
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. The legislature finds that there is great
2 demand for high-quality mental health practitioners. This need
3 is especially acute as the State continues to deal with the
4 effects of the coronavirus disease 2019 pandemic. More than
5 twenty states have addressed the critical need for mental health
6 practitioners by authorizing provisional licenses for some
7 mental health practitioners in training.

8 Accordingly, the purpose of this Act is to expand access to
9 mental health services in the State by:

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



PART I

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

"§451J- Provisional license; associate marriage and family therapist; services reimbursable. (a) Upon application and the payment of applicable fees, the department shall grant a provisional license as an associate marriage and family therapist to a person who:

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

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

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



- 1 (C) Human development--nine semester or twelve
2 quarter hours;
- 3 (D) Ethical and professional studies--three semester
4 or four quarter hours; and
- 5 (E) Research--three semester or four quarter hours;
- 6 (2) Has completed a one-year practicum with three hundred
7 hours of supervised client contact;
- 8 (3) Has passed the National Marriage and Family Therapy
9 Exam in accordance with section 451J-8; and
- 10 (4) Engages in practice as an associate marriage and
11 family therapist under the clinical supervision of a
12 licensed marriage and family therapist during the
13 period of time necessary to fulfill the requirements
14 for licensure as a marriage and family therapist
15 pursuant to section 451J-7; provided that the
16 supervising licensed marriage and family therapist
17 shall be in good standing with the department.
- 18 (b) Each provisional license shall include the name and
19 title of the supervising licensed marriage and family therapist
20 or therapists described in subsection (a)(4). A provisional
21 licensee or licensed associate marriage and family therapist may



1 only practice marriage and family therapy under the direct
2 supervision of a licensed marriage and family therapist.

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 marriage and family
7 therapist pursuant to section 451J-7.

8 (d) Services provided by a supervised licensed associate
9 marriage and family therapist shall be eligible for insurance
10 reimbursement if:

11 (1) The supervising licensed marriage and family
12 therapist's services are eligible for reimbursement as
13 a contracted provider; and

14 (2) The billed rate for the licensed associate marriage
15 and family therapist is commensurate with the
16 requisite level of training."

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

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



1 ""Associate marriage and family therapist" or "licensed
2 associate marriage and family therapist" means a person who:

3 (1) Has completed all educational requirements under
4 section 451J- (a) (1);

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

7 (3) Is currently earning supervised clinical experience in
8 marriage and family therapy."

9 2. By amending the definition of "clinical supervision" to
10 read:

11 ""Clinical supervision" means the supervision of no more
12 than six persons at the same time who are acquiring and
13 completing clinical experience in accordance with [section]
14 sections 451J-7(2) and (3) [7] and 451J- (a) (4), by a licensed
15 marriage and family therapist whose license has been in good
16 standing in any state for two years preceding commencement and
17 during the term of supervision, or any licensed mental health
18 professional whose license has been in good standing in any
19 state and who has been a clinical member in good standing of the
20 association for the two years preceding commencement and during
21 the term of supervision. Clinical supervision includes but is



1 not limited to case consultation of the assessment and diagnosis
2 of presenting problems, development and implementation of
3 treatment plans, and the evaluation of the course of treatment.
4 Clinical supervision may include direct observation by the
5 qualified supervisor of the provision of marriage and family
6 therapy services."

7 3. By repealing the definition of "marriage and family
8 therapy intern."

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

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

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

19 (1) Examine and approve the qualifications of all
20 applicants under this chapter, and issue a license to
21 each successful applicant granting permission to use



1 the title of marriage and family therapist [~~or~~],
2 licensed marriage and family therapist, associate
3 marriage and family therapist, or licensed associate
4 marriage and family therapist in this State pursuant
5 to this chapter and the rules adopted under this
6 chapter;

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

8 (3) Administer, coordinate, and enforce this chapter and
9 rules;

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

18 (5) Appoint an advisory committee of licensed marriage and
19 family therapists and members of the public to assist
20 with the implementation of this chapter and the rules;
21 except that the initial members of the committee who



1 are marriage and family therapists shall not be
2 required to be licensed pursuant to this chapter."

