
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 the State has
3 repeatedly and consistently been recognized by the federal
4 government as a health professional shortage area, meaning the
5 State sorely lacks a sufficient number of mental health
6 professionals, including psychiatrists, psychologists, social
7 workers, marriage and family therapists, and mental health
8 counselors having a focus on marriage and family life, to meet
9 the overwhelming demand for these services in the State. These
10 barriers to access create unnecessarily long wait times for
11 appointments, causing many individuals, especially those
12 individuals living in rural areas, to experience prolonged
13 suffering or to choose not to seek any help at all. The result
14 is a domino effect of mass losses in work force development,
15 increased instances of abuse within families, statistically
16 higher rates of substance abuse, and high debt loads.



1 Currently, associate-level practitioners who have completed
2 rigorous educational and other professional development
3 requirements are deemed capable of rendering professional
4 services to clients seeking mental health treatment under
5 licensed clinical supervision in order to complete the
6 post-degree, pre-license hours required for full licensure
7 status. However, unlike many other professions and trades that
8 have similar requirements, because no laws exist to allow for
9 health insurance reimbursements of their services, almost all of
10 these mental health professionals go unpaid for the lifechanging
11 services that the professionals perform for residents of the
12 State.

13 This regulatory oversight causes undue hardships on these
14 individuals and their families as they are essentially forced to
15 work one very difficult and taxing job for free and a second job
16 to meet personal needs. Unfortunately, this model of living is
17 unsustainable and causes too much homegrown talent to
18 permanently move to one of the many other states in which
19 insurance reimbursements are allowed.

20 The legislature further finds that there is great demand
21 for high quality mental health practitioners in the State,



1 particularly in the aftermath of the coronavirus disease 2019
2 pandemic. Accordingly, the purpose of this Act is to expand
3 access to high quality mental health services by:

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

8 (2) Requiring psychologist license applicants to possess a
9 doctoral degree and complete certain supervised
10 experience requirements before sitting for the
11 licensing examination; and

12 (3) Authorizing insurance reimbursements for services
13 provided by a supervised social work intern in certain
14 circumstances.

15 PART II

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

19 "§451J- Provisional licensure; associate marriage and
20 family therapist; services reimbursable. (a) The department
21 shall grant, upon application and payment of proper fees,



1 provisional licensure as an associate marriage and family
2 therapist to an individual who:

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

11 (A) Marriage and family studies -- nine semester
12 hours or twelve quarter hours;

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

15 (C) Human development -- nine semester hours or
16 twelve quarter hours;

17 (D) Ethical and professional studies -- three
18 semester hours or four quarter hours; and

19 (E) Research -- three semester hours or four quarter
20 hours;



1 (2) Has completed a one year practicum with three hundred
2 hours of supervised client contact;

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

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

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

19 (c) A provisional license issued pursuant to this section
20 shall be valid for one year from the date of issuance and may be
21 renewed for an additional one-year period if needed to fulfill



1 the requirements for licensure as a marriage and family
2 therapist pursuant to section 451J-7(3).

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

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

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

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

- 16 (1) Has completed all educational requirements under
17 section 451J- (a) (1);
18 (2) Has been issued a provisional license under this
19 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 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 [øx],
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 [~~or~~], 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 [~~or~~], 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~~] 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 that clearly indicates training status[~~+~~ ~~or~~]



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

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

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

18 "~~451J-9~~ **Licensure fees.** ~~[Licenses]~~ Except as
 19 otherwise provided in section 451J- , licenses shall be valid
 20 for three years and shall be renewed triennially. Any applicant
 21 for renewal of a license that has expired within one year of the



1 renewal deadline shall be required to pay a restoration fee in
2 addition to all renewal fees."

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

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

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



1 "[\+]§451J-12[\+] **Confidentiality and privileged**
2 **communications.** No person licensed as a marriage and family
3 therapist[\-] 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



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

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

10 "[+]§451J-13[+] **Therapist prohibited from testifying in**
 11 **alimony and divorce actions.** If both parties to a marriage have
 12 obtained marriage and family therapy by a licensed marriage and
 13 family therapist[7] or licensed associate marriage and family
 14 therapist, the therapist shall be prohibited from testifying in
 15 an alimony or divorce action concerning information acquired in
 16 the course of therapy. This section shall not apply to custody
 17 actions whether or not part of a divorce proceeding."

