
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that there is great
3 demand for high quality mental health practitioners in the
4 State, particularly in the aftermath of the coronavirus disease
5 2019. The purpose of this Act is to expand access to high
6 quality mental health services by:

7 (1) Establishing provisional or associate-level licensure
8 requirements and insurance reimbursement allowances
9 for marriage and family therapists, mental health
10 counselors, and psychologists in training;

11 (2) Allowing psychologist license applicants to sit for
12 the licensing examination before completing the
13 supervised experience required for licensure;

14 (3) Allowing the board of psychology to grant licensure
15 waivers for psychologists in certain circumstances;
16 and



1 (4) Authorizing insurance reimbursements for services
2 provided by a supervised social work intern in certain
3 circumstances.

4 PART II

5 SECTION 2. Chapter 451J, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§451J- Provisional licensure; associate marriage and
9 family therapist; services reimbursable. (a) The department
10 shall grant, upon application and payment of proper fees,
11 provisional licensure as an associate marriage and family
12 therapist to an individual who:

13 (1) Has completed a master's degree or doctoral degree
14 from an accredited educational institution in marriage
15 and family therapy or in an allied field related to
16 the practice of mental health counseling that includes
17 or is supplemented by graduate level course work
18 comprising a minimum of thirty-three semester hours,
19 or forty-four quarter hours in the following course
20 areas:



- 1 (A) Marriage and family studies -- nine semester
- 2 hours or twelve quarter hours;
- 3 (B) Marriage and family therapy studies -- nine
- 4 semester hours or twelve quarter hours;
- 5 (C) Human development -- nine semester hours or
- 6 twelve quarter hours;
- 7 (D) Ethical and professional studies -- three
- 8 semester hours or four quarter hours; and
- 9 (E) Research -- three semester hours or four quarter
- 10 hours;
- 11 (2) Has one year practicum with three hundred hours of
- 12 supervised client contact;
- 13 (3) Engages in practice under the clinical supervision of
- 14 a licensed marriage and family therapist during the
- 15 period of time necessary to fulfill the clinical
- 16 experience requirements for licensure as a marriage
- 17 and family therapist pursuant to section 451J-7(3);
- 18 provided that the licensed marriage and family
- 19 therapist is in good standing with the department; and
- 20 (4) Has passed the National Marriage and Family Therapy
- 21 Exam in accordance with section 451J-8.



1 (b) Each provisional license shall include the name and
2 title of the licensed marriage and family therapist or
3 therapists providing clinical supervision of the applicant as
4 described in subsection (a) (3). A licensed associate marriage
5 and family therapist may only practice marriage and family
6 therapy under the direct supervision of the licensed marriage
7 and family therapist.

8 (c) A provisional license issued pursuant to this section
9 shall be valid for one year from the date of issuance and may be
10 renewed for an additional one-year period if needed to fulfill
11 the requirements for licensure as a marriage and family
12 therapist pursuant to section 451J-7(3).

13 (d) Services provided by a supervised licensed associate
14 marriage and family therapist shall be eligible for insurance
15 reimbursement; provided that the supervising licensed marriage
16 and family therapist's services are eligible for reimbursement
17 as a contracted provider; provided further that the billed rate
18 for the licensed associate marriage and family therapist is
19 commensurate with the requisite level of training."

20 SECTION 3. Section 451J-1, Hawaii Revised Statutes, is
21 amended as follows:



1 1. By adding a new definition to be appropriately inserted
2 and to read:

3 "Associate marriage and family therapist" or "licensed
4 associate marriage and family therapist" means a person who:

- 5 (1) Has completed all educational requirements under
- 6 section 451J- (a) (1);
- 7 (2) Has been issued a provisional license under this
- 8 chapter; and
- 9 (3) Is currently earning supervised clinical experience in
- 10 marriage and family therapy under clinical
- 11 supervision."

12 2. By amending the definition of "clinical supervision" to
13 read:

14 "Clinical supervision" means the supervision of no more
15 than six persons at the same time who are acquiring and
16 completing clinical experience in accordance with ~~section~~
17 sections 451J-7(2) and (3) [7] and 451J- (a) (3), by a licensed
18 marriage and family therapist whose license has been in good
19 standing in any state for two years preceding commencement and
20 during the term of supervision, or any licensed mental health
21 professional whose license has been in good standing in any



1 state and who has been a clinical member in good standing of the
 2 association for the two years preceding commencement and during
 3 the term of supervision. Clinical supervision includes but is
 4 not limited to case consultation of the assessment and diagnosis
 5 of presenting problems, development and implementation of
 6 treatment plans, and the evaluation of the course of treatment.
 7 Clinical supervision may include direct observation by the
 8 qualified supervisor of the provision of marriage and family
 9 therapy services."

10 3. By deleting the definition of "marriage and family
 11 therapy intern".

