

JAN 20 2017

A BILL FOR AN ACT

RELATING TO GERONTOLOGIST LICENSING.

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

1 SECTION 1. The purpose of this Act is to establish

2 licensing requirements for gerontologists to:

3 (1) Safeguard the public health, safety, and welfare;

4 (2) Protect aging and older adults from incompetent and
5 unscrupulous persons, and persons unauthorized to care
6 for older adults;

7 (3) Assure the highest degree of professional conduct on
8 the part of gerontologists; and

9 (4) Assure the availability of high quality care for older
10 and aging adults.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 "CHAPTER

15 GERONTOLOGISTS

16 § -1 Definitions. As used in this chapter:



1 "Applicant" means an applicant for a license under this
2 chapter.

3 "Board" means the board of gerontology.

4 "Department" means the department of commerce and consumer
5 affairs.

6 "Director" means the director of commerce and consumer
7 affairs.

8 "Gerontologist" or "licensed gerontologist" means a person
9 who is licensed in the practice of gerontology pursuant to this
10 chapter.

11 "Practice of gerontology" means the study of aging and
12 older adults.

13 § -2 **Licensure required.** Except as otherwise provided by
14 law, a person who practices, offers to practice, or advertises
15 the practice of gerontology in the State either gratuitously or
16 for pay shall be required to have a valid license issued by the
17 board.

18 § -3 **Exemptions.** Licensure shall not be required of:

- 19 (1) Any licensed person doing work within the scope of
20 practice or duties of the person's profession that
21 overlaps with the practice of gerontology; provided



- 1 that the person does not purport to be a
2 gerontologist;
- 3 (2) Any person employed by a federal, state, or county
4 government agency in a gerontologist position, but
5 only at those times when that person is carrying out
6 the duties and responsibilities as a gerontologist in
7 governmental employment;
- 8 (3) Any student enrolled in an accredited educational
9 institution in a recognized program of study leading
10 toward attainment of a degree in gerontology; provided
11 that the student's activities and services are part of
12 a prescribed course of study supervised by the
13 educational institution, and the student is identified
14 by an appropriate title such as "gerontology student",
15 "gerontology intern", or any other title that clearly
16 indicates the student's training status;
- 17 (4) Any person who is a member of a mental health
18 profession not requiring licensure; provided that the
19 person functions only within the person's professional
20 capacities; provided further that the person does not
21 purport to be a gerontologist;



1 (5) Any person teaching, lecturing, consulting, or
2 engaging in research in gerontology insofar as the
3 activities are performed as part of or are dependent
4 upon enrollment in a college or university; provided
5 that the person shall not engage in the practice of
6 gerontology outside the responsibilities of the
7 person's employment; and

8 (6) Any person who is a duly recognized member of the
9 clergy; provided that the person functions only within
10 the person's capacities as a member of the clergy;
11 provided further that the person does not purport to
12 be a gerontologist.

13 § -4 **Examination by the board.** In order to be licensed
14 in the practice of gerontology under this chapter, an applicant
15 shall pass an examination and have the necessary qualifications
16 as prescribed by this chapter and by rules adopted by the board.

17 § -5 **Board of gerontology.** There shall be a board of
18 gerontology, which shall consist of five members appointed by
19 the governor pursuant to section 26-34 from a list of nominees
20 selected jointly by the President of the Senate and Speaker of
21 the House of Representatives. Of the nominees, three shall be



1 educators in the field of gerontology, and two shall be licensed
2 gerontologists; provided that for the initial appointment,
3 gerontology practitioners may be nominated to the board in lieu
4 of gerontologists licensed pursuant to this chapter. For the
5 initial appointment of members, one shall be appointed for a
6 term of two years, two shall be appointed for a term of three
7 years, and two shall be appointed for a term of four years.

