A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. The legislature finds that properly licensed school psychologists provide effective services to help children and youth succeed academically, socially, behaviorally, and emotionally by providing direct educational and mental health services for children and youth. Additionally, they work with parents, educators, and other professionals to create supportive learning and social environments for all children. School psychologists have a particularly critical role in supporting the most vulnerable children, including those struggling with issues like gender identity or sexual orientation, integrating from another place of origin, autism, or fetal alcohol spectrum disorders.

Currently, Hawaii is the only state without certification or licensure for school psychologists. In fiscal year 2018, the department of education employed forty-six school psychologists. Without requiring licensure, the State cannot ensure that its
school psychologists are uniformly qualified to deliver the appropriate standard of services. Significantly, the State's failure to require licensure of its school psychologists means that, by law, the State is unable to seek warranted reimbursements from the federal Medicaid program for the services provided by school psychologists in an educational setting.

The legislature finds that accredited school psychologists should be licensed by and registered with the board of psychology to ensure delivery of quality service to students and the community. The legislature additionally finds that school psychologists and the practice of school psychology should be subject to regulation and control to protect the public from the unqualified practice of school psychology and from unprofessional conduct by persons licensed to practice school psychology.

Accordingly, the purpose of this Act is to have the board of psychology license school psychologists and to establish the recommended criteria for the licensure of school psychologists, including graduate coursework, practica, and internship requirements based in part on the National Association of School
Psychologists' Standards for the Credentialing of School Psychologists.

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

"PART . SCHOOL PSYCHOLOGISTS

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

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

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

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

§465-C School psychologists; regulation; qualifications.

(a) Notwithstanding any other law to the contrary, school psychologists in the State shall be licensed by the board and regulated pursuant to this part. School psychologists shall be licensed as a school psychologist-specialist or a school psychologist-doctoral.

(b) Every applicant for a license as a school psychologist-specialist shall submit evidence satisfactory to the board that the applicant for licensure has:
(1) Earned a graduate-level degree from an organized program of study in school psychology within an institution of higher education comprising a minimum of sixty graduate semester hours or the equivalent number of graduate quarter hours, with at least fifty-four hours exclusive of credit for the supervised specialist-level internship experience;

(2) Completed one thousand two hundred hours of a supervised internship in school psychology with no less than six hundred hours of the internship completed within a school setting; and

(3) Either:

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

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

(c) Every applicant for a license as a school
psychologist-doctoral shall submit evidence satisfactory to the
board that the applicant for licensure has:

(1) Earned a doctoral-level degree from an organized
program of study in school psychology within an
institution of higher education comprising a minimum
of ninety graduate semester hours or the equivalent
number of graduate quarter hours, with at least
seventy-eight hours exclusive of credit for the
supervised doctoral-level internship experience and
any terminal doctoral project like a dissertation;

(2) Completed one thousand five hundred hours of a
supervised internship in school psychology with no
less than six hundred hours of the internship
completed within a school setting; and
(3) Either:

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

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

(d) 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-D Fees; disposition. Upon application for a new license and at each renewal, each applicant shall pay a license
fee of $           and a compliance resolution fund fee of
$                . Application fees paid pursuant to this part shall
not be refundable. Fees collected pursuant to this section
shall be deposited into the compliance resolution fund
established pursuant to section 26-9(o).

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

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

(c) Failure to renew, pay the renewal fee, and in the
cause of audited school psychologists, provide documentation of
compliance, shall constitute a forfeiture of license. A school psychologist whose license has been suspended pursuant to this section may reinstate the license by submitting to the board a written application, a nonrefundable restoration fee payment, and in the case of audited school psychologists, documentation of compliance.

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

(b) Services provided by a school psychologist licensed pursuant to this part shall conform to standards articulated in the National Association for School Psychologists' Model for Comprehensive and Integrated School Psychological Services, as may be amended.
§465-G Practice of school psychology; license required.

