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# 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 flaw in regulatory oversight causes undue hardships on  
14 these individuals and their families as they are essentially  
15 forced to work one very difficult and taxing job for free and a  
16 second job to meet personal needs. Unfortunately, this model of  
17 living is unsustainable and causes many of these practitioners  
18 to permanently move from Hawaii to one of the many other states  
19 in which 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; and

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

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



1       (c) A provisional license issued pursuant to this section  
2 shall be valid for one year from the date of issuance and may be  
3 renewed for an additional one-year period if needed to fulfill  
4 the requirements for licensure as a marriage and family  
5 therapist pursuant to section 451J-7(3).

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

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

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

17       ""Associate marriage and family therapist" or "licensed  
18 associate marriage and family therapist" means a person who:

19       (1) Has completed all educational requirements under  
20       section 451J- (a) (1);



- 1        (2) Has been issued a provisional license under this
- 2            chapter; and
- 3        (3) Is currently earning supervised clinical experience in
- 4            marriage and family therapy under clinical
- 5            supervision."

6            2. By amending the definition of "clinical supervision" to  
7 read:

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



1 course of treatment. [~~Clinical supervision~~] "Clinical  
2 supervision" may include direct observation by the qualified  
3 supervisor of the provision of marriage and family therapy  
4 services."

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

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

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

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

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



- 1           marriage and family therapist, or licensed associate  
2           marriage and family therapist in this State pursuant  
3           to this chapter and the rules adopted under this  
4           chapter;
- 5           (2) Adopt, amend, or repeal rules pursuant to chapter 91;
- 6           (3) Administer, coordinate, and enforce this chapter and  
7           rules;
- 8           (4) Discipline a person licensed as a marriage and family  
9           therapist or an associate marriage and family  
10           therapist for any cause described by this chapter, or  
11           for any violation of rules, or refuse to license a  
12           person for failure to meet licensing requirements or  
13           for any cause that would be grounds for disciplining a  
14           licensed marriage and family therapist[?] or licensed  
15           associate marriage and family therapist; and
- 16           (5) Appoint an advisory committee of licensed marriage and  
17           family therapists and members of the public to assist  
18           with the implementation of this chapter and the rules;  
19           except that the initial members of the committee who  
20           are marriage and family therapists shall not be  
21           required to be licensed pursuant to this chapter."



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

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

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



1       "**§451J-6 Exemptions.** (a) Licensure shall not be required  
2 of:

3       (1) A person doing work within the scope of practice or  
4       duties of the person's profession that overlaps with  
5       the practice of marriage and family therapy; provided  
6       the person does not purport to be a marriage and  
7       family therapist [~~or~~], a licensed marriage and family  
8       therapist[~~+~~], an associate marriage and family  
9       therapist, or a licensed associate marriage and family  
10       therapist; or

11       (2) Any student enrolled in an accredited educational  
12       institution in a recognized program of study leading  
13       toward attainment of a graduate degree in marriage and  
14       family therapy or other professional field; provided  
15       that the student's activities and services are part of  
16       a prescribed course of study supervised by the  
17       educational institution and the student is identified  
18       by an appropriate title, including but not limited to  
19       "marriage and family therapy student or trainee",  
20       "clinical psychology student or trainee", "clinical



1 social work student or trainee", or any title [~~which~~  
2 that clearly indicates training status[~~7~~ ~~or~~  
3 ~~(3) Any individual who uses the title marriage and family~~  
4 ~~therapy intern for the purpose of obtaining clinical~~  
5 ~~experience in accordance with section 451J-7(3)].~~

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

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



1           "~~§~~451J-9~~§~~ **Licensure fees.** [~~Licenses~~] Except as  
2 otherwise provided in section 451J- , licenses shall be valid  
3 for three years and shall be renewed triennially. Any applicant  
4 for renewal of a license that has expired within one year of the  
5 renewal deadline shall be required to pay a restoration fee in  
6 addition to all renewal fees."