12 [~~"Marriage and family therapy intern" means a person who~~
 13 ~~has completed all educational requirements stipulated in section~~
 14 ~~451J-7(1)(A) and who is currently earning supervised clinical~~
 15 ~~experience in marriage and family therapy under clinical~~
 16 ~~supervision."]~~

17 SECTION 4. Section 451J-3, Hawaii Revised Statutes, is
 18 amended to read as follows:

19 "**§451J-3 Powers and duties of the director.** In addition
 20 to any other powers and duties authorized by law, the director
 21 may:



- 1 (1) Examine and approve the qualifications of all
2 applicants under this chapter, and issue a license to
3 each successful applicant granting permission to use
4 the title of marriage and family therapist [~~or~~],
5 licensed marriage and family therapist, associate
6 marriage and family therapist, or licensed associate
7 marriage and family therapist in this State pursuant
8 to this chapter and the rules adopted under this
9 chapter;
- 10 (2) Adopt, amend, or repeal rules pursuant to chapter 91;
- 11 (3) Administer, coordinate, and enforce this chapter and
12 rules;
- 13 (4) Discipline a person licensed as a marriage and family
14 therapist or associate marriage and family therapist
15 for any cause described by this chapter, or for any
16 violation of rules, or refuse to license a person for
17 failure to meet licensing requirements or for any
18 cause that would be grounds for disciplining a
19 licensed marriage and family therapist[+] or licensed
20 associate marriage and family therapist; and



1 (5) Appoint an advisory committee of licensed marriage and
 2 family therapists and members of the public to assist
 3 with the implementation of this chapter and the rules;
 4 except that the initial members of the committee who
 5 are marriage and family therapists shall not be
 6 required to be licensed pursuant to this chapter."

7 SECTION 5. Section 451J-5, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 **"§451J-5 Prohibited acts.** Except as specifically provided
 10 elsewhere in this chapter, no person shall use the title
 11 marriage and family therapist [øæ], licensed marriage and family
 12 therapist, associate marriage and family therapist, or licensed
 13 associate marriage and family therapist without first having
 14 secured a license under this chapter. The department shall
 15 investigate and prosecute any individual using the title of
 16 marriage and family therapist [øæ], licensed marriage and family
 17 therapist, associate marriage and family therapist, or licensed
 18 associate marriage and family therapist without being properly
 19 licensed as a marriage and family therapist[-] or associate
 20 marriage and family therapist. Any person who violates this
 21 section shall be subject to a fine of not more than \$1,000 per



1 violation. Each day's violation shall be deemed a separate
2 offense. Any action taken to impose or collect the fine imposed
3 under this section shall be a civil action."

4 SECTION 6. Section 451J-6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§451J-6 Exemptions.** (a) Licensure shall not be required
7 of:

8 (1) A person doing work within the scope of practice or
9 duties of the person's profession that overlaps with
10 the practice of marriage and family therapy; provided
11 the person does not purport to be a marriage and
12 family therapist [~~or~~], licensed marriage and family
13 therapist[~~+~~], associate marriage and family therapist,
14 or licensed associate marriage and family therapist;
15 or

16 (2) Any student enrolled in an accredited educational
17 institution in a recognized program of study leading
18 toward attainment of a graduate degree in marriage and
19 family therapy or other professional field; provided
20 that the student's activities and services are part of
21 a prescribed course of study supervised by the



1 educational institution and the student is identified
2 by an appropriate title, including but not limited to
3 "marriage and family therapy student or trainee",
4 "clinical psychology student or trainee", "clinical
5 social work student or trainee", or any title ~~[which]~~
6 that clearly indicates training status~~;~~ ~~or~~

7 ~~(3) Any individual who uses the title marriage and family~~
8 ~~therapy intern for the purpose of obtaining clinical~~
9 ~~experience in accordance with section 451J-7(3)].~~

10 (b) Nothing in this chapter shall be construed to prevent
11 qualified members of other licensed professions as defined by
12 any law, rule, or the department, including but not limited to
13 social workers, psychologists, registered nurses, or physicians,
14 from doing or advertising that they assist or treat individuals,
15 couples, or families consistent with the accepted standards of
16 their respective licensed professions; provided that no person,
17 unless the person is licensed as a marriage and family
18 therapist~~[7]~~ or associate marriage and family therapist, shall
19 use the title of marriage and family therapist ~~[or]~~, licensed
20 marriage and family therapist~~[7]~~, associate marriage and family
21 therapist, or licensed associate marriage and family therapist."



1 SECTION 7. Section 451J-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]~~§451J-9~~[+] **Licensure fees.** [~~Licenses~~] Except as
4 otherwise provided in section 451J- , licenses shall be valid
5 for three years and shall be renewed triennially. Any applicant
6 for renewal of a license that has expired within one year of the
7 renewal deadline shall be required to pay a restoration fee in
8 addition to all renewal fees."

9 SECTION 8. Section 451J-10, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) [~~Licenses~~] Except as otherwise provided in section
12 451J- , licenses shall be renewed triennially on or before
13 December 31, with the first renewal deadline occurring on
14 December 31, 2001. Failure to renew a license shall result in a
15 forfeiture of the license. Licenses that have been forfeited
16 may be restored within one year of the expiration date upon
17 payment of renewal and restoration fees, and in the case of
18 marriage and family therapists or licensed marriage and family
19 therapists audited pursuant to subsection (f), documentation of
20 continuing education compliance. Failure to restore a forfeited
21 license within one year of the date of its expiration shall



1 result in the automatic termination of the license. Persons
2 with terminated licenses shall be required to reapply for
3 licensure as a new applicant."