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

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



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

3 **"§451J-6 Exemptions.** (a) Licensure shall not be required
4 of:

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

13 (2) Any student enrolled in an accredited educational
14 institution in a recognized program of study leading
15 toward attainment of a graduate degree in marriage and
16 family therapy or other professional field; 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 including but not limited to
21 "marriage and family therapy student or trainee",



1 "clinical psychology student or trainee", "clinical
2 social work student or trainee", or any title which
3 clearly indicates training status[~~7~~ or

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

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

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



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

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

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



1 terminated licenses shall be required to reapply for licensure
2 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 associate marriage and family therapist, nor any
8 of the person's employees or associates, shall be required to
9 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 associate marriage
 9 and family therapist may disclose information received
 10 from any family member in accordance with the terms of
 11 the person's waiver."

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

14 "[~~f~~]**\$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."



PART II

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

"§453D- Provisional license; associate mental health counselor; services reimbursable. (a) Upon application and the payment of applicable fees, the department shall grant a provisional license as an associate mental health counselor to a person who:

(1) Has completed a master's degree or doctoral degree from an accredited institution in counseling, or an allied field related to the practice of mental health counseling, that includes or is supplemented by graduate level course work in counseling comprising a minimum of forty-eight semester hours, or seventy-two quarter hours, in the following course areas:

(A) Human growth and development, including the study of life span development; strategies to facilitate life span development and transitions; theories of learning and personality development; and human behavior, including crises,



- 1 disabilities, addictive behavior, and
2 environmental factors;
- 3 (B) Social and cultural foundations, including the
4 study of issues and trends in a multicultural and
5 diverse society; characteristics of diverse
6 groups, including groups based on age, race,
7 religious or sexual preference, physical
8 disability, ethnicity and culture, gender,
9 socioeconomics, and intellectual ability; and
10 individual, family, and group strategies with
11 diverse populations;
- 12 (C) Counseling theories and applications, including
13 individual and systems perspectives on counseling
14 and consultation; interviewing, assessment, and
15 counseling skills; the application of principals,
16 methods, and theories of counseling; the
17 treatment and counseling of mental and emotional
18 disorders; and educational techniques aimed at
19 preventing disorders in individuals and families;
- 20 (D) Group theory and practice, including principles
21 of group dynamics; group processes; group



1 leadership styles, theories, and methods of
2 counseling; and the application of theory to
3 group processes;

4 (E) Career and lifestyle development, including the
5 study of vocational development theories and
6 decision-making models; assessment instruments
7 and techniques; types, sources, and uses of
8 occupational and educational information systems;
9 career development applications; and career
10 processes, techniques, and resources;

11 (F) Appraisal of human behavior, including assessment
12 and diagnosis of disorders with an emphasis on
13 DSM categories and an understanding of these
14 disorders relative to the counseling context;

15 (G) Tests and measurements, including theoretical and
16 historical bases for assessment techniques; and
17 assessment methods, including analysis of various
18 types of tests to select, administer, interpret,
19 and use assessment and evaluation instruments and
20 techniques in counseling;



- 1 (H) Research and program evaluation, including
2 research design and methods; statistical
3 analysis; principles, practice, and application
4 of needs assessment; and program evaluation;
- 5 (I) Professional orientation and ethics, including
6 the history of the helping profession;
7 professional roles and functions; ethical
8 standards; confidentiality; professional
9 organizations; and the public policy process,
10 including advocacy on behalf of the profession
11 and its clientele; and
- 12 (J) At least two academic terms of supervised mental
13 health practicum intern experience for graduate
14 credit of at least six semester hours, or ten
15 quarter hours, in a mental health counseling
16 setting, with a total of three hundred hours of
17 supervised client contact. The practicum
18 experience shall be completed under the
19 supervision of a person who is licensed as a
20 mental health counselor, psychologist, clinical
21 social worker, advanced practice registered nurse



1 with a specialty in mental health, marriage and
2 family therapist, or physician with a specialty
3 in psychiatry;

4 (2) Has passed the National Counselor Examination for
5 Licensure and Certification; and

6 (3) Engages in practice as an associate mental health
7 counselor under the clinical supervision of a licensed
8 mental health counselor during the period of time
9 necessary to fulfill the requirements for licensure as
10 a mental health counselor pursuant to section 453D-7;
11 provided that the supervising licensed mental health
12 counselor shall be in good standing with the
13 department.