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

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



1 with terminated licenses shall be required to reapply for  
2 licensure as a new applicant."

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

5 "[+]§451J-12[+] **Confidentiality and privileged**

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

- 12 (1) As required by law;
- 13 (2) To prevent a clear and immediate danger to a person or  
14 persons;
- 15 (3) In the course of a civil, criminal, or disciplinary  
16 action arising from the therapy where the therapist is  
17 a defendant;
- 18 (4) In a criminal proceeding where the client is a  
19 defendant and the use of the privilege would violate  
20 the defendant's right to a compulsory process of the



1 right to present testimony and witnesses in the  
2 defendant's own behalf;  
3 (5) In accordance with the terms of a client's previously  
4 written waiver of the privilege; or  
5 (6) Where more than one person in a family jointly  
6 receives therapy and each family member who is legally  
7 competent executes a written waiver; in that instance,  
8 a marriage and family therapist or an associate  
9 marriage and family therapist may disclose information  
10 received from any family member in accordance with the  
11 terms of the person's waiver."

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

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



1 PART III

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

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

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

19 (A) Human growth and development, including but not  
20 limited to the study of life span development,  
21 strategies to facilitate that development and



1 transitions, theories of learning and personality  
2 development, and human behavior to include  
3 crisis, disabilities, addictive behavior, and  
4 environmental factors;

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

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



- 1 disorders, and educational techniques aimed at  
2 preventing these disorders with individuals and  
3 families;
- 4 (D) Group theory and practice, including but not  
5 limited to principles of group dynamics, group  
6 process, group leadership styles, theories and  
7 methods of group counseling, and the application  
8 of theory to the group processes;
- 9 (E) Career and lifestyle development, including but  
10 not limited to the study of vocational  
11 development theories and decision-making models,  
12 assessment instruments, and techniques, types,  
13 sources, and uses of occupational and educational  
14 information systems, career development  
15 applications, and career counseling processes,  
16 techniques, and resources;
- 17 (F) Appraisal of human behavior, including but not  
18 limited to assessment and diagnosis of disorders  
19 with an emphasis on categories described in the  
20 most recent version of the Diagnostic and  
21 Statistical Manual of Mental Disorders and an



1 understanding of these disorders relative to the  
2 counseling context;

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

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

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



1           (J) At least two academic terms of supervised mental  
2           health practicum intern experience for graduate  
3           credit of at least six semester hours or ten  
4           quarter hours in a mental health counseling  
5           setting, with a total of three hundred hours of  
6           supervised client contact. The practicum  
7           experience shall be completed under the clinical  
8           supervision of a licensed clinical supervisor;  
9           and

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

17          (b) Each provisional license shall include the name and  
18          title of the licensed clinical supervisor providing clinical  
19          supervision of the applicant as described in subsection (a)(2).  
20          A licensed associate mental health counselor may only engage in



1 the practice of mental health counseling under the direct  
2 supervision of the licensed clinical supervisor.

3 (c) A provisional license issued pursuant to this section  
4 shall be valid for one year from the date of issuance and may be  
5 renewed for an additional one-year period if needed to fulfill  
6 the requirements for licensure as a mental health counselor  
7 pursuant to section 453D-7(a)(2).

8 (d) Services provided by a supervised licensed associate  
9 mental health counselor shall be eligible for insurance  
10 reimbursement; provided that the supervising licensed clinical  
11 supervisor's services are eligible for reimbursement as a  
12 contracted provider; provided further that the billed rate for  
13 the licensed associate mental health counselor is commensurate  
14 with the requisite level of training.

15 (e) For the purposes of this section, "clinical  
16 supervisor" means a person who provides clinical supervision and  
17 who is licensed as a mental health counselor, psychologist,  
18 clinical social worker, advanced practice registered nurse with  
19 a specialty in mental health, marriage and family therapist, or  
20 physician with a specialty in psychiatry."