4 SECTION 9. Section 451J-12, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~§~~451J-12] **Confidentiality and privileged**
7 **communications.** No person licensed as a marriage and family
8 therapist~~[7]~~ or associate marriage and family therapist, nor any
9 of the person's employees or associates, shall be required to
10 disclose any information that the person may have acquired in
11 rendering marriage and family therapy services except in the
12 following circumstances:

- 13 (1) As required by law;
- 14 (2) To prevent a clear and immediate danger to a person or
15 persons;
- 16 (3) In the course of a civil, criminal, or disciplinary
17 action arising from the therapy where the therapist is
18 a defendant;
- 19 (4) In a criminal proceeding where the client is a
20 defendant and the use of the privilege would violate
21 the defendant's right to a compulsory process of the



1 right to present testimony and witnesses in the
 2 defendant's own behalf;
 3 (5) In accordance with the terms of a client's previously
 4 written waiver of the privilege; or
 5 (6) Where more than one person in a family jointly
 6 receives therapy and each family member who is legally
 7 competent executes a written waiver; in that instance,
 8 a marriage and family therapist or associate marriage
 9 and family therapist may disclose information received
 10 from any family member in accordance with the terms of
 11 the person's waiver."

12 SECTION 10. Section 451J-13, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "[~~§~~451J-13] **Therapist prohibited from testifying in**
 15 **alimony and divorce actions.** If both parties to a marriage have
 16 obtained marriage and family therapy by a licensed marriage and
 17 family therapist~~]~~ or licensed associate marriage and family
 18 therapist, the therapist shall be prohibited from testifying in
 19 an alimony or divorce action concerning information acquired in
 20 the course of therapy. This section shall not apply to custody
 21 actions whether or not part of a divorce proceeding."



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PART III

SECTION 11. Chapter 453D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§453D- Provisional licensure; associate mental health counselor; services reimbursable. (a) The department shall grant, upon application and payment of proper fees, provisional licensure as an associate mental health counselor to an individual who:

(1) Has received a master's degree or doctoral degree from an accredited educational institution in counseling or in an allied field related to the practice of mental health counseling that includes or is supplemented by graduate level course work in counseling comprising a minimum of forty-eight semester hours or seventy-two quarter hours in the following course areas, with a minimum of three semester hours or five quarter hours in each course area as indicated below:

(A) Human growth and development, including but not limited to the study of life span development, strategies to facilitate that development and



1 transitions, theories of learning and personality
2 development, and human behavior to include
3 crisis, disabilities, addictive behavior, and
4 environmental factors;

5 (B) Social and cultural foundations, including but
6 not limited to the study of issues and trends in
7 a multicultural and diverse society, including
8 characteristics of diverse groups that may
9 include but are not limited to age, race,
10 religious preference, sexual preference, physical
11 disability, ethnicity and culture, gender,
12 socioeconomics, intellectual ability, and
13 individual, family, and group strategies with
14 diverse populations;

15 (C) Counseling theories and applications, including
16 but not limited to counseling and consultation,
17 including both individual and systems
18 perspectives, interviewing, assessment, and
19 counseling skills, as well as applying
20 principles, methods, and theories of counseling,
21 treatment and counseling of mental and emotional



- 1 disorders, and educational techniques aimed at
2 preventing these disorders with individuals and
3 families;
- 4 (D) Group theory and practice, including but not
5 limited to principles of group dynamics, group
6 process, group leadership styles, theories and
7 methods of group counseling, and the application
8 of theory to the group processes;
- 9 (E) Career and lifestyle development, including but
10 not limited to the study of vocational
11 development theories and decision-making models,
12 assessment instruments, and techniques, types,
13 sources, and uses of occupational and educational
14 information systems, career development
15 applications, and career counseling processes,
16 techniques, and resources;
- 17 (F) Appraisal of human behavior, including but not
18 limited to assessment and diagnosis of disorders
19 with an emphasis on categories described in the
20 most recent version of the Diagnostic and
21 Statistical Manual of Mental Disorders and an



- 1 understanding of these disorders relative to the
2 counseling context;
- 3 (G) Tests and measurements, including but not limited
4 to theoretical and historical bases for
5 assessment techniques, and assessment methods,
6 including analysis of various types of tests to
7 select, administer, interpret, and use assessment
8 and evaluation instruments and techniques in
9 counseling;
- 10 (H) Research and program evaluation, including but
11 not limited to research design and methods,
12 statistical analysis, principles, practices, and
13 application of needs assessment, and program
14 evaluation;
- 15 (I) Professional orientation and ethics, including
16 but not limited to the history of the helping
17 profession, professional roles and functions,
18 ethical standards, confidentiality, professional
19 organizations, and the public policy process,
20 including advocacy on behalf of the profession
21 and its clientele; and



- 1 (J) At least two academic terms of supervised mental
2 health practicum intern experience for graduate
3 credit of at least six semester hours or ten
4 quarter hours in a mental health counseling
5 setting, with a total of three hundred hours of
6 supervised client contact. The practicum
7 experience shall be completed under the clinical
8 supervision of a person who is licensed as a
9 mental health counselor, psychologist, clinical
10 social worker, advanced practice registered nurse
11 with a specialty in mental health, marriage and
12 family therapist, or physician with a specialty
13 in psychiatry;
- 14 (2) Engages in practice under the clinical supervision of
15 a licensed mental health counselor during the period
16 of time necessary to fulfill the necessary
17 requirements for licensure as a mental health
18 counselor pursuant to section 453D-7; provided that
19 the licensed mental health counselor is in good
20 standing with the department; and



1 (3) Has passed the National Counselor Examination for
2 Licensure and Certification in accordance with section
3 453D-9.

