

RELATING TO MENTAL HEALTH.

SECTION 1. The legislature finds that there is great demand for high quality mental health practitioners in the State, which is especially acute with the ongoing coronavirus disease 2019 pandemic and its associated hardships.

5 Accordingly, the purpose of this Act is to expand access to
6 high quality mental health services by:

- 7 (1) Establishing provisional or associate-level licensure
8 requirements and reimbursement allowances for certain
9 mental health practitioners in training; and
10 (2) Allowing psychologist license applicants to sit for
11 the licensing examination before completing other
12 requirements.

13 PART I

2022-2054 SB2829 SD2 SMA.doc



1 "§451J- Provisional license; associate marriage and
2 family therapist; services reimbursable. (a) The department
3 shall grant, upon application and payment of proper fees,
4 provisional licensure as an associate marriage and family
5 therapist to an individual who:

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

14 (A) Marriage and family studies--nine semester hours
15 or twelve quarter hours;

16 (B) Marriage and family therapy studies--nine
17 semester hours or twelve quarter hours;

18 (C) Human development--nine semester hours or twelve
19 quarter hours;

20 (D) Ethical and professional studies--three semester
21 hours or four quarter hours; and



1 (E) Research--three semester hours or four quarter
2 hours;

3 (2) Has one-year practicum with three hundred hours
4 supervised client contact;

5 (3) Engages in practice under the clinical supervision of
6 a licensed marriage and family therapist during the
7 period of time necessary to fulfill the requirements
8 for licensure as a marriage and family therapist
9 pursuant to section 451J-7; provided that the licensed
10 marriage and family therapist is in good standing with
11 the department; and

12 (4) Has passed the National Marriage and Family Therapy
13 Exam in accordance with section 451J-8.

14 (b) Each provisional license shall include the name and
15 title of the licensed marriage and family therapist or
16 therapists described in subsection (a)(3). A provisional
17 licensee or licensed associate marriage and family therapist may
18 only practice marriage and family therapy under the direct
19 supervision of the licensed marriage and family therapist.

20 (c) A provisional license issued pursuant to this section
21 shall be valid for one year from the date of issuance and may be



1 renewed for an additional one-year period if needed to fulfill
2 the requirements for licensure as a marriage and family
3 therapist pursuant to section 451J-7.

4 (d) Services provided by a supervised licensed associate
5 marriage and family therapist shall be eligible for insurance
6 reimbursement; provided that the supervising licensed marriage
7 and family therapist's services are eligible for reimbursement
8 as a contracted provider; and provided further that the billed
9 rate for the licensed associate marriage and family therapist is
10 commensurate with the requisite level of training."

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

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

15 "Associate marriage and family therapist" or "licensed
16 associate marriage and family therapist" means a person who:

17 (1) Has completed all educational requirements under
18 section 451J- (a) (1);

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



1 (3) Is currently earning supervised clinical experience in
2 marriage and family therapy under clinical
3 supervision."

4 2. By amending the definition of "clinical supervision" to
5 read:

6 "'Clinical supervision" means the supervision of no more
7 than six persons at the same time who are acquiring and
8 completing clinical experience in accordance with [~~section~~]
9 sections 451J-7(2) and (3) [~~7~~] and 451J- (a)(3), by a licensed
10 marriage and family therapist whose license has been in good
11 standing in any state for two years preceding commencement and
12 during the term of supervision, or any licensed mental health
13 professional whose license has been in good standing in any
14 state and who has been a clinical member in good standing of the
15 association for the two years preceding commencement and during
16 the term of supervision. Clinical supervision includes but is
17 not limited to case consultation of the assessment and diagnosis
18 of presenting problems, development and implementation of
19 treatment plans, and the evaluation of the course of treatment.
20 Clinical supervision may include direct observation by the



1 qualified supervisor of the provision of marriage and family
2 therapy services."