18 PART III

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



1 "§453D- Provisional licensure; 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) Has received a master's degree or doctoral degree from
7 an accredited educational institution in counseling or
8 in an allied field related to the practice of mental
9 health counseling that includes or is supplemented by
10 graduate level course work in counseling comprising a
11 minimum of forty-eight semester hours or seventy-two
12 quarter hours in the following course areas, with a
13 minimum of three semester hours or five quarter hours
14 in each course area as indicated below:

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



1 (B) Social and cultural foundations, including but
2 not limited to the study of issues and trends in
3 a multicultural and diverse society, including
4 characteristics of diverse groups that may
5 include but are not limited to age, race,
6 religious preference, sexual preference, physical
7 disability, ethnicity and culture, gender,
8 socioeconomics, intellectual ability, and
9 individual, family, and group strategies with
10 diverse populations;
11 (C) Counseling theories and applications, including
12 but not limited to counseling and consultation,
13 including both individual and systems
14 perspectives, interviewing, assessment, and
15 counseling skills, as well as applying
16 principles, methods, and theories of counseling,
17 treatment and counseling of mental and emotional
18 disorders, and educational techniques aimed at
19 preventing these disorders with individuals and
20 families;



- 1 (D) Group theory and practice, including but not
2 limited to principles of group dynamics, group
3 process, group leadership styles, theories and
4 methods of group counseling, and the application
5 of theory to the group processes;
- 6 (E) Career and lifestyle development, including but
7 not limited to the study of vocational
8 development theories and decision-making models,
9 assessment instruments, and techniques, types,
10 sources, and uses of occupational and educational
11 information systems, career development
12 applications, and career counseling processes,
13 techniques, and resources;
- 14 (F) Appraisal of human behavior, including but not
15 limited to assessment and diagnosis of disorders
16 with an emphasis on categories described in the
17 most recent version of the Diagnostic and
18 Statistical Manual of Mental Disorders 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 requirements for
15 licensure as a mental health counselor pursuant to
16 section 453D-7; provided that the licensed mental
17 health counselor is in good standing with the
18 department; and

19 (3) Has passed the National Counselor Examination for
20 Licensure and Certification in accordance with section
21 453D-9.



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

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; provided further that the billed rate for
17 the licensed associate mental health counselor is commensurate
18 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 associate
4 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 under clinical supervision."

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 "[+]§453D-3[+] **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" [e≠], "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]~~ the person
12 shall not use a title stating or implying that the
13 person is a "licensed mental health counselor" ~~[or]~~,
14 "mental health counselor", "licensed associate mental
15 health counselor", or "associate mental health
16 counselor" or describe or refer to the person's
17 services as mental 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 [~~or~~], "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~~



1 ~~clinical experience in accordance with section 453D-~~
2 ~~7(a)(2);~~
3 ~~(5)]~~ (4) Any person employed by a federal, state, or
4 county government agency in a counseling position, but
5 only at those times when the employee is carrying out
6 the duties and responsibilities as a counselor in
7 governmental employment; or
8 ~~[(6)]~~ (5) Any person who is obtaining supervised clinical
9 experience for licensure as a psychologist, social
10 worker, marriage and family therapist, or as another
11 licensed professional; provided that the person's
12 title indicates a trainee or intern status; and
13 provided further that the person does not purport to
14 be a "licensed mental health counselor" ~~[or]~~, "mental
15 health counselor" ~~[or]~~, "licensed associate mental
16 health counselor", or "associate mental health
17 counselor"."

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

20 "[+]§453D-10[+] **Licensure; fees.** A license shall be
21 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 valid for
4 one year."

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 otherwise provided in section 453D- , licenses shall
9 be 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[7] 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~~] information may [~~disclose information~~] be
19 disclosed from any person in accordance with that
20 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 shall hold a current,
19 active, 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, except an associate psychologist granted
2 provisional licensure pursuant to section 465- , who
3 performs any, or any combination, of the professional
4 services defined as the practice of psychology under
5 the direction of a licensed psychologist in accordance
6 with rules adopted by the board; provided that the
7 person may use the term "psychological assistant", but
8 shall not identify the person's self as a psychologist
9 or associate psychologist or imply that the person is
10 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] the 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~~] shall not represent the person's self to
14 be a psychologist [~~or does not represent that the~~
15 ~~person is~~], associate psychologist, or an individual
16 licensed to practice 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
21 [~~does~~] shall not represent the person to be a



- 1 psychologist[~~r~~] or associate psychologist or the
2 person's services as 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~~] shall not
7 represent the person to be a psychologist[~~r~~] or
8 associate 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~~] shall be
19 credentialed by Tripler Army Medical Center[~~r~~;~~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 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;



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

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

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

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



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



1 be eligible to take the examination, all other
2 requirements of this subsection must first be met."

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

5 "**§465-7.6 Licensure of state employed clinical**
6 **psychologists.** (a) A psychologist employed in a civil service
7 clinical psychologist position in this State after January 1,
8 1988, shall be licensed subject to:

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

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

16 (b) [~~After~~] Absent a waiver obtained pursuant to
17 subsection (a), after the time period in subsection (a) (2) has
18 expired, a psychologist, employed in a civil service clinical
19 psychologist position rendering diagnostic or treatment
20 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 psychologist or psychologists."

17 SECTION 29. Section 465-11, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) First-time licensees and associate psychologists
20 licensed pursuant to section 465-_____ shall not be subject to the



1 continuing education requirement established under subsection
2 (c) (2) for the first license renewal."