8 § -6 Powers and duties of the board. In addition to any
9 powers and duties authorized by law, the board shall:

- 10 (1) Develop standards for licensure;
- 11 (2) Define the scope of practice;
- 12 (3) Adopt, amend, or repeal rules in accordance with
13 chapter 91 to carry out the purposes of this chapter,
14 including a code of ethics;
- 15 (4) Establish exam qualification requirements, adapted
16 appropriately from already established procedures,
17 requirements, and protocol, such as those of the
18 National Association for Professional Gerontologists;
- 19 (5) Prepare, administer, and grade examinations; provided
20 that the board may contract with a testing agency to
21 provide those services;



- 1 (6) Examine and approve the qualifications of all
2 applicants under this chapter and issue or renew a
3 license to each successful applicant granting
4 permission to use the title of "licensed
5 gerontologist" or "gerontologist" in this State
6 pursuant to this chapter and the rules adopted
7 pursuant to this chapter;
8 (7) Maintain a publicly accessible registry of licensees
9 licensed pursuant to this chapter;
10 (8) Suspend and revoke licenses;
11 (9) Discipline a licensed gerontologist for any cause
12 described by this chapter or for any violation of the
13 rules, and refuse to license a person for failure to
14 meet licensure requirements for any cause that would
15 be grounds for disciplining a licensed gerontologist;
16 (10) Investigate and conduct hearings regarding any
17 violation of this chapter and any rules of the board;
18 (11) Establish fees and fines necessary to administer this
19 chapter;
20 (12) Establish paths for the practitioner to be covered by
21 malpractice insurance;



- 1 (13) Promote current dialogue and research;
- 2 (14) Maintain a record of its proceedings; and
- 3 (15) Do all things necessary to carry out the functions,
- 4 powers, and duties set forth in this chapter.

5 § -7 **Renewal of license.** (a) Every license issued
6 under this chapter shall be renewed triennially on or before
7 June 30, with the first renewal deadline occurring on June 30,
8 2021. Failure to renew a license shall result in a forfeiture
9 of the license. Licenses that have been so forfeited may be
10 restored within one year of the expiration date upon payment of
11 renewal and penalty fees. Failure to restore a forfeited
12 license within one year of the date of its expiration shall
13 result in the automatic termination of the license, and
14 relicensure may require the person to apply as a new applicant
15 and satisfy all licensure requirements again.

16 (b) Upon request, the director may grant inactive status
17 to a person licensed under this chapter.

18 § -8 **Fees; disposition.** (a) Application, examination,
19 reexamination, license, renewal, late renewal penalty fees,
20 inactive, and other reasonable and necessary fees relating to
21 the administration of this chapter, none of which are



1 refundable, shall be as provided in rules adopted by the
2 director pursuant to chapter 91.

3 (b) Fees assessed shall defray all costs to be incurred by
4 the director to support the operation of the gerontologist
5 licensure program.

6 § -9 Revocation, suspension, denial, or condition of
7 licenses; fines. In addition to any other acts or conditions
8 provided by law, the director may refuse to renew, reinstate, or
9 restore, or may deny, revoke, suspend, fine, or condition in any
10 manner any license for any one or more of the following acts or
11 conditions on the part of the applicant or licensed
12 gerontologist:

- 13 (1) Conviction by a court of competent jurisdiction of a
14 crime that the director has determined to be of a
15 nature that renders the person convicted unfit for the
16 practice of gerontology;
- 17 (2) Failure to report in writing to the director any
18 disciplinary decision related to the practice of
19 gerontology issued against the licensed gerontologist
20 or the applicant in any jurisdiction within thirty



- 1 days of the disciplinary decision or within twenty
2 days of licensure;
- 3 (3) Violation of recognized ethical standards for
4 gerontologists;
- 5 (4) Use of fraud, deception, or misrepresentation in
6 obtaining a license;
- 7 (5) Revocation, suspension, or other disciplinary action
8 by another state, territory, federal agency, or
9 country against the licensed gerontologist or
10 applicant for any reason provided under this section;
11 or
- 12 (6) Other just and sufficient cause that renders a person
13 unfit for the practice of gerontology.
- 14 § -10 **Prohibited acts; penalties.** (a) No person shall:
- 15 (1) Use in connection with the person's name any
16 designation tending to imply that the person is a
17 licensed gerontologist unless the person is duly
18 licensed and authorized under this chapter; or
- 19 (2) Represent oneself as a licensed gerontologist during
20 the time the person's license issued under this



1 chapter is forfeited, inactive, terminated, suspended,
2 or revoked.

3 (b) Any person who violates this section shall be subject
4 to a fine of not more than \$1,000, and each day's violation
5 shall be deemed a separate offense."

6 SECTION 3. This Act shall take effect on July 1, 2018.

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S.B. NO. 541

Report Title:

Kupuna Caucus; Gerontologists; Licensure

Description:

Establishes requirements for gerontologist licensure beginning on 7/1/2018.

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