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

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

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

12 **"§451J-3 Powers and duties of the director.** In addition
13 to any other powers and duties authorized by law, the director
14 may:

- 15 (1) Examine and approve the qualifications of all
16 applicants under this chapter, and issue a license to
17 each successful applicant granting permission to use
18 the title of marriage and family therapist ~~[or]~~,
19 licensed marriage and family therapist, associate
20 marriage and family therapist, or licensed associate
21 marriage and family therapist in this State pursuant



1 to this chapter and the rules adopted under this
2 chapter;

3 (2) Adopt, amend, or repeal rules pursuant to chapter 91;

4 (3) Administer, coordinate, and enforce this chapter and
5 rules;

6 (4) Discipline a person licensed as a marriage and family
7 therapist or associate marriage and family therapist
8 for any cause described by this chapter, or for any
9 violation of rules, or refuse to license a person for
10 failure to meet licensing requirements or for any
11 cause that would be grounds for disciplining a
12 licensed marriage and family therapist[?] or licensed
13 associate marriage and family therapist; and

14 (5) Appoint an advisory committee of licensed marriage and
15 family therapists and members of the public to assist
16 with the implementation of this chapter and the rules;
17 except that the initial members of the committee who
18 are marriage and family therapists shall not be
19 required to be licensed pursuant to this chapter."

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



1 **"§451J-5 Prohibited acts.** Except as specifically provided
2 elsewhere in this chapter, no person shall use the title
3 marriage and family therapist [øx], licensed marriage and family
4 therapist, associate marriage and family therapist, or licensed
5 associate marriage and family therapist without first having
6 secured a license under this chapter. The department shall
7 investigate and prosecute any individual using the title of
8 marriage and family therapist [øx], licensed marriage and family
9 therapist, associate marriage and family therapist, or licensed
10 associate marriage and family therapist without being properly
11 licensed as a marriage and family therapist[-] or associate
12 marriage and family therapist. Any person who violates this
13 section shall be subject to a fine of not more than \$1,000 per
14 violation. Each day's violation shall be deemed a separate
15 offense. Any action taken to impose or collect the fine imposed
16 under this section shall be a civil action."

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

19 **"§451J-6 Exemptions.** (a) Licensure shall not be required
20 of:



- 1 (1) A person doing work within the scope of practice or
2 duties of the person's profession that overlaps with
3 the practice of marriage and family therapy; provided
4 the person does not purport to be a marriage and
5 family therapist [~~or~~], licensed marriage and family
6 therapist[+], associate marriage and family therapist,
7 or licensed associate marriage and family therapist;
8 or
- 9 (2) Any student enrolled in an accredited educational
10 institution in a recognized program of study leading
11 toward attainment of a graduate degree in marriage and
12 family therapy or other professional field; provided
13 that the student's activities and services are part of
14 a prescribed course of study supervised by the
15 educational institution and the student is identified
16 by an appropriate title including but not limited to
17 "marriage and family therapy student or trainee",
18 "clinical psychology student or trainee", "clinical
19 social work student or trainee", or any title which
20 clearly indicates training status[~~+~~~~or~~



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

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

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

"~~[§] §451J-9 [§]~~ **Licensure fees.** Licenses shall be valid for three years and shall be renewed triennially~~[-]~~; provided that provisional licenses shall be renewed pursuant to section 451J- . Any applicant for renewal of a license that has



1 expired within one year of the renewal deadline shall be
2 required to pay a restoration fee in addition to all renewal
3 fees."

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

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

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



1 " [f] §451J-12 [f] Confidentiality and privileged

2 communications. No person licensed as a marriage and family
3 therapist [7] or associate marriage and family therapist, nor any
4 of the person's employees or associates, shall be required to
5 disclose any information that the person may have acquired in
6 rendering marriage and family therapy services except in the
7 following circumstances:

8 (1) As required by law;

9 (2) To prevent a clear and immediate danger to a person or
10 persons;

11 (3) In the course of a civil, criminal, or disciplinary
12 action arising from the therapy where the therapist is
13 a defendant;

14 (4) In a criminal proceeding where the client is a
15 defendant and the use of the privilege would violate
16 the defendant's right to a compulsory process of the
17 right to present testimony and witnesses in the
18 defendant's own behalf;

19 (5) In accordance with the terms of a client's previously
20 written waiver of the privilege; or



(6) Where more than one person in a family jointly receives therapy and each family member who is legally competent executes a written waiver; in that instance, a marriage and family therapist or associate marriage and family therapist may disclose information received from any family member in accordance with the terms of the person's waiver."

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

"[~~§~~451J-13[~~]~~] **Therapist prohibited from testifying in alimony and divorce actions.** If both parties to a marriage have obtained marriage and family therapy by a licensed marriage and family therapist[~~7~~] or licensed associate marriage and family therapist, the therapist shall be prohibited from testifying in an alimony or divorce action concerning information acquired in the course of therapy. This section shall not apply to custody actions whether or not part of a divorce proceeding."