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

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



1 renewed for an additional one-year period if needed to fulfill
2 the requirements for licensure as a mental health counselor
3 pursuant to section 453D-7.

4 (d) Services provided by a supervised licensed associate
5 mental health counselor shall be eligible for reimbursement as a
6 contracted provider if:

7 (1) The supervising licensed mental health counselor's
8 services are eligible for reimbursement as a
9 contracted provider; and

10 (2) The billed rate for the licensed associate mental
11 health counselor is commensurate with the requisite
12 level of training."

13 SECTION 12. Section 453D-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 mental health counselor" or "licensed associate
18 mental health counselor" means a person who:

19 (1) Has completed all educational requirements under
20 section 453D- (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 mental health counseling."

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

7 "'Clinical supervision" means supervision applied to all
8 individuals who are gaining the experience required for a
9 license as a mental health counselor[-] or associate mental
10 health counselor. "Clinical supervision" includes but is not
11 limited to:

- 12 (1) Case consultation on the assessment and presenting
- 13 problem;
- 14 (2) Development and implementation of treatment plans;
- 15 (3) Enhancement of the supervisee's counseling techniques
- 16 and treatment evaluation skills; and
- 17 (4) Evaluation of the course of treatment."

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



1 "[\+]§453D-3[\+] Powers and duties of the director. In
2 addition to any other powers and duties authorized by law, the
3 director shall have the powers and duties to:

4 (1) Grant permission to a person to use the title of
5 "licensed mental health counselor" or "licensed
6 associate mental health counselor, or a description
7 indicating one is a licensed mental health counselor
8 or licensed associate mental health counselor in this
9 State pursuant to this chapter and the rules adopted
10 pursuant thereto;

11 (2) Adopt, amend, or repeal rules pursuant to chapter 91
12 as the director finds necessary to carry out this
13 chapter;

14 (3) Administer, coordinate, and enforce this chapter;

15 (4) Discipline a licensed mental health counselor or
16 licensed associate mental health counselor for any due
17 cause described by this chapter or violation of the
18 rules;

19 (5) Refuse to license a person for failure to meet
20 licensing requirements or on grounds sufficient to



1 discipline a licensed mental health counselor[+] or
2 licensed associate mental health counselor; and

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

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

12 "[+]§453D-5[+] **Prohibited acts.** Except as specifically
13 provided in this chapter, no person shall engage in the practice
14 of mental health counseling or use the title of "licensed mental
15 health counselor" [~~or~~], "mental health counselor", "licensed
16 associate mental health counselor, or "associate mental health
17 counselor" without a valid license issued under this chapter.

18 Any person who violates this section shall be subject to a fine
19 of not more than \$1,000 for each separate offense. Each day of
20 each violation shall constitute a separate offense. Any action



1 taken to impose or collect the fine imposed under this section
2 shall be a civil action."

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

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

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



- 1 counselor", or describe or refer to the person's
2 services as mental health counseling;
- 3 (3) Any student enrolled in an accredited educational
4 institution in a recognized program of study leading
5 towards attainment of a graduate degree in mental
6 health counseling or other professional field;
7 provided that the student's activities and services
8 are part of a prescribed course of study supervised by
9 the accredited educational institution and the student
10 is identified by an appropriate title, including but
11 not limited to "mental health counseling student" or
12 "trainee", "clinical psychology student" or "trainee",
13 "social work student" or "trainee", "marriage and
14 family counseling student" or "trainee", or any title
15 that clearly indicates training status;
- 16 ~~(4) Any individual who uses the title of "mental health~~
17 ~~counselor intern" for the purpose of obtaining~~
18 ~~clinical experience in accordance with section 453D-~~
19 ~~7(a)(2);~~
- 20 +5] (4) Any person employed by a federal, state, or
21 county government agency in a counseling position, but



1 only at those times when the employee is carrying out
 2 the duties and responsibilities as a counselor in
 3 governmental employment; or

4 ~~[(6)]~~ (5) Any person who is obtaining supervised clinical
 5 experience for licensure as a psychologist, social
 6 worker, marriage and family therapist, or as another
 7 licensed professional; provided that the person's
 8 title indicates a trainee or intern status; and
 9 provided further that the person does not purport to
 10 be a "licensed mental health counselor" ~~[or]~~, "mental
 11 health counselor"~~[-]~~, "licensed associate mental
 12 health counselor", or "associate mental health
 13 counselor"."

