

JAN 23 2015

S.B. NO. 829

A BILL FOR AN ACT

RELATING TO PSYCHOLOGISTS.

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

1 SECTION 1. The legislature finds that psychological
2 services should be updated to adequately align current policy
3 and reflect developments in the professional training of
4 psychologists and the ethical practice of psychology. Updated
5 definitions should clarify and standardize support services
6 provided to individuals, groups of individuals, and
7 organizations, and should provide consistent interpretation of
8 responsibilities and requirements for psychological services
9 provided to the public.

10 The legislature further finds that the American
11 Psychological Association has been recognized by the State as
12 providing guidance on licensure requirements. The American
13 Psychological Association revised its Model Licensure Act in
14 2010 to ensure psychologists keep pace with emerging issues and
15 increase competencies. The American Psychological Association's
16 Ethical Principles of Psychology and Code of Conduct, adopted in
17 2002, serves as the resource for an ethical course of action and



1 conduct of psychologists. The code of conduct also provides
2 guidance and standards of professional conduct.

3 The purpose of this Act is to update chapter 465, Hawaii
4 Revised Statutes, by adding or amending definitions relevant to
5 psychologists, reflecting recent developments in the practice of
6 psychology, and incorporating guidelines and standards for
7 professional conduct for psychologists.

8 SECTION 2. Section 465-1, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By adding three new definitions to be appropriately
11 inserted and to read:

12 "Applied psychologist" means a person who provides health-
13 related services to individuals or those who provide other
14 services to individuals or organizations. Rules adopted by the
15 board shall account for variations in relevant training,
16 supervision, and practice for applied psychologists.

17 "General applied psychologist" means an applied
18 psychologist who provides psychological services outside of the
19 health and mental health field and includes:

20 (1) The provision of direct services to individuals and
21 groups, using psychological principles, methods, or



1 procedures to assess and evaluate individuals on
2 personal abilities and characteristics for individual
3 development, behavior change, or decision making about
4 the individual, such as selection, individual
5 development, promotion, or reassignment, for purposes
6 of enhancing individual or organizational
7 effectiveness; and

8 (2) The provision of services to organizations that are
9 provided for the benefit of the organization and do
10 not involve direct services to individuals, such as
11 job analysis; attitude/opinion surveys; selection
12 testing, meaning group administration of standardized
13 tests in which responses are mechanically scored and
14 interpreted; selection validation studies; designing
15 performance appraisal systems; training; organization
16 design; advising management on human behavior in
17 organizations; organizational assessment; diagnosis
18 and intervention of organizational problems; and
19 related services.

20 "Health service provider" means a psychologist duly trained
21 and experienced in the delivery of preventive, assessment,



1 diagnostic, therapeutic intervention, and management services
2 relative to the psychological and physical health of consumers
3 and requires:

- 4 (1) Completion of scientific and professional training
5 resulting in a doctoral degree in psychology;
6 (2) Completion of an internship and supervised experience
7 in health care settings; and
8 (3) Licensure as a psychologist at the independent
9 practice level."

10 2. By amending the definitions of "practice of psychology"
11 and "psychologist" to read:

12 ""Practice of psychology" means the observation,
13 description, evaluation, interpretation, [øx] and modification
14 of human behavior by the application of psychological
15 principles, methods, [øx] and procedures, for the purpose of:
16 preventing [øx], eliminating, evaluating, assessing, or
17 predicting symptomatic, maladaptive, or undesired behavior [and
18 ~~of enhancing interpersonal relationships, work and life~~
19 ~~adjustment, personal effectiveness, behavioral health, and~~
20 ~~mental health.]; evaluating, assessing, or facilitating the~~
21 enhancement of individual, group, or organizational



1 effectiveness, including personal effectiveness, adaptive
2 behavior, interpersonal relationships, work and life adjustment,
3 health, and individual, group, or organizational performance; or
4 assisting in legal decision making. The practice of psychology
5 includes[~~7~~] but is not limited to[~~7~~]: psychological testing and
6 the evaluation or assessment of personal characteristics, such
7 as intelligence, personality, cognitive, physical, or emotional
8 abilities, skills, interests, aptitudes, and neuropsychological
9 functioning; counseling, psychoanalysis, psychotherapy,
10 hypnosis, biofeedback, and behavior analysis and therapy;
11 diagnosis [~~and~~], treatment, and management of mental and
12 emotional disorder or disability, [~~alcoholism and~~] substance
13 [~~abuse, and~~] use disorders, disorders of habit or conduct, as
14 well as of the psychological aspects of physical illness,
15 accident, injury, or disability; [~~and~~] psychoeducational
16 evaluation, therapy, and remediation[~~, and consultation.~~
17 ~~Psychological services may be rendered to individuals, families,~~
18 ~~groups, organizations, institutions, and the public.];~~
19 consultation with physicians, other health care professionals,
20 and patients regarding all available treatment options,
21 including medication, with respect to provision of care for a



1 specific patient or client; provision of direct services to
2 individuals or groups for the purpose of enhancing individual
3 and organizational effectiveness, using psychological
4 principles, methods, or procedures to assess and evaluate
5 individuals on personal characteristics for individual
6 development or behavior change, or for making decisions about
7 the individual, such as selection; and the supervision of any of
8 the principles, methods, and procedures herein. The practice of
9 psychology shall be construed within the meaning of this
10 definition without regard to whether payment is received for
11 services rendered.

