologist" or imply that the person is licensed to
18 practice school psychology.
19 (c) Any person who violates this section shall be subject
20 to a fine of not more than \$1,000 for each separate offense.
21 Each day of each violation shall constitute a separate offense.



1 **§465- Advising the board of psychology.** The board
2 shall receive advice and review proposals from the Hawaii
3 Association of School Psychologists regarding issues relating to
4 school psychologists and the practice of school psychology.

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

13 (1) Failing to meet or maintain the conditions and
14 requirements necessary to qualify for the granting of
15 a license;

16 (2) Engaging in false, fraudulent, or deceptive
17 advertising, or making untruthful or improbable
18 statements;

19 (3) Engaging in the practice of school psychology while
20 the ability to do so is impaired by alcohol, drugs,
21 physical disability, or 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 (6) Engaging in professional misconduct, incompetence,
7 gross negligence, or manifest incapacity in the
8 practice of school psychology;
- 9 (7) Engaging in conduct or practice contrary to recognized
10 standards of ethics for the practice of school
11 psychology;
- 12 (8) Violating any condition or limitation imposed on a
13 license for the practice of school psychology by the
14 board;
- 15 (9) Engaging in the practice of school psychology in a
16 manner that causes injury to one or more members of
17 the public;
- 18 (10) Failing to comply with, observe, or adhere to any law
19 in a manner such that the board deems the applicant or
20 holder to be an unfit or improper person to hold a
21 license;



- 1 (11) Revocation, suspension, or other disciplinary action
2 by another state or federal agency against a licensee
3 or applicant for any reason provided by the licensing
4 laws or this section;
- 5 (12) Criminal conviction, whether by nolo contendere or
6 otherwise, of a penal crime directly related to the
7 qualifications, functions, or duties of school
8 psychology, notwithstanding any statutory provision to
9 the contrary;
- 10 (13) Failing to report to the board, in writing, any
11 disciplinary decision issued against the licensee or
12 the applicant in another jurisdiction within thirty
13 days after the disciplinary decision is issued;
- 14 (14) Employing, using, or attempting to employ or use at
15 any time any person not licensed under this chapter
16 where licensure is required; or
- 17 (15) Violating this part, chapter 436B, or any rule or
18 order of the board.
- 19 (b) Any licensee or applicant who violates this section
20 may also be fined not less than \$100 nor more than \$1,000.



1 **§465- Exemption.** This part is not intended to restrict
2 the practice of other licensed or credentialed practitioners
3 practicing within their own recognized scopes of practice in
4 educational settings. This part shall not apply to any person
5 working within the scope of practice or duties of another
6 licensed profession that overlaps with the practice of school
7 psychology; provided that the person does not use the title
8 "school psychologist" or "licensed school psychologist".

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

12 **"PART I. GENERAL PROVISIONS"**

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

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

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



1 psychology outside the responsibilities of the
2 person's employment;

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

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

17 (4) Any person who is a student of psychology, a
18 psychological intern, or a resident in psychology
19 preparing for the profession of psychology under
20 supervision in a training institution or facility and
21 who is designated by a title as "psychology trainee",



1 "psychology student", "psychology intern", or
2 "psychology resident", that indicates the person's
3 training status; provided that the person shall not
4 identify the person's self as a psychologist or imply
5 that the person is licensed to practice psychology;

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

15 (6) Any person who is a member of a mental health
16 profession not requiring licensure; provided that the
17 person functions only within the person's professional
18 capacities; and provided further that the person does
19 not represent the person to be a psychologist, or the
20 person's services as psychological;



1 (7) Any person who is a duly recognized member of the
2 clergy; provided that the person functions only within
3 the person's capacities as a member of the clergy; and
4 provided further that the person does not represent
5 the person to be a psychologist, or the person's
6 services as psychological;

7 (8) Any psychologist employed by the United States
8 Department of Defense, while engaged in the discharge
9 of the psychologist's official duty and providing
10 direct telehealth support or services, as defined in
11 section 431:10A-116.3, to neighbor island
12 beneficiaries within a Hawaii National Guard armory on
13 the island of Kauai, Hawaii, Molokai, or Maui;
14 provided that the psychologist employed by the United
15 States Department of Defense is credentialed by
16 Tripler Army Medical Center; or

17 (9) Any supervisee of a licensed psychologist as defined
18 in section 465D-7."

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



1 **"§465-4 Board of psychology; appointment, qualifications,**
2 **term, expenses.** There is created a board of psychology
3 consisting of [~~seven~~] nine members. There shall be five members
4 representing varied specialties of the profession, each of whom
5 shall be licensed to practice psychology under this chapter and
6 have a minimum of five years of post-doctoral professional
7 experience, two members who are licensed to practice school
8 psychology under part , and two lay members from the
9 community at large~~[.]~~; provided that, of the initial licensed
10 school psychologist appointees, one shall be appointed for a
11 three-year term. A lay member shall not be a psychologist, an
12 applicant, or former applicant for licensure as a psychologist."

PART III

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

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



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

3 (c) Chapter 457J (midwives) shall be repealed on June 30,
4 2025.

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

7 PART IV

8 SECTION 7. (a) The board of psychology and department of
9 education shall collaborate to develop a permanent licensing
10 scheme for school psychologists in the State. The board of
11 psychology and department of education shall further consider
12 whether school psychologists shall be regulated under a new
13 board or whether the existing board of psychology shall be
14 expanded to include membership of both clinical psychologists
15 and school psychologists.

16 (b) The board of psychology and department of education
17 shall submit a report of their findings and recommendations,
18 including any proposed legislation, to the legislature no later
19 than twenty days prior to the convening of the regular session
20 of 2023.

21 PART V



1 SECTION 8. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

10 SECTION 10. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on July 1, 2060.



Report Title:

School Psychologists; Licensure; Interim Licenses; Board of Psychology; Composition; Requirements; Department of Education

Description:

Establishes interim licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists to obtain an interim license by 1/1/2023. Increases the composition of the board of psychology to include two school psychologists. Requires the board of psychology and the department of education to collaborate to determine a permanent licensing scheme for school psychologists in the State and submit a report to the legislature. Effective 7/1/2060. (HD1)

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