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

16 "~~[(1)]~~**\$453D-10**~~[(1)]~~ **Licensure; fees.** A license shall be
 17 issued to a person deemed to be qualified under ~~[section]~~
 18 sections 453D- or 453D-7 upon the payment of a license fee to
 19 be determined by the department and shall be valid for three
 20 years~~[-]~~; provided that provisional licenses shall be renewed
 21 pursuant to section 453D- ."



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

3 "[~~§~~453D-11~~§~~] **Renewal of license; fees.** [~~Licenses~~]
4 Except as provided in section 453D- , licenses shall be
5 renewed, upon the payment of a renewal fee, triennially not
6 earlier than ninety days before June 30, with the first renewal
7 deadline occurring on June 30, 2008. Failure to renew a license
8 shall result in a forfeiture of the license. Licenses that have
9 been forfeited may be restored within one year of the expiration
10 date upon payment of renewal and restoration fees. Failure to
11 restore a forfeited license within one year of the date of its
12 expiration shall result in the automatic termination of the
13 license and the person may be required to reapply for licensure
14 as a new applicant. All renewal and restoration fees shall be
15 determined by the department."

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

18 "[~~§~~453D-13~~§~~] **Confidentiality and privileged**
19 **communications.** No person licensed as a mental health
20 counselor~~[7]~~ or associate mental health counselor, nor any of
21 the person's employees or associates, shall be required to



1 disclose any information that the person may have acquired in
2 rendering mental health counseling services, except in the
3 following circumstances:

4 (1) As required by law;

5 (2) To prevent a clear and imminent danger to a person or
6 persons;

7 (3) In accordance with the terms of a previously written
8 waiver of the privilege where the waiver is executed
9 by the client or by the client's legally recognized
10 representative;

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

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

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



1 " ~~[+]~~§453D-14 ~~[+]~~ Mental health counselor or associate
2 mental health counselor prohibited from testifying in alimony
3 and divorce actions. If both parties to a marriage have
4 obtained mental health counseling from a licensed mental health
5 counselor~~[7]~~ or licensed associate mental health counselor, the
6 counselor shall be prohibited from testifying in an alimony or
7 divorce action concerning information acquired in the course of
8 mental health counseling. This section shall not apply to
9 custody actions whether or not part of a divorce proceeding."

PART III

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

14 "§465- Provisional license; associate psychologist;
15 services reimbursable. (a) Upon application and the payment of
16 applicable fees, the board shall grant a provisional license as
17 an associate psychologist to a person who:

- 18 (1) Has completed a doctoral degree from:
19 (A) An American Psychological Association approved
20 program in clinical psychology, counseling
21 psychology, school psychology, or programs



1 offering combinations of two or more of these
2 areas; or

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

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

9 (b) Each provisional license shall include the name and
10 title of the supervising licensed psychologist or psychologists
11 in the training program described in subsection (a) (2). A
12 provisional licensee or licensed associate psychologist may only
13 practice psychology under the direct supervision of the licensed
14 psychologist; provided that:

15 (1) The supervising licensed psychologist shall hold a
16 current, active, and unencumbered license with the
17 board; and

18 (2) The supervising licensed psychologist shall notify the
19 board within ten days of the termination or completion
20 of the supervision.



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

4 (d) Services provided by a supervised licensed associate
5 psychologist shall be eligible for insurance reimbursement if:

6 (1) The supervising licensed psychologist's services are
7 eligible for reimbursement as a contracted provider;
8 and

9 (2) The billed rate for the licensed associate
10 psychologist is commensurate with the requisite level
11 of training."

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

15 "Associate psychologist" or "licensed associate
16 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 psychology pursuant to an
3 organized health service training program approved by
4 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 who performs any, or any combination of the
2 professional services defined as the practice of
3 psychology under the direction of a licensed
4 psychologist in accordance with rules adopted by the
5 board; provided that the person may use the term
6 "psychological assistant", but shall not identify the
7 person's self as a psychologist or associate
8 psychologist or imply that the person is licensed to
9 practice psychology;
- 10 (3) Any person employed by a local, state, or federal
11 government agency in a school psychologist or
12 psychological examiner position, or a position that
13 does not involve diagnostic or treatment services, but
14 only at those times when that person is carrying out
15 the functions of [~~such~~] government employment;
- 16 (4) Any person who is a student of psychology [~~or a~~
17 ~~psychological intern, or a resident in psychology~~
18 ~~preparing for the profession of psychology under~~
19 ~~supervision in a training institution or facility and~~
20 ~~who is designated by a title as "psychology trainee",~~
21 ~~"psychology student", "psychology intern", or~~