12 "Psychologist" means ~~[a person who offers to the public or~~
13 ~~renders to individuals or to groups of individuals services~~
14 ~~defined as the practice of psychology. A]:~~ any person licensed
15 as a psychologist under this chapter; and any general applied
16 psychologist whose practice areas are specifically exempted
17 under this chapter. The term includes any person who represents
18 to be a psychologist if the person uses any title or description
19 of services incorporating the words "psychology",
20 "psychological", or "psychologist" [or "psychotherapy"]; if
21 the person uses any term that implies the person possesses



1 expert qualification in any area of psychology; or if the person
2 offers to the public or renders to individuals or to groups of
3 individuals services defined as the practice of psychology. The
4 title "psychologist" may also be used by individuals who are
5 exempt from licensure as specified pursuant to section 465-3:
6 in their roles as teachers, researchers, or general applied
7 psychologists acting outside the licensed scope of practice; or
8 if those individuals hold a doctoral degree in psychology from
9 an accredited institution of higher education and use the title
10 in conjunction with activities exempt from licensure under
11 section 465-3."

12 SECTION 3. Section 465-2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§465-2 License required. Except as otherwise provided in
15 this chapter, it shall be unlawful to represent one's self as a
16 psychologist or engage in the practice of psychology or practice
17 as a health service provider without having first obtained a
18 license as provided in this chapter."

19 SECTION 4. Section 465-3, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "§465-3 Exemptions. (a) This chapter shall not apply to:



- 1 (1) Any person teaching, lecturing, consulting, or
2 engaging in research in psychology insofar as the
3 activities are performed as part of or are dependent
4 upon employment in a college or university; provided
5 that the person shall not engage in the practice of
6 psychology outside the responsibilities of the
7 person's employment;
- 8 (2) Any person who performs any, or any combination of the
9 professional services defined as the practice of
10 psychology under the direction of a licensed
11 psychologist in accordance with rules adopted by the
12 board; provided that the person may use the term
13 "psychological assistant", but shall not identify the
14 person's self as a psychologist or imply that the
15 person is licensed to practice psychology;
- 16 (3) Any person employed by a local, state, or federal
17 government agency in a school psychologist or
18 psychological examiner position, or a position that
19 does not involve diagnostic or treatment services, but
20 only at those times when that person is carrying out
21 the functions of such government employment;



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

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

20 (6) Any person who is a member of a mental health
21 profession not requiring licensure; provided that the



1 person functions only within the person's professional
2 capacities; and provided further that the person does
3 not represent the person to be a psychologist, or the
4 person's services as psychological;

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

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



1 (b) Nothing in this chapter shall in any way restrict any
2 person from carrying on any of the psychological activities as
3 defined in section 465-1; provided that such person does not
4 offer psychological services as defined in this chapter except
5 as such activities are incidental to the person's lawful
6 occupational purpose.

7 (c) ~~[A person may use the title of~~
8 ~~industrial/organizational psychologist, provided that the~~
9 ~~person]~~ Nothing in this chapter shall prevent a person from
10 practicing as a general applied psychologist so long as the
11 person providing these services registers with the board, and:

12 (1) Is professionally competent in the practice of

13 ~~[industrial/organizational]~~ psychology; and

14 (2) Holds a doctoral degree from an accredited institution

15 of higher education with training and education in

16 ~~[industrial/organizational]~~ psychology, satisfactory

17 to the board; and

18 (3) Provides psychological service or consultation to

19 organizations which does not involve the delivery or

20 supervision of direct psychological services to

21 individuals or groups of individuals, without regard



1 to the source or extent of payment for services
2 rendered.

3 (d) Nothing in this chapter shall prevent the provision of
4 expert testimony by a psychologist who is otherwise exempted by
5 this chapter.

6 (e) Nothing in this chapter shall be construed as
7 permitting the administration or prescription of drugs, or in
8 any way engaging in the practice of medicine as defined in the
9 laws of the State.

10 (f) Nothing in this chapter shall be construed to prevent
11 the teaching of psychology or the conduct of psychological
12 research; provided that such teaching or research does not
13 involve the delivery or supervision of direct psychological
14 services."

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

17 "§465-6 Powers and duties. In addition to any other
18 powers and duties authorized by law, the board shall:

- 19 (1) Examine the qualifications of applicants for licensing
20 under this chapter to determine their eligibility for
21 licensing as psychologists;



1 (2) Administer and grade examinations for applicants as
2 may be required for the purposes of this chapter. The
3 board shall determine the examinations and the score
4 that shall be deemed a passing score. Examinations
5 shall be scheduled at least once annually;

6 (3) Keep a record of action taken on all applicants for
7 licensing; the names of all persons licensed;
8 petitions for temporary permits; actions involving
9 suspension, revocation, or denial of licenses;
10 decisions on waiver of examination in whole or in part
11 and receipt and disbursal of any moneys; ~~and~~

12 (4) Ensure, through rules and enforcement, that licensees
13 limit their practice to demonstrated areas of
14 competence as documented by relevant professional
15 education, training, and experience;

16 (5) Develop structures to ensure that psychologists
17 undertake ongoing efforts to maintain competence and
18 ethical practice;

19 (6) Adopt as the board's standard of conduct the American
20 Psychological Association's Ethical Principles of
21 Psychologists and Code of Conduct; and



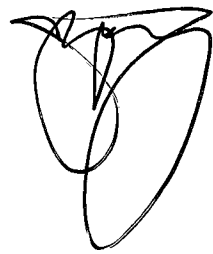
1 [~~(4)~~] (7) Adopt, amend, and repeal pursuant to chapter 91,
2 rules as it deems proper for the purposes of this
3 chapter."

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7
INTRODUCED BY:

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S.B. NO. 829

Report Title:

Psychologists; Practice of Psychology; Applied Psychologists;
Exemptions; Powers and Duties

Description:

Adds definitions for "applied psychologist", "health service provider", and "general applied psychologist". Amends definitions of "practice of psychology" and "psychologist". Clarifies license and exemption requirements for psychologists. Amends powers and duties of the board of psychology.

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