4 (b) Each provisional license shall include the name and
5 title of the licensed mental health counselor or therapists
6 providing clinical supervision of the applicant as described in
7 subsection (a) (2). A licensed associate mental health counselor
8 may only practice mental health counseling under the direct
9 supervision of the licensed mental health counselor.

10 (c) A provisional license issued pursuant to this section
11 shall be valid for one year from the date of issuance and may be
12 renewed for an additional one-year period if needed to fulfill
13 the requirements for licensure as a mental health counselor
14 pursuant to section 453D-7(2).

15 (d) Services provided by a supervised licensed associate
16 mental health counselor shall be eligible for insurance
17 reimbursement; provided that the supervising licensed mental
18 health counselor's services are eligible for reimbursement as a
19 contracted provider; and provided further that the billed rate
20 for the licensed associate mental health counselor is
21 commensurate with the requisite level of training."



1 SECTION 12. Section 453D-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Licensed associate mental health counselor" means a
6 person who:

7 (1) Has completed all education requirements under section
8 453D- (a) (1);

9 (2) Has been issued a provisional license under this
10 chapter; and

11 (3) Is currently earning supervised clinical experience in
12 mental health counseling under clinical supervision."

13 2. By amending the definition of "clinical supervision" to
14 read:

15 "'Clinical supervision" means supervision applied to all
16 individuals who are gaining the experience required for a
17 license as a mental health counselor[-] or associate mental
18 health counselor. "Clinical supervision" includes but is not
19 limited to:

20 (1) Case consultation on the assessment and presenting
21 problem;



- 1 (2) Development and implementation of treatment plans;
- 2 (3) Enhancement of the supervisee's counseling techniques
- 3 and treatment evaluation skills; and
- 4 (4) Evaluation of the course of treatment."

5 SECTION 13. Section 453D-3, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§453D-3[+] **Powers and duties of the director.** In
8 addition to any other powers and duties authorized by law, the
9 director shall have the powers and duties to:

- 10 (1) Grant permission to a person to use the title of
- 11 "licensed mental health counselor" or "licensed
- 12 associate mental health counselor" or a description
- 13 indicating one is a licensed mental health counselor
- 14 or licensed associate mental health counselor in this
- 15 State pursuant to this chapter and the rules adopted
- 16 pursuant thereto;
- 17 (2) Adopt, amend, or repeal rules pursuant to chapter 91
- 18 as the director finds necessary to carry out this
- 19 chapter;
- 20 (3) Administer, coordinate, and enforce this chapter;



- 1 (4) Discipline a licensed mental health counselor or
- 2 licensed associate mental health counselor for any due
- 3 cause described by this chapter or violation of the
- 4 rules;
- 5 (5) Refuse to license a person for failure to meet
- 6 licensing requirements or on grounds sufficient to
- 7 discipline a licensed mental health counselor[+] or
- 8 licensed associate mental health counselor; and
- 9 (6) Appoint an advisory committee consisting of licensed
- 10 mental health counselors and members of the public to
- 11 assist with the implementation of this chapter and
- 12 adopted rules; provided that the initial members of
- 13 the committee who are mental health counselors shall
- 14 not be required to be licensed pursuant to this
- 15 chapter."

16 SECTION 14. Section 453D-5, Hawaii Revised Statutes, is
 17 amended to read as follows:

18 "[+]§453D-5[+] **Prohibited acts.** Except as specifically
 19 provided in this chapter, no person shall engage in the practice
 20 of mental health counseling or use the title of "licensed mental
 21 health counselor" [~~or~~], "mental health counselor", "licensed



1 associate mental health counselor", or "associate mental health
2 counselor" without a valid license issued under this chapter.
3 Any person who violates this section shall be subject to a fine
4 of not more than \$1,000 for each separate offense. Each day of
5 each violation shall constitute a separate offense. Any action
6 taken to impose or collect the fine imposed under this section
7 shall be a civil action."