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

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

16 (6) Any person who is a member of a mental health
17 profession not requiring licensure; provided that the
18 person functions only within the person's professional
19 capacities; and provided further that the person does
20 not represent the person to be a psychologist[7] or



- 1 associate psychologist, or the person's services as
2 psychological;
- 3 (7) Any person who is a duly recognized member of the
4 clergy; provided that the person functions only within
5 the person's capacities as a member of the clergy; and
6 provided further that the person does not represent
7 the person to be a psychologist~~[7]~~ or associate
8 psychologist, or the person's services as
9 psychological; or
- 10 (8) Any psychologist employed by the United States
11 Department of Defense, while engaged in the discharge
12 of the psychologist's official duty and providing
13 direct telehealth support or services, as defined in
14 section 431:10A-116.3, to neighbor island
15 beneficiaries within a Hawaii National Guard armory on
16 the island of Kauai, Hawaii, Molokai, or Maui;
17 provided that the psychologist employed by the United
18 States Department of Defense is credentialed by
19 Tripler Army Medical Center~~[7- or~~
- 20 ~~(9) Any supervisee of a licensed psychologist as defined~~
21 ~~in section 465D-7]."~~



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

3 "(a) Notwithstanding other provisions in this chapter the
4 director of health may certify that there is an absence or
5 shortage of licensed psychologists or associate psychologists
6 for government employment in a particular locality. Upon
7 receiving certification of the absence or shortage, the board
8 shall authorize the director to hire and retain persons
9 currently in government employment to fill the absence or
10 shortage; provided 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[~~-~~];



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



- 1 "(a) No person shall:
- 2 (1) Use in connection with the person's name any
- 3 designation tending to imply that the person is a
- 4 licensed psychologist or licensed associate
- 5 psychologist unless the person is duly licensed and
- 6 authorized under this chapter;
- 7 (2) Represent oneself as a licensed psychologist or
- 8 licensed associate psychologist during the time the
- 9 person's license issued under this chapter is
- 10 suspended or revoked;
- 11 (3) Advertise or make a representation, either publicly or
- 12 privately, as being a psychologist[7] or associate
- 13 psychologist, licensed or otherwise, or as being able
- 14 to perform professional services described in section
- 15 465-1, except as otherwise provided in this chapter,
- 16 without having a valid unrevoked license or temporary
- 17 permit issued by the director; or
- 18 (4) Otherwise violate this chapter."

PART IV

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



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

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

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

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

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

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

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



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



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

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

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

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

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

19 (i) The supervisor shall have been a licensed
20 clinical social worker with at least four



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



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

15 (b) Services provided by a supervised social work intern
16 obtaining post-masters clinical social work experience under the
17 supervision of a licensed clinical social worker, or individual
18 identified in subsection (a) (3) (D), to qualify for a license as
19 a licensed clinical social worker shall be eligible for
20 insurance reimbursement if:



- 1 (1) The supervising licensed clinical social worker's
- 2 services are eligible for reimbursement as a
- 3 contracted provider; and
- 4 (2) The billed rate for the social work intern is
- 5 commensurate with the requisite level of training."

PART V

7 SECTION 32. This Act does not affect rights and duties
8 that matured, penalties that were incurred, and proceedings that
9 were begun before its effective date.

10 SECTION 33. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 34. This Act shall take effect upon its approval;
13 provided that any provision in this Act authorizing insurance
14 reimbursement for services shall be subject to approval by the
15 Centers for Medicare and Medicaid Services.

16

INTRODUCED BY:

JAN 20 2023



H.B. NO. 776

Report Title:

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

Description:

Establishes provisional or associate level licensure requirements for marriage and family therapists, mental health counselors, and psychologists. Authorizes insurance reimbursements for associate family therapists, associate mental health counselors, associate psychologists, and supervised social work interns, in certain circumstances. Allows psychologist license applicants to sit for the licensing examination before completing other requirements.

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