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

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

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

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

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

(1) Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;

(2) Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements that are substantially related to the qualifications, functions, or duties of a school psychologist;

(3) Engaging in the practice of school psychology while impaired by alcohol, drugs, physical disability, or mental instability;
(4) Procuring a license for the practice of school psychology through fraud, misrepresentation, or deceit;

(5) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license for the practice of school psychology;

(6) Engaging in professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of school psychology;

(7) Engaging in conduct or practice contrary to recognized standards of ethics for the practice of school psychology;

(8) Violating any condition or limitation imposed on a license for the practice of school psychology by the board;

(9) Engaging in the practice of school psychology in a manner that causes injury to one or more members of the public;

(10) Failure to comply, observe, or adhere to any law in a manner such that the board deems the applicant or
holder to be an unfit or improper person to hold a license;

(11) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;

(12) Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of a school psychologist, notwithstanding any statutory provision to the contrary;

(13) Failure to report to the board, in writing, any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days after the disciplinary decision is issued;

(14) Employing, utilizing, or attempting to employ or utilize at any time any person not licensed under this part where licensure is required; or

(15) Violating this part, chapter 436B, or any rule or order of the board.
(b) The board at its discretion shall order any licensee who is placed on probation or whose license is suspended pursuant to this section to obtain additional training and to take an examination as prescribed by the board.

§465-J Exemption. This chapter shall not restrict the practice of other licensed or credentialed practitioners practicing within their own recognized scopes of practice in educational settings. This chapter shall not apply to any person working within the scope of practice or duties of another licensed profession that overlaps with the practice of school psychology, provided that the person does not use the title "school psychologist" or "licensed school psychologist".

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

"PART I. GENERAL PROVISIONS"

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

"(a) This chapter shall not apply to:

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

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

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

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

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

(6) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person's professional capacities; and provided further that the person does
not represent the person to be a psychologist, or the
person's services as psychological;
(7) Any person who is a duly recognized member of the
clergy; provided that the person functions only within
the person's capacities as a member of the clergy; and
provided further that the person does not represent
the person to be a psychologist, or the person's
services as psychological;
(8) Any psychologist employed by the United States
Department of Defense, while engaged in the discharge
of the psychologist's official duty and providing
direct telehealth support or services, as defined in
section 431:10A-116.3, to neighbor island
beneficiaries within a Hawaii National Guard armory on
the island of Kauai, Hawaii, Molokai, or Maui;
provided that the psychologist employed by the United
States Department of Defense is credentialed by
Tripler Army Medical Center; or
(9) Any supervisee of a licensed psychologist as defined
in section 465D-7."
SECTION 5. Section 465-4, Hawaii Revised Statutes, is amended to read as follows:

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

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

"(a) Every license issued [under] pursuant to this [chapter] part shall be renewed biennially on or before June 30 of each even-numbered year. Failure to renew a license shall result in forfeiture of the license; provided that a psychologist whose license has been forfeited for one year or less for failure to renew may restore the license by payment of
the renewal fee and, in the case of a psychologist who is
audited, pursuant to subsection (g), submission of documentation
of continuing education compliance, for the biennium in which
the failure occurred. If licensing has lapsed for more than one
year, the person may reapply for a license in the manner
prescribed in this chapter."

PART II

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

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

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

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

(d) Chapter 457J (midwives) shall be repealed on
June 30, 2025."
(e) Part of chapter 465 (school psychologists) shall be repealed on June 30, 2025."

PART III
SECTION 8. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.
SECTION 9. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.
SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 11. This Act shall take effect on July 1, 2020; provided that:
(1) The amendments made to sections 465-3, 465-4, and 465-11, Hawaii Revised Statutes, by this Act shall be repealed on June 30, 2025, and those sections shall be reenacted in the form in which they read on the day prior to the effective date of this Act; and
(2) The amendments to titles within chapter 465, Hawaii Revised Statutes, made by section 3 of this Act shall be repealed on June 30, 2025.
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.