PART II

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



1 "§453D- Provisional license; associate mental health
2 counselor; services reimbursable. (a) The department shall
3 grant, upon application and payment of proper fees, provisional
4 licensure as an associate mental health counselor to an
5 individual who:

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

16 (A) Human growth and development, including but not
17 limited to the study of life span development,
18 strategies to facilitate that development and
19 transitions, theories of learning and personality
20 development, and human behavior to include



1 crisis, disabilities, addictive behavior, and
2 environmental factors;

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

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



1 preventing these disorders with individuals and
2 families;

3 (D) Group theory and practice, including but not
4 limited to principles of group dynamics, group
5 process, group leadership styles, theories and
6 methods of group counseling, and the application
7 of theory to the group processes;

8 (E) Career and lifestyle development, including but
9 not limited to the study of vocational
10 development theories and decision-making models,
11 assessment instruments, and techniques, types,
12 sources, and uses of occupational and educational
13 information systems, career development
14 applications, and career counseling processes,
15 techniques, and resources;

16 (F) Appraisal of human behavior, including but not
17 limited to assessment and diagnosis of disorders
18 with an emphasis on DSM categories and an
19 understanding of these disorders relative to the
20 counseling context;



1 (G) Tests and measurements, including but not limited
2 to theoretical and historical bases for
3 assessment techniques, and assessment methods,
4 including analysis of various types of tests to
5 select, administer, interpret, and use assessment
6 and evaluation instruments and techniques in
7 counseling;

8 (H) Research and program evaluation, including but
9 not limited to research design and methods,
10 statistical analysis, principles, practices, and
11 application of needs assessment, and program
12 evaluation;

13 (I) Professional orientation and ethics, including
14 but not limited to the history of the helping
15 profession, professional roles and functions,
16 ethical standards, confidentiality, professional
17 organizations, and the public policy process,
18 including advocacy on behalf of the profession
19 and its clientele; and

20 (J) At least two academic terms of supervised mental
21 health practicum intern experience for graduate



1 credit of at least six semester hours or ten
2 quarter hours in a mental health counseling
3 setting, with a total of three hundred hours of
4 supervised client contact. The practicum
5 experience shall be completed under the clinical
6 supervision of a person who is licensed as a
7 mental health counselor, psychologist, clinical
8 social worker, advanced practice registered nurse
9 with a specialty in mental health, marriage and
10 family therapist, or physician with a specialty
11 in psychiatry;

12 (2) Engages in practice under the clinical supervision of
13 a licensed mental health counselor during the period
14 of time necessary to fulfill the necessary
15 requirements for licensure as a mental health
16 counselor pursuant to section 453D-7; provided that
17 the licensed mental health counselor is in good
18 standing with the department; and

19 (3) Has passed the National Counselor Examination for
20 Licensure and Certification.



1 (b) Each provisional license shall include the name and
2 title of the licensed mental health counselor or therapists
3 described in subsection (a)(2). A provisional licensee or
4 licensed associate mental health counselor may only practice
5 mental health counseling under the direct supervision of the
6 licensed mental health counselor.

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

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

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



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

3 "Associate mental health counselor" or "licensed
4 associated mental health counselor" means a person who:

5 (1) Has completed all education requirements under section
6 453D- (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 mental health counseling."

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

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

18 (1) Case consultation on the assessment and presenting
19 problem;

20 (2) Development and implementation of treatment plans;



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

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

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

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



1 cause described by this chapter or violation of the
2 rules;

3 (5) Refuse to license a person for failure to meet
4 licensing requirements or on grounds sufficient to
5 discipline a licensed mental health counselor[+] or
6 licensed associate mental health counselor; and

7 (6) Appoint an advisory committee consisting of licensed
8 mental health counselors and members of the public to
9 assist with the implementation of this chapter and
10 adopted rules; provided that the initial members of
11 the committee who are mental health counselors shall
12 not be required to be licensed pursuant to this
13 chapter."

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

16 "[+]§453D-5[+] **Prohibited acts.** Except as specifically
17 provided in this chapter, no person shall engage in the practice
18 of mental health counseling or use the title of "licensed mental
19 health counselor" [øø], "mental health counselor", "licensed
20 associate mental health counselor", or "associate mental health
21 counselor" without a valid license issued under this chapter.



