

JAN 17 2014

A BILL FOR AN ACT

RELATING TO CONTINUING EDUCATION FOR MARRIAGE AND FAMILY
THERAPISTS.

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

1 SECTION 1. The legislature finds that the profession of
2 marriage and family therapy has been regulated in the State
3 since 1998. Unlike other licensed professions, continuing
4 education credit hours are not currently required for marriage
5 and family therapists to renew their licenses.

6 The legislature further finds that marriage and family
7 therapists provide critically needed services in prevention,
8 intervention, and treatment to a broad spectrum of clients. It
9 is therefore essential that marriage and family therapists
10 maintain their professional competency and keep abreast of the
11 latest developments in their profession.

12 The purpose of this Act is to require licensed marriage and
13 family therapists in Hawaii to complete a minimum of forty-five
14 credit hours of continuing education courses during each
15 licensing renewal triennium, beginning January 1, 2017.



SECTION 2. Section 451J-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"Continuing education courses" means courses approved by the American Association for Marriage and Family Therapy, American Association for Marriage and Family Therapy: Hawaii Division, American Psychological Association, Hawaii Psychological Association, National Association of Social Workers, or National Board for Certified Counselors and Affiliates, Inc.

"Credit hour" means, except as otherwise provided, the value assigned to fifty minutes of instruction.

"Ethic courses" include ethic theory, ethical reasoning, ethical principles, ethical dilemmas, and professional ethics."

SECTION 3. Section 451J-10, Hawaii Revised Statutes, is amended to read as follows:

"[+]§451J-10[+] Renewal of license. (a) Licenses shall be renewed triennially on or before December 31, with the first renewal deadline occurring on December 31, 2001. Failure to renew a license shall result in a forfeiture of the license. Licenses which have been forfeited may be restored within one year of the expiration date upon payment of renewal and



1 restoration fees[-], and in the case of audited marriage and
2 family therapists, documentation of continuing education
3 compliance. Failure to restore a forfeited license within one
4 year of the date of its expiration shall result in the automatic
5 termination of the license. Persons with terminated licenses
6 shall be required to reapply for licensure as a new applicant.

7 (b) Beginning with the renewal for the licensing triennium
8 commencing on January 1, 2017, through December 31, 2019, and
9 prior to every triennial renewal thereafter, each licensee
10 shall:

11 (1) Pay all required fees; and

12 (2) Complete a minimum of forty-five credit hours of
13 continuing education courses within the three-year
14 period preceding the renewal date; provided that a
15 minimum of six credit hours shall be in ethic courses.

16 (c) A first time licensee shall not be subject to the
17 continuing education requirement for the first license renewal.

18 (d) Each licensee shall maintain the licensee's continuing
19 education records. At the time of renewal, each licensee shall
20 certify under oath that the licensee has complied with the
21 continuing education requirement of this section. The director
22 may require a licensee to submit evidence satisfactory to the



1 director that demonstrates compliance with the continuing
2 education requirement of this section.

3 (e) A licensee seeking renewal of a license without full
4 compliance with the continuing education requirement shall
5 submit the renewal application, required fee, a notarized
6 affidavit setting forth the facts explaining the reasons for
7 noncompliance, and a request for an extension on the basis of
8 the facts; provided that the licensee shall complete at least
9 ninety hours of continuing education, including at least twelve
10 hours in ethic courses, prior to the next licensing triennium.
11 The director shall consider each case on an individual basis and
12 may grant an extension of the continuing education requirement
13 based on:

- 14 (1) Practice in an isolated geographical area with an
15 absence of opportunities for continuing education by
16 taped programs or otherwise; or
17 (2) Inability to devote sufficient hours to continuing
18 education because of incapacity, undue hardship, or
19 any other serious extenuating circumstances.

20 (f) The director may conduct random audits of licensees to
21 determine compliance with the continuing education requirement.

22 The director shall provide written notice of an audit to a



1 licensee randomly selected for audit. Within sixty days of
2 notification, the licensee shall provide the director with
3 documentation verifying compliance with the continuing education
4 requirement established by this section."

5 SECTION 4. Section 451J-11, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The department shall deny, revoke, condition, or
8 suspend a license granted pursuant to this chapter on the
9 following grounds:

10 (1) Conviction by a court of competent jurisdiction of a
11 crime which the department has determined, by rules
12 adopted pursuant to chapter 91, to be of a nature that
13 renders the person convicted unfit to practice
14 marriage and family therapy;

15 (2) Failing to report in writing to the director any
16 disciplinary decision related to the provision of
17 mental health services issued against the licensee or
18 the applicant in any jurisdiction within thirty days
19 of the disciplinary decision, or within thirty days of
20 licensure;



- (3) Violation of recognized ethical standards for marriage and family therapists as set by the ~~[association,]~~ American Association for Marriage and Family Therapy;
- (4) Fraud or misrepresentation in obtaining a license;
- (5) Revocation, suspension, or other disciplinary action by any state or federal agency against a licensee or applicant for any reason provided under this section; ~~[or]~~
- (6) Other just and sufficient cause which renders a person unfit to practice marriage and family therapy~~[-]~~; or
- (7) Making a false claim on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

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Report Title:

Marriage and Family Therapists; Continuing Education

Description:

Requires licensed marriage and family therapists to complete a minimum of forty-five hours of continuing education courses, including six hours in ethic courses, during each licensing renewal period, for the period beginning January 1, 2017, and thereafter.

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