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

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

5 "Associate mental health counselor" or "licensed associate  
6 mental health counselor" means a person who:

7 (1) Has completed all education requirements under section  
8 453D- (a) (1);

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

11 (3) Is currently earning supervised clinical experience in  
12 mental health counseling under clinical supervision."

13 2. By amending the definition of "clinical supervision" to  
14 read:

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

20 (1) Case consultation on the assessment and presenting  
21 problem;



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

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

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

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



1 (4) Discipline a licensed mental health counselor or  
2 licensed associate mental health counselor for any due  
3 cause described by this chapter or violation of the  
4 rules;

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

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

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

18 "[+]§453D-5[+] **Prohibited acts.** Except as specifically  
19 provided in this chapter, no person shall engage in the practice  
20 of mental health counseling or use the title of "licensed mental  
21 health counselor" [~~or~~], "mental health counselor", "licensed



1 associate mental health counselor", or "associate mental health  
2 counselor" without a valid license issued under this chapter.  
3 Any person who violates this section shall be subject to a fine  
4 of [~~not~~] no more than \$1,000 for each separate offense. Each  
5 day of each violation shall constitute a separate offense. Any  
6 action taken to impose or collect the fine imposed under this  
7 section shall be a civil action."

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

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

11 (1) A person doing work within the duties of the person's  
12 profession that overlaps with the practice of mental  
13 health counseling; provided that [~~no such~~] the person  
14 shall not use a title stating or implying that the  
15 person is a "licensed mental health counselor" [~~or~~], a  
16 "mental health counselor", a "licensed associate  
17 mental health counselor", or an "associate mental  
18 health counselor" or describe or refer to the person's  
19 services as mental health counseling;

20 (2) Any person who is a duly recognized member of the  
21 clergy; provided that the person functions only within



1 the person's capacity as a member of the clergy; ~~and~~  
2 provided further that the person does not represent  
3 the person to be a "licensed mental health counselor"  
4 ~~or~~, a "mental health counselor", a "licensed  
5 associate mental health counselor", or an "associate  
6 mental health counselor" or describe or refer to the  
7 person's services as mental health counseling;

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



1       ~~[(4) Any individual who uses the title of "mental health~~  
2       ~~counselor intern" for the purpose of obtaining~~  
3       ~~clinical experience in accordance with section 453D-~~  
4       ~~7(a)(2);~~

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

10       ~~[(6)]~~ (5) Any person who is obtaining supervised clinical  
11       experience for licensure as a psychologist, social  
12       worker, marriage and family therapist, or as another  
13       licensed professional; provided that the person's  
14       title indicates a trainee or intern status; and  
15       provided further that the person does not purport to  
16       be a "licensed mental health counselor" ~~[or]~~, a  
17       "mental health counselor" ~~[or]~~, a "licensed associate  
18       mental health counselor", or an "associate mental  
19       health counselor".

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



1           "~~+~~§453D-10~~+~~ **Licensure; fees.** A license shall be  
2 issued to a person deemed to be qualified under ~~[section]~~  
3 sections 453D-        or 453D-7 upon the payment of a license fee to  
4 be determined by the department and shall be valid for three  
5 years~~-~~; provided that provisional licenses shall be valid for  
6 one year."

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

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



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

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

- 10 (1) As required by law;
- 11 (2) To prevent a clear and imminent danger to a person or  
12 persons;
- 13 (3) In accordance with the terms of a previously written  
14 waiver of the privilege where the waiver is executed  
15 by the client or by the client's legally recognized  
16 representative;
- 17 (4) Where more than one person jointly receives counseling  
18 and each person who is legally competent executes a  
19 written waiver. In that instance, ~~[a mental health~~  
20 ~~counselor]~~ information may ~~[disclose information]~~ be





1 application and payment of proper fees, provisional licensure as  
2 an associate psychologist to an individual who:

3 (1) Possesses a doctoral degree from:

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

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

12 (2) Is engaging in post-doctoral supervised experience in  
13 health service in psychology pursuant to an organized  
14 health service training program approved by the board.