1 Any person who violates this section shall be subject to a fine
2 of not more than \$1,000 for each separate offense. Each day of
3 each violation shall constitute a separate offense. Any action
4 taken to impose or collect the fine imposed under this section
5 shall be a civil action."

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

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

- 9 (1) A person doing work within the duties of the person's
10 profession that overlaps with the practice of mental
11 health counseling; provided that no such person shall
12 use a title stating or implying that the person is a
13 "licensed mental health counselor" [~~or~~], "mental
14 health counselor", "licensed associate mental health
15 counselor", "associate mental health counselor" or
16 describe or refer to the person's services as mental
17 health counseling;
- 18 (2) Any person who is a duly recognized member of the
19 clergy; provided that the person functions only within
20 the person's capacity as a member of the clergy; and
21 provided further that the person does not represent



1 the person to be a "licensed mental health counselor"
2 [e], "mental health counselor", "licensed associate
3 mental health counselor", or "associate mental health
4 counselor" or describe or refer to the person's
5 services as mental health counseling;

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

19 ~~[-(4) Any individual who uses the title of "mental health~~
20 ~~counselor intern" for the purpose of obtaining~~



~~clinical experience in accordance with section 453D-~~

~~7(a)(2);~~

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

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

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

"~~[+] §453D-10~~ ~~[+]~~ Licensure; fees. A license shall be
issued to a person deemed to be qualified under ~~[section]~~



1 sections 453D-__ or 453D-7 upon the payment of a license fee to
2 be determined by the department and shall be valid for three
3 years[-]; provided that provisional licenses shall be renewed
4 pursuant to section 453D-__."

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

7 "[-]§453D-11[+] **Renewal of license; fees.** [~~Licenses~~]
8 Except as provided in section 453D-__, licenses shall be
9 renewed, upon the payment of a renewal fee, triennially not
10 earlier than ninety days before June 30, with the first renewal
11 deadline occurring on June 30, 2008. Failure to renew a license
12 shall result in a forfeiture of the license. Licenses that have
13 been forfeited may be restored within one year of the expiration
14 date upon payment of renewal and restoration fees. Failure to
15 restore a forfeited license within one year of the date of its
16 expiration shall result in the automatic termination of the
17 license and the person may be required to reapply for licensure
18 as a new applicant. All renewal and restoration fees shall be
19 determined by the department."

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



1 " [{} §453D-13 [{}] Confidentiality and privileged
2 communications. No person licensed as a mental health
3 counselor[{}] or associate mental health counselor, nor any of
4 the person's employees or associates, shall be required to
5 disclose any information that the person may have acquired in
6 rendering mental health counseling services, except in the
7 following circumstances:

8 (1) As required by law;

9 (2) To prevent a clear and imminent danger to a person or
10 persons;

11 (3) In accordance with the terms of a previously written
12 waiver of the privilege where the waiver is executed
13 by the client or by the client's legally recognized
14 representative;

15 (4) Where more than one person jointly receives counseling
16 and each person who is legally competent executes a
17 written waiver. In that instance, a mental health
18 counselor or associate mental health counselor may
19 disclose information from any person in accordance
20 with that person's waiver; or



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

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

"[+]§453D-14[+] Mental health counselor or associate mental health counselor prohibited from testifying in alimony and divorce actions. If both parties to a marriage have obtained mental health counseling from a licensed mental health counselor[-] or licensed associate mental health counselor, the counselor shall be prohibited from testifying in an alimony or divorce action concerning information acquired in the course of mental health counseling. This section shall not apply to custody actions whether or not part of a divorce proceeding."

PART III

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

"§465- Provisional license; associate psychologist; services reimbursable. (a) The board shall grant, upon application and payment of proper fees, provisional licensure as 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 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 licensed psychologist or psychologists
15 in the training program described in subsection (a)(2). A
16 provisional licensee or licensed associate psychologist may only
17 practice psychology under the direct supervision of the licensed
18 psychologist; provided that:

19 (1) The supervising licensed psychologist holds a current,
20 active, and unencumbered license with the board; and



1 (2) The supervising licensed psychologist shall notify the
2 board within ten days of the termination or completion
3 of 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 licensed associate
8 psychologist shall be eligible for insurance reimbursement;
9 provided that the supervising licensed psychologist's services
10 are eligible for reimbursement as a contracted provider;
11 provided further that the billed rate for the licensed associate
12 psychologist is commensurate with the requisite level of
13 training."