8 SECTION 15. Section 453D-6, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

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

11 (1) A person doing work within the duties of the person's
12 profession that overlaps with the practice of mental
13 health counseling; provided that no ~~such~~ person
14 shall use a title stating or implying that the person
15 is a "licensed mental health counselor" ~~[or]~~, "mental
16 health counselor", "licensed associate mental health
17 counselor", or "associate mental health counselor" or
18 describe or refer to the person's services as mental
19 health counseling;

20 (2) Any person who is a duly recognized member of the
21 clergy; provided that the person functions only within



1 the person's capacity as a member of the clergy; ~~and~~
2 provided further that the person does not represent
3 the person to be a "licensed mental health counselor"
4 ~~[or]~~, "mental health counselor", "licensed associate
5 mental health counselor", or "associate mental health
6 counselor" or describe or refer to the person's
7 services as mental health counseling;

- 8 (3) Any student enrolled in an accredited educational
9 institution in a recognized program of study leading
10 towards attainment of a graduate degree in mental
11 health counseling or other professional field;
12 provided that the student's activities and services
13 are part of a prescribed course of study supervised by
14 the accredited educational institution and the student
15 is identified by an appropriate title, including but
16 not limited to "mental health counseling student" or
17 "trainee", "clinical psychology student" or "trainee",
18 "social work student" or "trainee", "marriage and
19 family counseling student" or "trainee", or any title
20 that clearly indicates training status;



1 ~~[(4) Any individual who uses the title of "mental health~~
2 ~~counselor intern" for the purpose of obtaining~~
3 ~~clinical experience in accordance with section 453D-~~
4 ~~7(a)(2);~~

5 ~~(5)]~~ (4) Any person employed by a federal, state, or
6 county government agency in a counseling position, but
7 only at those times when the employee is carrying out
8 the duties and responsibilities as a counselor in
9 governmental employment; or

10 ~~[(6)]~~ (5) Any person who is obtaining supervised clinical
11 experience for licensure as a psychologist, social
12 worker, marriage and family therapist, or as another
13 licensed professional; provided that the person's
14 title indicates a trainee or intern status; and
15 provided further that the person does not purport to
16 be a "licensed mental health counselor" ~~[or]~~, "mental
17 health counselor"~~[-]~~, "licensed associate mental
18 health counselor", or "associate mental health
19 counselor"."

20 SECTION 16. Section 453D-10, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§~~453D-10~~§~~ **Licensure; fees.** A license shall be
2 issued to a person deemed to be qualified under ~~[section]~~
3 sections 453D- or 453D-7 upon the payment of a license fee to
4 be determined by the department and shall be valid for three
5 years~~[-]~~; provided that provisional licenses shall be valid for
6 one year."

7 SECTION 17. Section 453D-11, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§~~453D-11~~§~~ **Renewal of license; fees.** ~~[Licenses]~~
10 Except as otherwise provided in section 453D- , licenses shall
11 be renewed, upon the payment of a renewal fee, triennially not
12 earlier than ninety days before June 30, with the first renewal
13 deadline occurring on June 30, 2008. Failure to renew a license
14 shall result in a forfeiture of the license. Licenses that have
15 been forfeited may be restored within one year of the expiration
16 date upon payment of renewal and restoration fees. Failure to
17 restore a forfeited license within one year of the date of its
18 expiration shall result in the automatic termination of the
19 license and the person may be required to reapply for licensure
20 as a new applicant. All renewal and restoration fees shall be
21 determined by the department."



1 SECTION 18. Section 453D-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~453D-13~~§~~ **Confidentiality and privileged**
4 **communications.** No person licensed as a mental health
5 counselor~~§~~ or associate mental health counselor, nor any of
6 the person's employees or associates, shall be required to
7 disclose any information that the person may have acquired in
8 rendering mental health counseling services, except in the
9 following circumstances:

- 10 (1) As required by law;
- 11 (2) To prevent a clear and imminent danger to a person or
12 persons;
- 13 (3) In accordance with the terms of a previously written
14 waiver of the privilege where the waiver is executed
15 by the client or by the client's legally recognized
16 representative;
- 17 (4) Where more than one person jointly receives counseling
18 and each person who is legally competent executes a
19 written waiver. In that instance, a mental health
20 counselor may disclose information from any person in
21 accordance with that person's waiver; or



1 (5) In the course of a disciplinary action or pursuant to
2 a duly authorized subpoena issued by the department."

3 SECTION 19. Section 453D-14, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~{}~~§453D-14~~}~~ **Mental health counselor or associate**
6 **mental health counselor prohibited from testifying in alimony**
7 **and divorce actions.** If both parties to a marriage have
8 obtained mental health counseling from a licensed mental health
9 counselor~~{}~~ or licensed associate mental health counselor, the
10 counselor shall be prohibited from testifying in an alimony or
11 divorce action concerning information acquired in the course of
12 mental health counseling. This section shall not apply to
13 custody actions whether or not part of a divorce proceeding."

14 PART IV

15 SECTION 20. Chapter 465, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§465- **Provisional licensure; associate psychologist;**
19 **services reimbursable.** (a) The board shall grant, upon
20 application and payment of proper fees, provisional licensure as
21 an associate psychologist to an individual who:



- 1 (1) Possesses a doctoral degree from:
- 2 (A) An American Psychological Association approved
- 3 program in clinical psychology, counseling
- 4 psychology, school psychology, or programs
- 5 offering combinations of two or more of these
- 6 areas; or
- 7 (B) A professional psychology training program,
- 8 awarded by an institution of higher education, or
- 9 from a regionally accredited institution; and
- 10 (2) Is engaging in post-doctoral supervised experience in
- 11 health service in psychology pursuant to an organized
- 12 health service training program approved by the board.
- 13 (b) Each provisional license shall include the name and
- 14 title of the supervising psychologist or psychologists in the
- 15 training program described in subsection (a) (2). An associate
- 16 psychologist may only practice psychology under the direct
- 17 supervision of the supervising psychologist; provided that:
- 18 (1) The supervising psychologist holds a current, active,
- 19 and unencumbered license with the board; and



1 (2) The supervising psychologist shall notify the board
2 within ten days of the termination or completion of
3 the supervision.

