



DAVID Y. IGE
GOVERNOR
DOUGLAS S. CHIN
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE SENATE COMMITTEE ON
WAYS AND MEANS

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Wednesday, February 21, 2018
10:08 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2655, S.D. 1, RELATING TO PSYCHOLOGY.

TO THE HONORABLE DONOVAN L. DELA CRUZ, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on S.B. 2655 S.D.1, Relating to Psychology. My name is Daria Loy-Goto, and I am the Complaints and Enforcement Officer for the Department’s Regulated Industries Complaints Office (“RICO”). RICO takes no position on this bill but offers enforcement-related comments.

S.B. 2655, S.D.1 adds a new part to Hawaii Revised Statutes (“HRS”) chapter 465 for the licensure and registration of school psychologists with oversight by the Board of Psychology (“Board”).

RICO concurs with the testimony of the Department’s Professional and Vocational Licensing Division on the issue of a sunrise review and requests guidance as to whether private schools, trade schools, colleges, and universities are intended to be included in “description of services” in §465- (a) on page 8, lines 8-16. Also, RICO

suggests that the “description of services” language be reconciled with the definition of “practice of school psychology” on page 4, lines 13-21 to avoid the confusion that may result from having two different definitions in the bill.

RICO believes statistics on state licensure offered in testimony to the Committee on Consumer Protection and Health fail to note that of the 49 states that currently “license” school psychologists, 48 of those states have chosen to credential school psychologists through their state education agencies rather than through their state boards of psychology. RICO believes a sunrise analysis is important to determine whether full licensure is required and the overall effect licensure would have on public and private institutions alike. As this is an area that may overlap with other professions, clarification will assist RICO with enforcement.

Thank you for the opportunity to testify on S.B. 2655, S.D.1. I am available to answer any questions the Committee may have.



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR

**STATE OF HAWAII
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON
WAYS AND MEANS

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

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TO THE HONORABLE DONOVAN L. DELA CRUZ, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to provide written testimony on S.B. 2655, S.D. 1. My name is Celia Suzuki, and I am the Licensing Administrator of the Department’s Professional and Vocational Licensing Division (“PVL”). PVL offers comments on this measure.

The purpose of S.B. 2655, S.D. 1 is to, among other things, establish recommended criteria for licensure of school psychologists to be regulated by the Board of Psychology.

With all due respect, the Department does not agree that because Hawaii is the last state in the country without certification or licensure requirements for school psychologists, a sunrise study by the Auditor should be disregarded.

S.B. 2655, S.D. 1 creates a new part in the Hawaii Revised Statutes (“HRS”) to regulate school psychologists. HRS section 26H-6 requires that new regulatory

measures being considered for enactment be referred to the Auditor for a sunrise analysis. The statute requires the referral to be made by a concurrent resolution that identifies a specific legislative bill to be analyzed. The statute further requires that the analysis set forth the probable effects of the proposed regulatory measure, assess whether its enactment is consistent with the purposes of HRS section 26H-2, **and assess alternate forms of regulation**. Section 26H-2 states:

- (1) The regulation and licensing of professions and vocations shall be undertaken only where reasonably necessary to protect the health, safety, or welfare of consumers of the services; the purpose of regulation shall be the protection of the public welfare and not that of the regulated profession or vocation;
- (2) Regulation in the form of full licensure or other restrictions on certain professions or vocations shall be retained or adopted when the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider;
- (3) Evidence of abuses by providers of the service shall be accorded great weight in determining whether regulation is desirable;
- (4) Professional and vocational regulations which artificially increase the costs of goods and services to the consumer shall be avoided except in those cases where the legislature determines that this cost is exceeded by the potential danger to the consumer;
- (5) Professional and vocational regulation shall be eliminated when the legislature determines that they have no further benefits to consumers;
- (6) Regulation shall not unreasonably restrict entry into professions and vocations by all qualified persons; and
- (7) Fees for regulation and licensure shall be imposed for all vocations and professions subject to regulation; provided that the aggregate of the fees for any given regulatory program shall not be less than the full costs of administering that program.

The Department believes that a sunrise study should be completed by the Auditor so that the Legislature has the benefit of important profession-specific information before school psychologists are regulated. For example, a sunrise analysis

would likely show that 48 states provide for state certification at the state educational agency level, with some states providing for complementary licensure through their licensing boards. Based on the information available to the Department at this time, only one state, Texas, provides for licensure solely through its Board of Examiners of Psychology. A sunrise analysis would be helpful in evaluating the pros and cons of certification at the state educational agency level, given that unlike other states, Hawaii does not have a state educational agency with regulatory oversight over all educational institutions. A sunrise analysis also would be helpful in evaluating the Texas model in greater detail.