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

17 "Associate psychologist" or "licensed associate
18 psychologist" means a person who:

19 (1) Has completed all educational requirements under
20 section 465- (a) (1);



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

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

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

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

SECTION 23. 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



1 psychology outside the responsibilities of the
2 person's employment;

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

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

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



1 ~~"psychology student", "psychology intern", or~~
2 ~~"psychology resident", that indicates the person's~~
3 ~~training status]~~; provided that the person shall not
4 identify the person's self as a psychologist or
5 associate psychologist, or imply that the person is
6 licensed to practice psychology;

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

17 (6) 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; and provided further that the person does
21 not represent the person to be a psychologist[7] or



1 associate psychologist, or the person's services as
2 psychological;

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

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

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



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

3 "(a) Notwithstanding other provisions in this chapter the
4 director of health may certify that there is an absence or
5 shortage of licensed psychologists or associate psychologists
6 for government employment in a particular locality. Upon
7 receiving certification of the absence or shortage, the board
8 shall authorize the director to hire and retain persons
9 currently in government employment to fill the absence or
10 shortage; provided that persons hired or retained have been duly
11 licensed as a psychologist by written examination under the laws
12 of another state or territory of the United States prior to
13 1977."

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

16 "**§465-6 Powers and duties.** In addition to any other
17 powers and duties authorized by law, the board shall:

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



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

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

(4) Adopt, amend, and repeal pursuant to chapter 91, rules as it deems proper for the purposes of this chapter."

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

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

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



(A) An American Psychological Association approved program in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas; or

(B) A professional psychology training program, awarded by an institution of higher education, or from a regionally accredited institution;

(2) The applicant for licensure shall demonstrate that the applicant has completed one year of post doctoral supervised experience in health service in psychology, and:

(A) An internship approved by the American Psychological Association; or

(B) One year of supervised experience in health service in psychology, in an internship or residency program in an organized health service training program; and

(3) The applicant for licensure has passed an examination as may be prescribed by the board.



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

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

6 **"§465-7.6 Licensure of state employed clinical**
7 **psychologists.** (a) A psychologist employed in a civil service
8 clinical psychologist position in this State after January 1,
9 1988, shall be licensed subject to:

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

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

17 (b) [~~After~~] Absent a waiver obtained pursuant to
18 subsection (a), after the time period in subsection (a)(2) has
19 expired, a psychologist, employed in a civil service clinical
20 psychologist position rendering diagnostic or treatment
21 services, who has not obtained a license, shall immediately



1 cease and desist the practice of psychology until a license is
2 obtained pursuant to this chapter."

3 SECTION 28. Section 465-8, Hawaii Revised Statutes, is
4 amended to read as follows:

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

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

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



1 "(a) Every license issued under this chapter shall be
2 renewed biennially on or before June 30 of each even-numbered
3 year. Failure to renew a license shall result in forfeiture of
4 the license; provided that a psychologist whose license has been
5 forfeited for one year or less for failure to renew may restore
6 the license by payment of the renewal fee and, in the case of a
7 psychologist who is audited, pursuant to subsection (g),
8 submission of documentation of continuing education compliance,
9 for the biennium in which the failure occurred~~[-]~~; provided
10 further that the board may grant waivers or extensions if the
11 licensee can demonstrate a delay was due to circumstances beyond
12 their control. If licensing has lapsed for more than one year,
13 the person may reapply for a license in the manner prescribed in
14 this chapter."

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

16 "(d) First-time licensees and provisional licensees
17 pursuant to section 465- shall not be subject to the
18 continuing education requirement established under subsection
19 (c)(2) for the first license renewal."

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



1 "(a) No person shall:

2 (1) Use in connection with the person's name any
3 designation tending to imply that the person is a
4 licensed psychologist or license associate
5 psychologist unless the person is duly licensed and
6 authorized under this chapter;

7 (2) Represent oneself as a licensed psychologist or
8 licensed associate psychologist during the time the
9 person's license issued under this chapter is
10 suspended or revoked;

11 (3) Advertise or make a representation, either publicly or
12 privately, as being a psychologist[7] or associate
13 psychologist, licensed or otherwise, or as being able
14 to perform professional services described in section
15 465-1, except as otherwise provided in this chapter,
16 without having a valid unrevoked license or temporary
17 permit issued by the director; or

18 (4) Otherwise violate this chapter."