4 (c) A provisional license issued pursuant to this section
5 shall be valid for one year to fulfill the requirements for full
6 licensure as a psychologist under section 465-7.

7 (d) Services provided by a supervised associate
8 psychologist shall be eligible for insurance reimbursement;
9 provided that the supervising psychologist's services are
10 eligible for reimbursement as a contracted provider; provided
11 further that the billed rate for the associate psychologist is
12 commensurate with the requisite level of training."

13 SECTION 21. Section 465-1, Hawaii Revised Statutes, is
14 amended by adding a new definition to be appropriately inserted
15 and to read as follows:

16 "Associate psychologist" means a person who:

17 (1) Has completed all educational requirements under
18 section 465- (a) (1);

19 (2) Has been issued a provisional license under this
20 chapter; and



1 (3) Is currently engaging in post-doctoral supervised
 2 experience in health service in psychology pursuant to
 3 an organized health service training program approved
 4 by the board."

5 SECTION 22. Section 465-2, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "**§465-2 License required.** Except as otherwise provided in
 8 this chapter, it shall be unlawful to represent one's self as a
 9 psychologist or associate psychologist or engage in the practice
 10 of psychology without having first obtained a license as
 11 provided in this chapter."

12 SECTION 23. Section 465-3, Hawaii Revised Statutes, is
 13 amended by amending subsection (a) to read as follows:

14 "(a) This chapter shall not apply to:
 15 (1) Any person teaching, lecturing, consulting, or
 16 engaging in research in psychology insofar as the
 17 activities are performed as part of or are dependent
 18 upon employment in a college or university; provided
 19 that the person shall not engage in the practice of
 20 psychology outside the responsibilities of the
 21 person's employment;



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

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

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



1 ~~training status~~]; provided that the person shall not
 2 identify the person's self as a psychologist or
 3 associate psychologist or imply that the person is
 4 licensed to practice psychology;

5 (5) Any person who is a member of another profession
 6 licensed under the laws of this jurisdiction to render
 7 or advertise services, including psychotherapy, within
 8 the scope of practice as defined in the statutes or
 9 rules regulating the person's professional practice;
 10 provided that, notwithstanding section 465-1, the
 11 person does not represent the person's self to be a
 12 psychologist [~~or does not represent that the person~~
 13 ~~is~~], associate psychologist, or an individual licensed
 14 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[~~r~~] or
 20 associate psychologist or the person's services as
 21 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[7] or associate
6 psychologist or the person's services as
7 psychological; or

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

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

20 SECTION 24. Section 465-3.5, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Notwithstanding other provisions in this chapter, the
2 director of health may certify that there is an absence or
3 shortage of licensed psychologists or associate psychologists
4 for government employment in a particular locality. Upon
5 receiving certification of the absence or shortage, the board
6 shall authorize the director to hire and retain persons
7 currently in government employment to fill the absence or
8 shortage; provided persons hired or retained have been duly
9 licensed as a psychologist by written examination under the laws
10 of another state or territory of the United States prior to
11 1977."

12 SECTION 25. Section 465-6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§465-6 Powers and duties.** In addition to any other
15 powers and duties authorized by law, the board shall:

16 (1) Examine the qualifications of applicants for licensing
17 under this chapter to determine their eligibility for
18 licensing as psychologists[+] or associate
19 psychologists;

20 (2) Administer and grade examinations for applicants as
21 may be required for the purposes of this chapter. The



1 board shall determine the examinations and the score
2 that shall be deemed a passing score. Examinations
3 shall be scheduled at least once annually;
4 (3) Keep a record of action taken on all applicants for
5 licensing; the names of all persons licensed;
6 petitions for temporary permits; actions involving
7 suspension, revocation, or denial of licenses;
8 decisions on waiver of examination in whole or in part
9 and receipt and disbursal of any moneys; and
10 (4) Adopt, amend, and repeal pursuant to chapter 91, rules
11 as it deems proper for the purposes of this chapter."

12 SECTION 26. Section 465-7, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Every applicant for a license as a psychologist shall
15 submit evidence satisfactory to the board that the applicant
16 meets the following requirements:

17 (1) The applicant for licensure shall possess a doctoral
18 degree from:

19 (A) An American Psychological Association approved
20 program in clinical psychology, counseling
21 psychology, school psychology, or programs

- 1 offering combinations of two or more of these
2 areas; or
- 3 (B) A professional psychology training program,
4 awarded by an institution of higher education, or
5 from a regionally accredited institution;
- 6 (2) The applicant for licensure shall demonstrate that the
7 applicant has completed one year of post doctoral
8 supervised experience in health service in psychology,
9 and:
- 10 (A) An internship approved by the American
11 Psychological Association; or
- 12 (B) One year of supervised experience in health
13 service in psychology, in an internship or
14 residency program in an organized health service
15 training program; and
- 16 (3) The applicant for licensure has passed an examination
17 as may be prescribed by the board.