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

5 "(a) No person shall:

- 6 (1) Use in connection with the person's name any
7 designation tending to imply that the person is a
8 licensed psychologist or licensed associate
9 psychologist unless the person is duly licensed and
10 authorized under this chapter;
- 11 (2) Represent oneself as a licensed psychologist or
12 licensed associate psychologist during the time the
13 person's license issued under this chapter is
14 suspended or revoked;
- 15 (3) Advertise or make a representation, either publicly or
16 privately, as being a psychologist^[7] or associate
17 psychologist, licensed or otherwise, or as being able
18 to perform professional services described in section
19 465-1, except as otherwise provided in this chapter,
20 without having a valid unrevoked license or temporary
21 permit issued by the director; or



1 (4) Otherwise violate this chapter."

2 PART V

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

5 "~~§467E-7 Licensing requirements[-];~~ services reimbursable.

6 (a) Every applicant for a license as a social worker shall
7 submit evidence satisfactory to the director that the applicant
8 meets the following requirements:

9 (1) For the licensed bachelor social worker, the
10 applicant:

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

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

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

19 (A) Holds a master's degree from a college or
20 university in a social work program accredited by
21 or deemed to be equivalent to an accredited



1 program by the Council on Social Work Education
2 or a doctoral degree from a doctoral degree
3 program in social work accredited by the Western
4 Association of Schools and Colleges or a
5 comparable regional accreditation body; and
6 (B) Has passed the intermediate or higher level
7 national examination given by the Association of
8 Social Work Boards; and
9 (3) For the licensed clinical social worker, the
10 applicant:
11 (A) Has met the educational requirements in paragraph
12 (2);
13 (B) Has passed the clinical level national
14 examination given by the Association of Social
15 Work Boards;
16 (C) Has provided evidence of successful completion of
17 at least three thousand hours of post masters
18 clinical social work experience under supervision
19 completed within no fewer than two years, but
20 within no more than five years. Clinical social
21 work experience shall include a minimum of two



1 thousand hours of assessment, clinical diagnosis,
2 and psychotherapy; no more than a maximum of nine
3 hundred hours of client-centered advocacy,
4 consultation, and evaluation; and at least one
5 hundred hours of supervision as follows:

6 (i) At least sixty of the one hundred hours of
7 direct face-to-face supervision shall have
8 been individualized supervision; and

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

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

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



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



1 (iii) Supervision shall have included review of
2 assessment, clinical diagnosis, and
3 psychotherapy; and

4 (E) In collaboration with the supervisor, may elect
5 to fulfill some or all of the supervision
6 requirements set forth in subparagraph (C)
7 through face-to-face supervision that is
8 conducted electronically through a video
9 conference service that is compliant with all
10 federal and state privacy, security, and
11 confidentiality laws, including the Health
12 Insurance Portability and Accountability Act of
13 1996. Prior to making [~~such an~~] the election, it
14 is incumbent upon the applicant to review the
15 laws and rules of other jurisdictions to
16 determine the impact, if any, that electronic
17 supervision may have on license by endorsement in
18 other states.

19 (b) Services provided by a supervised social work intern
20 obtaining post-masters clinical social work experience under the
21 supervision of a licensed clinical social worker or individual



1 identified in subsection (a)(3)(D) to qualify for a license as a
2 licensed clinical social worker shall be eligible for insurance
3 reimbursement; provided that the supervising licensed clinical
4 social worker's services are eligible for reimbursement as a
5 contracted provider; provided further that the billed rate for
6 the social work intern is commensurate with the requisite level
7 of training."

8 PART VI

9 SECTION 32. There is appropriated out of the compliance
10 resolution fund the sum of \$ or so much thereof as may
11 be necessary for fiscal year 2024-2025 as follows:

12 (1) \$ to establish, recruit, and hire one full-
13 time equivalent (1.0 FTE) office assistant V position
14 to process new license applications established by
15 this Act; and

16 (2) \$ to make appropriate updates to the
17 professional and vocational licensing division's
18 internal databases to create new license types
19 established by this Act and associated requirements.

20 The sum appropriated shall be expended by the department of
21 commerce and consumer affairs for the purposes of this Act.



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PART VII

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

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

SECTION 35. This Act shall take effect on July 1, 2024; provided that:

- (1) Any provision in this Act authorizing insurance reimbursement for services provided to medicaid enrollees shall be subject to approval by the Centers for Medicare and Medicaid Services; and
- (2) Parts II, III, IV, and V shall take effect on July 1, 2026.

INTRODUCED BY: 
JAN 18 2024

H.B. NO. 1830

Report Title:

Mental Health; Provisional Licensure; Associate Licensure; Marriage and Family Therapists; Mental Health Counselors; Psychologists; Examinations; Social Work Interns; Insurance Reimbursements; Department of Commerce and Consumer Affairs; Appropriation

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. Requires psychologist license applicants to possess a doctoral degree and complete certain supervised experience requirements before sitting for the licensing examination. Authorizes insurance reimbursements for services provided by a supervised social work intern in certain circumstances. Appropriates funds. Parts II, III, IV, and V effective 7/1/2026.

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