19 PART IV

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



1 "§467E-7 Licensing requirements[-]; services reimbursable.

2 (a) Every applicant for a license as a social worker shall
3 submit evidence satisfactory to the director that the applicant
4 meets the following requirements:

5 (1) For the licensed bachelor social worker, the
6 applicant:

7 (A) Holds a bachelor's degree from a college or
8 university in a social work program accredited by
9 or deemed to be equivalent to a program
10 accredited by the Council on Social Work
11 Education; and

12 (B) Has passed the basic level national examination
13 given by the Association of Social Work Boards;

14 (2) For the licensed social worker, the applicant:

15 (A) Holds a master's degree from a college or
16 university in a social work program accredited by
17 or deemed to be equivalent to an accredited
18 program by the Council on Social Work Education
19 or a doctoral degree from a doctoral degree
20 program in social work accredited by the Western



1 Association of Schools and Colleges or a
2 comparable regional accreditation body; and

3 (B) Has passed the intermediate or higher level
4 national examination given by the Association of
5 Social Work Boards; and

6 (3) For the licensed clinical social worker, the
7 applicant:

8 (A) Has met the educational requirements in paragraph
9 (2);

10 (B) Has passed the clinical level national
11 examination given by the Association of Social
12 Work Boards;

13 (C) Has provided evidence of successful completion of
14 at least three thousand hours of post masters
15 clinical social work experience under supervision
16 completed within no fewer than two years, but
17 within no more than five years. Clinical social
18 work experience shall include a minimum of two
19 thousand hours of assessment, clinical diagnosis,
20 and psychotherapy; no more than a maximum of nine
21 hundred hours of client-centered advocacy,



1 consultation, and evaluation; and at least one
2 hundred hours of supervision as follows:

3 (i) At least sixty of the one hundred hours of
4 direct face-to-face supervision shall have
5 been individualized supervision; and

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

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

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

18 (i) The supervisor shall have been a licensed
19 clinical social worker with at least four
20 thousand five hundred hours of post masters
21 clinical social work experience;



1 (ii) For the first five years after July 1, 2004,
2 the following individuals shall be deemed to
3 have satisfied the requirements of a
4 supervisor: a person with a master's degree
5 in social work with at least four thousand
6 five hundred hours post masters clinical
7 social work experience; an individual who
8 holds a diplomate in clinical social work or
9 a board certified diplomate certification;
10 or a board certified psychiatrist,
11 psychologist, advanced practice registered
12 nurse who has a minimum of four thousand
13 five hundred hours of post masters clinical
14 experience in assessment, clinical
15 diagnosis, and psychotherapy; and

16 (iii) Supervision shall have included review of
17 assessment, clinical diagnosis, and
18 psychotherapy; and

19 (E) In collaboration with the supervisor, may elect
20 to fulfill some or all of the supervision
21 requirements set forth in subparagraph (C)



1 through face-to-face supervision that is
2 conducted electronically through a video
3 conference service that is compliant with all
4 federal and state privacy, security, and
5 confidentiality laws, including the Health
6 Insurance Portability and Accountability Act of
7 1996. Prior to making such an election, it is
8 incumbent upon the applicant to review the laws
9 and rules of other jurisdictions to determine the
10 impact, if any, that electronic supervision may
11 have on license by endorsement in other states.

12 (b) Services provided by a supervised social work intern
13 obtaining post masters clinical social work experience under the
14 supervision of a licensed clinical social worker or individual
15 identified in section 467E-7(a)(3)(D) in order to qualify for a
16 license as a licensed clinical social worker shall be eligible
17 for insurance reimbursement; provided that the supervising
18 licensed clinical social worker's services are eligible for
19 reimbursement as a contracted provider; provided further that
20 the billed rate for the social work intern is commensurate with
21 the requisite level of training."



1 PART V

2 SECTION 32. Statutory material to be repealed is bracketed
3 and stricken. New statutory material is underscored.

4 SECTION 33. This Act shall take effect on January 1, 2050;
5 provided that any provision in this Act authorizing insurance
6 reimbursement for services shall be subject to approval by the
7 Centers for Medicare and Medicaid Services.



Report Title:

Mental Health; Provisional Licensure; Marriage and Family
Therapists; Mental Health Counselors; Psychologists; Licensed
Clinical Social Workers; Insurance Reimbursement

Description:

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 other requirements. Effective 1/1/2050. (SD2)

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