S.B. 2655, S.D. 1 appears to capture all types of school psychology, from birth through college, if the student is eligible to be enrolled in: (1) educational and intermediate educational units; (2) special education programs, (3) universities and colleges; (4) early intervention programs; (5) developmental centers; and (6) approved private schools, which is defined as any educational institution that is licensed or accredited by the Hawaii Association of Independent Schools (“HAIS”). A sunrise analysis would be helpful in evaluating the scope of licensure, i.e., whether the new licensing requirement should apply to all HAIS private schools and all colleges and universities, or whether it should be limited to K-12 public schools, early childhood schools, pre-K schools, and charter schools. The scope of regulatory oversight varies significantly from state to state, with several states limiting its school psychologist certification to public K-12 schools. An evaluation of the pros and cons of broad oversight would be helpful for the Department to evaluate the size of the licensee population and the cost to administer the program.

In addition, a sunrise analysis would be helpful in evaluating the various pathways to certification that are available in other jurisdictions and in making recommendations as to which pathways should be adopted in the State, such as national certification, international certification, and temporary eligibility. S.B. 2655, S.D. 1 provides for two pathways to licensure (see page 5, line 15 to page 6, line 17). By comparison, Hawaii’s Department of Education minimal qualifications for school psychologists allow for four pathways, including national certification.

A sunrise analysis would also be helpful in evaluating the type of regulation that would be necessary to facilitate Medicaid coverage, since it appears that qualifying for Medicaid is a complicated matter that will require more than just licensure.

The Department respectfully suggests that this bill be deferred until a sunrise analysis on this measure is conducted by the Auditor.

Thank you for the opportunity to written testimony on S.B. 2655, S.D. 1.

**PRESENTATION OF THE
BOARD OF PSYCHOLOGY**

TO THE SENATE COMMITTEE ON
WAYS AND MEANS

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Wednesday, February 21, 2018
10:08 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2655, S.D. 1, RELATING TO PSYCHOLOGY.

TO THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is May Ferrer, and I am the Executive Officer of the Hawaii Board of Psychology ("Board"). Thank you for the opportunity to testify on this measure.

S.B. 2655, S.D. 1 establishes licensure requirements for school psychologists to be administered by the Board of Psychology. It also amends the composition of the board to include two school psychologists.

After review and discussion of this measure at its meeting on Friday, February 16, 2018, the Board respectfully requests the Committee's consideration to refer this measure to the Auditor for a sunrise analysis, pursuant to Hawaii Revised Statutes section 26H-6.

The Board strongly believes that if certification or licensure of the low number of school psychologists is determined to be necessary, then alternate forms of regulation should be given due consideration.

Thank you for the opportunity to provide written testimony on S.B. 2655, S.D. 1.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
President
Justin Hughey
Vice President
Amy Perruso
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS

RE: SB 2655, SD 1 - RELATING TO PSYCHOLOGY

WEDNESDAY, FEBRUARY 21, 2018

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz and Members of the Committee:

The Hawaii State Teachers Association **supports SB 2655, SD 1**, relating to psychology.

Appropriate licensure is imperative for all professionals who care for our keiki, including school psychologists. Currently, however, school psychologists are exempt from the licensure requirements of Hawai'i Revised Statutes Chapter §465 and, accordingly, are not subject to a state-sanctioned credentialing process.

Hawai'i is the only state in the nation that does not require licensure for school psychologists and allows untrained individuals to provide mental health treatment to students. This must end. Only licensed professionals are qualified to diagnose and treatment mental and emotional impairments affecting our children. Moreover, Medicaid reimbursements are only available for services provided by licensed professionals, making this change necessary to allow the Hawai'i State Department of Education to bill for services funded by Medicaid programs.

Untrained individuals may do more harm than good. Rather than provide quality care and psychological evaluations, unlicensed school psychologists may misdiagnose students and/or prescribe a course of action that is not developmentally, behaviorally, or psychosocially appropriate, in turn undermining a student's mental well-being, behavioral maturity, relationships with teachers and peers, and learning growth.

To provide our students with a quality continuum of care in school settings, the Hawaii State Teachers Association asks your committee to **support** this bill.

SB-2655-SD-1

Submitted on: 2/18/2018 8:46:01 PM

Testimony for WAM on 2/21/2018 10:08:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAI'I**

TO THE COMMITTEE ON WAYS AND MEANS

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Wednesday, February 21, 2018

10:08 a.m.

Hawaii State Capitol, Conference Room 211

RE: Testimony in Support of SB 2655 SD1 RELATING TO PSYCHOLOGY

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 2655 SD1 relating to licensure of school psychologists by the Board of Psychology.

The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2655 SD1 and supports its passage.

Senate Bill No.2655 SD1 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists, including school psychologists employed by the department of education, to be licensed by 7/1/2021.

The DPH Platform states that "[a]We believe that the future of our state, as well as our country, depends upon an educated and knowledgeable citizenry. We support the prioritization of our resources toward providing quality public education and library services to every student, regardless of learning capacity or ability to pay, in an environment conducive to the learning process. These resources shall be made available at every level, from pre-school through higher education, including life-long learning. (Platform of the DPH, P.6, Lines 296-300 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to obtain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P.7, Lines 382-384 (2016)).

Given that Senate Bill No.2655 SD1 establishes licensure requirements for school psychologists to be administered by the board of psychology. Requires all school psychologists, including school psychologists employed by the department of education, to be licensed by 7/1/2021, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889