15 (b) Each provisional license shall include the name and  
16 title of the supervising psychologist or psychologists in the  
17 training program described in subsection (a)(2). An associate  
18 psychologist may only engage in the practice of psychology under  
19 the direct supervision of the supervising psychologist; provided  
20 that:



1       (1) The supervising psychologist shall hold a current,  
2       active, and unencumbered license with the board; and

3       (2) The supervising psychologist shall notify the board  
4       within ten days of the termination or completion of  
5       the supervision.

6       (c) A provisional license issued pursuant to this section  
7       shall be valid for one year to fulfill the requirements for full  
8       licensure as a psychologist under section 465-7.

9       (d) Services provided by a supervised associate  
10      psychologist shall be eligible for insurance reimbursement;  
11      provided that the supervising psychologist's services are  
12      eligible for reimbursement as a contracted provider; provided  
13      further that the billed rate for the associate psychologist is  
14      commensurate with the requisite level of training."

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

18           ""Associate psychologist" means a person who:

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



- 1        (2) Has been issued a provisional license under this
- 2                chapter; and
- 3        (3) Is currently engaging in post-doctoral supervised
- 4                experience in health service in psychology pursuant to
- 5                an organized health service training program approved
- 6                by the board."

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

9        "**§465-2 License required.** Except as otherwise provided in  
10 this chapter, it shall be unlawful to represent one's self as a  
11 psychologist or an associate psychologist or engage in the  
12 practice of psychology without having first obtained a license  
13 as provided in this chapter."

14        SECTION 23. Section 465-3, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

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

- 17        (1) Any person teaching, lecturing, consulting, or
- 18                engaging in research in psychology insofar as the
- 19                activities are performed as part of or are dependent
- 20                upon employment in a college or university; provided
- 21                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, except an associate psychologist granted  
4 provisional licensure pursuant to section 465- , who  
5 performs any, or any combination, of the professional  
6 services defined as the practice of psychology under  
7 the direction of a licensed psychologist in accordance  
8 with rules adopted by the board; provided that the  
9 person may use the term "psychological assistant", but  
10 shall not identify the person's self as a psychologist  
11 or an associate psychologist or imply that the person  
12 is licensed to practice psychology;

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

19 (4) Any person who is a student of psychology [~~7-a~~  
20 ~~psychological intern, or a resident in psychology~~  
21 ~~preparing for the profession of psychology under~~



1 ~~supervision in a training institution or facility and~~  
2 ~~who is designated by a title as "psychology trainee",~~  
3 ~~"psychology student", "psychology intern", or~~  
4 ~~"psychology resident", that indicates the person's~~  
5 ~~training status]; provided that the person shall not~~  
6 identify the person's self as a psychologist or an  
7 associate psychologist or imply that the person is  
8 licensed to practice psychology;

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

19 (6) Any person who is a member of a mental health  
20 profession not requiring licensure; provided that the  
21 person functions only within the person's professional



1 capacities; provided further that the person [~~does~~]  
2 shall not represent the person to be a psychologist[~~7~~]  
3 or an associate psychologist or the person's services  
4 as psychological;

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

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



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

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

5       "(a) Notwithstanding other provisions in this chapter, the  
6 director of health may certify that there is an absence or  
7 shortage of licensed psychologists or associate psychologists  
8 for government employment in a particular locality. Upon  
9 receiving certification of the absence or shortage, the board  
10 shall authorize the director to hire and retain persons  
11 currently in government employment to fill the absence or  
12 shortage; provided persons hired or retained have been duly  
13 licensed as a psychologist by written examination under the laws  
14 of another state or territory of the United States prior to  
15 1977."

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

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

20       (1) Examine the qualifications of applicants for licensing  
21           under this chapter to determine their eligibility for



1           licensing as psychologists[+] or associate  
2           psychologists;

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

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

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

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

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



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

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

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

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

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

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



1           (3) The applicant for licensure has passed an examination  
 2           as may be prescribed by the board[-]; provided that to  
 3           be eligible to take the examination, all other  
 4           requirements of this subsection must first be met."