18 The applicant shall not be required to complete the
19 requirements of paragraph (2) to be eligible to take the
20 examination required in paragraph (3)."



1 SECTION 27. Section 465-7.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§465-7.6 Licensure of state employed clinical
4 **psychologists.** (a) A psychologist employed in a civil service
5 clinical psychologist position in this State after January 1,
6 1988, shall be licensed subject to:

- 7 (1) Meeting the requirements of section 465-7; and
8 (2) Obtaining licensure within two years from the date of
9 employment[-];

10 provided that if the psychologist is not able to obtain
11 licensure within two years, the board may grant a waiver if the
12 psychologist can demonstrate the delay was caused by
13 circumstances beyond their control.

14 (b) [~~After~~] Absent a waiver obtained pursuant to
15 subsection (a), after the time period in subsection (a)(2) has
16 expired, a psychologist, employed in a civil service clinical
17 psychologist position rendering diagnostic or treatment
18 services, who has not obtained a license, shall immediately
19 cease and desist the practice of psychology until a license is
20 obtained pursuant to this chapter."



1 SECTION 28. Section 465-8, Hawaii Revised Statutes, is
2 amended to read as follows:
3 **"§465-8 Licenses, issuance, display.** Upon the board
4 forwarding to the director the name of each applicant who is
5 entitled to a license under this chapter and upon receipt of the
6 prescribed fee, the director shall promptly issue to each
7 applicant a license authorizing the applicant to engage in the
8 practice of psychology for a period of two years. The license
9 shall be in the form as the director shall determine. A
10 licensed psychologist or associate psychologist shall display
11 the license in a conspicuous place in the psychologist's or
12 associate psychologist's principal place of business[-];
13 provided that a provisional license shall include the name and
14 title of the supervising psychologist or psychologists."

15 SECTION 29. Section 465-11, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) Every license issued under this chapter shall be
19 renewed biennially on or before June 30 of each even-numbered
20 year. Failure to renew a license shall result in forfeiture of
21 the license; provided that a psychologist whose license has been



1 forfeited for one year or less for failure to renew may restore
2 the license by payment of the renewal fee and, in the case of a
3 psychologist who is audited, pursuant to subsection (g),
4 submission of documentation of continuing education compliance,
5 for the biennium in which the failure occurred[-]; provided
6 further that the board may grant waivers or extensions if the
7 licensee can demonstrate a delay was due to circumstances beyond
8 the licensee's control. If licensing has lapsed for more than
9 one year, the person may reapply for a license in the manner
10 prescribed in this chapter."

11 2. By amending subsection (d) to read:

12 "(d) First-time licensees and associate psychologists
13 licensed pursuant to section 465-___ shall not be subject to the
14 continuing education requirement established under subsection
15 (c)(2) for the first license renewal."

16 SECTION 30. Section 465-15, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) No person shall:

19 (1) Use in connection with the person's name any
20 designation tending to imply that the person is a
21 licensed psychologist or licensed associate



- 1 psychologist unless the person is duly licensed and
- 2 authorized under this chapter;
- 3 (2) Represent oneself as a licensed psychologist or
- 4 licensed associate psychologist during the time the
- 5 person's license issued under this chapter is
- 6 suspended or revoked;
- 7 (3) Advertise or make a representation, either publicly or
- 8 privately, as being a psychologist[~~r~~] or associate
- 9 psychologist, licensed or otherwise, or as being able
- 10 to perform professional services described in section
- 11 465-1, except as otherwise provided in this chapter,
- 12 without having a valid unrevoked license or temporary
- 13 permit issued by the director; or
- 14 (4) Otherwise violate this chapter."

PART V

16 SECTION 31. Section 467E-7, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§467E-7 Licensing requirements[~~r~~]; services reimbursable.**

- 19 (a) Every applicant for a license as a social worker shall
- 20 submit evidence satisfactory to the director that the applicant
- 21 meets the following requirements:



- 1 (1) For the licensed bachelor social worker, the
2 applicant:
- 3 (A) Holds a bachelor's degree from a college or
4 university in a social work program accredited by
5 or deemed to be equivalent to a program
6 accredited by the Council on Social Work
7 Education; and
- 8 (B) Has passed the basic level national examination
9 given by the Association of Social Work Boards;
- 10 (2) For the licensed social worker, the applicant:
- 11 (A) Holds a master's degree from a college or
12 university in a social work program accredited by
13 or deemed to be equivalent to an accredited
14 program by the Council on Social Work Education
15 or a doctoral degree from a doctoral degree
16 program in social work accredited by the Western
17 Association of Schools and Colleges or a
18 comparable regional accreditation body; and
- 19 (B) Has passed the intermediate or higher level
20 national examination given by the Association of
21 Social Work Boards; and



- 1 (3) For the licensed clinical social worker, the
2 applicant:
- 3 (A) Has met the educational requirements in paragraph
4 (2);
- 5 (B) Has passed the clinical level national
6 examination given by the Association of Social
7 Work Boards;
- 8 (C) Has provided evidence of successful completion of
9 at least three thousand hours of post masters
10 clinical social work experience under supervision
11 completed within no fewer than two years, but
12 within no more than five years. Clinical social
13 work experience shall include a minimum of two
14 thousand hours of assessment, clinical diagnosis,
15 and psychotherapy; no more than a maximum of nine
16 hundred hours of client-centered advocacy,
17 consultation, and evaluation; and at least one
18 hundred hours of supervision as follows:
- 19 (i) At least sixty of the one hundred hours of
20 direct face-to-face supervision shall have
21 been individualized supervision; and



1 (ii) Not more than forty hours of direct face-to-
2 face supervision may have been under small
3 group (up to six supervisees) supervision.

4 An applicant who submits evidence of
5 certification as a qualified clinical social
6 worker or diplomate in clinical social work by
7 the National Association of Social Workers or as
8 a board certified diplomate by the American Board
9 of Examiners shall be deemed to have satisfied
10 the experience requirements of this subparagraph;

11 (D) For the purposes of subparagraph (C), shall have
12 had clinical supervision as follows:

13 (i) The supervisor shall have been a licensed
14 clinical social worker with at least four
15 thousand five hundred hours of post masters
16 clinical social work experience;

17 (ii) For the first five years after July 1, 2004,
18 the following individuals shall be deemed to
19 have satisfied the requirements of a
20 supervisor: a person with a master's degree
21 in social work with at least four thousand



1 five hundred hours post masters clinical
2 social work experience; an individual who
3 holds a diplomate in clinical social work or
4 a board certified diplomate certification;
5 or a board certified psychiatrist,
6 psychologist, advanced practice registered
7 nurse who has a minimum of four thousand
8 five hundred hours of post masters clinical
9 experience in assessment, clinical
10 diagnosis, and psychotherapy; and
11 (iii) Supervision shall have included review of
12 assessment, clinical diagnosis, and
13 psychotherapy; and
14 (E) In collaboration with the supervisor, may elect
15 to fulfill some or all of the supervision
16 requirements set forth in subparagraph (C)
17 through face-to-face supervision that is
18 conducted electronically through a video
19 conference service that is compliant with all
20 federal and state privacy, security, and
21 confidentiality laws, including the Health



1 Insurance Portability and Accountability Act of
 2 1996. Prior to making [~~such an~~] the election, it
 3 is incumbent upon the applicant to review the
 4 laws and rules of other jurisdictions to
 5 determine the impact, if any, that electronic
 6 supervision may have on license by endorsement in
 7 other states.

8 (b) Services provided by a supervised social work intern
 9 obtaining post-masters clinical social work experience under the
 10 supervision of a licensed clinical social worker or individual
 11 identified in subsection (a) (3) (D) to qualify for a license as a
 12 licensed clinical social worker shall be eligible for insurance
 13 reimbursement; provided that the supervising licensed clinical
 14 social worker's services are eligible for reimbursement as a
 15 contracted provider; provided further that the billed rate for
 16 the social work intern is commensurate with the requisite level
 17 of training."

PART VI

18 SECTION 32. There is appropriated out of the general
 19 revenues of the State of Hawaii the sum of \$142,876 or so much
 20 thereof as may be necessary for fiscal year 2023-2024 and the
 21



1 same sum or so much thereof as may be necessary for fiscal year
2 2024-2025 as follows:

3 (1) \$67,876 to establish, recruit, and hire one full-time
4 equivalent (1.0 FTE) office assistant V position to
5 process new license applications established by this
6 Act; and

7 (2) \$75,000 to make appropriate updates to the
8 professional and vocational licensing division's
9 internal databases to create new licenses types
10 established by this Act and associated requirements.

11 The sums appropriated shall be expended by the department
12 of commerce and consumer affairs for the purposes of this Act.

13 PART VII

14 SECTION 33. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 34. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 35. This Act shall take effect on June 30, 3000;
2 provided that:

3 (1) Any provision in this Act authorizing insurance
4 reimbursement for services provided to medicaid
5 enrollees shall be subject to approval by the Centers
6 for Medicare and Medicaid Services; and

7 (2) Parts II, III, IV, and V shall take effect on July 1,
8 2024.



Report Title:

Mental Health; Provisional Licensure; Associate Licensure;
Marriage and Family Therapists; Mental Health Counselors;
Psychologists; Examinations; Waivers; Social Work Interns;
Insurance Reimbursements; DCCA; Appropriation

Description:

Beginning 7/1/2024: Establishes provisional or associate-level licensure requirements for marriage and family therapists, mental health counselors, and psychologists and authorizes insurance reimbursements in certain circumstances; allows psychologist license applicants to sit for the licensing examination before completing supervised experience requirements; allows the board of psychology to grant licensure waivers in certain circumstances for psychologists; and authorizes insurance reimbursements for services provided by a supervised social work intern in certain circumstances. Appropriates funds. Effective 6/30/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