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

7           "**§465-7.6 Licensure of state employed clinical**  
 8           **psychologists.** (a) A psychologist employed in a civil service  
 9           clinical psychologist position in this State after January 1,  
 10          1988, shall be licensed subject to:

- 11           (1) Meeting the requirements of section 465-7; and
- 12           (2) Obtaining licensure within two years from the date of
- 13           employment[-];
- 14          provided that if the psychologist is not able to obtain  
 15          licensure within two years, the board may grant a waiver if the  
 16          psychologist can demonstrate the delay was caused by  
 17          circumstances beyond the psychologist's control.

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



1 services, who has not obtained a license, shall immediately  
2 cease and desist the practice of psychology until a license is  
3 obtained pursuant to this chapter."

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

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

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

20 "(d) First-time licensees and associate psychologists  
21 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~~[-]~~ or an 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 SECTION 31. Section 467E-6, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "**§467E-6 Exemptions.** Licensure shall not be required of:

5 (1) Any licensed person doing work within the scope of  
6 practice or duties of the person's profession that  
7 overlaps with the practice of social work; provided  
8 the person does not purport to be a social worker;

9 (2) Any person employed by a federal, state, or county  
10 government agency in a social worker position, but  
11 only at those times when that person is carrying out  
12 the duties and responsibilities as a social worker in  
13 governmental employment;

14 (3) Any student enrolled in an accredited educational  
15 institution in a recognized program of study leading  
16 toward attainment of a degree in social work; provided  
17 that the student's activities and services are part of  
18 a prescribed course of study supervised by the  
19 educational institution, and the student is identified  
20 by an appropriate title such as "social work student",



- 1 "social work intern", or any other title which clearly  
2 indicates the student's training status;
- 3 (4) Any person who is a member of a mental health  
4 profession not requiring licensure; provided that the  
5 person functions only within the person's professional  
6 capacities; and provided further that the person does  
7 not purport to be a social worker;
- 8 (5) Any person teaching, lecturing, consulting, or  
9 engaging in research in social work insofar as the  
10 activities are performed as part of or are dependent  
11 upon employment in a college or university; provided  
12 that the person shall not engage in the practice of  
13 social work outside the responsibilities of the  
14 person's employment;
- 15 (6) Any person who is a duly recognized member of the  
16 clergy; provided that the person functions only within  
17 the person's capacities as a member of the clergy; and  
18 provided further that the person does not purport to  
19 be a social worker;
- 20 (7) Any person who is obtaining supervised clinical  
21 experience for licensure as a psychologist, marriage



1 and family therapist, or as another licensed  
2 professional; provided that the person's title  
3 indicates a trainee status; and provided further that  
4 the person does not purport to be a social worker; and  
5 (8) Any person in the process of obtaining three thousand  
6 hours of post masters clinical social work experience  
7 under the supervision of a licensed clinical social  
8 worker or individual identified in section [~~467E-~~  
9 ~~7(3)(C)(ii)~~] 467E-7(a)(3)(C)(ii) in order to qualify  
10 for a license as a licensed clinical social worker;  
11 and provided that the person calls oneself a clinical  
12 social work intern and is supervised while performing  
13 clinical diagnosis and psychotherapy."

14 PART V

15 SECTION 32. Section 467E-7, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "~~§467E-7~~ **Licensing requirements[-]; services reimbursable.**

18 (a) Every applicant for a license as a social worker shall  
19 submit evidence satisfactory to the director that the applicant  
20 meets the following requirements:



- 1           (1) For the licensed bachelor social worker, the
- 2           applicant:
- 3           (A) Holds a bachelor's degree from a college or
- 4           university in a social work program accredited by
- 5           or deemed to be equivalent to a program
- 6           accredited by the Council on Social Work
- 7           Education; and
- 8           (B) Has passed the basic level national examination
- 9           given by the Association of Social Work Boards;
- 10          (2) For the licensed social worker, the applicant:
- 11          (A) Holds a master's degree from a college or
- 12          university in a social work program accredited by
- 13          or deemed to be equivalent to an accredited
- 14          program by the Council on Social Work Education
- 15          or a doctoral degree from a doctoral degree
- 16          program in social work accredited by the Western
- 17          Association of Schools and Colleges or a
- 18          comparable regional accreditation body; and
- 19          (B) Has passed the intermediate or higher level
- 20          national examination given by the Association of
- 21          Social Work Boards; and



- 1           (3) For the licensed clinical social worker, the
- 2           applicant:
- 3           (A) Has met the educational requirements in paragraph
- 4                 (2);
- 5           (B) Has passed the clinical level national
- 6                 examination given by the Association of Social
- 7                 Work Boards;
- 8           (C) Has provided evidence of successful completion of
- 9                 at least three thousand hours of post masters
- 10                clinical social work experience under supervision
- 11                completed within no fewer than two years, but
- 12                within no more than five years. Clinical social
- 13                work experience shall include a minimum of two
- 14                thousand hours of assessment, clinical diagnosis,
- 15                and psychotherapy; no more than a maximum of nine
- 16                hundred hours of client-centered advocacy,
- 17                consultation, and evaluation; and at least one
- 18                hundred hours of supervision as follows:
- 19                (i) At least sixty of the one hundred hours of
- 20                    direct face-to-face supervision shall have
- 21                    been individualized supervision; and



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

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

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

13 (i) The supervisor shall have been a licensed  
14 clinical social worker with at least four  
15 thousand five hundred hours of post masters  
16 clinical social work experience;

17 (ii) For the first five years after July 1, 2004,  
18 the following individuals shall be deemed to  
19 have satisfied the requirements of a  
20 supervisor: a person with a master's degree  
21 in social work with at least four thousand



1 five hundred hours post masters clinical  
2 social work experience; an individual who  
3 holds a diplomate in clinical social work or  
4 a board certified diplomate certification;  
5 or a board certified psychiatrist,  
6 psychologist, advanced practice registered  
7 nurse who has a minimum of four thousand  
8 five hundred hours of post masters clinical  
9 experience in assessment, clinical  
10 diagnosis, and psychotherapy; and  
11 (iii) Supervision shall have included review of  
12 assessment, clinical diagnosis, and  
13 psychotherapy; and  
14 (E) In collaboration with the supervisor, may elect  
15 to fulfill some or all of the supervision  
16 requirements set forth in subparagraph (C)  
17 through face-to-face supervision that is  
18 conducted electronically through a video  
19 conference service that is compliant with all  
20 federal and state privacy, security, and  
21 confidentiality laws, including the Health



1 Insurance Portability and Accountability Act of  
2 1996. Prior to making [~~such an~~] the election, it  
3 is incumbent upon the applicant to review the  
4 laws and rules of other jurisdictions to  
5 determine the impact, if any, that electronic  
6 supervision may have on license by endorsement in  
7 other states.

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

18 SECTION 33. Section 571-46.4, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:





1 internal databases to create new license types  
2 established by this Act and associated requirements.

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

5 PART VII

6 SECTION 35. If any provision of this Act, or the  
7 application thereof to any person or circumstance, is held  
8 invalid, the invalidity does not affect other provisions or  
9 applications of the Act that can be given effect without the  
10 invalid provision or application, and to this end the provisions  
11 of this Act are severable.

12 SECTION 36. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 37. This Act shall take effect on July 1, 3000;  
15 provided that:

- 16 (1) Any provision in this Act authorizing insurance  
17 reimbursement for services provided to medicaid  
18 enrollees shall be subject to approval by the Centers  
19 for Medicare and Medicaid Services; and



1 (2) Parts II, III, IV, and V shall take effect on July 1,  
2 2026.



**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. Effective 7/1/3000. (HD2)

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

